

Newfound Area School District
Policy Committee Meeting
December 3, 2024
5:00 PM
Newfound Regional High School Room 106

1. Call to order
2. Pledge of Allegiance
3. Notice of Meeting Postings
4. Approval of meeting minutes
 - a. October 16, 2024
5. NHSBA Fall 2024 Policy Update
 - a. BBB School Board Member and Elections
 - b. DAF Administration of Federal Grant Funds
 - c. EBCA Crisis Prevention and Response Plans
 - d. EBCH Chemical Safety and Chemical Hygiene Plan
 - e. EBCH-E Chemical Hygiene Plan for Newfound Area School District
 - f. EH Public Access to School District Records
 - g. EH-R Administrative Procedures for Public Access to District Records “Right to Know”
 - h. EH-F(1) Public Access to School District Records – Request for Waiver of Electronic Communication Record Charge
 - i. EH-F(2) Public Access to School District Records – Affidavit of Indigency for Waiver of Electronic Communication Charge
 - j. GBGBA Use of Automated External Defibrillator(s)
 - k. IC School Year
 - l. IGE Exceptions to Use of Specific Course Material(s)
 - m. IHAM Health Education and Exemption from Instruction
 - n. IKF High School Graduation Requirements
 - o. JLCJA Emergency Plan for Sports Related Injuries and Additional Protocols for Athletes
 - p. JLF Reporting Child Abuse or Neglect
 - q. JLF-F Child Abuse and/or Neglect Reporting Form
 - r. JLP Parental Notification of/and Involvement in Student Welfare
6. Policies Updated
 - a. IIAC-E Reconsideration of Library or Classroom Materials
 - b. EEBA School Owned Vehicles
7. New Policies
 - a. ACAB-R2 Employee Sex Discrimination/Harassment Complaint Procedure
 - b. AD Philosophy of the School District
 - c. IIAC-F Parent/Guardian Library Title Opt-out Form
8. Policies For Discussion
 - a. ACN Accommodation of Lactation Needs
 - b. AFB Superintendent Evaluation
 - c. AFB-F Superintendent Evaluation (Form)

d. NHSBA Model Policy CBI-F2

9. Policy to Rescind

a. ADA Newfound Regional High School Mission Statement

10. Required Policies for Annual Review

a. EI Insurance (Risk) Management

b. FAA Annual Facilities Plan

c. IGAG Teaching about Alcohol, Drugs, and Tobacco

d. JIC Student Conduct

e. JLCF Wellness

f. JLDBA Behavior Management & Intervention

11. Public Comment

12. Next Meeting Date

13. Adjournment

Newfound Area School District
Policy Committee Meeting Minutes

SAU #4
October 16, 2024
5:00 pm
NRHS Room 106

Committee Members Present: Paul Hoiriis (Superintendent), Joseph Maloney (Chair, Bristol), Jennifer Larochelle (Hebron), Chris Ulrich (Newfound Memorial Middle School), Jason Robert (Newfound Regional High School), Stacy Giles (Bridgewater-Hebron Village School)

Committee Members Absent: Bill Jolly (Groton)

Public Present: None

Committee Chair Joe Maloney called the meeting to order at 5:02 pm and led the recitation of the Pledge of Allegiance. The Superintendent's Office verified that the notice of postings was fulfilled by posting in the schools, the SAU, and on the website. In addition, notices were sent to the town halls for posting.

Mr. Robert moved to approve the minutes from the September 11, 2024 meeting. Ms. Giles seconded the motion and it was approved 6-0-1-0 (Groton absent).

The following policies and job descriptions were introduced for review, approval and/or amendment:

Policy/Job Description	Reason for Introduction	Motion	1st	2nd	Resolution
DID Inventory and Management of Assets	Recommended policy update from NHSBA Spring Policy Update	Move to send to the Board, as amended, for a first reading	Maloney	Larochelle	6-0-0-1
KEE Website Accessibility and Grievances	Required policy update from NHSBA Spring Policy Update	Move to send to the Board, as amended, for a first reading	Maloney	Robert	6-0-0-1
IIAC-E Reconsideration of Library or Classroom Materials	Amend to include parent opt-out	Move to table until Board votes on book appeal	Maloney	Giles	6-0-0-1
JFABD Admission of Homeless Students	Updated with updates required	Move to send to the Board,	Giles	Robert	6-0-0-1

	by state around training and informing	as amended, for a first reading			
ACAA Harassment and Sexual Harassment of Students	Updated consistent with updated Title IX law	Move to send to the Board, as amended, for a first reading	Maloney	Larochelle	6-0-0-1
ACAA-R1 Student Discrimination and Harassment Complaint Procedures	Updated consistent with updated Title IX law	Move to send to the Board, as amended, for a first reading	Robert	Maloney	6-0-0-1
ACAB Harassment of School Employees	Updated consistent with updated Title IX law	Move to send to the Board, as amended, for a first reading	Maloney	Giles	6-0-0-1
ACAB-R1 Employee Discrimination and Harassment Procedures	Updated consistent with updated Title IX law	Move to send to the Board, as amended, for a first reading	Maloney	Larochelle	6-0-0-1
AC-R Nondiscrimination, Equal Opportunity Employment, and Anti-Discrimination Plan – Annual Notice of Contact Information	Updated consistent with updated Title IX law	Move to send to the Board, as amended, for a first reading	Maloney Robert	Robert	6-0-0-01
CAN Accommodation of Lactation Needs	Updated consistent with updated Title IX law	Move to send to the Board, as amended, for a first reading	Maloney	Larochelle	6-0-0-1
ACAA-R2 Student Sex Discrimination/Harassment Complaint Procedures	New Policy consistent with updated Title IX law	Move to send to the Board, as amended, for a first reading	Maloney	Ulrich	5-0-0-2 (Hebron and Groton absent)
ACAB-R2 Employee Sex Discrimination/Harassment Complaint Procedures	New Policy consistent with updated Title IX law	Move to Table as this was not included in committee materials	Maloney	Robert	5-0-0-2
GBAM Accommodation of Pregnancy and Related	New Policy recommended	Move to send to the Board	Robert	Giles	5-0-0-2

Medical Conditions: Personnel	with the update of Title IX law	for a first reading			
GCRD Tutoring for Pay	New Policy recommended by Superintendent	Move to send to the Board for a first reading	Ulrich	Hoiriis	5-0-0-2
IHBCA Accommodations of Pregnancy and Related Medical Conditions: Students	New Policy recommended with the update of Title IX law	Move to send to the Board for a first reading	Giles	Maloney	5-0-0-2
IIAC-F Parent/Guardian Library Title Opt-out Form	New parent opt- out form	Move to Table pending Board ruling on book appeal	Maloney	Hoiriis	5-0-0-2
ADA NRHS Mission Statement	Introduced for required review	Move to put ADA on next Policy Committee agenda for rescission; add NHSBA Policy AD Philosophy of School District to next agenda for introduction for first reading	Giles	Maloney	5-0-0-2
EBCA Crisis Prevention and Response Plans	Introduced for required review	No action			
EH Public Access to School Records	Introduced for required review	No action			
FBB Enrollment Projections	Introduced for required review	No action			
FAA Annual Facilities Plan	Introduced for required review	Tabled to next meeting – missing from materials			
IIC Instructional Time	Introduced for required review	No action			
JLCD Administering Medication to Students	Introduced for required review	No action			

Support Staff Handbook 2024-2025	Contact info and salary scale updated	Move to the Board, as amended, for approval	Robert	Giles	5-0-0-2
Program Special Handbook 2024-2025	Contact info updated	Move to Board, as amended, for approval	Robert	Maloney	5-0-0-2
Student Services Administrator Job Description	Updated to match actual duties	Move to Board, as amended, for approval	Giles	Robert	5-0-0-2
District Data Coordinator	Updated to match actual duties	Move to Board, as amended, for approval	Robert	Hoiriis	5-0-0-2
Technology Director	Updated to match actual duties	Move to Board, as amended, for approval	Robert	Giles	5-0-0-2
Superintendent of Schools	Updated to match actual duties	Move to Board, as amended, for approval	Robert	Giles	5-0-0-2
Human Resources Director	Updated to match actual duties	Move to Board, as amended, for approval	Ulrich	Hoiriis	5-0-0-2
Technology Support Specialist	Updated to match actual duties	Move to Board, as amended, for approval	Hoiriis	Robert	5-0-0-2
Executive Assistant	Updated to match actual duties	Move to Board, as amended, for approval	Giles	Hoiriis	5-0-0-2
Curriculum Administrator	Updated to match actual duties	Move to Board, as amended, for approval	Hoiriis	Ulrich	5-0-0-2

Ms. Larochelle left the meeting at 6:12 pm.

No public comment was offered. The next meeting was sent for December 3, 2024 at 5:00 pm at Newfound Regional High School.

At 7:10 pm, Mr. Maloney moved to adjourn. Mr. Robert seconded and the motion passed 5-0-0-2.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Paul Hoiriis". The signature is written in a cursive, slightly slanted style.

Paul Hoiriis

SCHOOL BOARD MEMBERS AND ELECTIONS

The Newfound Area School Board shall consist of seven at-large members (one from each of the seven towns in the District), elected by the qualified voters of the District at the annual District elections held in March.

The term of office of each member of the School Board shall be for a period of three years.

The Newfound Area School Board includes a non-voting student member. The student member is selected annually by a vote of the students of Newfound Regional High School in accordance with the provisions of RSA 194:23-f, IV.

Student members will serve one-year terms, beginning September 1st of the school year. Student members will not have the right to vote. Student members will be excluded from all non-public sessions the Board enters into.

The student government at the high school will establish procedures for: 1) nomination and selection of student member candidates; 2) Any public high school student from the Newfound Area School District to petition the student member to present proposal and opinions to the school board; 3) Filling any vacancy that may occur in the student member position.

The Superintendent shall assure building principals coordinate with student government advisors to ensure the student government is aware of the requirements of this policy.

Student members are expected to:

- Attend ~~all~~ School Board meetings;
- Represent all high school students within the District;
- Present to the School Board specific proposals and ideas from the high school student body;
- Serve as a liaison between students, District staff, student government advisors, appropriate outside agencies, and the Board;
- Keep the student body informed of Board business and actions;
- Comply with all Board policies relative to students and Board members, when applicable.

The Board reserves the right to discontinue the addition of student members at any time.

The Newfound Area School Board includes a non-voting faculty member who is selected annually by the collective bargaining unit.

Faculty members will serve one-year terms. Faculty members will not have the right to vote. Faculty members will be excluded from all non-public sessions the Board enters into.

Faculty members are expected to:

- Attend all School Board meetings;
- Represent all faculty members within the District;
- Present to the School Board specific proposals and ideas from the faculty;
- Serve as a liaison between faculty, District staff, and the Board;
- Keep the faculty informed of Board business and actions;
- Comply with all Board policies relative to faculty and Board members, when applicable.

The Faculty Member will not have any specific responsibility for personnel issues except in general feedback.

Legal References:

RSA 189:1-c, School Board Student Member

RSA 194:23-f, High School Student as a Board Member

RSA 195:19-a, Cooperative School Boards: Composition of Cooperative School Boards

RSA 195:19-b, Reapportionment

RSA 671:4, School District Elections: Board

RSA 671:22, School District Elections at Town Meeting

First Reading: November 7, 2022

Second Reading: November 28, 2022

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ADMINISTRATION OF FEDERAL GRANT FUNDS

See also: EFAA and
EHB

This Policy includes “sub-policies” relating to specific provisions of the Uniform Administrative Requirements for Federal Awards issued by the U.S. Office of Budget and Management. Those requirements, which are commonly known as Uniform Grant Guidance (“UGG”), are found in Title 2 of the Code of Federal Regulations (“CFR”) part 200. The sub-policies include:

- DAF-1 ALLOWABILITY
- DAF-2 CASH MANAGEMENT AND FUND CONTROL
- DAF-3 PROCUREMENT
- DAF-4 PROCUREMENT – ADDITIONAL PROVISIONS PERTINENT TO FOOD SERVICE PROGRAM
- DAF-5 CONFLICT OF INTEREST AND MANDATORY DISCLOSURES
- DAF-6 INVENTORY MANAGEMENT - EQUIPMENT AND SUPPLIES PURCHASED WITH FEDERAL FUNDS
- DAF-7 TRAVEL REIMBURSEMENT – FEDERAL FUNDS
- DAF-8 ACCOUNTABILITY AND CERTIFICATIONS
- DAF-9 TIME AND EFFORT REPORTING / OVERSIGHT
- DAF-10 FEDERAL GRANT FUND BUDGET RECONCILIATIONS
- DAF-11 SUB-RECIPIENT MONITORING AND MANAGEMENT
- DAF-12 REPORTING ON REAL PROPERTY
- DAF-13 WHISTLEBLOWER NOTIFICATION, RIGHTS & REMEDIES

NOTICE: Notwithstanding any other policy of the District, all funds awarded directly or indirectly through any Federal grant or subsidy programs shall be administered in accordance with this Policy, and any administrative procedures adopted implementing this Policy.

The Board accepts federal funds, which are available, provided that there is a specific need for them and that the required matching funds are available. The Board intends to administer federal grant awards efficiently, effectively and in compliance with all requirements imposed by law, the awarding agency and the New Hampshire Department of Education (NHDOE) or other applicable pass-through entity.

This policy establishes the minimum standards regarding internal controls and grant management to be used by the District in the administration of any funds received by the District through Federal grant programs as required by applicable NH and Federal laws or regulations, including, without limitation, the UGG.

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The Board directs the Superintendent and Business Administrator to develop, monitor, and enforce effective administrative procedures and other internal controls over federal awards as necessary in order to provide reasonable assurances that the District is managing the awards in compliance with all requirements for federal

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grants and awards. Systems and controls must meet all requirements of federal and/or law and regulation and shall be based on best practices.

The Superintendent is directed to assure that all individuals responsible for the administration of a federal grant or award shall be provided sufficient training to carry out their duties in accordance with all applicable requirements for the federal grant or award and this policy.

To the extent not covered by this Policy, the administrative procedures and internal controls must provide for:

1. identification of all federal funds received and expended and their program source;
2. accurate, current, and complete disclosure of financial data in accordance with federal requirements;
3. records sufficient to track the receipt and use of funds;
4. effective control and accountability over assets to assure they are used only for authorized purposes and
5. comparison of expenditures against budget.

DAF-1 ALLOWABILITY

The Superintendent is responsible for the efficient and effective administration of grant funds through the application of sound management practices. Such funds shall be administered in a manner consistent with all applicable Federal, State and local laws, the associated agreements/assurances, program objectives and the specific terms and conditions of the grant award.

A. Cost Principles: Except whether otherwise authorized by statute, costs shall meet the following general criteria in order to be allowable under Federal awards:

1. Be “necessary” and “reasonable” for proper and efficient performance and administration of the Federal award and be allocable thereto under these principles.
 - a. To determine whether a cost is “reasonable”, consideration shall be given to:
 - i. whether a cost is a type generally recognized as ordinary and necessary for the operation of the District or the proper and efficient performance of the Federal award;
 - ii. the restraints or requirements imposed by such factors as sound business practices, arm’s length bargaining, Federal, State, local, tribal and other laws and regulations;
 - iii. market prices for comparable goods or services for the geographic area;
 - iv. whether the individuals concerned acted with prudence in the circumstances considering their responsibilities; and
 - v. whether the cost represents any significant deviation from the established practices or Board policy which may increase the expense. While Federal regulations do not provide specific descriptions of what satisfied the “necessary” element beyond its inclusion in the reasonableness analysis above, whether a cost is necessary is determined based on the needs of the program. Specifically, the expenditure must be necessary to achieve an important program objective. A key aspect in determining whether a cost is necessary is whether the District can demonstrate that the cost addresses an existing need and can prove it.
 - b. When determining whether a cost is “necessary”, consideration may be given to whether:
 - i. the cost is needed for the proper and efficient performance of the grant program;
 - ii. the cost is identified in the approved budget or application;
 - iii. there is an educational benefit associated with the cost;
 - iv. the cost aligns with identified needs based on results and findings from a needs assessment; and/or
 - v. the cost addresses program goals and objectives and is based on program data.
 - c. A cost is allocable to the Federal award if the goods or services involved are chargeable or assignable to the Federal award in accordance with the relative benefit received.

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2. Conform to any limitations or exclusions set forth as cost principles in Part 200 or in the terms and conditions of the Federal award.
3. Be consistent with policies and procedures that apply uniformly to both Federally-financed and other activities of the District.
4. Be afforded consistent treatment. A cost cannot be assigned to a Federal award as a direct cost if any other cost incurred for the same purpose in like circumstances has been assigned as an indirect cost under another award.
5. Be determined in accordance with generally accepted accounting principles.
6. Be representative of actual cost, net of all applicable credits or offsets. The term "applicable credits" refers to those receipts or reductions of expenditures that operate to offset or reduce expense items allocable to the Federal award. Typical examples of such transactions are: purchase discounts; rebates or allowances; recoveries or indemnities on losses; and adjustments of overpayments or erroneous charges. To the extent that such credits accruing to/or received by the State relate to the Federal award, they shall be credited to the Federal award, either as a cost reduction or a cash refund, as appropriate.
7. Be not included as a match or cost-share, unless the specific Federal program authorizes Federal costs to be treated as such.
8. Be adequately documented:
 - a. in the case of personal services, the Superintendent shall implement a system for District personnel to account for time and efforts expended on grant funded programs to assure that only permissible personnel expenses are allocated;
 - b. in the case of other costs, all receipts and other invoice materials shall be retained, along with any documentation identifying the need and purpose for such expenditure if not otherwise clear.

B. Selected Items of Cost: The District shall follow the rules for selected items of cost at 2 C.F.R. Part 200, Subpart E when charging these specific expenditures to a Federal grant. When applicable, District staff shall check costs against the selected items of cost requirements to ensure the cost is allowable. In addition, State, District and program-specific rules, including the terms and conditions of the award, may deem a cost as unallowable and District personnel shall follow those rules as well.

C. Cost Compliance: The Superintendent shall require that grant program funds are expended and are accounted for consistent with the requirements of the specific program and as identified in the grant application. Compliance monitoring includes accounting for direct or indirect costs and reporting them as permitted or required by each grant.

D. Determining Whether A Cost is Direct or Indirect

1. "Direct costs" are those costs that can be identified specifically with a particular final cost objective, such as a Federal award, or other internally or externally funded activity, or that can be directly assigned to such activities relatively easily with a high degree of accuracy.

These costs may include: salaries and fringe benefits of employees working directly on a grant-funded project; purchased services contracted for performance under the grant; travel of employees working directly on a grant-funded project; materials, supplies, and equipment

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purchased for use on a specific grant; and infrastructure costs directly attributable to the program (such as long distance telephone calls specific to the program, etc.).

2. "Indirect costs" are those that have been incurred for a common or joint purpose benefitting more than one (1) cost objective, and not readily assignable to the cost objectives specifically benefitted, without effort disproportionate to the results achieved. Costs incurred for the same purpose in like circumstances shall be treated consistently as either direct or indirect costs.

These costs may include: general data processing, human resources, utility costs, maintenance, accounting, etc.

Federal education programs with supplement not supplant provisions must use a restricted indirect cost rate. In a restricted rate, indirect costs are limited to general management costs. General management costs do not include divisional administration that is limited to one (1) component of the District, the governing body of the District, compensation of the Superintendent, compensation of the chief executive officer of any component of the District, and operation of the immediate offices of these officers.

The salaries of administrative and clerical staff should normally be treated as indirect costs. Direct charging of these costs may be appropriate only if all the following conditions are met:

- a. Administrative or clerical services are integral to a project or activity.
- b. Individuals involved can be specifically identified with the project or activity.
- c. Such costs are explicitly included in the budget or have the prior written approval of the Federal awarding agency.
- d. The costs are not also recovered as indirect costs.

Where a Federal program has a specific cap on the percentage of administrative costs that may be charged to a grant, that cap shall include all direct administrative charges as well as any recovered indirect charges.

Effort should be given to identify costs as direct costs whenever practical, but allocation of indirect costs may be used where not prohibited and where indirect cost allocation is approved ahead of time by NHDOE or the pass-through entity (Federal funds subject to 2 C.F.R Part 200 pertaining to determining indirect cost allocation).

- E. Timely Obligation of Funds:** Obligations are orders placed for property and services, contracts and sub awards made, and similar transactions during a given period that require payment by the ~~recipient or subrecipient non-Federal entity~~ during the same or a future period.

The following are examples of when funds are determined to be "obligated" under applicable regulation of the U.S. Department of Education:

When the obligation is for:

1. Acquisition of property – on the date which the District makes a binding written commitment to acquire the property.
2. Personal services by an employee of the District – when the services are performed.
3. Personal services by a contractor who is not an employee of the District – on the date which the District makes a binding written commitment to obtain the services.
4. Public utility services – when the District received the services.
5. Travel – when the travel is taken.
6. Rental of property – when the District uses the property.

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7. A pre-agreement cost that was properly approved by the Secretary under the cost principles in 2 C.F.R. Part 200, Subpart E – Cost Principles – on the first day of the project period.

F. Period of Performance: All obligations must occur on or between the beginning and ending dates of the grant project. This period of time is known as the period of performance. The period of performance is dictated by statute and will be indicated in the Grant Award Notification ("GAN"). As a general rule, State-administered Federal funds are available for obligation within the year that Congress appropriates the funds for. However, given the unique nature of educational institutions, for many Federal education grants, the period of performance is twenty-seven (27) months. This maximum period includes a fifteen (15) month period of initial availability, plus a twelve (12) month period of carry over. For direct grants, the period of performance is generally identified in the GAN.

Pre-award costs are those incurred prior to the effective date of the Federal award or sub award directly pursuant to the negotiation and in anticipation of the Federal award where such costs are necessary for efficient and timely performance of the scope of work. Such costs are allowable only to the extent that they would have been allowable if incurred after the date of the Federal award and only with the written approval of the *initial* Federal awarding agency or of the NHDOE or other pass-through entity.

For both State-administered and direct grants, regardless of the period of availability, the District shall liquidate all obligations incurred under the award not later than forty-five (45) days after the end of the funding period unless an extension is authorized. Any funds not obligated within the period of performance or liquidated within the appropriate timeframe are said to lapse and shall be returned to the awarding agency. Consistently, the District shall closely monitor grant spending throughout the grant cycle.

DAF-2 CASH MANAGEMENT AND FUND CONTROL

Payment methods must be established in writing that minimize the time elapsed between the drawdown of federal funds and the disbursement of those funds. Standards for funds control and accountability must be met as required by the Uniform Guidance for advance payments and in accordance with the requirements of NHDOE or other applicable pass-through-entity.

In order to provide reasonable assurance that all assets, including Federal, State, and local funds, are safeguarded against waste, loss, unauthorized use, or misappropriation, the Superintendent shall implement internal controls in the area of cash management.

The District's payment methods shall minimize the time elapsing between the transfer of funds from the United States Treasury or the NHDOE (pass-through entity) and disbursement by the District, regardless of whether the payment is made by electronic fund transfer, or issuance or redemption of checks, warrants, or payment by other means.

The District shall use forms and procedures required by the NHDOE, grantor agency or other pass-through entity to request payment. The District shall request grant fund payments in accordance with the provisions of the grant. Additionally, the District's financial management systems shall meet the standards for fund control and accountability as established by the awarding agency.

The Superintendent is authorized to submit requests for advance payments and reimbursements at least monthly when electronic fund transfers are not used, and as often as deemed appropriate when electronic transfers are used, in accordance with the provisions of the Electronic Fund Transfer Act (15 U.S.C. 1693-1693r).

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When the District uses a cash advance payment method, the following standards shall apply:

- A. The timing and amount of the advance payment requested will be as close as is administratively feasible to the actual disbursement for direct program or project costs and the proportionate share of any allowable indirect costs.
- B. The District shall make timely payment to contractors in accordance with contract provisions.
- C. To the extent available, the District shall disburse funds available from program income (including repayments to a revolving fund), rebates, refunds, contract settlements, audit recoveries, and interest earned on such funds before requesting additional cash payments.
- D. The District shall account for the receipt, obligation and expenditure of funds.
- E. Advance payments shall be deposited and maintained in insured accounts whenever possible.
- F. Advance payments will be maintained in interest bearing accounts unless the following apply:
 - 1. The District receives less than \$120,000 in Federal awards per year.
 - 2. The best reasonably available interest-bearing account would not be expected to earn interest in excess of \$500 per year on Federal cash balances.
 - 3. The depository would require an average or minimum balance so high that it would not be feasible within the expected Federal and non-Federal cash resources.
 - 4. A foreign government or banking system prohibits or precludes interest bearing accounts.
- G. Pursuant to Federal law and regulations, the District may retain interest earned in an amount up to \$500 per year for administrative costs. Any additional interest earned on Federal advance payments deposited in interest-bearing accounts must be remitted annually to the Department of Health and Human Services Payment Management System ("PMS") through an electronic medium using either Automated Clearing House ("ACH") network or a Fedwire Funds Service payment. Remittances shall include pertinent information of the payee and nature of payment in the memo area (often referred to as "addenda records" by Financial Institutions) as that will assist in the timely posting of interest earned on Federal funds.

DAF-3 PROCUREMENT

All purchases for property and services made using federal funds must be conducted in accordance with all applicable Federal, State and local laws and regulations, the Uniform Guidance, and the District's written policies and procedures.

Procurement of all supplies, materials equipment, and services paid for from Federal funds or District matching funds shall be made in accordance with all applicable Federal, State, and local statutes and/or regulations, the terms and conditions of the Federal grant, district policies, and procedures.

The Superintendent shall maintain a procurement and contract administration system in accordance with the USDOE requirements (2 CFR 200.317-.326) for the administration and management of Federal grants and Federally-funded programs. The District shall maintain a contract administration system that requires contractors to perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders. Except as otherwise noted, procurement transactions shall conform to the provisions of the District's documented general purchase policy (Policy DJ)

The District avoids situations that unnecessarily restrict competition and avoids acquisition of unnecessary or duplicative items. Individuals or organizations that develop or draft specifications, requirements, statements of work, and/or invitations for bids, requests for proposals, or invitations to negotiate, are excluded from competing for such purchases. Additionally, consideration shall be given to consolidating or breaking out procurements to obtain a more economical purchase. And, where appropriate, an analysis shall be made to lease versus purchase alternatives, and any other appropriate analysis to determine the most economical approach. These considerations are given as part of the process to determine the allowability of each purchase made with Federal funds.

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Contracts are awarded only to responsible contractors possessing the ability to perform successfully under the terms and conditions of a proposed procurement. Consideration is given to such matters as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources. No contract is awarded to a contractor who is suspended or debarred from eligibility for participation in federal assistance programs or activities.

Purchasing records are sufficiently maintained to detail the history of all procurements and must include at least the rationale for the method of procurement, selection of contract type, and contractor selection or rejection; the basis for the contract price; and verification that the contractor is not suspended or debarred.

To foster greater economy and efficiency, the District may enter into State and local intergovernmental agreements where appropriate for procurement or use of common or shared goods and services.

4. **Competition:** All procurement transactions shall be conducted in a manner that encourages full and open competition and that is in accordance with good administrative practice and sound business judgement. In order to promote objective contractor performance and eliminate unfair competitive advantage, the District shall exclude any contractor that has developed or drafted specifications, requirements, statements of work, or invitations for bids or requests for proposals from competition for such procurements.

Some of the situations considered to be restrictive of competition include, but are not limited to, the following:

1. unreasonable requirements on firms in order for them to qualify to do business;
2. unnecessary experience and excessive bonding requirements;
3. noncompetitive contracts to consultants that are on retainer contracts;
4. organizational conflicts of interest;
5. specification of only a "brand name" product instead of allowing for an "or equal" product to be offered and describing the performance or other relevant requirements of the procurement; and/or
6. any arbitrary action in the procurement process.

Further, the District does not use statutorily or administratively imposed State, local, or tribal geographical preferences in the evaluation of bids or proposals, unless (1) an applicable Federal statute expressly mandates or encourages a geographic preference; (2) the District is contracting for architectural and engineering services, in which case geographic location may be a selection criterion provided its application leaves an appropriate number of qualified firms, given the nature and size of the project, to compete for the contract.

To the extent that the District uses a pre-qualified list of persons, firms or products to acquire goods and services, the pre-qualified list must include enough qualified sources as to ensure maximum open and free competition. The District allows vendors to apply for consideration to be placed on the list as requested.

- B. **Solicitation Language:** The District shall require that all solicitations incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured. Such description shall not, in competitive procurements, contain features which unduly restrict competition. The description may include a statement of the qualitative nature of the material, product or service to be procured and, when necessary, shall set forth those minimum essential characteristics and standards to which it shall conform if it is to satisfy its intended use. Detailed product specifications should be avoided if at all possible.

When it is impractical or uneconomical to make a clear and accurate description of the technical requirements, a "brand name or equivalent" description may be used as a means to define the performance or other salient requirements of procurement. The specific features of the named brand which shall be met by offers shall be clearly stated; and identify all requirements which the offers shall fulfill and all other factors to be used in evaluating bids or proposals.

The Board will not approve any expenditure for an unauthorized purchase or contract.

C. Procurement Methods: The District shall utilize the following methods of procurement:

1. Micro-purchases

Procurement by micro-purchase is the acquisition of supplies or services, the aggregate dollar amount of which does not exceed \$10,000. To the extent practicable, the District shall distribute micro-purchase equitably among qualified suppliers. Micro-purchases may be made without soliciting competitive quotations if the Superintendent considers the price to be reasonable. The District maintains evidence of this reasonableness in the records of all purchases made by this method.

2. Small Purchases (Simplified Acquisition)

Small purchase procedures provide for relatively simple and informal procurement methods for securing services, supplies, and other property that does not exceed the competitive bid threshold of \$250,000. Small purchase procedures require that price or rate quotations shall be obtained from an adequate number of qualified sources.

3. Sealed Bids

Sealed, competitive bids shall be obtained when the purchase of, and contract for, single items of supplies, materials, or equipment which amounts to \$50,000 and when the Board determines to build, repair, enlarge, improve, or demolish a school building/facility the cost of which will exceed \$50,000.

a. In order for sealed bidding to be feasible, the following conditions shall be present:

- i. a complete, adequate, and realistic specification or purchase description is available;
- ii. two (2) or more responsible bidders are willing and able to compete effectively for the business; and
- iii. the procurement lends itself to a firm fixed price contract and the selection of the successful bidder can be made principally on the basis of price.

b. When sealed bids are used, the following requirements apply:

- i. Bids shall be solicited in accordance with the provisions of State law and School Board Policy DJC. Bids shall be solicited from an adequate number of qualified suppliers, providing sufficient response time prior to the date set for the opening of bids. The invitation to bid shall be publicly advertised.
- ii. The invitation for bids will include product/contract specifications and pertinent attachments and shall define the items and/or services required in order for the bidder to properly respond.
- iii. All bids will be opened at the time and place prescribed in the invitation for bids; bids will be opened publicly.
- iv. A firm fixed price contract award will be made in writing to the lowest responsive and responsible bidder. Where specified in bidding documents, factors such as discounts, transportation cost, and life cycle costs shall be considered in determining which bid is lowest. Payment discounts may only be used to determine the low bid when prior experience indicates that such discounts are usually taken.
- v. The Board reserves the right to reject any and all bids for sound documented reason.
- vi. Bid protests shall be handled pursuant to the process set forth in DAF-3-1.

4. Competitive Proposals

Procurement by competitive proposal, normally conducted with more than one sources submitting an offer, is generally used when conditions are not appropriate for the use of sealed bids or in the case of a recognized exception to the sealed bid method.

If this method is used, the following requirements apply:

- a. Requests for proposals shall be publicized and identify all evaluation factors and their relative importance. Any response to the publicized requests for proposals shall be considered to the maximum extent practical.
- b. Proposals shall be solicited from an adequate number of sources.
- c. The District shall use its written method for conducting technical evaluations of the proposals received and for selecting recipients.
- d. Contracts shall be awarded to the responsible firm whose proposal is most advantageous to the program, with price and other factors considered.

The District may use competitive proposal procedures for qualifications-based procurement of architectural/engineering (A/E) professional services whereby competitors' qualifications are evaluated, and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation. The method, where price is not used as a selection factor, can only be used in procurement of A/E professional services. It cannot be used to purchase other types of services though A/E firms are a potential source to perform the proposed effort.

5. Noncompetitive Proposals

Procurement by noncompetitive proposals allows for solicitation of a proposal from only one source and may be used only when one or more of the following circumstances apply:

- a. the item is available only for a single source;
- b. the public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation;
- c. the Federal awarding agency or pass-through entity expressly authorizes noncompetitive proposals in response to a written request from the District; and/or
- d. after solicitation of a number of sources, competition is determined to be inadequate.

D. Contracting with Small and Minority Businesses, Women's Business Enterprises, and Labor Surplus Area Firms:

The District must take necessary affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible ("target businesses"). Affirmative steps must include:

1. Placing qualified ~~target businesses small and minority businesses and women's business enterprises~~ on solicitation lists;
2. Assuring that ~~target businesses small and minority businesses and women's business enterprises~~ are solicited whenever they are potential sources;
3. Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by ~~target businesses small and minority businesses and women's business enterprises~~;
4. Establishing delivery schedules, where the requirement permits, which encourage participation by ~~target businesses small and minority businesses and women's business enterprises~~;
5. Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce; and
6. Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in paragraphs (1) through (5) of this section.

- E. **Contract/Price Analysis:** The District shall perform a cost or price analysis in connection with every procurement action in excess of \$250,000 (ie: the Simplified Acquisition/Small Purchase limit), including contract modifications. A cost analysis generally means evaluating the separate cost elements that make up the total price, while a price analysis means evaluating the total price, without looking at the individual cost elements.

The method and degree of analysis is dependent on the facts surrounding the particular procurement situation; however, the District shall come to an independent estimate prior to receiving bids or proposals.

When performing a cost analysis, the District shall negotiate profit as a separate element of the price. To establish a fair and reasonable profit, consideration is given to the complexity of the work to be performed, the risk borne by the contractor, the contractor's investment, the amount of subcontracting, the quality of its record of past performance, and industry profit rates in the surrounding geographical area for similar work.

- F. **Time and Materials Contracts:** The District shall use a time and materials type contract only (1) after a determination that no other contract is suitable; and (2) if the contract includes a ceiling price that the contractor exceeds at its own risk. Time and materials type contract means a contract whose cost to the District is the sum of the actual costs of materials, and direct labor hours charged at fixed hourly rates that reflect wages, general and administrative expenses, and profit.

Since this formula generates an open-ended contract price, a time-and-materials contract provides no positive profit incentive to the contractor for cost control or labor efficiency. Therefore, the District sets a ceiling price for each contract that the contractor exceeds at its own risk. Further, the District shall assert a high degree of oversight in order to obtain reasonable assurance that the contractor is using efficient methods and effective cost controls, and otherwise performs in accordance with the terms, conditions, and specifications of their contracts or purchase orders.

- G. **Suspension and Debarment:** The District will award contracts only to responsible contractors possessing the ability to perform successfully under the terms and conditions of the proposed procurement. All purchasing decisions shall be made in the best interests of the District and shall seek to obtain the maximum value for each dollar expended. When making a purchasing decision, the District shall consider such factors as (1) contractor integrity; (2) compliance with public policy; (3) record of past performance/ and (4) financial and technical resources.

The Superintendent shall have the authority to suspend or debar a person/corporation, for cause, from consideration or award of further contracts. The District is subject to and shall abide by the non-procurement debarment and suspension regulations implementing Executive Orders 12549 and 12689, 2 CFR Part 180.

Suspension is an action taken by the District that immediately prohibits a person from participating in covered transactions and transactions covered under the Federal Acquisition Regulation (48 CFR chapter 1) for a temporary period, pending completion of an agency investigation and any judicial or administrative proceedings that may ensue. A person so excluded is suspended. (see 2 CFR Part 180 Subpart G)

Debarment is an action taken by the Superintendent to exclude a person from participating in covered transactions and transactions covered under the Federal Acquisition Regulation (48 CFR chapter 1). A person so excluded is debarred. (see 2 CFR Part 180 Subpart H)

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The District shall not subcontract with or award sub-grants to any person or company who is debarred or suspended. For contracts over \$25,000 the District shall confirm that the vendor is not debarred or suspended by either checking the Federal government's System for Award Management ("SAM"), which maintains a list of such debarred or suspended vendors at www.sam.gov (which replaced the former Excluded Parties list System or EPLS; or collecting a certification from the vendor. (see 2 CFR Part 180 Sub part C)

Documentation that debarment/suspension was queried must be retained for each covered transaction as part of the documentation required under DAF-3, paragraph J. This documentation should include the date(s) queried and copy(ies) of the SAM result report/screen shot, or a copy of the certification from the vendor. It should be attached to the payment backup and retained for future audit review.

1. **Additional Requirements for Procurement Contracts Using Federal Funds:** [Revision note, this paragraph H is new. Re-letter remaining paragraphs accordingly.] 1. For any contract using Federal funds under which the contract amount exceeds the upper limit for Simplified Acquisition/Small Purchases (see DAF-3.C.2), the contract must address administrative, contractual, or legal remedies in instances where contractors violate or breach New Hampshire School Boards Association Sample Policy DAF Administration of Federal Grant Funds Page 14 of 22 © 2019 NHSBA contract terms, and must provide for sanctions and penalties. (See 2 CFR 200, Appendix II(A)). 2. For any contract using Federal funds under which the contract amount exceeds \$10,000, it must address the District's authority to terminate the contract for cause and for convenience, including the manner by which termination will be effected and the basis for settlement. (See 2 CFR 200, Appendix II(B)). 3. For any contract using Federal funds under which the contract amount exceeds \$150,000, the contract must include clauses addressing the Clean Air Act and the Federal Water Pollution Control Act. (See 2 CFR 200, Appendix II(G)). 4. For any contract using Federal funds under which the contract exceeds \$100,000, the contract must include an anti-lobbying clause, and require bidders to submit Anti-Lobbying Certification as required under 2 CFR 200, Appendix II (J). 1.5. For each contract using Federal funds and for which there is no price competition, and for each Federal fund contract in which a cost analysis is performed, the District shall negotiate profit as a separate element of the price. To establish a fair and reasonable profit, consideration must be given to the complexity of the work to be performed, the risk borne by the contractor, the contractor's investment, the amount of subcontracting, the quality of the contractor's past performance, and industry profit rates in the surrounding geographical area for similar work. (See 2 CFR 200.323(b)). 6. "Domestic Preference"

Requirement: The District must provide a preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States, to the greatest extent practicable. This requirement applies whether the District is purchasing the products directly or when the products are purchased by third parties on the District's behalf (e.g. subcontractor, food service management companies, etc.). It also generally applies to all purchases, even those below the micro-purchase threshold, unless otherwise stipulated by the Federal awarding agency. See also additional "Buy American" provisions in DAF-4.C regarding food service procurement. 7.

Huawei Ban: The District may not use Federal funds to procure, obtain, or enter into or renew a contract to procure or obtain equipment, services, or systems which substantially use telecommunications equipment or services produced by Huawei Technologies Company or ZTE Corporation, or any of their subsidiaries.

- H. **Bid Protest:** The District maintains the following protest procedures to handle and resolve disputes relating to procurements and, in all instances, discloses information regarding the protest to the awarding agency.

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A bidder who wishes to file a bid protest shall file such notice and follow procedures prescribed by the Request For Proposals (RFPs) or the individual bid specifications package, for resolution. Bid protests shall be filed in writing with the Superintendent within seventy-two (72) hours of the opening of the bids in protest.

Within five (5) days of receipt of a protest, the Superintendent shall review the protest as submitted and render a decision regarding the merits of the protest and any impact on the acceptance and rejection of bids submitted. Notice of the filing of a bid protest shall be communicated to the Board and shall be so noted in any subsequent recommendation for the acceptance of bids and awarding of contracts.

Failure to file a notice of intent to protest, or failure to file a formal written protest within the time prescribed, shall constitute a waiver of proceedings.

- I. **Maintenance of Procurement Records:** The District shall maintain records sufficient to detail the history of all procurements. These records will include, but are not necessarily limited to, the following: rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for the contract price (including a cost or price analysis), and records regarding disbarment/suspension queries or actions. Such records shall be retained consistent with District policy EHB and Administrative procedures EHB-R.

DAF-4 **PROCUREMENT – ADDITIONAL PROVISIONS PERTINENT TO FOOD SERVICE PROGRAM**

The following provisions shall be included in all cost reimbursable contracts for food services purchases, including contracts with cost reimbursable provisions, and in solicitation documents prepared to obtain offers for such contracts: (7 CFR Sec. 210.21, 215.14a, 220.16)

- A. **Mandatory Contract Clauses:** The following provisions shall be included in all cost reimbursable contracts for food services purchases, including contracts with cost reimbursable provisions, and in solicitation documents prepared to obtain offers for such contracts:
 1. Allowable costs will be paid from the nonprofit school food service account to the contractor net of all discounts, rebates and other applicable credits accruing to or received by the contractor or any assignee under the contract, to the extent those credits are allocable to the allowable portion of the costs billed to the school food authority;
 2. The contractor must separately identify for each cost submitted for payment to the school food authority the amount of that cost that is allowable (can be paid from the nonprofit school food service account) and the amount that is unallowable (cannot be paid from the nonprofit school food service account); or
 3. The contractor must exclude all unallowable costs from its billing documents and certify that only allowable costs are submitted for payment and records have been established that maintain the visibility of unallowable costs, including directly associated costs in a manner suitable for contract cost determination and verification;
 4. The contractor's determination of its allowable costs must be made in compliance with the applicable departmental and program regulations and Office of Management and Budget cost circulars;
 5. The contractor must identify the amount of each discount, rebate and other applicable credit on bills and invoices presented to the school food authority for payment and individually identify the amount as a discount, rebate, or in the case of other applicable credits, the nature of the credit. If

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approved by the state agency, the school food authority may permit the contractor to report this information on a less frequent basis than monthly, but no less frequently than annually;

6. The contractor must identify the method by which it will report discounts, rebates and other applicable credits allocable to the contract that are not reported prior to conclusion of the contract; and
7. The contractor must maintain documentation of costs and discounts, rebates and other applicable credits, and must furnish such documentation upon request to the school food authority, the state agency, or the department.

B. Contracts with Food Service Management Companies: Procedures for selecting and contracting with a food service management company shall comply with guidance provided by the NHDOE, including standard forms, procedures and timelines for solicitation, selection and approval of proposals and contracts.

C. "Buy American" Requirement: Under the "Buy American" provision of the National School Lunch Act (the "NSLA"), school food authorities (SFAs) are required to purchase, to the maximum extent practicable, domestic commodity or product. As an SFA, the District is required to comply with the "Buy American" procurement standards set forth in 7 CFR Part 210.21(d) when purchasing commercial food products served in the school meals programs. This requirement applies whether the District is purchasing the products directly or when the products are purchased by third parties on the District's behalf (e.g., food service management companies, group purchasing cooperatives, shared purchasing, etc.)

Under the NSLA "domestic commodity or product" is defined as an agricultural commodity or product that is produced or processed in the United States using "substantial" agricultural commodities that are produced in the United States. For purposes of the act, "substantial" means that over 51 percent of the final processed product consists of agricultural commodities that were grown domestically. Products from Guam, American Samoa, Virgin Islands, Puerto Rico, and the Northern Mariana Islands are allowable under this provision as territories of the United States.

1. **Exceptions:** The two main exceptions to the Buy American requirement are:
 - a. The product is not produced or manufactured in the US in sufficient and reasonably available quantities of a satisfactory quality; or
 - b. Competitive bids reveal the costs of a US product are significantly higher than the non-domestic product.
2. **Steps to comply with Buy American Requirements:** In order to help assure that the district remains in compliance with the Buy American requirement, the Business Administrator or Food Services Director, shall,
 - a. Include a Buy American clause in all procurement documents (product specifications, bid solicitations, requests for proposals, purchases orders, etc.)
 - b. Monitor contractor performance;
 - c. Require suppliers to certify the origin of the product;
 - d. Examine product packaging for identification of the country of origin; and
 - e. Require suppliers to provide specific information about the percentages of U.S. content in food products.

DAF-5 **CONFLICT OF INTEREST AND MANDATORY DISCLOSURES**

The District complies with the requirements of State law and the Uniform Guidance for conflicts of interest and mandatory disclosures for all procurements with federal funds.

No employee, board member or other District officer, or agent may participate in the selection, award, or administration of a contract supported by a Federal award if he or she has a real or apparent conflict of interest. Such a conflict - or apparent conflict - of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs

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or is about to employ any of the parties indicated herein, (collectively a "covered individual") has a financial or other interest in or a tangible personal benefit from a firm considered for a contract.

Additionally, no employee, board member or other District officer, or agent may solicit or accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts. This prohibition, however, shall not apply to gratuities of de minimis value, which, for purposes of the policy, are individual gifts, favors, or other items of monetary value, worth \$50 or less and which have no bearing on the selection, award or administration of a Federal award.

Each covered individual ~~employee, board member, or agent of the school system~~ who is engaged in the selection, award or administration of a contract supported by a federal grant or award and who has a potential conflict of

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interest must disclose that conflict in writing to the Superintendent, who, in turn, shall disclose in writing any such potential conflict of interest to NHDOE or other applicable pass-through-entity.

~~A conflict of interest would arise when the covered individual, any member of his/her immediate family, his/her partner, or an organization, which employs or is about to employ any of those parties has a financial or other interest in or received a tangible personal benefit from a firm considered for a contract. A covered individual who is required to disclose a conflict shall not participate in the selection, award, or administration of a contract supported by a federal grant or award.~~

~~Covered individuals will not solicit or accept any gratuities, favors, or items from a contractor or a party to a subcontractor for a federal grant or award. Violations of this rule are subject to disciplinary action.~~

~~Employees who violate this provision are subject to disciplinary consequences up to and including dismissal. Agents or contractors acting on behalf of the District are subject to contract termination. School board members or other District officers are subject to such actions as are within the authority of the School Board or district. Violations will also be reported to law enforcement in appropriate circumstances.~~

The Superintendent shall timely disclose in writing to NHDOE or other applicable pass-through-entity, and to the Federal awarding agency whenever the Superintendent has credible evidence of the commission of a violation of Federal criminal law involving fraud, conflict of interest, bribery, or gratuity violations found in Title 18 of the United States Code or a violation of the civil False Claims Act (31 U.S.C. 3729-3733). ~~The notice to the Federal awarding agency shall be directed to that agency's Office of Inspector General all violations of federal criminal law involving fraud, bribery, or gratuities potentially effecting any federal award.~~ The Superintendent shall fully address any such violations promptly and notify the Board with such information as is appropriate under the circumstances (e.g., taking into account applicable disciplinary processes).

DAF-6 INVENTORY MANAGEMENT - EQUIPMENT AND SUPPLIES PURCHASED WITH

FEDERAL FUNDS

Equipment and supplies acquired ("property" as used in this policy DAF-6) with federal funds will be used, managed, and disposed of in accordance with applicable state and federal requirements. Property records and inventory systems shall be sufficiently maintained to account for and track equipment that has been acquired with federal funds. In furtherance thereof, the following minimum standards and controls shall apply to any equipment or pilferable items acquired in whole or in part under a Federal award until such property is disposed in accordance with applicable laws, regulations and Board policies:

- A. For purposes of this policy, "equipment" means tangible personal property (including information technology systems) having a useful life of more than one year and a per-unit acquisition cost which equals or exceeds the lesser of \$105,000, or the capitalization level established by the District for financial statement purposes. "Pilferable items" are those items, regardless of cost, which may be easily lost or stolen, such as cell phones, tablets, graphing calculators, software, projectors, cameras and other video equipment, computer equipment and televisions.
- B. **Records:** The Superintendent's office shall maintain records that include a description of the property; a serial number or other identification number; the source of the funding for the property (including the federal award identification number (FAIN)); who holds title; the acquisition date; the cost of the property; the percentage of the federal participation in the project costs for the federal award under which the property was acquired; the location, use, and condition of the property; and any ultimate disposition data, including the date of disposition and sale price of the property.
- C. **Inventory:** No less than once every two years, the Business Manager shall cause a physical inventory of the property must be taken and the results reconciled with the property records at least once every

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two years. Except as otherwise provided in this policy DAF-6, inventories shall be conducted consistent with Board Policy D1D.

- D. **Control, Maintenance and Disposition:** The Superintendent shall develop administrative procedures relative to property procured in whole or in part with Federal funds to:
1. prevent loss, damage, or theft of the property; Any loss, damage, or theft must be investigated;
 2. to maintain the property and keep it in good condition; and

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3. to ensure the highest possible return through proper sales procedures, in those instances where the District is authorized to sell the property.

DAF-7 TRAVEL REIMBURSEMENT – FEDERAL FUNDS

The Board shall reimburse administrative, professional and support employees, and school officials, for travel costs incurred in the course of performing services related to official business as a federal grant recipient.

For purposes of this policy, “travel costs” shall mean the expenses for transportation, lodging, subsistence, and related items incurred by employees and school officials who are in travel status on official business as a federal grant recipient.

School officials and district employees shall comply with applicable Board policies and administrative regulations established for reimbursement of travel and other expenses.

The validity of payments for travel costs for all district employees and school officials shall be determined by the Superintendent.

Travel costs shall be reimbursed on a mileage basis for travel using an employee’s personal vehicle and on an actual cost basis for meals, lodging and other allowable expenses, consistent with those normally allowed in like circumstances in the district’s non-federally funded activities, and in accordance with the district’s travel reimbursement policies and administrative regulations.

Mileage reimbursements shall be at the rate approved by the Board or Board policy for other district travel reimbursements. Actual costs for meals, lodging and other allowable expenses shall be reimbursed only to the extent they are reasonable and do not exceed the per diem limits established by Board policy, or, in the absence of such policy, the federal General Services Administration for federal employees for locale where incurred.

All travel costs must be presented with an itemized, verified statement prior to reimbursement.

In addition, for any costs that are charged directly to the federal award, the Superintendent shall maintain sufficient records to justify that:

- A. Participation of the individual is necessary to the federal award.
- B. The costs are reasonable and consistent with Board policy.

DAF-8 ACCOUNTABILITY AND CERTIFICATIONS

All fiscal transactions must be approved by the Superintendent who can attest that the expenditure is allowable and approved under the federal program. The Superintendent submits all required certifications.

DAF-9 TIME-EFFORT REPORTING, ~~OVERSIGHT~~, & AUDIT REQUIREMENTS

The Superintendent will establish sufficient oversight of the operations of federally supported activities to assure compliance with applicable federal requirements and to ensure that program objectives established by the awarding agency are being achieved. The District will submit all reports as required by federal or state authorities.

As a recipient of Federal funds, the District shall comply with the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards. Section 200.430 of the Code of Federal Regulations requires certification of effort to document salary expenses charged directly or indirectly against Federally-sponsored projects. This process is intended to verify the compensation for employment

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services, including salaries and wages, is allocable and properly expended, and that any variances from the budget are reconciled.

- A. **Compensation:** Compensation for employment services includes all remuneration, paid currently or accrued, for services of employees rendered during the period of performance under the Federal award, including but not necessarily limited to wages and salaries. Compensation for personal services may also include fringe benefits, which are addressed in 2 CFR 200.431 Compensation – fringe benefits. Costs of compensation are allowable to the extent that they satisfy the specific requirements of these regulations, and that the total compensation for individual employees:
1. is reasonable for the services rendered, conforms to the District's established written policy, and is consistently applied to both Federal and non-Federal activities; and
 2. follows an appointment made in accordance with the District's written policies and meets the requirements of Federal statute, where applicable.

B. **Time and Effort Reports:** Time and effort reports shall:

1. ~~be supported by a system of internal controls which provide reasonable assurance that the charges are accurate, allowable, and properly allocated;~~
2. ~~be incorporated into the official records of the District;~~
3. ~~reasonably reflect the total activity for which the employee is compensated by the District, not exceeding 100% of the compensated activities;~~
4. ~~encompass both Federally-assisted and other activities compensated by the District on an integrated basis;~~
5. ~~comply with the District's established accounting policies and practices;~~
6. ~~support the distribution of the employee's salary or wages among specific activities or cost objectives if the employee works on more than one (1) Federal award, a Federal award and non-Federal award, an indirect cost activity and a direct cost activity, two (2) or more indirect activities which are allocated using different allocation bases, or an unallowable activity and a direct or indirect cost activity;~~

1. Time and effort reports – general standards. Such reports shall:

- a. be supported by a system of internal controls which provide reasonable assurance that the charges are accurate, allowable, and properly allocated;
- b. be incorporated into the official records of the District;
- c. reasonably reflect the total activity for which the employee is compensated by the District, not exceeding 100% of the compensated activities;
- d. encompass both Federally-assisted and other activities compensated by the District on an integrated basis;
- e. comply with the District's established accounting policies and practices;
- f. support the distribution of the employee's salary or wages among specific activities or cost objectives if the employee works on more than one (1) Federal award, a Federal award and non-Federal award, an indirect cost activity and a direct cost activity, two (2) or more indirect activities which are allocated using different allocation bases, or an unallowable activity and a direct or indirect cost activity;

2. Individual employee time and effort reporting. Timesheets and required periodic certifications shall include at a minimum:

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a. Employee name;

a. Grant information;

b. Time spent on grant;

c. Period of performance

d. Signature of employee, and dated after period of performance.

f. Signature of employee's supervisor who has direct knowledge of the work performed, and dated after period of performance; and

g. Certifying statement that information is true (can be placed above signatures).

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B. Audit Requirements: The District is required to have a single or program-specific audit conducted for any fiscal year in which the District expends \$1,000,000 or more. A single audit must be conducted in accordance with 2 CFR 200.514, and must cover the entire operations of the entity, or a series of audits that includes all departments, agencies and other organizational units that expended or otherwise administered Federal awards during the audit period. A program-specific audit must be conducted in accordance with 2 CFR 200.501(c).

For any year that the District expends less than \$1,000,000 during the District's fiscal year in Federal awards, the District is exempt from Federal audit requirements for that year, except as noted in 2 CFR 200.503, but records must be available for review or audit by appropriate officials of the Federal agency, the New Hampshire Department of Education or other pass-through entity, and the Government Accountability Office (GAO).

The District will also follow any time and effort requirements imposed by NHDOE or other pass-through entity as appropriate to the extent that they are more restrictive than the Federal requirements. The Superintendent is responsible for the collection and retention of employee time and effort reports. Individually reported data will be made available only to authorized auditors or as required by law.

DAF-10 **COMPENSATION Federal Grant Fund Budget Reconciliation**

Budget estimates are not used as support for charges to Federal awards. However, the District may use budget estimates for interim accounting purposes. The system used by the District to establish budget estimates produces reasonable approximations of the activity actually performed. Any significant changes in the corresponding work activity are identified by the District and entered into the District's records in a timely manner.

The District's internal controls include a process to review after-the-fact interim charges made to a Federal award based on budget estimates and ensure that all necessary adjustments are made so that the final amount charged to the Federal award is accurate, allowable, and properly allocated.

Grant Closeout Requirements: At the end of the period of performance or when the Federal awarding agency determines the District has completed all applicable administrative actions and all required work under the grant, the agency will close out the Federal award. If the award passed-through the State, the District will have 90 days from the end of the period of performance to submit to the State all financial

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performance, and other reports as required by the terms and conditions of the award.

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Failure to submit all required reports within the required timeframe will necessarily result in the Federal awarding agency reporting the District's material failure to comply with the terms of the grant to the Office of Management and Budget (OMB), and may pursue other enforcement actions.

DAF-11 SUB-RECIPIENT MONITORING AND MANAGEMENT

When entering agreements involving the expenditure or disbursements of federal grant funds, the District shall determine whether the recipient of such federal funds is a "contractor" or "subrecipient", as those terms are defined in 2 CFR §200.23 and §200.93, respectively. See also guidance at 2 CFR §200.330 "Subrecipient and contractor determinations". Generally, "subrecipients" are instrumental in implementing the applicable work program whereas a "contractor" provides goods and services for the District's own use. Contractors will be subject to the District's procurement and purchasing policies (e.g., DAF-3 relative to federal grant funds, DJC relative to bidding requirements for non-federal money projects, etc.). Subrecipients are subject to this Policy.

Under the UGG, the District is considered a "pass-through entity" in relation to its subrecipients, and as such requires that subrecipients comply with applicable terms and conditions (flow-down provisions). All subrecipients of Federal or State funds received through the District are subject to the same Federal and State statutes, regulations, and award terms and conditions as the District.

A. Sub-award Contents and Communication.

In the execution of every sub-award, the District will communicate the following information to the subrecipient and include the same information in the sub-award agreement.

1. Every sub-award will be clearly identified and include the following Federal award identification:
 - a) Subrecipient name
 - b) Subrecipient's unique ID number (DUNS)
 - c) Federal Award ID Number (FAIN)
 - d) Federal award date
 - e) Period of performance start and end date
 - f) Amount of federal funds obligated
 - g) Amount of federal funds obligated to the subrecipient
 - h) Total amount of the Federal award
 - i) Total approved cost sharing or match required where applicable
 - j) Project description responsive to FFATA
 - k) Name of Federal awarding agency, pass through entity and contact information
 - l) CFDA number and name
 - m) Identification of the award is R&D
 - n) Indirect cost rate for the Federal award
2. Requirements imposed by the District including statutes, regulations, and the terms and conditions of the Federal award.
3. Any additional requirements the District deems necessary for financial or performance reporting of subrecipients as necessary.
4. An approved indirect cost rate negotiated between subrecipient and the Federal government or between the pass-through entity and subrecipient.
5. Requirements that the District and its auditors have access to the subrecipient records and financial statements.

6. Terms and conditions for closeout of the sub-award.

B. Subrecipient Monitoring Procedures.

The Superintendent is responsible for having all the District project managers monitor subrecipients. The District will monitor the activities of the subrecipient to ensure the sub-award is used for authorized purposes. The frequency of monitoring review will be specified in the sub-award and conducted concurrently with all invoice submission.

Subrecipient monitoring procedures include:

1. At the time of proposal, assess the potential of the subrecipient for programmatic, financial, and administrative suitability.
2. Evaluate each subrecipient's risk of noncompliance prior to executing a sub-award. In doing so, the District will assess the subrecipient's:
 - a) Prior experience with the same or similar sub-awards.
 - b) Results of previous audits and single audit (if applicable).
 - c) New personnel or new or substantially changed systems.
 - d) The extent and results of Federal awarding agency monitoring.
3. Confirm the statement of work and review any non-standard terms and conditions of the sub-award during the negotiation process.
4. Monitor financial and programmatic progress and ability of the subrecipient to meet objectives of the sub-award. To facilitate this review, subrecipients are required to submit sufficient invoice detail and a progress report. The District project managers will encourage subrecipients to submit regular invoices.
5. Invoices and progress reports will be date stamped upon receipt if received in hard copy. A record of the date of receipt will be maintained for those invoices sent electronically.
6. In conducting regular oversight and monitoring, the District project managers will:
 - a) Verify invoices that include progress reports.
 - b) Review progress reports to ensure project is progressing appropriately and on schedule.
 - c) Compare invoice to agreement budget to ensure eligibility of costs and that costs do not exceed budget.
 - d) Review invoice to ensure supporting documentation is included and invoices costs are within the scope of work for the projects being invoiced.
 - e) Obtain report, certification and supporting documentation of local (non-federal)/in-kind match work from the subrecipient.
 - f) Review subrecipient match tasks for eligibility.
 - g) Initial the progress report and invoice confirming review and approval prior to payment.
 - h) Raise any concerns to the Business Administrator
7. The Business Administrator, upon recommendation from the project's manager, will approve the invoice payment and will initial invoices confirming review and approval prior to payment.
8. Payments will be withheld from subrecipients for the following reasons:
 - a) Insufficient detail to support the costs billed;
 - b) Unallowable costs;
 - c) Ineligible costs; and/or
 - d) Incomplete work or work not completed in accordance with required specifications.
9. Verify every subrecipient is audited in accordance with 2 CFR §200 Subpart F – Audit Requirements.

C. Subrecipient Project Files. Subrecipient project files will contain, at a minimum, the following:

- a) Project proposal
- b) Project scope
- c) Progress reports

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- d) Interim and final products
- e) Copies of other applicable project documents as required, such as copies of contracts or MOUs

D. Audit Requirements.

A Single Audit is required when a subrecipient expends \$1,000,000 or more in Federal awards during the fiscal year.

All subrecipients are required to annually submit their audit and Single Audit report to the District for review to ensure the subrecipient has complied with good accounting practices and federal regulations.

All subrecipients are required to annually submit their audit and Single Audit report to the District for review to ensure the subrecipient has complied with good accounting practices and federal regulations. If a deficiency is identified, the District will:

1. Issue a management decision on audit findings pertaining to the Federal award.
2. Consider whether the results of audits or reviews indicate conditions that necessitate adjustments to pass through entity's own records.

E. Methodology for Resolving Findings.

The District will work with subrecipients to resolve any findings and deficiencies. To do so, the District may follow up on deficiencies identified through on-site reviews, provision of basic technical assistance, and other means of assistance as appropriate.

The District will only consider taking enforcement action against non-compliant subrecipients in accordance with 2 CFR 200.338 when noncompliance cannot be remedied. Enforcement may include taking any of the following actions as appropriate:

- a) Temporarily withhold cash payments pending correction of the deficiency
- b) Disallow all or part of the cost of the activity or action not in compliance.
- c) Wholly or partly suspend or terminate the sub-award.
- d) Initiate suspension or debarment proceedings.
- e) Withhold further Federal awards for the project or program.
- f) Take other remedies that may be legally available.

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DAF-12 REPORTING ON REAL PROPERTY

The District will annually submit reports on forms provided by the New Hampshire Department of Education (NHED) and in accordance with the Rules or procedures of NHED of any real property in which the Federal Government retains an interest.

DAF-13 WHISTLEBLOWER PROTECTIONS: NOTIFICATION, RIGHTS & REMEDIES

In accordance with the Federal Uniform Grant Guidance, the District is committed to maintaining the highest standards of integrity and transparency in its operations. This policy encourages and protects employees, contractors, and other stakeholders who report, in good faith, any instance of fraud, waste, abuse, or any other misconduct related to federally funded programs. The District will not retaliate against any individual who, in good faith, reports concerns related to financial irregularities, fraud, or any violation of law or policy involving federally funded programs. Retaliation against a whistleblower may result in disciplinary action, up to and including termination.

The Superintendent shall ensure that all employees and contractors are notified in writing of their whistleblower rights and remedies under 41 U.S.C. § 4712, including the protection against retaliation for reporting misconduct.

Methods of notification may include:

- Employee handbooks, training materials, and/or other onboarding resources;
- Contracts with employees and or third party contractors;

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- Periodically distributed to all employees via email or other communication channels; or
- Displayed prominently in the District's internal communication platforms and in common areas of the workplace.

Individuals may report suspected violations through the following methods:

- Directly to the Superintendent or Business Administrator via email or in writing.
- Reporting directly to Office of Inspector General for the Federal awarding agency.

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Legal References:

2 C.F.R. Part 200

200.305; 200.313(d); 200.317-326; 200.403-406; 200.413(a)-(c); 200.430; 200.431; 200.458; 200.474(b)

7 CFR Part 210

210.16; 210.19; 210.21; 215.14a; 220.16

42 USC 1751-66 National School Lunch program

2 C.F.R. Part 180

Legal References Disclaimer: These references are not intended to be considered part of this policy, nor should they be taken as a comprehensive statement of the legal basis for the Board to enact this policy, nor as a complete recitation of related legal authority. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

Related Policies: DI, DID, DJ, DJC, DJE, DJF & DK

First reading: October 25, 2021

Second reading: November 8, 2021

CRISIS PREVENTION AND RESPONSE PLANS

The Board recognizes that schools are subject to a number of potentially dangerous events, such as natural disasters, industrial accidents, acts of terrorism, and other violent events. No school is immune from these events no matter the size or location. The Board is committed to the prevention of these events, to the extent possible, in the schools and at school-sponsored activities.

All hazard and fire evacuation drills shall be conducted annually pursuant to Board policy EBCB. The Superintendent shall establish a relationship with local and state emergency and law enforcement authorities. The Superintendent, or her/his designee, shall serve as a coordinator/liaison with these authorities.

A. Site-specific Emergency Operations Plan (RSA 189:64).

Each school shall develop a site-specific school emergency operations plan ("EOP") based on and conforming with the Incident Command System and the National Incident Management System and pursuant to RSA 189:64.

Each Emergency Operations Plan will address hazards as including, but not limited to: acts of violence, threats, natural disasters, fire, hazardous materials, medical emergencies, and other hazards deemed necessary by the School Board or local emergency authorities.

School building principals, or their designee, shall annually review their site-specific EOP and submit updated plans (or report of no changes) to the Superintendent for review by September 15th of each year.

If, after such review, the plan remains unchanged, then the Principal shall notify the New Hampshire Department of Safety by October 15 that the plan is unchanged. If an Emergency Operations Plan is updated/revised, Principal shall submit the updated Emergency Operations Plan to the Director of Homeland Security and Emergency Management of the Department of Safety by October 15.

B. District-wide Crisis Prevention and Response Plan.

The Superintendent, in consultation with appropriate personnel, and in coordination with local emergency authorities, shall develop a District-wide Crisis Prevention and Response Plan (the "District Crisis Plan"). The District Crisis Plan shall serve as a compilation of each site-specific Emergency Operations Plan for each District school and shall include the current Sports Injury Emergency Action Plan as required under Board policy JLCJA and RSA 200:40-c.

The District-wide Crisis Plan will include provisions addressing coordination of crisis prevention and responses between and among the different schools, grounds, school buses, and other facilities of the District. Additionally, the District Crisis Plan should address:

In order to avoid plan/policy conflicts, the District Crisis Plan will reference applicable sections of other pertinent plans rather than restate. Emergencies relating to hazardous chemical use should be addressed in the Chemical Hygiene Plan under policy EBCH.

The District Crisis Plan shall be updated and provided to the Board for review by October 31 each year (i.e., after the site-specific EOP's are submitted to the state).

C. Coordination.

The Superintendent will establish a relationship with local and state emergency services (e.g., police, fire, ambulance, etc.). Unless otherwise provided in a site-specific EOP, the District-wide Crisis

Prevention and Response Plan or the District Communication Plan, the Superintendent, or his/her designee, will serve as the coordinator/liaison with these authorities. Additionally, the Superintendent should designate personnel to explore the availability of any training or support provided by the New Hampshire Departments of Education and/or Safety associated with risk assessment, crisis management, and other matters related to this policy.

Legal References:

RSA 189:64, Emergency Response Plans

RSA 193-D, Safe School Zones

RSA 193-F, Pupil Safety and Violence Prevention

NH N.H. Dept. of Education Administrative Rule, Ed. 306.04(a)(2), Promoting School Safety

Incident Command System Preparations: www.osha.gov/SLTC/etools/ics/prepare_implement.html

Federal Emergency management Agency, Planning Ahead: www.fema.gov/plan/index.shtm

First Reading: November 7, 2022

Second Reading: November 28, 2022

~~Policy-EBCH: Chemical Safety and Chemical Hygiene Plan~~
**CHEMICAL
SAFETY AND CHEMICAL HYGIENE PLAN**

Status: ADOPTED

Original Adopted Date: 09/30/2024 | Last Reviewed Date: 09/30/2024

Category: Priority / Required by Law

ADOPTION/REVISION NOTES –

Text between the highlighted lines “~~~~~”, and highlights in this sample should be removed prior to adoption.

- General – As with all sample policies, NHSBA recommends that each district carefully review this sample prior to adoption/revision to assure suitability with the district's own specific circumstances, internal coding system, current policies, and organizational structures.
- Highlighted language or blank, underscored spaces indicate areas which boards should review, change or complete to reflect local personnel titles, internal/ external policy references, duty assignments etc.
- (**) indicates a reference to another NHSBA sample policy. A district should check its own current policies and codes to assure internal consistency.
- Withdrawn & earlier versions of revised policies should be maintained separately as part of the permanent records of the District.

NHSBA history: New policy - September 2024.

NHSBA revision history: September 30, 2024, NHSBA created this new sample policy (a) to satisfy a requirement in NH Ed 320.02(b)(3) that districts have a policy to minimize the use of toxic chemicals, and provisions prohibiting employees from bringing their own cleaning products or pesticides into school buildings, and (b) to include information regarding the requirement under Ed 320.02(b)(8) that districts create a chemical hygiene plan with elements as described in that section of Ed 320.02. The Upper Valley Lake Sunapee Regional Planning Commission has graciously made available a sample Chemical Hygiene Plan template for districts to use in preparing their own plans. That template is provided as EBCH-E(1).

- A. **Purpose.** The Board's objective is to help ensure a healthy, clean, and safe learning and work environment for students, employees, and others present on school property. The policy accomplishes this in two ways. First, it establishes standards regarding the use and handling of toxic chemicals for cleaning and pest control. Second, it directs the creation of a chemical hygiene and safety plan (the "Plan") for managing hazardous substances on District property and responding to any emergencies resulting from hazardous substances. This Plan shall include all points where hazardous substances might be used and or stored on District property, including, but not limited to, materials used in connection with: chemistry and other science labs, art rooms, shop classes, food services, facilities and grounds keeping, or custodial services.

"Hazardous substances" as used in this Policy shall mean and include any material specifically designated as hazardous by state or federal law, or any other substance or mixture of substances which may be explosive, ignitable, corrosive, reactive, or toxic.

- B. **Plan Preparation and Contents.** The Board directs the [Superintendent or ~~designee/Communication Committee or other personnel/committee~~] to prepare a Chemical Hygiene Plan that complies with all local, state, and federal laws and regulations which pertain to the proper management of hazardous materials. When necessary, the District shall contact the U.S. Environmental Protection Agency (EPA) and/or the New Hampshire Department of

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Environmental Services (NHDES) to obtain relevant information regarding hazardous substances.

Additionally, the Plan shall address at least the following:

1. Identification and inventory of hazardous materials - describing a process by which hazardous substances will be identified and inventoried, and may include a classification system for grouping hazardous materials for purposes of acquisition, storage, use, disposal, record-keeping, and emergency response.
2. General provisions outlining response Hazardous Substance Emergencies, with such items as responsible personnel, required resources, decision making ladders, message-specific templates, parental notification, media plans, etc.; these provisions shall be incorporated into the District Crisis Prevention and Response Plan¹ and site-specific Emergency Operations Plans prepared under Board policy ~~1.600~~ EBCA;
3. Special provisions for specific substances, e.g., and as pertinent:
 - a. Criteria for acquisition
 - b. Storage
 - c. Use
 - d. Disposal
 - e. Incident prevention
 - f. Special provisions relative to accidental release or other emergency;
4. Provisions to minimize the use of toxic chemicals for cleaning or pest control, including the prohibition of staff bringing cleaning products or pesticides onto District property without prior approval from the administration;
5. Procedures required for staff to obtain approval from school administration in order to bring cleaning products or pesticides onto District property;
6. Protocols and procedures relative to implementation of the Plan, including staff responsibilities by individual position and/or generalized;
7. Provisions relative to staff training, including such items as individualized and general training, who is responsible for ensuring training is conducted and updated, frequency, how and by whom training syllabi are established; Additionally, employees receiving such training will be encouraged to make less dangerous substitutions for hazardous substances to the extent possible and to minimize the generation of such substances;
8. Provisions proposing consequences and/or remedies for employees who fail to adhere to the Plan or established procedures included in Faculty Handbooks;
9. Provisions relating to student training and proposed sanctions/remedies/interventions to be included in applicable Student Codes of Conduct ~~and/or handbooks~~ Student Handbooks;
10. Protocols for reporting general (non-emergency concerns regarding hazardous substances on District property.

See NH Ed 320, specifically Ed 320.02(b)(8), for additional guidance on chemical hygiene Plan content.

- C. **Prohibition of Introduction of Cleaning Products or Pesticides by School Staff.** No employee or designated volunteer may bring any cleaning products or pesticides onto District property without prior approval of the school administration, or as specifically provided in the Plan.
- D. **Biennial Review and Update.** The Superintendent and/or designee shall ensure that the Plan and all procedures and protocols adopted pursuant to this policy are reviewed no less than every two (2) years and updated as necessary. The Copies of the updated Plan and procedures should be provided

to the Board no later than the start of each school year. Recommendations requiring Board policy changes should be brought to the ~~Policy Committee and~~ Policy Committee and Board as soon as reasonably practicable.

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~~1. [Delete in.] NHSBA sample policy EBCA directs the creation of a coordinated "District-wide Crisis Prevention and Emergency Response Plan", which, among other things, includes each of the statutorily required site-specific Emergency Operations Plans (see RSA 189:64). Districts which do not adopt EBCA nonetheless must file annual site-specific Emergency Operation Plans, which include some provisions relating to communications in event of certain emergencies.~~

District Policy History:

First reading: _____

Second reading/adopted: _____

District revision history:

Legal References Disclaimer: *These references are not intended to be considered part of this policy, nor should they be taken as a comprehensive statement of the legal basis for the Board to enact this policy, nor as a complete recitation of related legal authority. Instead, they are provided as additional resources for those interested in the subject matter of the policy.*

DISCLAIMER: This sample policy manual is copyrighted to the New Hampshire School Boards Association and is intended for the sole and exclusive use of NHSBA Policy Service Subscribers. No portion of this manual may be reproduced, copied, transmitted, distributed, in any form, except as needed for the development of policy by a subscribing district. The materials contained in the manual are provided for general information only and as a resource to assist subscribing districts with policy development. School districts and boards of education should consult with legal counsel and review all sample policies and regulations to address local facts and circumstances prior to adoption. NHSBA continually makes revisions based on school districts' needs and local, state and federal laws, regulations and court decisions, and other relevant education activity.

NH Dept of Ed Regulation
N.H. Code Admin. Rules Ed 320

Description
[School Facility Approval Process](#)

Cross References

Code
EBCA

Description
[Crisis Prevention and Emergency Response Plans](#)

EBCH-E(1)**Chemical Hygiene Plan (Template) for
XXXXXXXXXX Newfound Area School District**

**~~[Prepared and made available by the Upper Valley
Lake Sunapee Regional Planning Commission]~~**

In 1990 the Federal Occupational Safety & Health Administration (OSHA) established regulation 29 CFR 1910.1450, *Occupational Exposures to Hazardous Chemicals in Laboratories*, otherwise known as The Laboratory Standard. The New Hampshire Department of Education adopted Administrative Rule Ed 320 in October 2023 which requires a Chemical Hygiene Plan that identifies at a minimum:

- a. That all chemicals shall be properly stored and labeled;
- b. That all flammables shall be stored in a manner that meets NFPA 30: Flammable and Combustible Liquids Code;
- c. That all acids shall be stored in a cabinet constructed from corrosion-resistant materials;
- d. That all rooms and storage areas with chemicals shall have proper ventilation;
- e. That all chemical hoods used in science experiments shall be maintained in accordance with manufacturers' recommendations;
- f. That all chemicals shall be properly managed and disposed of; and
- g. That all safety data sheets, identified by Occupational Safety and Health Administration 29 CFR 1910.1200(g), are on file at the school in accordance with 29 CFR 1910.1200

The Administrative Rule includes language for "all science labs, automotive shops, and other places where hazardous liquids or open flames are frequently used." (Ed 320.02(b)(6)) It also includes language for a facility maintenance plan addressing custodial training, integrated pest management plan, a healthy indoor quality plan. (Ed 320.02(b)(2)) This plan will include all departments having chemicals: art, automotive, biology, chemistry, custodial, industrial arts.

The NH Department of Labor adopted and enforces this legislation for public-sector workplaces.

The legislation requires all employers with science laboratories that meet the requirements of the standard to develop a Chemical Hygiene Plan. The Plan details how each employee will be protected from overexposure to hazardous chemicals and describes specific work practices and procedures in the laboratory to minimize employee risk. Science laboratories are defined as areas where small quantities of chemicals are used on a non-production basis, multiple chemical manipulations or chemicals are used, protective practices and equipment are available and used to

protect lab personnel, and work with substances in which the containers used are designed to be easily and safely manipulated by one person.

The Laboratory Standard supersedes other standards within 29 CFR, including the Hazard Communication Standard and the substance specific standards (with the exception of certain elements). Students are not considered employees under this law, but prudence dictates that they should be expected to comply with all practices and procedures.

A Chemical Hygiene Plan reflects a school's chemical hygiene program, which is an ongoing, dynamic effort, not a one-time event. The sample plan below incorporates both requirements and recommendations for complying with the Laboratory Standard and ensuring a safe working and learning environment in science laboratories. Administrators who think that specific measures do not apply in their situations, should refer to the Standard to determine if law requires such measures.

Some relevant New Hampshire Department of Environmental Services and New Hampshire Department of Education regulations are referenced in the sample plan.

To prepare your plan, follow these steps:

1. Read the OSHA Laboratory Standard, 29 CFR 1910.1450. (www.osha.gov)
2. Develop a policy statement, expressing the school or school district's commitment to lab safety.
3. Follow the sample program in order, adding information specific to your school. Review the related sections of the Standard, including Appendix A, as you work on each major program section.

The information contained in this sample program is not considered a substitute for any provisions of any OSHA or other law or regulation. Use of this sample program does not guarantee compliance with applicable standards. We suggest that a qualified person review your final program.

Chemical Hygiene Plan for (school name here)

The XXXXXXXXXXXX School District has made a commitment to provide a safe environment. All personnel have a right to know about health hazards associated with their work. So that personnel can make knowledgeable decisions regarding personal risks, the Laboratory Chemical Hygiene Plan includes policies, procedures, and responsibilities designed to develop an awareness of potentially hazardous conditions or chemicals in the laboratory and to train personnel in appropriate safe working conditions.

It is important that employers assume responsibility for work site safety. All employees will have access to pertinent safety information through their supervisory staff. The people who work in any given environment are often best able to detect potential hazards in either the facility or work procedures. When safety concerns arise, employees are encouraged to contact their supervisor.

This program is for the benefit and protection of all who use the school facility. It contains information on potential chemical hazards and how they should be handled.

Signed

Superintendent: _____

Printed Name: _____ Date: _____

Chemical Safety Officer: _____

Printed Name: _____ Date: _____

Building Principal: _____

Printed Name: _____ Date: _____

I. Responsibilities

Specific to this Chemical Hygiene Plan for _____ School, employees (teachers, staff), administrators (superintendent, principal), and students all have responsibilities to conform to this standard. The senior administrative officer, _____ (person or position) is ultimately responsible for chemical hygiene within the institution and must, with other administrators, provide continuing support for institutional chemical hygiene. 29 CFR 1910.1450 (e)(3)(vii) and Appendix A (B)

A. Administration Responsibilities

1. Appoint a Chemical Hygiene Officer from within the school system. The Chemical Hygiene Officer is _____.
2. Implement a Chemical Hygiene Plan conforming to the OSHA Lab Standard (29 CFR 1910.1450).
3. Ensure that employees receive training regarding the Chemical Hygiene Plan.
4. Allocate staff time for regular, formal chemical hygiene and housekeeping inspections, including routine inspections of emergency equipment and an annual chemical inventory.
5. Maintain a record of all chemical exposures and provide employee access to these records as well as any medical records. Ensure confidentiality of all personnel records.
6. Provide resources to ensure that facilities and equipment align with requirements of the Plan.
7. Phase out mercury in the school and/or school district, per Department of Environmental Protection regulations.
8. Ensure that the local Fire Department receives a copy of the annual chemical inventory.
9. List additional administrative responsibilities for lab safety:

B. Chemical Hygiene Officer Responsibilities

1. Work with the administration and science department staff to develop and implement appropriate chemical hygiene policies and practices.
2. Monitor procurement, use and disposal of chemicals in the lab, including determining that facilities and training provided are adequate for the chemicals in use.
3. Perform regular safety audits.
4. Maintain Safety Data Sheets (SDS) for science laboratory chemicals.
5. Oversee annual chemical inventory. Provide a copy of the current chemical inventory to the front office and local first responders.
6. Maintain current knowledge of legal regulations regarding laboratory and chemical safety.
7. Coordinate annual review of the Chemical Hygiene Plan (CHP) by science staff.
8. Coordinate annual hazardous waste disposal for science department.

9. Oversee maintenance of appropriate spill kit and materials.
 10. Maintain communication with administration regarding the CHP.
 11. Provide training to colleagues, including administrators, teachers, and facilities staff.
 12. Submit budget for maintenance of lab equipment and inspections.
 13. Additional responsibilities of Chemical Hygiene Officer in this school:
-
-

C. Teacher Responsibilities

1. Plan and conduct each laboratory operation in accordance with the Chemical Hygiene Plan and safe work practices.
 2. Develop and model good personal chemical hygiene habits.
 3. Align curriculum with Chemical Hygiene Plan. Ensure that students meet their lab safety responsibilities. Prohibit unsupervised work by students.
 4. Participate in chemical inventories.
 5. Plan and conduct each laboratory exercise with the least toxic materials. Obtain and review SDS prior to requesting new chemical.
 6. Annually submit a list of experiments and materials needed to the Chemical Hygiene Officer (CHO).
 7. Label, use, and dispose of each chemical as required.
 8. Maintain laboratory safety equipment.
 9. Maintain spill kits that are consistent with type and amount of chemicals used.
 10. Maintain communication with Chemical Hygiene Officer.
 11. Additional lab safety responsibilities for teachers at this school
-
-

D. Student Responsibilities

1. Understand the experimental procedure before starting to work in the laboratory.
 2. Become familiar with the properties and hazards of the chemicals in use.
 3. Obey all safety rules and regulations. Wear appropriate personal protective equipment as instructed.
 4. Clean personal work area immediately after use. Obey good housekeeping practices.
 5. Do not engage in inappropriate behavior (*i.e.* no horseplay).
 6. Conduct only the experiments assigned by the instructor. Never perform unauthorized or unsupervised experiments.
 7. Never remove chemicals from the laboratory.
 8. Never work in the laboratory unless authorized to do so. Never work alone in the laboratory.
 9. Report chemical spills and accidents to teacher immediately.
 10. List additional lab safety responsibilities for students at this school
-

E. Custodian Responsibilities

1. Understand and follow chemical and hazardous waste management regulations and best practices.
2. Clean science laboratories and storage areas with caution.
3. Report chemical spills to CHO and/or administrator. Do not clean up spills without proper training.
4. List additional lab safety responsibilities for facilities staff at this school:

II. Basic Safety Rules and Procedures

"The Chemical Hygiene Plan shall include...standard operating procedures relevant to safety and health considerations to be followed when laboratory work involves the use of hazardous chemicals." 29 CFR 1910.1450(e)(3)(i)

Adhere to the intent and procedures of this CHP.

1. Know the safety equipment. Users of the science labs must know:
 - a. The location of eyewash fountains, safety showers, fire blankets, fire extinguishers, first aid kits, and emergency exits;
 - b. How to respond in case of an emergency; and
 - c. How to use the safety equipment. Those expected to use the equipment (e.g. fire extinguishers) must receive proper training.
2. Know the hazards of the materials being used. Read labels carefully to make sure you are using the right chemical. Know how to interpret information from a Safety Data Sheet.
3. No horseplay, games, or pranks in the laboratory.
4. Dispose of all waste materials according to instructions. Follow local, state, and federal disposal requirements.
5. Report any accidents or unsafe conditions to _____ (person or position) immediately.
6. Assume any chemical mixture is more toxic than its most toxic component. Substances of unknown toxicity will be assumed to be toxic. Do not underestimate the risk of any chemicals.
7. Do not eat, drink, or apply cosmetics in the laboratory.
8. Do not taste any chemical. Do not smell chemicals directly.
9. Do not pipette solutions by mouth.
10. Wash hands with soap and water before leaving the laboratory, even if you have been wearing gloves.
11. Promptly flush exposed skin with water. Drench showers are located _____.

12. See also **Housekeeping** section of this CHP.
 13. Additional basic safety rules and procedures for this school:
-
-

III. Chemical Procurement

29CFR1910.1450 Before a chemical is procured, proper handling, storage and disposal methods must be known to those responsible.

1. Purchase the smallest possible amounts of chemical to be used. Whenever practical, chemicals should be purchased as pre-diluted solutions to minimize mixing and the chance for improper labeling and storage.
2. Do not accept a container without an adequate label and safety data sheet.
3. The _____ (*school name*) will follow a purchasing policy and procedures to minimize large quantities of chemicals and/or extremely hazardous chemicals from entering the school.
4. No chemical will be purchased in quantities greater than a two-year supply.
5. Requests for procurement of new chemicals will be made through _____ (*person or position*). Any concerns about the safety of a requested chemical should be brought to the attention of the Chemical Hygiene Officer or _____ (*person or position*).
6. All chemicals will be received _____ (*location – preferably central location*) by _____ (*person or position*).
7. (Choose one of the following options.)
 - The school will not accept donations of chemicals from outside sources.

OR

- The school will not accept donations of chemicals from outside sources without review by the CHO to insure that the material is a) needed by the school; b) useful to the school as donated; c) a quantity no greater than a two-year supply; and d) is not a hazardous waste at the donating organization. The school will follow New Hampshire's Hazardous Waste Management Rules, CHAPTER Env-Hw 100 for applicable exclusions and procedures for transfer.

IV. Control Measures

"The Chemical Hygiene Plan shall include... criteria that the employer will use to determine and implement control measures to reduce employee exposure to hazardous chemicals including engineering controls, the use of personal protective equipment and hygiene practices..." 29 CFR 1910.1450(e)(3)(ii)

A. Engineering Controls

Engineering controls are the preferred methods of minimizing exposure to chemicals. Controls must be maintained in proper working order. Engineering controls must not be modified unless testing indicates the changes will not reduce protection. Report improper functioning of engineering controls to the Chemical Hygiene Officer immediately.

1. Laboratory Hoods – will be used for all chemical procedures involving volatile substances with a permissible exposure limit (PEL) less than 50 ppm. Work practices for hoods:
 - a. Keep sash closed when not working in the hood. When working in the hood, keep sash height as low as possible.
 - b. Do not store chemicals inside the hood.
 - c. Do not use hood for disposal of volatile chemicals.
 - d. Minimize interference with the inward flow of air into the hood.
 - e. Maintain face velocity between 75 and 150 feet per minute. At this school _____ (person or position) is responsible for monitoring the hood and keeping records.
 - f. Fume hoods must be functioning properly
 - g. Ensure fume hoods are tested per manufacturer's recommendations. The Department of Labor prefers fume hoods to be tested annually
2. Storage cabinets for flammable and hazardous chemicals will be provided and ventilated as needed in compliance with state and federal regulations. The flammable cabinet will be either direct vented to the outside or not vented with gongs left in place.
3. All acids will be stored in an acid cabinet.
4. A general ventilation system will be maintained for each lab with air intakes and exhausts located so as to avoid intake of contaminated air.
5. Additional engineering controls used in this school's science labs include:

6. Fire extinguishers must be inspected monthly by internal personnel, and annually by a licensed professional.
7. Safety equipment to include eyewash stations and emergency showers must be inspected on a regular basis.

B. Protective Clothing and Equipment

Clothing worn in the laboratory should offer protection from splashes and spills, should be easily removable in case of an accident, and should be fire resistant.

1. Conduct a personal protective equipment (PPE) hazard assessment to determine appropriate PPE for conditions, equipment and chemicals being used. List activities requiring PPE and type of PPE required:

Certification of Hazard Assessment

Work Area _____ Assessment Conducted By _____

_____ Date _____

Personal Protective Equipment - Hazard Analysis – By Task

Task	Hazard	PPE Required	Notes

2. Students and staff will wear appropriate PPE to avoid chemical exposure.
 - a. Wear eye protection during chemical transfer and handling.
 - b. Do not wear sandals, perforated shoes, or bare feet in labs.
 - c. Shorts and skirts will not be worn unless a disposable apron is worn.
 - d. Gloves appropriate to the materials and task will be provided. All gloves have a breakthrough time. The teacher will check manufacturer's recommendations.
3. The school will provide required PPE for all employees at no cost.
4. School policy on providing PPE for students:

-
-
5. The user must inspect PPE before each use. Defective personal protective equipment will not be used and will be reported to the CHO by the teacher.

6. Each science laboratory will have
 - a. An easily accessible drench-type safety shower;
 - b. An eyewash fountain; and
 - c. An ABC fire extinguisher.
 - d. Other safety equipment at this school:
 7. Fire alarms and emergency telephone are located near each lab, at _____
(locations).
 8. Conduct work with toxic chemicals in a fume/vapor hood. Confirm hood performance before use.
 9. Additional protective clothing and equipment practices at this school:
-
-

C. Housekeeping

Each instructor is responsible for keeping his or her workspace clean and is jointly responsible for common laboratory areas.

1. Keep unobstructed access to emergency equipment such as showers, eyewash, fire extinguishers, fire blankets, and emergency exits.
 2. Keep work areas clean and uncluttered, with chemicals and equipment properly labeled and stored. Clean the work area at the end of each operation or each day. Make sure all gas and water outlets are completely shut off. Return all items used in the experiment to their proper storage location.
 3. Dispose chemical wastes according to Department of Environmental Services hazardous waste or solid waste rules (Scroll to chapters 850 and 851.), or, call the DEP directly.
 4. Secure gas cylinders.
 5. Clean up any spills on the floor or bench immediately.
 6. Additional housekeeping rules for chemical labs in this school:
-
-

D. Hazardous Material Handling and Storage

Follow all federal, state and local regulations for material handling and storage and waste disposal.

1. Chemicals will be stored in Room(s) _____ (location).
_____ (person or position) will oversee the chemical storage room(s).
2. All used chemicals and hazardous waste will be stored in Room _____ (location).

3. All chemicals in the stockroom should be stored according to chemical compatibility. Chemicals will be segregated by hazard classification and compatibility in a well-identified area with local exhaust ventilation.
4. Use appropriate shelving or cabinets. If metal clips are used to hold shelves, they should be inspected for corrosion and replaced as necessary.
5. Store flammable liquids in approved fire cabinets. Where possible, vent flammable cabinets to the outdoors. If not possible to vent to the outdoors, do not vent the cabinet at all (leave the bungs on place).
6. Do not store chemicals on the floor (except gas cylinders) or above eye level.
7. Gas cylinders should be properly secured, segregated according to compatibility, and stored upright and away from heat sources.
8. Restrict access to chemical storage areas through signage and secure locks. No student or unauthorized faculty should be allowed in storage area unsupervised.
9. Make sure shelves holding containers are secure. Attach anti-roll lips on shelves to prevent chemicals from falling.
10. When opening newly received chemicals, immediately read the warning label to be aware of any special storage precautions like refrigeration or inert atmosphere storage.
11. Storage of chemicals is not allowed at the lab bench or areas outside the designated chemical storage room, such as in aisles, stairwells or hallways or on desks or floors.
12. Maintain a complete inventory of chemicals in the chemical storage room. Inventory science chemicals at least annually. File the annual inventory with the _____ (name of local fire department or emergency response).
13. Any chemicals identified during the inventory as expired, outdated, unlabeled, unknown, or unwanted must be listed for disposal. See **Waste Disposal** section.
14. Mark the acquisition dates on all peroxide forming chemicals and test them for peroxides or dispose of them after six months.
15. Provide spill cleanup supplies (absorbents, neutralizers) in any room used for chemical storage or use.
16. Exhaust air from the stockroom should be ducted directly to the outside. At this school, _____ (person or position) is responsible for ensuring that the exhaust air is properly ducted.
17. Use refrigerators of explosion-proof, or explosion safe design only. Standard refrigerators that have not been converted should never be used to store flammable chemicals; a spark from a light bulb may ignite flammable vapors. Do not store food in the refrigerator.
18. Chemicals should be dated upon receipt, dated to be disposed where appropriate, and dated when opened (e.g., peroxides, anhydrous ethers, sodium nitrites, etc.).
19. Chemical containers should be periodically checked for rust, corrosion, and leakage.
20. Chemical labels should state the name of the chemical, be firmly attached to the container, list hazards, and name responsible party (manufacturer).
21. Chemical labels must be readable and free from chemical encrustation.
22. Maintain clear access to and from the storage areas. Where possible, two separate exits shall be provided in chemical storage areas.

23. Highly toxic chemicals (LD 50 50 mg/kg) whose containers have been opened will be stored in secondary containers.
24. _____ (person or position) will examine stored chemicals at least _____ (frequency) for container integrity.
25. Additional procedures for chemical handling and storage at this school include:
- _____
- _____

E. Inspections

1. _____ (person or position) is responsible for activating safety showers and eyewash fountains _____ (frequency) to flush the lines and to verify proper operation.
2. _____ (person or position) is responsible for assuring that fume hoods are monitored quarterly to ensure adequate airflow (75-125 linear feet per minute). [SafetyWorks! can conduct monitoring at no cost.]
3. _____ (person or position) is responsible for making sure fire extinguishers are the correct type (ABC), at recommended pressure, are easily accessible, and are inspected monthly. Fire extinguishers should be securely mounted on the wall and a sign indicating their location posted above the fire extinguisher.
4. Users should inspect personal protective equipment prior to each use.
5. In addition to daily walk-through inspections, _____ (person or position) is responsible for conducting safety inspections in each lab _____ (frequency) to monitor housekeeping and to make sure safety equipment is working.
6. Keep records of inspections in a form similar to the following, or directly on the inspection tag on each fire extinguisher:

Inspection description	Date inspected	Inspected by

7. Additional inspection procedures at this school include:
- _____
- _____

V. Medical Program

"The Chemical Hygiene Plan shall include provisions for medical consultation and medical examinations in accordance with paragraph (g) of this section." 29 CFR 1910.1450(e)(3)(vi) and (g)

A. Medical Consultation and Examination

When employees or supervisors suspect that an employee has been exposed to a hazardous chemical to a degree and in a manner that might cause harm to the victim, the victim is entitled to a medical consultation and examination without cost or loss of pay to the employee. Medical records shall be retained according to state and federal laws in accordance with 29 CFR 1910.1020. The events and circumstances that might result in overexposure to a chemical are:

1. A hazardous chemical leaked, was spilled, or otherwise released in an uncontrolled manner.
2. A hazardous chemical was spilled on the skin or splashed in the eye.
3. A person displays signs or symptoms that might indicate overexposure to a hazardous chemical including but not limited to rash, headache, nausea, coughing, tearing, irritation or redness of eyes, irritation of nose or throat, dizziness, loss of motor dexterity or judgment.
4. This school has arranged for _____ (name of healthcare organization) to provide medical consultations/examinations in the event of chemical exposure:

B. Exposure Assessment

1. All chemical exposure incidents shall be documented on an accident report form (attach sample form to this plan), along with any action taken. If no further action is taken, the reason for that decision should be included. In this school _____ (person or position) is responsible for investigating chemical exposure incidents.
2. Method for investigating exposure incidents at this school:

C. First Aid

1. Personnel trained in first aid should be available during work hours. The following have received first aid training and are expected to render first aid:

(list persons or positions)

2. The closest emergency room with medical personnel is _____
(name and address).

VI. Signs and Labels

29CFR1910.1450

The following signs and/or labels should be posted prominently in the laboratory:

- Emergency telephone numbers of emergency personnel, emergency facilities, administration, and the laboratory instructor.
Rescue: _____
Fire: _____
Hospital: _____
Poison Control: _____
Administration: _____
Lab Instructor: _____
Department of Public Safety: 1-800-452-4664
- Labels on all chemicals and other containers indicating the contents (including waste receptacles) and associated hazards.
- Location of exits, safety showers, eyewash station, fire extinguisher, fire blanket, and other safety equipment.
- Label all laboratory refrigerators "NO FOOD STORAGE ALLOWED".
- Warnings at areas or equipment where special or unusual hazards exist.
-
- Additional labeling at this school includes:

VII. Spills and Accidents

29CFR1910.1450 Appendix A (D)(9)

- In the event of a spill, staff must contact the CHO or _____ (other authorized persons) **before beginning cleanup** who will assess the nature of the spill using the School's Emergency Response Plan to determine appropriate response. The Emergency Response Plan for this school is located at _____ (location).
- The responsible staff will evacuate all persons from the spill or accident area until certain that the spill is not hazardous to people in the general area.
- _____ (person or position) is responsible for writing the accident report. _____ (person or position) will maintain accident records.
- Each student, teacher and staff member must know immediately what to do and where to go in case of any emergency.
- At this school _____ (person or position) is responsible for promptly addressing the needs of people who may have been exposed.

6. The CHO or _____ (*other authorized persons*) must report the spill to the Department of Public Safety (1-800-452-4664).
7. All waste generated from a chemical spill will be treated as hazardous waste.
8. Custodians and faculty cannot respond to chemical spills unless appropriate training and equipment has been provided. List of people trained to conduct spill response at this school, and date training was conducted:

Employees trained in spill response	Date trained

9. Additional spill/accident procedures at this school:

VIII. Waste Disposal

"Aim: To assure that minimal harm to people, other organisms, and the environment will result from the disposal, of waste laboratory chemicals." 29 CFR 1910.1450

More information can be found from the US EPA at <https://www.epa.gov/schools/toolkit-safe-chemical-management-k-12-schools>

Environmental regulations also govern chemical waste disposal. Go to Env-HW 500 at <https://www.des.nh.gov/rules-and-regulatory/administrative-rules?keys=envhw> or call NH DES directly at 1-866-HAZWAST

1. Prior to the start of each semester, _____ (*persons or positions*) will complete an inventory of stored chemical wastes (including virgin chemical stock identified as waste) and submit it to the CHO.
2. The CHO or _____ (*other designated person or position*) will coordinate hazardous waste disposal. Waste will be collected for disposal at least _____ (*frequency*).
3. Indiscriminate disposal by pouring waste down the drain or adding them to the general trash is unacceptable. It is not permissible to neutralize quantities of > 500 milliliters of corrosive hazardous waste or evaporate, distill, filter, or burn other waste chemicals.
4. If large quantities of hazardous chemical wastes are being stored or if a container is full, a hazardous waste pick-up should be scheduled by the CHO within 180 days of the container becoming full.

5. The CHO or _____ (specify other) is responsible for all hazardous waste manifests and associated paperwork.
6. No waste pick-ups will be scheduled during regular school hours.
7. All chemical wastes destined for hazardous waste disposal must be stored in the designated, signed hazardous waste storage area, Room _____, in appropriate DOT approved shipping containers and segregated for compatibility. All containers must have the following information on the label:
 - o "Hazardous Waste"
 - o The chemical contents,
 - o The date that waste was first put in and
 - o The date the container was filled.
 - o In this school, waste is collected, segregated, stored, transported and disposed of as follows (or attach waste disposal plan.):

8. When a hazardous waste pick-up is needed, this school will contact _____ (company name) at _____ (phone number) to transport and dispose of hazardous waste.

NOTE: Most schools are usually considered Small Quantity Generators by the Department of Environmental Services. Schools that do not know their regulator status should check with DES. This school is on a (select one) *septic system* or *municipal sewer system*.

If on a septic system:

No liquid chemicals, other than appropriate cleaning chemicals, will be disposed of down the drain. Non-hazardous liquid chemicals may be solidified for solid waste disposal (i.e. put in the trash). Custodians must be notified of any chemical put in the trash for disposal. Hazardous waste must not be disposed of down the drain or in the trash. Hazardous waste must be disposed of by a licensed hazardous waste transporter at a facility licensed to accept hazardous waste.

If on a municipal sewer system:

Non-hazardous liquid may be disposed of down the drain with the permission of the _____ sewer district (contact name and phone number _____). Corrosive hazardous waste, which is hazardous only due to pH (i.e. no contaminants of heavy metals, solvents, etc.), and which is less than 500 milliliters in quantity, may be neutralized to a non-hazardous waste prior to disposal. Non-hazardous liquid chemicals may also be solidified for solid waste disposal (i.e. put in the trash). Custodians must be notified of any chemical put in the trash for disposal.

IX. Information and Training

29CFR1910.1450(f)

1. All employees will be trained on the hazards of the chemicals in the laboratory and how to work safely with them. They will receive training at the time of employment and prior to assignments involving new exposure situations.
2. Teachers are responsible for teaching students about hazards and safe practices.
3. _____ (person or position) is responsible for ensuring that employees receive information and training to ensure they are aware of the hazards of chemicals that are present in their work area. This training must include the following:
 - a. The contents OSHA Lab Standard and appendices
 - b. Location and availability of Chemical Hygiene Plan, chemical safety reference materials, including Safety Data Sheets and the Permissible Exposure Limits for OSHA regulated substances. In this school:
 - The Chemical Hygiene Plan is kept _____ (location).
 - Safety Data Sheets are kept _____ (location).
 - Additional safety information is located _____ (location).
 - c. Signs and symptoms associated with exposure to hazardous chemicals
 - d. Methods and observations that may be used to detect the presence or release of a hazardous chemical (visible appearance, odor, monitoring equipment, etc.)
 - e. Knowledge of the hierarchy of protective measures such as engineering controls, work practices, personal protective equipment, and emergency procedures to protect workers from overexposure to hazardous chemicals
 - f. Emergency procedures to be used in case of a spill or exposure, including clean-up methods and equipment needed
 - g. Use of fire extinguishers and other emergency equipment

X. Annual Chemical Hygiene Plan Audit

29CFR1910.1450 (e)(4)

_____ (person or position) will conduct an audit of all phases of the Chemical Hygiene Plan each year. He or she will provide audit results to _____ (people or positions), who are responsible for taking corrective action.

EXCEPTIONS TO USE OF SPECIFIC COURSE MATERIAL(S)

The curriculum and course materials of the Newfound Area School District are designed to meet statutory requirements and include other areas of study deemed appropriate by the professional staff and the Board. The curriculum includes topics and materials that are age and ability appropriate to the students.

Parents and legal guardians shall be notified in writing, via email, other written means, or phone call, not less than two (2) weeks in advance of use of the curriculum course materials to be used for instruction of human sexuality or human sexuality education, and that the material is available for inspection at the school. The notice will identify and provide contact information for the member of the staff or faculty that a parent/guardian should contact to arrange an opportunity to inspect the curriculum course materials.

The Board acknowledges that from time to time individual students may be exposed to specific course materials which their parent(s)/legal guardian(s) find objectionable. In such cases, the parent(s)/legal guardian(s) may request an exception to the specific course materials in accordance with applicable law and the following procedure by completing the Parent/Guardian Objection to Specific Course Material Form (IGE-F).

1. The parent(s) or legal guardian(s) must:
 - a. Notify the Building Principal or designee in writing of the specific course material to which they object; and
 - b. Provide a detailed written description or actual copy of the course material which they propose as an alternative to the District's course material. That alternative material must meet applicable State requirements for education in the particular subject area.
 - c. Provide a detailed description of how and when the alternative course material will be delivered to the child at no cost to the District. The District shall have no responsibility for delivery of the alternative course material.
2. The Building Principal or designee shall review the proposed alternative course material and plan for delivery of the material; determine whether it is appropriate and meets State requirements and consult with the classroom teacher and other staff as appropriate.
3. The Building Principal or designee shall notify the parent(s)/ legal guardian(s) as soon as practicable whether or not he/she agrees to the alternative course material and plan for delivery of the material. Both, the Building Principal or designee and parent(s)/legal guardian(s) must agree in order for particular alternative course material to be approved as a replacement for District course material.
4. If the Building Principal or designee approves the alternative course material and plan for delivery, the parent(s)/legal guardian(s) must provide appropriate documentation of the student's successful completion of the material. Absent such documentation, the student will not receive credit for the work.
5. If the Building Principal or designee and parent(s)/legal guardian(s) cannot agree on alternative course material and a plan for delivery, the Superintendent or designee may be requested to assist in

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resolving the matter. In the event that there is no agreement, the District shall expect the child to continue to participate in the school's regular curriculum.

6. In the event that the parent(s)/legal guardian(s) are objecting to sex education or health programs the student shall not be required to participate in the District's regular curriculum, but may participate in an alternative program.

In accordance with the federal Protection of Pupil Rights statute, as a School District that receives federal Department of Education funds and NH RSA 186:11, IX-c, the Superintendent shall develop procedures to allow parent/guardian of a student to inspect any instructional material used as part of the educational curriculum for the student. The procedures will provide reasonable access to the requested instructional material promptly as is within a reasonable ~~under the circumstances~~ period of time after the request is received.

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In accordance with RSA 91-A, the names of the parent(s)/legal guardian(s) requesting exceptions to specific course materials and their reasons shall remain confidential.

In addition to the protections under this policy, per RSA 186:11, IX-c and Board policy IHAM, parents/guardians are afforded additional affirmative rights with respect to instruction or program of human sexuality, human sexual education, sexual orientation, gender, gender identity, or gender expression, including, among other things, the right to receive a minimum of 2 weeks advance notice of any curriculum course material to be used with respect to such instruction or program. Such notice will be delivered via email, other direct written means, website/social media posting, or phone call. As indicated in RSA 186:11, IX-c, no notice is required if the District employee is responding to a question from a student during class.

Legal Reference- RSA 186:11(IX-c and (IX-e)

20 U.S.C 1232h, (e) (1) (C), Protection of Pupil Rights

NH Statutes

RSA 186:11, IX-b & IX-c

RSA 193:40

Federal Statutes

20 U.S.C §1232h, (e)(1)(C)

Cross References

Code

IHAM

IHAM-R(1)

KEC

KEC-R(1)

Description

State Board of Education; Duties

Prohibition on Teaching Discrimination

Description

Protection of pupil rights

Description

Health Education and Exemption From Instruction

Health Education and Exemption From Instruction - Health and Sex Education Exemption/Objectionable Course Material: Opt-Out Form

Reconsideration of Instructional Materials

Reconsideration of Instructional Materials

IGE

First Reading: May 22, 2023
Second Reading: June 12, 2023

HEALTH EDUCATION AND EXEMPTION FROM INSTRUCTION

Consistent with Department of Education requirements, health and physical education, including instruction about parts of the body, reproduction, sexuality education, abstinence, sexually transmitted infections (STIs), sexually transmitted diseases (STDs) and related topics, will be included in the instructional program.

Instruction or programming must be appropriate to grade level, course of study, and development of students and must occur in a systematic manner. The Superintendent will require that faculty members who present this instruction receive continuing in-service training, which includes appropriate teaching strategies and techniques.

Parents/legal guardians will have the right to inspect and review health and physical instruction materials, which will be made reasonably accessible to parents/legal guardians and others to the extent practicable. Parents/legal guardians who wish to review or inspect health and physical education materials may arrange a meeting with the Principal to review the materials.

Parents or legal guardians shall be notified by email, other written means such as a course syllabus, website/social media postings or phone call, not less than two (2) weeks in advance of use of the curriculum course material to be used for instruction or programming of human sexuality or human sexual education, sexual orientation, gender, gender identity, or gender expression. ~~that the material is available for inspection at the school. The notice will identify and provide contact information for the member of staff or faculty whom a parent or guardian should contact to arrange an opportunity to inspect the curriculum course materials. The notice shall identify and provide contact information for the Principal or other staff member whom a parent or guardian should contact to arrange an opportunity to inspect the curriculum course material. However, no notice is required if a District employee is responding to a question from a student during class.~~

In accordance with the federal Protection of Pupil Rights Amendment, as a School District that receives federal Department of Education funds, and also in accordance with NH RSA 186:11, IX-c, the Superintendent shall develop procedures to allow the parent/guardian of a student to inspect any instructional material used as part of the educational curriculum for the student. The procedures will provide access to the requested instructional material promptly (as is reasonable under the circumstances) to instructional material within a reasonable period of time after the request is received. Accordingly, the notice will identify and provide contact information for the Principal or other staff member whom a parent or guardian should contact to arrange an opportunity to inspect the curriculum course material.

Opt-Out Procedure

Students over 18 years of age, or parents/legal guardians who do not want their child to participate in a particular unit of health or sex education instruction for personal reasons or objections, are allowed to have their child opt-out of such instruction.

Parents/legal guardians who wish to have their child opt-out of such instruction are required to complete the District opt-out form and to state the particular unit of curriculum in which the student is not to participate. Any student who is exempted by request of the parent/legal guardian under this policy may be given an alternative assignment sufficient to meet state standards for health education. The alternative assignment will be provided by the health ~~or physical education~~ teacher in conjunction with the Principal.

Parents/legal guardians who do not want their child to participate in a particular unit of health ~~or physical education~~ for personal reasons must complete a Health or Sex Education Opt-Out form (see IHAM-F). Opt-Out forms are available from either the health education teacher, the Principal, or on the district website.

Opt-out requests must be submitted annually and are valid only for the school year in which they are submitted.

~~In accordance with the federal Protection of Pupil Rights Statute, as a School District that receives federal Department of Education funds, the Superintendent shall develop procedures to allow parent/guardian of a student to inspect any instructional material used as part of the educational curriculum for the student. The procedures will provide reasonable access to instructional material within a reasonable period of time after the request is received.~~

First Reading: May 8, 2023

Second Reading: May 22, 2023

Legal References:

NH Code of Administrative Rules, Section Ed 306.40, Health Education Program

NH Code of Administrative Rules, Section Ed 306.41, Physical Education Program

RSA 186:11, IX-b, Health and Sex Education

RSA 186:11, IC-c and IX-e Notice to Parents/Guardians Required

20 USC 1232h, (c) (1) (C), Protection of Pupil Rights

EBCG

IGE

JLIF

JLIF-R(1)

Communicable & Infectious Diseases

Parental Objections to Specific Course Material

Receipt and Use of Sex Offender Registry Information

Receipt and Use of Sex Offender Registry Information

HIGH SCHOOL GRADUATION REQUIREMENTS

It is the mission of the Newfound Area School District to help all students reach their potential and to help them grow toward mature citizenship. Each student is encouraged to develop and maintain the role of a lifetime learner by using the school experience in working toward a high degree of literacy. For the purpose of self-fulfillment, Newfound students must be assisted in becoming effective communicators and problem solvers.

Acceptable levels of achievement at defined competencies will be necessary for graduation. Support for assessment of satisfactory outcomes will include data generated through rubrics associated with interdisciplinary study, student portfolios, juried student projects/demonstrations, community service fulfillment and standardized testing.

The Newfound Area School District will present a variety of opportunities for all students to make progress toward:

- developing skills necessary to sustain themselves in society;
- studying, in-depth, particular areas of interest and aptitude;
- entering into vocational-technical fields or into institutions of higher learning;
- exploring a variety of subject areas to gain reasonable occupational awareness;
- maintaining physical fitness and developing the skills and habits to sustain fitness;
- independently investigating the most wholesome use of leisure time;
- attaining physical and emotional well-being;
- enhancing productive citizenship in community, state and nation;
- understanding citizen interaction in the environment;
- understanding the arts in their aesthetic and creative aspects;
- developing positive human relationships emphasizing mutual respect.

Provision will be made for each student according to individualized characteristics. The need to have instructional guidance and assistance in pursuing a program of study for attainment of mission outcomes will be accentuated. The School Board desires that standards for graduation prepare students for further educational pursuits and/or postgraduate careers.

A. Credit Requirements.

1. Awarding of Credit. Credit will be awarded in accordance with Board policy IK, Earning of Credit. Additionally, a unit of credit or fraction thereof shall be given upon satisfactory completion of a course or learning experience in compliance with the district-specified curriculum and assessment standards. In some cases, course credit may also be awarded based on demonstrated mastery of the required competencies for the course. Assessment of mastery will be the responsibility of the Principal, and will be in accordance with Board policy ILBAA, High School Competency Assessments. Credit will be awarded only once for a specific required course with the same content during the secondary school experience.
2. Alternative Credit Options. The Superintendent or Principal may approve the granting of credit earned through alternative methods outside of regular classroom-based instruction. Such alternative methods of instruction may include extended learning opportunities,

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distance education, alternative learning plans, or others approved by the Superintendent or designee. Awarding of credits to be applied toward high school graduation requirements will be determined by the high school Principal on a case-by-case basis. Such credit will be granted pursuant to the provisions of Board policy IMBC, Alternative Credit Options and other applicable Board policies.

The Newfound School District requires to demonstrate proficiency in competencies in the following content areas.

	<u>Credit Units</u>
English	4.0
Financial Literacy	0.5
Fine Arts	1.0**
Health	0.5
Information and Communications Technologies	0.5
Tech Skills for Life	0.5**
Mathematics	3.0*
Physical Education	1.0
Senior Project	1.0
Physical Science	1.0
Biological Science	1.0
Science Elective	1.0
(may include Science, Technology Education, and Computers)	
US and NH History	1.0
Economics	.5
Civics	.5
Global Studies	1.0
Electives	6.0
Total	24.0**

*including Algebra credit that can be earned through a sequential, integrated, or applied program.

**Effective starting with the Class of 2025 and subsequent classes.

Students shall engage with and apply English and Mathematics competencies during each of the 4 years that they are enrolled in high school even if competencies for English and Mathematics have been demonstrated. Students may engage in either Mathematical coursework or by enrolling in one of the following courses during the fourth year of school enrollment: Accounting I, AP Computer Science, Digital Animation, Chemistry, Computer Programming I or II, Physics, Financial Literacy, as well as Level II programming courses at the Career Technical Education Center (CTE).

B. Passage of Civics Exam

The district will develop a competency assessment of United States government and civics, consistent with pertinent and applicable law. This assessment will be administered to students as part of the high school course in history and government of the United States and New

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Hampshire. As part of the graduation requirements for a high school diploma, a student must obtain a passing grade on this assessment.

Effective for students graduating in 2024, the district will also administer the 128 question civics (history and government) naturalization examination developed by the 2020 United States Citizen and Immigration Services ("U.S. Citizenship Test"). This exam may be modified for a student with a disability in accordance with the student's individualized education program. Students must earn a grade of 70 percent or better to be eligible to receive a high school diploma or other graduation certificate.

Under RSA 189:11, II, the Superintendent will submit the composite results of either the locally developed civics competency assessment or the U.S. Citizenship Test to the N.H. Department of Education.

Those students who are placed by the court system or the district in an out-of-district educational or school placement shall meet the state minimum standards for graduation. Those students do not need to meet the specific graduation requirements of the Newfound Area School District. Certain in-district students may be eligible for the state minimum standard diploma if recommended by the guidance counselor and approved by the principal and superintendent.

The District shall accept credits toward graduation from accredited agencies upon receipt of an official transcript.

C. Federal Student Aid Application.

The Superintendent shall ensure each student eligible for graduation shall receive information on completing and submitting the Free Application for Federal Student Aid (FAFSA). Initial information shall be provided no later than October 1st of a student's senior year, and shall include, but not be limited to:

1. Eligibility requirements for student financial aid that may be applied for using the FAFSA;
2. Application timelines and submission deadlines; and
3. The importance of submitting applications early, especially when student financial aid may be awarded on a first-come, first-served basis.

Before the start of each school year, the Superintendent will designate the personnel responsible for disseminating the information. The designee will provide a specific written outline for the Superintendent's approval of the proposed means of dissemination, which may include such things as in-class instruction, college information fairs or programs, family information sessions, individual or group sessions with school counselors, information booklets.

Upon request of a student or a person authorized to act on behalf of the student, the Superintendent/Superintendent's designee shall ensure that either a physical or digital/online copy of a student's completed FAFSA is provided or is available to that student.

The Superintendent /Superintendent's designee shall ensure that any information shared under this section is handled according to applicable state and federal privacy laws, regulations, and administrative rules.

B. Federal Student Aid Application:

Effective for students graduating in 2024, as a requirement for receiving a high school diploma, each student who is at least 18 years of age or legally emancipated, or the

Newfound Area School Board Policy

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~~parent/guardian of such a student who is under 18 years of age, shall either:~~

- ~~1. file a Free Application for Federal Student Aid (FAFSA) with the U.S. Department of Education; or~~
- ~~2. file a waiver on a form created by the N.H. Board of Education with the District indicating that the parent/guardian or, if applicable, the student, understands what FAFSA is and has chosen not to file an application.~~

~~The District shall provide to each student and, if applicable, the parent/guardian, any support or assistance necessary to comply with the requirement above.~~

~~The District shall award a high school diploma to any student who is unable to meet the requirement above if the student has met all other graduation requirements and the building Principal attests that the District has made a good faith effort to assist the student or parent/guardian in filing an application or waiver.~~

D. Early Graduation

The Board supports early graduation as a means to earn a high school diploma (see Board policy IKFA. Parental involvement for students under the age of 18 is required. The high school principal shall approve such requests if he/she determines that all state and local graduation requirements will be met and that early graduation is related to career and/or educational plans of the student making the request. Upon approval by the high school principal, the minimum 4-unit requirement per year for enrolled students shall be waived and the student shall be awarded a high school diploma.

PUBLIC ACCESS TO SCHOOL DISTRICT RECORDS

The Superintendent is hereby designated the custodian of all "District records", which term shall have the same meaning as "governmental records" as that term is defined in the State's Right to Know law, RSA 91-A:1-a. Without limiting that meaning, District records shall include board or board committee minutes, documents, writings, letters, memoranda, emails, images, or other information of any kind kept or maintained by the District in any physical form (written, visual, electronic, digital, etc.).

The Board has adopted procedural policy EH-R to serve as the minimum requirements for procedural standards governing~~Superintendent shall develop written procedures concerning~~ all requests by the public to inspect or obtain copies of school district records (i.e., "governmental records") and the District's responses to those requests. The Superintendent should develop additional written administrative procedures to ensure appropriate implementation of this policy and procedural policy EH-R. Such administrative procedures shall conform in all respects to the Right to Know Law. They ~~written procedures~~ should contain provisions clearly indicating personnel responsible for processing any request for District records, as well as a method for logging and tracking both the requests and the responses, and may contain provisions for including a log on the District's website, as well as the cost for providing requested copies. No fee or expense shall be charged other than as allowed under RSA 91-A:4.

The Superintendent shall review such procedures annually and make such changes as are required as a result of legislative changes to the Right to Know or other applicable law or regulations, or as the Superintendents/he may ~~deems~~ appropriate. Any changes to the written procedures should be provided to all appropriate personnel and to the School Board.

All District Records shall be retained, deleted or destroyed in accordance with Board Policy EHB and Administrative Procedures EHB-R. Minutes of school board meetings, and materials used to prepare the same, shall also be made available in accordance with Board policy BDDG.

The Superintendent or designee is authorized to contact the District's attorney for any matter related to requests for public records and/or the development of the written procedures required under this policy.

See RSA 91-A, New Hampshire Right to Know Law

First Reading: February 3, 2020

Second Reading: March 2, 2020

ADMINISTRATIVE PROCEDURES FOR PUBLIC ACCESS TO DISTRICT RECORDS “RIGHT TO KNOW REQUESTS”

This procedural policy applies to all requests to inspect or obtain copies of “District records”, which term shall have the same meaning as “governmental records” as that term is defined in the state’s Right to Know law, RSA 91-A:1-a. Without limiting that meaning, District records shall include board or board committee minutes, and any other documents, writings, letters, memoranda, e-mails, images, digital communications, or other information of any kind kept or maintained by the District in any physical form (written, visual, electronic, digital, etc.). The Superintendent is authorized to issue and enforce additional procedures as the Superintendent deems appropriate.

1. **Board and Staff Member Responsibilities.** All requests for access to or copies of District records should be made through the SAU office]. Any board member or staff member who receives a request from a member of the public to see, receive or otherwise inspect any District record(s) (“Right to Know request”) should immediately communicate that request to the SAU office for processing under Board policy EH and these procedures.

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2. **Written Requests Encouraged.** To help ensure common understanding between the requester and the staff responsible for responding to a request, persons making requests for records are strongly encouraged to submit their requests in writing and include a specific description of the desired record(s). A written request can greatly assist in minimizing confusion or misunderstanding exactly what is being requested.

However, although written requests are preferred, a request will not be denied simply because it is not in writing. If the person making the request is unwilling or unable to put the request in writing, the staff member receiving the request shall reduce the request to writing and shall provide the person with a copy.

3. **Clarification, Refinement & Modification of Requests.** Carefully tailored requests can often be fulfilled more promptly and help avoid resources being expended retrieving and preparing material which exceeds what the requester is actually seeking. The Superintendent, designee or staff responsible for responding to a request may contact the person making the request if the request is unclear or will be time-consuming or onerous to fulfill to determine if the person will clarify the request or agree to narrow the request. Staff responsible for responding to the request may suggest to the requestor reasonable modifications to the scope or language of the request, but the requester is not required to accept them. Any modification, clarification or narrowing of the request agreed upon by the requester shall be documented in writing and a copy of the re-formed request provided to the person making the request.

4. **Record Availability.** Records requested under the Right-to-Know law which are not exempt under RSA 91-A:5 (or otherwise) will be made available immediately when such records are so available for such release. If such records are not immediately available, if a determination needs to be made if such records exist, or if a determination needs to be made whether such records are exempt from public disclosure, the Superintendent or designee will, within five (5) business days of the request, respond to the requestor, in writing. The response shall acknowledge receipt of the request, provide a statement of the time reasonably necessary to determine whether the request shall be granted or denied, and include an itemized estimate of the cost of making the record available. Records will be reviewed in their entirety by either the Superintendent or his/her designee before they are released in order to ensure that no confidential or exempted information is disclosed. District legal counsel may be consulted as necessary.

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5. **Exempt Information and Redaction.** Information exempt from disclosure by RSA 91-A:5 or other law will not be disclosed. The Superintendent may authorize District staff to consult with the District's legal counsel when questions regarding application of exemptions to certain records or information arise.

In some instances, records containing information exempt from disclosure may reasonably be redacted in order to make the remainder of the record accessible.

If a member of the public requests records that are determined to include information exempt from disclosure, the Superintendent/designee will respond to the requestor, in writing, including a statement of the specific exemption authorizing the withholding, and a brief explanation of how the exemption applies to the record(s) or information withheld.

Records will be reviewed in their entirety by either the Superintendent/designee before they are released in order to ensure that no confidential or exempted information is disclosed.

6. **Copy Fees.** The School District will charge a fee of \$.25 per page for black & white and \$.50 per page for color for copying/photocopies of records when the person requests a paper copy. This fee reflects the actual cost of producing the copy(ies). No cost or fee shall be charged for the inspection or delivery, without copying of records, whether in paper, electronic, or other form. Any costs associated with mailing copies - if available - must be paid for in advance of mailing.
7. **Electronic Records.** Electronic records (including electronic communications as defined in Section 8) may be provided on a portable storage device (thumb drive), if the requestor so requests and if such records can practically be delivered electronically. To protect the integrity of the District's computer system, a thumb drive for this purpose must either be provided by the requestor in unopened manufacturer's packaging or purchased at cost from the District.
8. **Charges for Certain Electronic Communications.** In addition to the copying fees permitted under paragraph 6, the District may charge a reasonable fee prior to disclosing certain electronic communications as set forth in this Section.

- a. **Definitions.** For purposes of this Policy, the terms below will have the definitions provided.

"Individual electronic communication" includes the communication itself as well as the responses and attachments to each communication, under a single subject line. However, text or chat message threads regarding the same topic shall be considered an individual electronic communication unless the thread exceeds 50 individual messages, at which point each additional group of 50 messages will be a separate individual electronic communication.

"Media requestors" means organizations or individuals who publish information in accepted digital, print, or broadcast formats and to standards generally recognized by professional news organizations that do not serve primarily as a platform to promote the interest and/or opinions of a special interest group, government, individual or cause.

- b. **Digital Communication Charges.** The District will charge \$1.00 per individual electronic communication, regardless of whether the records are delivered in hard copy or electronically, subject to the following:

- i. No charge shall be issued for the first 250 individual electronic communications.

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EH-R

- ii. Multiple requests from any person or entity to the same public body within a 30-day time period (measured from the date of the first request) shall be considered a single request (i.e. in the aggregate).
- iii. The charge shall be paid prior to any copies of electronic communications exceeding the first 250 individual electronic communications (as described above).
- c. Waiver of Digital Communication Charges. Waiver of digital communication charges is available as set forth below. It is up to the person or entity making the records request to apply for and establish the waiver using the District's Waiver of Electronic Communication Record Charge Form EH-F ("Waiver Request Form"). The Waiver Request Form may be filed at any time, but it is required after the requester receives the cost estimate for the charges and before the requested records are copied and made available). The waiver is available to requestors falling into one or more of the following categories:
 - i. Any individual who can establish indigency as established by the federal poverty line (published each year by the Federal Department of Health and Human Services). For purposes of establishing indigency, individuals may use:
 - 1. copies of documentation submitted to or received from state or federal benefits agencies dated within 9 months;
 - 2. a completed "Financial Affidavit for Waiver of Electronic Communication Charge" EH-F; or
 - 3. other documents or evidence satisfactory to the Superintendent or Superintendent's designee.
 - ii. A media requestor or authorized representative of a media requester (satisfactory evidence of the status must be produced with the Waiver Request Form).
 - iii. Any individual or entity who can establish that the disclosure of requested information requesting information is likely to contribute significantly to public understanding of the operations or activities of the district, its officials and its schools, and is not primarily in the commercial interest of the requestor. For purposes of meeting the criteria, the requestor must complete the pertinent section of the Waiver Request Form. In deciding whether the fee should be waived under this criteria, the Superintendent/designee will consider the following factors:
 - 1. The subject of the request must concern identifiable operations or activities of the District, with a connection that is direct and clear, not remote or attenuated.
 - 2. The disclosable portions of the requested records must be meaningfully informative about government operations or activities to be "likely to contribute" to an increased public understanding of those operations or activities. Information that is already in the public domain, in either the same or a substantially identical form, would not contribute to such understanding.
 - 3. The disclosure must contribute to the understanding of a reasonably broad audience of persons interested in the subject, as opposed to the requestor's

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individual understanding.

4. It should appear likely that the public's understanding of the subject will be enhanced to a significant extent by the disclosure.

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- ~~1. These procedures will apply to all requests to inspect or obtain copies of "District records", which term shall have the same meaning as "governmental records" as that term is defined in the state's Right to Know law, RSA 91-A:1-a. Without limiting that meaning, District records shall include board or board committee minutes, and any other documents, writings, letters, memoranda, e-mails, images, or other information of any kind kept or maintained by the District in any physical form (written, visual, electronic, digital, etc.).~~
- ~~2. All requests for access to or copies of District records should be made through the Superintendent. Any board member or staff member who receives a request from a member of the public to see, receive or otherwise inspect any District record(s) ("Right to Know request") should immediately communicate that request to the Superintendent.~~
- ~~3. Individuals making Right to Know requests are encouraged to discuss their requests with the school administration to insure the request is stated in a manner that will focus on the records desired and avoid being unnecessarily overbroad. Carefully tailored requests often can be fulfilled more promptly and help avoid resources being expended to retrieve and prepare material which exceeds what is actually being sought. Members of the public are encouraged to make their requests in writing and to include a specific description of the desired record(s). Right to Know requests for District records will not be denied if such request is not in writing. If the person making the request refuses to put the request in writing, the staff member receiving the request shall put the request in writing and shall provide the person with a copy.~~
- ~~4. Records requested under the Right to Know law which are not exempt under RSA 91-A:5 (or otherwise) will be made available immediately when such records are so available for such release. If such records are not immediately available, if a determination needs to be made if such records exist, or if a determination needs to be made whether such records are exempt from public disclosure, the Superintendent will, within five (5) business days of the request, respond to the requestor, in writing, acknowledging receipt of the request and providing a statement of the time reasonably necessary to determine whether the request shall be granted or denied. The Superintendent or designee may contact the person making the request if the request is unclear or will be time consuming or onerous to fulfill to determine if the person will clarify the request or agree to narrow the request. Any clarification or narrowing of the request shall be documented in writing and a copy of the re-formed request provided to the person making the request.~~
- ~~5. Records will be reviewed in their entirety by either the Superintendent or his/her designee before they are released in order to ensure that no confidential or exempted information is disclosed. District legal counsel may be consulted as necessary.~~
- ~~6. Records exempted from disclosure by RSA 91-A:5 or other law will not be disclosed. If a member of the public requests records that are determined to be exempt from disclosure under RSA 91-A:5 or other law, the Superintendent will respond to the requestor, in writing, including a statement of the specific exemption authorizing the withholding, and a brief explanation of how the exemption applies to the record(s) withheld.~~
- ~~7. The School District will charge a fee of \$.25 per page for black/white letter size copies; \$.50 per page for color or oversized copies for copying/photocopies of records when the person requests a paper copy. All other media charges will be determined by the Superintendent. No cost or fee shall be~~

EH-R

charged for the inspection or delivery, without copying of records, whether in paper, electronic, or other form.

8. Electronic records may be provided via e-mail or on a portable storage device (thumb drive), if the requestor so requests and if such records can practically be delivered electronically. To protect the integrity of the District's computer system, a thumb drive for this purpose must either be provided by the requestor in unopened manufacturer's packaging or purchased at cost from the District.

9. All District records shall be retained, deleted or destroyed in accordance with Board policy EHB and administrative procedure EHB-R. Minutes of school board meetings shall also be made available in accordance with Board policy BDDG.

Legal References:

RSA 91-A, New Hampshire Right to Know Law

Legal References Disclaimer: These references are not intended to be considered part of this policy, nor should they be taken as a comprehensive statement of the legal basis for the Board to enact this policy, nor as a complete recitation of related legal authority. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

[BEDG](#)
[EHB](#)
[EHB-R\(1\)](#)
[JRA](#)
[JRA-R\(1\)](#)

[Meeting Minutes](#)
[Data/Records Retention](#)
[Data/Records Retention - Local Records Retention Schedule](#)
[Student Records and Access \(FERPA\)](#)
[Student Records and Access \(FERPA\)](#)

First Reading: February 3, 2020
Second Reading: March 2, 2020

NHSBA SAMPLE FORM for EH-F(1)**Request for Waiver of Electronic Communication Record Charge** ~~Only needed if adopting optional Section 8 of EH-R(1)~~Newfound Area School District, SAU 4**Request for Waiver of Charge for Individual Electronic Communications*****This form should be used only when a person/entity is requesting a waiver of a charge for records of Individual Electronic Communications*****Requestor Information:**

Full Name: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Email Address: _____

Phone Number: _____

Information Relating to Request for Electronic Communications:

Date of Records Request: _____

Records Requested: (general description only) _____

Estimated Charge Provided by District/SAU \$ _____

Reason for Requesting Fee Waiver:

(Please check the box(es) that apply to your situation.)

- ☐ **Financial Hardship/Indigency.** This waiver is available to any individual who can establish indigency as established by the federal poverty line (published each year by the Federal Department of Health and Human Services). For purposes of establishing indigency, individuals may use:
- i. copies of documentation submitted to or received from state or federal benefits agencies dated within 9 months;
 - ii. a completed "Financial Affidavit for Waiver of Charges";
 - iii. other documents or evidence satisfactory to the Superintendent or Superintendent's designee.
- ☐ **Media Requestor** (defined in EH-R and RSA 91-A:4, X). (Satisfactory evidence of the status must be produced at the time this form is submitted.)
- ☐ **Public Understanding** The request is not primarily in the commercial interest of the requestor, and disclosure requested information requesting information is likely to contribute significantly to public

Page 1

understanding of the operations or activities of the district, its officials, employees or its schools.

In deciding whether the fee should be waived under this criteria, the Superintendent/designee will consider the following factors:

- i. The subject of the request must concern identifiable operations or activities of the District, with a connection that is direct and clear, not remote or attenuated.
- ii. The disclosable portions of the requested records must be meaningfully informative about government operations or activities to be "likely to contribute" to an increased public understanding of those operations or activities. Information that is already in the public domain, in either the same or a substantially identical form, would not contribute to such understanding.
- iii. The disclosure must contribute to the understanding of a reasonably broad audience of persons interested in the subject, as opposed to the requestor's individual understanding.
- iv. It should appear likely that the public's understanding of the subject will be enhanced to a significant extent by the disclosure.

Outline or provide any information relative to the above criteria (especially iii & iv) which might assist the Superintendent/designee making a determination relative to the potential contribution to public understanding of the operations or activities of the District, its officials, employees or schools.

(Please attach any documents that support your request for a waiver.)

CERTIFICATION

I hereby certify that the information provided in this request is true and correct to the best of my knowledge. I understand that providing false information may result in the denial of my request for a fee waiver.

Signature: _____

Date: _____

****For Office Use Only:****

Date Received: _____

Request Approved: ☐ Yes ☐ No

Approved By: _____

Notes: _____

~~NHSBA SAMPLE FORM for EH-F(2) — Only needed if adopting optional Section 8 of EH-R(1)~~

Affidavit of Indigency for Waiver of Electronic Communication Charge

~~~~~  
Newfound Area \_\_\_\_\_ School District, SAU 4 \_\_\_\_\_

**Request for Waiver of Charge for Individual Electronic Communications**

*This form should be used only when a person/entity is requesting a waiver of a fee for waiver of a charge for records of Individual Electronic Communications based upon indigency.*

**Requestor Information:**

Full Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Email Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

**Information Relating to Request for Electronic Communications:**

Date of Records Request: \_\_\_\_\_

Records Requested: (general description only) \_\_\_\_\_  
\_\_\_\_\_

Estimated Charge Provided by District/SAU \$ \_\_\_\_\_

**Eligibility Determination Form: Federal Poverty Guidelines**

**Applicant Information**

- Name: \_\_\_\_\_
- Address: \_\_\_\_\_
- City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_
- Phone Number: \_\_\_\_\_
- Email Address: \_\_\_\_\_

**Household Information**

**1. Household Size**

- Total number of people living in your household (including yourself): \_\_\_\_\_

**2. Household Members**

- Please list each household member and their relationship to you:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_
6. \_\_\_\_\_

*Include additional household members on rear of form.*

#### Income for the Current Year

- Annual **CURRENT\*** gross income of the **ENTIRE** household (before taxes): \$ \_\_\_\_\_

(Although a tax return from a prior year can be helpful documentation, the amount included here should be based upon current circumstances. **Include** all sources of income: wages, salaries, social security, unemployment benefits, child support, etc.)

#### 4. Sources of Income (Check all that apply):

- ☐ Wages/Salary \_\_\_\_\_
- ☐ Social Security
- ☐ Unemployment Benefits
- ☐ Child Support/Alimony
- ☐ Pension/Retirement
- ☐ Disability
- ☐ Self-employment
- ☐ Other: \_\_\_\_\_

Please attach any documents that support your statements above.

#### CERTIFICATION

I hereby certify that the information provided in this request is true and correct to the best of my knowledge. I understand that providing false information may result in the denial of my request for a fee waiver.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

#### **\*\*For Office Use Only:\*\***

Date Received: \_\_\_\_\_

Request Approved: ☐ Yes ☐ No

Approved By: \_\_\_\_\_



NHSBA Sample Policy Manual  
NHSBA PRM

**Policy ~~GBGBA~~ Use of Automated External Defibrillator(s)**

**Status:** ADOPTED

**Original Adopted Date:** 09/01/2003 | **Last Revised Date:** 09/30/2024 | **Last Reviewed Date:** 09/30/2024

**Category:** Priority / Required By Law

**ADOPTION/REVISION NOTES –**

**Text between the highlighted lines “~~~~~”, and highlights in this sample should be removed prior to adoption.**

- a. **Special** – This policy is tri-coded in three sections, **G - employees (GBGBA)**, **J - students (JLCEA)**, and **K - community (KFD)** as it has provisions which apply generally to employees, students and more generally. Districts may, but need not, maintain all three. If choosing to maintain one, NHSBA recommends using KFD, and further that the board formally withdraw/rescind/repeal the other two, with a permanent record of the rescinded policy.
- b. **General** – As with all sample policies, NHSBA recommends that each district carefully review this sample prior to adoption/revision to assure suitability with the district's own specific circumstances, internal coding system, current policies, and organizational structures.
- c. **General** – **Highlighted language or blank, underscored spaces indicate areas which boards should review, change or complete to reflect local personnel titles, internal/ external policy references, duty assignments etc.**
- d. **General** – **{\*\*}** indicates a reference to another NHSBA sample policy. A district should check its own current policies and codes to assure internal consistency.
- e. **General** – Withdrawn & earlier versions of revised policies should be maintained separately as part of the permanent records of the District.

**NHSBA History: Revised** - Sept. 2024, Feb. 2007. **New policy** – Sept. 2003

**NHSBA Revision Notes: September 30, 2024** - policy was reclassified as "Priority/Required", and revised in response to passage of SB379, which, among other things, amended provision in RSA 200:40-c relating to location and maintenance of AEDs (the required maintenance provision was already in paragraph 3 of the earlier version of GBGBA).

The Board authorizes the use of Automatic External Defibrillators (AED) in emergency situations. The use, administration, and maintenance of the AED is subject to the following conditions:

1. **Location of the AEDs:** The Superintendent, building principal and school nurse shall select and approve the locations for the AEDs. At least one AED shall be readily accessible in a well-marked and safe place for use in responding to cardiac emergencies, and shall not be located in an office or be stored in a location that is not easily and quickly accessible.
2. **Authorized Employees/Training of Users:** AEDs will be administered only by those employees designated by the principal, in consultation with the school nurse. Employees will be authorized

after they have successfully received and completed appropriate training in cardiopulmonary resuscitation and AED use. Such training may be provided by the school nurse or from another source acceptable to the school nurse and principal.

3. **Maintenance:** AEDs will be maintained by the school nurse, or his/her designee. Maintenance shall be done according to the AED manufacturer's specifications. The school nurse will maintain a record of all maintenance that has been performed on the AEDs.
4. **Registration of AEDs:** In accordance with RSA 153-A:33, the school nurse or designee shall register the AEDs with the New Hampshire Department of Safety. Sample registration forms in Appendix KFD-R or at [www.state.nh.us/safety/ems/aed\\_public\\_registry\\_packet.pdf](http://www.state.nh.us/safety/ems/aed_public_registry_packet.pdf).
5. **Incident Reporting:** The school nurse or designee shall report all instances of AED use with the New Hampshire Department of Safety. See sample incident report forms in Appendix KFD-R or at [www.state.nh.us/safety/ems/aed\\_public\\_registry\\_packet.pdf](http://www.state.nh.us/safety/ems/aed_public_registry_packet.pdf).
6. **Liability Limited:** The District, and persons administering the AED(s), shall enjoy the limitations of liability as specified in RSA 153-A:31, as well as other sources of law.

All employees of the District are expected to comply with the administration of this policy. Any violation of this policy shall constitute grounds for disciplinary action, up to and including termination of employment.

#### **District Policy History:**

*First reading:*

*Second reading/adopted:*

*District revision history:*

**Legal References Disclaimer:** *These references are not intended to be considered part of this policy, nor should they be taken as a comprehensive statement of the legal basis for the Board to enact this policy, nor as a complete recitation of related legal authority. Instead, they are provided as additional resources for those interested in the subject matter of the policy.*

DISCLAIMER: This sample policy manual is copyrighted to the New Hampshire School Boards Association and is intended for the sole and exclusive use of NHSBA Policy Service Subscribers. No portion of this manual may be reproduced, copied, transmitted, distributed, in any form, except as needed for the development of policy by a subscribing district. The materials contained in the manual are provided for general information only and as a resource to assist subscribing districts with policy development. School districts and boards of education should consult with legal counsel and revise all sample policies and regulations to address local facts and circumstances prior to adoption. NHSBA continually makes revisions based on school districts' needs and local, state and federal laws, regulations and court decisions, and other relevant education activity.

| Legal                                             | Description |
|---------------------------------------------------|-------------|
| Bureau of Emergency Medical Services,<br>271-4568 | State of NH |
| NH Statutes                                       | Description |

I

RSA 153-A:28-33

[Automated External Defibrillation](#)

GBGBA

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**Cross References**

**Code**

JLCEA

KFD

KFD-R(1)

**Description**

[Use of Automated External Defibrillators](#)

[Use and Location of Automated External Defibrillators](#)

[Use and Location of Automated External Defibrillators](#)

## SCHOOL YEAR

### **School Year**

The school year shall be a minimum of 180 days, or, alternatively, the equivalent number of hours as required in the rules of the N.H. Department of Education (see Ed 306.18)

To the extent possible, the calendar shall be coordinated with the school calendars of the area Career and Technical Education -and regional special education programs.

The Newfound Area School Board recognizes the importance of tourism in the region and will respectfully work to develop a calendar that supports our students and the region's industry. The School Board will develop a calendar that has the students' or teachers' first day no earlier than the Monday preceding Labor Day.

### **School Closures**

Any days that the schools are closed for emergency reasons will be made up at the end of the school year or during recess periods, as approved by the Board upon the Superintendent's recommendation. Under special circumstances the Board may request an exception to this requirement from the State Board of Education.

### **Distance Education During Inclement Weather**

If inclement weather makes it unsafe to safely transport students to or from in-person instruction, the Superintendent/designee is authorized to designate that day as a remote instruction or "distance learning". Before remote instruction/distance learning is used as instructional day for the purpose of satisfying the minimum instructional day/hour requirements of the N.H. Department of Education, the Superintendent shall ensure that a plan exists with procedures to promote and allow for participation by all students in any affected school.

Prior to approving designating a day as a remote instruction/distance learning day, or any school/district-wide distance education that is dependent on technology, the Superintendent/designee will consider the impact that the inclement weather event might have on necessary technology. Distance education will only count toward required instructional days/time when conducted in accordance with N.H. Dept. of Education Rule Ed 306.22. See also Board policy IMBA.

### **School Calendar**

The school calendar will be developed by the Superintendent and submitted to the School Board for approval. Any exceptions or revisions to the calendar thereafter must be approved in advance by the Board.

The Superintendent shall ensure that the calendar conforms to the number of actual days of instruction and employment as required by law, board policy, and staff contracts.

To the extent possible, the calendar will be coordinated with the school calendars of the applicable Career and Technical Education Centers-area vocational schools, regional special education programs, and other districts in the SAU.

The high school graduation date shall be set no more than 5 school days or 30 instructional hours before the end of the scheduled school year. The date may remain fixed notwithstanding the need for other grades to make up days lost to inclement weather or other emergencies. See Ed 306.18(a)(4).

Pursuant to RSA 288:4, III, any holiday included in the school calendar that corresponds to a State "legal" holiday shall use the name for such holiday as designated in RSA 288:1. As of 2024, these include: January 1, Martin Luther King, Jr. Civil Rights Day, Washington's Birthday, Memorial Day, Independence Day, Labor Day, Columbus Day, Veteran's Day, Thanksgiving Day, and Christmas Day. All schools receiving State funds are required to observe Veteran's Day. Additionally, such names shall be used on any "official" communication, publication, document or calendar.

Legal References:

*RSA 189:1, Days of School*

*RSA 189:24, Standard School*

*NH Code of Administrative Rules, Section Ed. 306.18, School Year*

*NH Code of Administrative Rules, Section Ed. 306.19, School Calendar*

*NH Code of Administrative Rules, Section Ed. 306.27 (q), High School Schedule for Seniors/Graduation*

First Reading: November 7, 2022

Second Reading: November 28, 2022

This replaces IC/ICA School Year/School Calendar.

## IIAC-E

### RECONSIDERATION OF LIBRARY OR CLASSROOM MATERIALS

Persons not in agreement with the school on its selection of books and who wish a particular book to be reviewed must submit to the Principal a "Request for Reconsideration of Library or Classroom Materials." The request forms are available at the school office.

The Principal, upon receipt of a "Request for Reconsideration of Library or Classroom Materials" will acknowledge receipt to the complainant and list anticipated steps to be taken. The Principal will then notify the Book Review Committee, and schedule meetings necessary to review the complaint and write a report.

The final report will be forwarded to the complainant and the Superintendent of Schools. If the complainant is dissatisfied, the next step is to submit their request to the Superintendent of Schools for action. If the complainant does not accept the Superintendent's decision, the complainant may request a review by the School Board, whose decision will be final.

During the investigation the book will remain in use unless the Book Review Committee desires to remove or restrict the book until a final decision is made.

A parent/guardian may opt their child out from checking out a particular library book by completing Form IIAC-F Parent/Guardian Library Title Opt-Out Form. This form should be completed and turned in to the building principal.

First Reading - 14 September 1998  
Second Reading - 13 October 1998

## SCHOOL OWNED VEHICLES

School owned or leased vehicles are to be used by authorized school personnel only. The vehicle may be used for co-curricular activities or other approved purposes. All school district transportation regulations that apply to student conduct will be in effect.

1. Only licensed NH drivers, 21 or over, who have been approved by the principals, will be authorized to drive this vehicle. A copy of the driver's license will be kept on file.
2. This vehicle is not to be used for private purposes. All passengers must be participants in the activity for which the van is being used.
3. At no time should an authorized adult driver transport only one student with no other persons in the vehicle.
4. The driver and all passengers will wear their seatbelts while the van is in operation.
5. Keys are kept in the high school office.
6. The vehicles will be marked "Newfound School District".
7. Vehicles will be filled with gas prior to returning them using the gas card kept in each vehicle. No students may be in the vehicle while it is being refueled.
8. Under no circumstances will more than the legally allowed number of passengers including the driver be transported at any one time.
9. Any field trip or other use by school employee must be in accordance with school district policy governing transporting of student personnel.
10. Employees who drive district vehicles will be required to take training courses from time to time as deemed appropriate by the Superintendent of schools and agree to a Release of Motor Vehicle Records request to be paid for by the school district.
11. It will be the responsibility of the employee to report all accidents and/or citations issued by law enforcement officials to his/her immediate supervisor.
12. The Van Request Form (EEBA-F) must be completed in order to reserve the van and submitted to the athletic director. A Vehicle Inspection Report for the vehicle will be maintained by each driver and kept in the vehicle at all times during the trip and returned to the office with the keys when the trip is complete.
13. Van keys will be returned to the high school secretary.  
Van use calendar shall be kept by the athletic director. In the event of a trip cancellation, and/or postponement, the individual making initial request is responsible for notifying the high school principal's secretary and for checking on future date availability. An additional Van Request Form MUST be submitted - Forms are in high school office and on the sau4.org website.
14. Any authorized driver returning the vehicle to the high school after-hours will park the vehicle in the designated spaces in the high school teachers' parking lot in front of the building and return the keys to the high school secretary the following day.
15. Each group will pay \$1.50 per mile for van use. This money will be set aside for vehicle maintenance, insurance, and other vehicle and driving-related costs. Upon recommendation from the principal, the superintendent may waive or cap the cost of a trip. Employee drivers will be compensated in the amount of \$20.00 per hour during the time of transport only. There will be no compensation during time spent at the event.



## EMPLOYEE SEX DISCRIMINATION/HARASSMENT ~~AND RETALIATION~~ COMPLAINT PROCEDURES

The Board has adopted these employee procedures in order to provide prompt and equitable resolution of employee complaints and reports of unlawful discrimination and harassment, including allegations of sexual harassment and other forms of sex-based harassment, and retaliation, as described in policies AC – Non-Discrimination Equal Opportunity Employment & District Anti-Discrimination Plan and ACAB – Harassment of School Employees.

Although the specific provisions under Title IX and New Hampshire law differ somewhat in regard to sex discrimination and sexual/sex-based harassment, the Board has chosen to address all such complaints under this procedure, which meets all Title IX and New Hampshire law requirements.

The complaint procedures may also be used, to the extent applicable, by visitors, including parents, volunteers and others having lawful access to the schools who wish to make a complaint of discrimination, harassment, and/or retaliation.

Complaints alleging unlawful harassment or discrimination and/or against students based on a protected category should be addressed through the Board's Student Discrimination/Harassment and Title IX Sexual Harassment Complaint Procedures (ACAA-R), of an employee are addressed under ACAB-R1 - Employee Discrimination and Harassment Complaint Procedure or ACAB-R2 – Employee Sex Discrimination and Sexual/Sex-Based Harassment Complaint Procedure.

Any individual who is unsure about whether discrimination, harassment, and/or has occurred and/or which complaint procedure applies is encouraged to contact the Human Rights Officer (or HRO)/Title IX Coordinator.

**Sally Manscaun-Naney Coffin, Human Rights Officer/Title IX**  
**Coordinator 20 North Main Street, Bristol, NH 03222**  
**603-744-5555 ext. 8224**  
**[smansauncoffin@sau4.org](mailto:smansauncoffin@sau4.org)**

### Section 1. Definitions

For purposes of these complaint procedures, the following definitions will be used. ~~The Human Rights Officer/Title IX Coordinator shall assess all reports and complaints to ensure that they are addressed under the appropriate policy and complaint procedure.~~

#### ~~A. Discrimination/Harassment Complaint Procedure Definitions~~

- ~~1. "Discrimination or harassment": Discrimination or harassment on the basis of an individual's membership in a protected category, which, for employees, includes race, color, sex, sexual orientation, gender identity, age, religion, ancestry, national origin, genetic information or disability and any other characteristic protected by applicable law.~~
- ~~2. "Discrimination": Treating individuals differently, or interfering with or preventing them from enjoying the advantages or privileges afforded to others because of their membership in a protected category.~~
- ~~3. "Harassment": Oral, written, graphic, electronic or physical conduct relating to an individual's actual or perceived membership in a protected category that is sufficiently severe, pervasive or persistent so as to interfere with or limit that individual's ability to participate in the school district's programs or activities by creating a hostile, intimidating or offensive environment.~~
- ~~4. "Sexual harassment": Under New Hampshire law, this means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature in the following situations:~~
  - ~~a. Submission to such conduct is made either explicitly or implicitly a term or condition of a~~

*Newfound Area School Board Policy*

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student's educational benefits:

b. ~~Submission to or rejection of such conduct by a student is used as the basis for decisions on educational benefits; or~~

e. ~~Such conduct has the purpose and effect of substantially interfering with a student's academic performance or creates an intimidating, hostile or offensive environment.~~

5. "Sexual orientation": Under New Hampshire law, this means "having or being perceived as having an orientation for heterosexuality, bisexuality, or homosexuality."

6. "Gender identity": Under New Hampshire law, this means "a person's gender-related identity, appearance, or behavior, whether or not that gender-related identity, appearance, or behavior is different from that traditionally associated with the person's physiology or assigned sex at birth."

7. "Complaint" is defined as an allegation that an employee or other third party has been discriminated against or harassed on the basis of race, color, sex, sexual orientation, gender identity, age, religion, national origin, physical or mental disability, marital status, pregnancy, genetic information and any other characteristics protected by applicable law.

8. "Employee": Whenever the term "employee" is used in Section 2, it includes teachers, coaches, paraprofessionals, administrators, program specialists, support staff, custodians and maintenance workers, who have a lawful basis to make a complaint of discrimination or harassment.

9. "Non-employee": includes visitors, consultants, school board members, vendors, food service workers, contracted services providers.

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#### B. Title IX Sexual Harassment Complaint Procedure Definitions

1. "Title IX sexual harassment": Under the federal Title IX regulations, sexual harassment includes the following conduct on the basis of sex which takes place within the context of the school district's education programs and activities:
  - a. "Quid pro quo" sexual harassment by a school employee: Conditioning a school aid, benefit or service (such as a promotion or favorable evaluation) on an individual's participation in unwelcome sexual conduct;
  - b. "Hostile environment" sexual harassment: Unwelcome conduct based on sex that a reasonable person would determine is so severe, pervasive and objectively offensive that it effectively denies an individual's equal access to the school district's education programs and activities; or
  - c. Sexual assault, dating violence, domestic violence and stalking as these terms are defined in federal laws.
2. "Report": Under the Title IX regulations, any individual may make a report of sexual harassment involving an employee, whether the individual is the alleged victim or not. A report must be made to the Human Rights Officer/Title IX Coordinator. A report triggers certain actions by the HRO/Title IX Coordinator for the alleged victim of sexual harassment, but an investigation is not conducted unless a "Formal Complaint" is filed.
3. "Formal Complaint": Under Title IX, the alleged victim of sexual harassment can file a written complaint that triggers the complaint procedure in Section 3 of ACAB-R. Only a school employee (and in certain circumstances, the HRO/Title IX Coordinator) may file a formal complaint.
4. "Employee": For the purpose of this procedure, "employee" means an applicant for employment or a current employee of the school district.

A. "Complainant" means: (1) the employee victim of alleged sex discrimination (including sexual/sex-based harassment); or (2) other victim of alleged sex discrimination (including sexual/sex-based harassment) who was participating or attempting to participate in the school district's education programs or activities at the time of the alleged sex discrimination.

B. "Complaint" under the Title IX regulations: An oral or written request to the [school district] to investigate and make a determination about alleged discrimination under Title IX." An oral request for investigation should be documented by the Human Rights Officer/Title IX Coordinator.



- C. "Confidential employee" means: (1) an employee of the school district whose communications are privileged or confidential under federal or state law. The employee's confidential status, for purposes of Title IX, is only with respect to information received while the employee is functioning within the scope of their duties to which privilege or confidentiality applies; or (2) an employee of the school district designated as confidential for the purpose of providing services to persons related to sex discrimination (in which case the employee's confidential status applies only to information received about sex discrimination in connection with providing those services).
- A. "Discrimination": Treating individuals differently, or interfering with or preventing them from enjoying the advantages or privileges afforded to others because of their membership in a protected category.
- B. "Gender identity": The gender-related identity, appearance, mannerisms or other gender-related characteristics of an individual, regardless of the individual's assigned sex at birth."
- C. "Parental status": The status of a person who, with respect to another person who is under the age of 18 or who is 18 or older but is incapable of self-care because of a physical or mental disability, is: (1) a biological parent; (2) an adoptive parent; (3) a foster parent; (4) a stepparent; (5) a legal custodian or guardian; (6) in loco parentis with respect to such a person; or (7) actively seeking legal custody, guardianship, visitation, or adoption of such a person."
- D. "Party": A complainant or respondent.
- E. "Pregnancy and related conditions" includes "(1) Pregnancy, childbirth, termination of pregnancy, or lactation; (2) Medical conditions related to pregnancy, childbirth, termination of pregnancy, or lactation; or (3) Recovery from pregnancy, childbirth, termination of pregnancy, lactation, or related medical conditions."
- F. "Respondent": A person who is alleged to have violated the school district's prohibition on sex discrimination.
- G. "Retaliation" under Title IX: Intimidation, threats, coercion, or discrimination against any person by the school district, an employee or other person authorized by the recipient to provide aid, benefit, or services under the [school district's] education program or activity, for the purpose of interfering with any right or privilege secured by Title IX/regulations, or because the person has reported information, made a complaint, testified, assisted, or participating or refused to participate in any manner in an investigation, proceeding, or other action taken by a school district in regard to allegations of sex discrimination."
- H. "Sex-based harassment" under Title IX: Harassment on the basis of sex, including sexual orientation, gender identity, sex stereotypes, sex characteristics, pregnancy, or related conditions, that meets one of the following:
- a. "Quid pro quo" harassment by a school employee, agent, or other person authorized by the school district to provide aid, benefit, or service under an education program or activity, explicitly or impliedly conditioning the provision of such aid, benefit, or service on the individual's participation in unwelcome sexual conduct.
- b. "Hostile environment" harassment: Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive

that it limits or denies an individual's ability to participate in or benefit from the school district's education program or activity (i.e., creates a hostile environment). A school district is obligated to address a sex-based hostile environment under its education program or activity, even when some conduct alleged to be contributing to the hostile environment occurred outside the recipient's education program or activity. Whether a hostile environment has been created is a fact-based inquiry that includes consideration of a number of factors.

i. Factors to consider in regard to the creation of a "hostile environment": "(i) the degree to which the conduct affected the complainant's ability to access the [school district's] education program or activity; (ii) the type, frequency, and duration of the conduct; (iii) the parties' ages, roles within the [school district's] education program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct; (iv) the location of the conduct and the context in which the conduct occurred; and (v) other sex-based harassment in the [school district's] education program or activity."

c. Sexual assault, dating violence, domestic violence, and stalking, as these terms are defined below.

i. "Sexual assault" is an offense classified as a forcible or nonforcible sex offense under the uniform reporting system of the Federal Bureau of Investigation. Such offenses include but are not limited to rape, sodomy, sexual assault with an object, and fondling.

ii. "Dating violence" is violence committed by a person: (a) who is or has been in a social relationship of a romantic or intimate nature with the victim; (b) where the existence of such a relationship shall be determined based on a consideration of the following factors: (1) the length of the relationship, (2) the type of relationship; and (3) the frequency of interaction between the persons involved in the relationship."

iii. "Domestic violence" is defined in the Title IX regulations as "Felony or misdemeanor crimes committed by a person who: (a) is a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the jurisdiction of the recipient, or a person similarly situated to a spouse of the victim; (b) is cohabitating, or has cohabitated with the victim as a spouse or intimate partner; (c) shares a child in common with the victim; or (d) commits acts against a youth or adult who is protected from those acts under the family or domestic violence laws of the jurisdiction."

iv. "Stalking": Engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (a) fear for the person's safety or the safety of others; or (b) suffer substantial emotional distress."

i. "Sexual harassment" under New Hampshire law: Unwelcome sexual advances, requests for sexual favors, and other verbal, non-verbal or physical conduct of a sexual nature in the following situations:

- a. Submission to such conduct is made either explicitly or implicitly a term or condition of an employee's educational benefits;
- b. Submission to or rejection of such conduct by an employee is used as the basis for decisions on educational benefits; or
- c. Such conduct has the purpose and effect of substantially interfering with an employee's academic performance or creates an intimidating, hostile, or offensive environment.



J. "Sexual orientation" under New Hampshire law means "having or being perceived as having an orientation for heterosexuality, bisexuality, or homosexuality." Sexual orientation is also covered by Title IX.

K. "Gender identity" under New Hampshire law means "a person's gender-related identity, appearance, or behavior, whether or not that gender-related identity, appearance, or behavior is different from that traditionally associated with the person's physiology or assigned sex at birth." Gender identity is also covered by Title IX.

## **Section 2. Discrimination/Harassment Complaint Procedure**

This procedure should be used for any complaint or report of unlawful harassment or discrimination based on a protected category which does not involve Title IX sexual harassment, sex discrimination or sexual/sex-based harassment of an employee.

### **A. Reports of Alleged Sex Discrimination or Sexual/Sex-Based Harassment**

1. Any school district employee (except for designated confidential employees) who receives a report or has reason to believe that an employee may have been discriminated against or harassed on the basis of sex is required to make a report to the Human Rights Officer/Title IX Coordinator.
2. Confidential employees who receive a report that an employee may have experienced sex discrimination or sexual/sex-based harassment must inform the person making the report that the employee is designated "confidential" and inform them of the circumstances in which the employee is not required to make a report to the Human Rights Officer/Title IX Coordinator. The confidential employee will provide the reporter with the Human Rights Officer/Title IX Coordinator's contact information and explain that the Human Rights Officer/Title IX Coordinator may be able to offer and coordinate supportive measures, initiate an informal resolution process, or initiate an investigation under this complaint procedure.
3. Employees who believe that they have been discriminated against or harassed on the basis of sex should report their concern promptly to the Human Rights Officer/Title IX Coordinator. The report will be documented by the Human Rights Officer/Title IX Coordinator.
4. The individual making the report should provide basic, available information orally or in writing concerning the allegation (i.e., individuals involved, date, time, location, and type of allegation). If the information is conveyed orally, the Human Rights Officer/Title IX Coordinator will document it.
5. If an individual is unsure as to whether unlawful discrimination or harassment has occurred, they are encouraged to discuss the matter with the Human Rights Officer/Title IX Coordinator.
6. Individuals will not be retaliated against for reporting suspected discrimination or harassment or for participating in an investigation. Retaliation is illegal under federal/state nondiscrimination laws and Board policies, and any retaliation will result in disciplinary action, up to and including termination.
7. The Superintendent will be promptly notified of all reports of alleged discrimination or harassment of an employee.

8. An employee who believes they have been discriminated against or harassed on the basis of sex is encouraged to utilize this complaint procedure. However, employees are hereby notified that they also have the right to report incidents of discrimination or harassment to:

- New Hampshire Commission for Human Rights, 2 Industrial Park Drive, Concord, NH 03301 (telephone: 603-271-2767); and/or
- Office for Civil Rights, U.S. Department of Education, 5 Post Office Square, 8<sup>th</sup> Floor, Boston, MA 02109-3921 (telephone: 617-289-0111).

**A. How to Make a Complaint**

- ~~1. An employee who believes they have been unlawfully harassed, discriminated, and/or retaliated against (as such terms are defined in Section 1.A.1-3) is encouraged, but not required, to try to resolve the problem by informing the individual(s) that the behavior is unwelcome or offensive.~~

and requesting that the behavior stop. This shall not prevent the employee from making an immediate complaint to the HRO/Title IX Coordinator.

2. Any employee who believes they have been harassed, discriminated, and/or retaliated against should report their concern promptly to the HRO/Title IX Coordinator. A written complaint must include basic information concerning the allegation of harassment, discrimination, (i.e., date, time, location, individual(s) who alleged engaged in harassment, discrimination, and/or retaliation and a description of allegation).
3. Employees who are unsure as to whether unlawful discrimination or harassment has occurred, or who need assistance in preparing a written complaint, are encouraged to discuss the matter with the HRO/Title IX Coordinator.
4. Employees will not be retaliated against for reporting suspected discrimination or harassment, or for participating in an investigation. Retaliation is illegal under federal and state nondiscrimination laws, and any retaliation will result in disciplinary measures, up to and including discharge.
5. Any employee who believes they have been discriminated against or harassed is encouraged to utilize the school district's complaint procedure. However, employees are hereby notified that they also have the right to report incidents of discrimination or harassment to the New Hampshire Commission for Human Rights at 603-271-2767 and/or to the federal Office for Civil Rights, U.S. Department of Education, 5 Post Office Square, 8<sup>th</sup> Floor, Boston, MA 02109-3921 (telephone: 617-289-0111).

#### **B. A. Complaint Handling and Investigation**

1. The District will investigate complaints made through this procedure promptly and fairly. The investigation will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances.
2. The investigation may be conducted internally or, in appropriate circumstances, an outside investigator may be retained. Investigations will typically include interviews with the person filing the complaint, the person(s) alleged to have engaged in harassing, discriminatory, and/or retaliatory conduct, and any witnesses.
3. When the investigation is complete, to the extent appropriate, the District will inform the person filing the complaint and the person(s) alleged to have engaged in harassing, discriminatory, and/or retaliatory conduct of the results of the investigation.

Following the investigation, any employee who is found to have violated applicable District policies or otherwise acted inappropriately will be subject to corrective and/or disciplinary action, up to and including immediate termination of employment.

In the event a complaint of harassment, discrimination, and/or retaliation is about alleged conduct engaged in by the Human Rights Officer/Title IX Coordinator, an employee may submit a complaint about such conduct to the Superintendent. In the event a complaint of harassment, discrimination, and/or retaliation is about alleged conduct engaged in by the Superintendent, an employee may submit a complaint about such conduct to the Chair of School Board.

#### **A. Processing of Complaints**

1. The Human Rights Officer/Title IX Coordinator will treat complainants and respondents equitably through the complaint procedure.
2. If the individual making the report is the alleged victim, or if the alleged victim is identified by the individual making the report, the Human Rights Officer/Title IX Coordinator will meet with the alleged victim to discuss the allegations and supportive measures that may be appropriate in the particular circumstances and to explain the complaint procedure.



If the alleged victim is unknown to the Human Rights Officer/Title IX Coordinator, the person who made the report will be notified of the availability of the complaint procedure.

### 3. Supportive Measures

- a. Supportive measures are individualized measures designed to ensure the employee can continue to access and perform their work (including but not limited to: requiring no contact between individuals, temporarily moving work locations, and changing schedules).
  - b. Supportive measures must not unreasonably burden either party and must be designed to protect the safety of the parties or the school district's educational environment or to provide support during the complaint procedure or an informal resolution process. The school district may not impose such measures for punitive or disciplinary reasons.
  - c. Supportive measures may be continued even if a complaint or informal resolution process is not initiated, or after the conclusion of such processes, if appropriate under the circumstances.
  - d. Complainants and respondents must be provided with a timely opportunity to seek, from an appropriate and impartial employee, modification or reversal of a decision to provide, deny, modify, or terminate supportive measures applicable to them. This employee must not be the Human Rights Officer/Title IX Coordinator and must have the authority to modify or reverse the decision.
  - e. Complainants and respondents also have the opportunity to seek additional modification or termination of a supportive measure applicable to them if circumstances change.
  - f. The school district will not disclose information about supportive measures to persons other than the person to whom they apply unless it is necessary to provide a supportive measure or to restore or preserve a party's access to education programs and activities.
4. If the Human Rights Officer/Title IX Coordinator reasonably determines that the conduct alleged does not involve illegal discrimination or harassment, the school district is not obligated to initiate the complaint process and may dismiss the complaint (See Subsection C.1. below). If the alleged conduct potentially violates other laws, Board policies/procedures, or professional expectations (in the case of employees), the matter may be referred to the Superintendent and/or other appropriate administrator(s) to address as deemed appropriate.
5. In response to a complaint alleging prohibited sex discrimination or sexual/sex-based harassment, the Human Rights Officer/Title IX Coordinator will initiate the complaint process, or the informal resolution process (if available and appropriate), according to this procedure. When feasible, the decision to initiate an investigation or informal resolution process, or dismiss the complaint, will be made within ten (10) school days of receipt of the complaint.
6. In certain circumstances, the Human Rights Officer/Title IX Coordinator may initiate the investigation process, even when the alleged victim chooses not to, after any or all allegations are withdrawn by the alleged victim, or when an informal resolution process is not initiated or is terminated. To make this fact-specific determination, the Human Rights Officer/Title IX Coordinator will consider, at a minimum:
- a. The complainant's request not to proceed with initiating a complaint;

- b. The complainant's reasonable safety concerns regarding initiating a complaint;
- c. The risk that additional acts of discrimination or harassment would occur if a complaint is not initiated;
- d. The severity of the alleged discrimination or harassment, including whether the discrimination, if established, would require the removal of a respondent from school or imposition of another disciplinary sanction to end the discrimination or harassment and prevent its recurrence;
- e. The age and relationship of the parties, including whether the respondent is an employee of the school district;
- f. The scope of the alleged discrimination or harassment, including information suggesting a pattern, ongoing discrimination/harassment, or discrimination/harassment alleged to have impacted multiple individuals;
- g. The availability of evidence to assist a decisionmaker in determining whether discrimination or harassment occurred; and
- h. Whether the school district could end the alleged discrimination or harassment and prevent its recurrence without initiating the complaint procedure.

If, after considering these and any other factors that may be relevant, the Human Rights Officer/Title IX Coordinator determines that the alleged conduct presents an imminent and serious threat to the health or safety of the complainant or other individuals, or that the alleged conduct prevents the school district from ensuring equal access to its education programs and activities, the Human Rights Officer/Title IX Coordinator may initiate a complaint.

- 7. If the Human Rights Officer/Title IX Coordinator initiates a complaint, the complainant will receive prior notice and any reasonable safety concerns will be addressed.
- 8. The Human Rights Officer/Title IX Coordinator will confirm the initiation of an investigation or informal resolution process in writing to both parties. The communication will include: a) a copy of the complaint procedure; b) sufficient information available at the time to allow the parties to respond to the allegations (including the identities of the parties involved, the conduct alleged to constitute sex discrimination or sexual/sex-based harassment, and the date(s) and location(s) of the alleged incident(s); c) notice that retaliation is prohibited; and d) notice that the parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence.
- 9. Regardless of whether an investigation is initiated, the Human Rights Officer/Title IX Coordinator will take appropriate, prompt, and effective steps to ensure that discrimination or harassment does not continue or recur. The Human Rights Officer/Title IX Coordinator will also coordinate supportive measures, as appropriate.
- 10. If the Human Rights Officer/Title IX Coordinator decides to investigate additional allegations of discrimination or harassment made by the complainant against the respondent after the parties receive notice of the complaint, the Human Rights Officer/Title IX Coordinator will notify the parties of the additional allegations in writing.
- 11. The Human Rights Officer/Title IX Coordinator may consolidate complaints of discrimination or harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against another party, when the allegations arise out of the same facts or circumstances.

12. The school district will presume that the respondent is not responsible for alleged discrimination or harassment until a determination is made at the conclusion of the investigation.

13. The school district will take reasonable steps to protect the privacy of the parties and witnesses during the complaint procedure and will comply with applicable state and federal privacy laws. These steps will not restrict the ability of the parties to obtain and present evidence, including by speaking to witnesses, confidential employees/resources, or otherwise prepare for and participate in the complaint procedure.

#### **C. Appeals**

1. After the conclusion of the investigation, the complainant or respondent may seek an appeal of the findings solely on the basis of either: (a) prejudicial procedural error or (b) the discovery of previously unavailable relevant evidence that could significantly impact the outcome.
2. Appeals must be submitted in writing to the Superintendent within five business days after receiving notice of the resolution.
3. Upon receipt of a valid appeal, the Superintendent shall provide notice to the other party, along with an opportunity to provide a written statement within five business days.



- ~~4. The Superintendent shall review the available documentation and may conduct further investigation if deemed appropriate.~~
- ~~5. The Superintendent's decision on the appeal shall be provided to the parties within 10 business days, if practicable. The Superintendent's decision shall be final.~~

**A. Dismissal of Complaints**

1. The Human Rights Officer/Title IX Coordinator may dismiss a complaint in the following circumstances:
  - a. The school district is unable to identify a respondent after taking reasonable steps to do so;
  - b. The respondent is not participating in the school district's education programs and activities, or is not employed by the school district;
  - c. The complainant voluntarily withdraws any or all allegations in the complaint, the Human Rights Officer/Title IX Coordinator declines to initiate a complaint and determines that, without the complainant's withdrawn allegations, the alleged conduct remaining, if any, would not constitute discrimination or harassment even if proven; or
  - d. The Human Rights Officer/Title IX Coordinator determines that the conduct alleged in the complaint, even if proven, would not constitute discrimination or harassment under state/federal laws and regulations.
2. Upon dismissal, the Human Rights Officer/Title IX Coordinator will promptly notify the complainant (and the respondent, if they had received notice of the complaint allegations) of the basis for the dismissal, and provide the opportunity to appeal the dismissal.
3. Dismissals may be appealed on the following bases:
  - a. Procedural irregularity that would change the outcome;
  - b. New evidence that would change the outcome and that was not reasonably available when the dismissal [or determination in the case] was made; and
  - c. The Human Rights Officer/Title IX Coordinator, investigator, or decisionmaker had a conflict or bias for or against complainants or respondents generally, or the individual complainant or respondent that would change the outcome.
4. An appeal of a complaint dismissal must be made in writing to the Human Rights Officer/Title IX Coordinator within five (5) school days and state the basis for the appeal.
5. If the dismissal is appealed, the Human Rights Officer/Title IX Coordinator shall:
  - a. Notify the respondent of the appeal if they had received notice of the complaint allegations;
  - b. Implement the appeal procedure equally for the parties;
  - c. Ensure that the trained decisionmaker for the appeal did not take part in an investigation of the allegations or dismissal of the complaint;
  - d. Provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome; and
  - e. Notify the parties in writing of the result of the appeal and the rationale for it within five (5) school days, if feasible.

6. When a complaint is dismissed, the Human Rights Officer/Title IX Coordinator will, at a minimum:
  - a. Offer supportive measures to the complainant and respondent if appropriate; and
  - b. Take other prompt and effective steps, as appropriate to ensure that discrimination or harassment does not continue or recur within the school district's program or activity.
7. The Human Rights Officer/Title IX Coordinator will document actions taken during the appeal process.

#### A. Administrative Leave

1. The Superintendent may place an employee respondent on administrative leave during the complaint procedure in accordance with any applicable state laws, school policies, and collective bargaining agreement provisions.
2. Any decision to place an employee respondent on administrative leave shall be made in compliance with any applicable disability laws, including Section 504 of the Rehabilitation Act and the Americans with Disabilities Act.
3. The Human Rights Officer/Title IX Coordinator will document actions taken during the administrative leave process.

#### B. Informal Resolution Process

1. Informal resolution is not permitted in cases where a student is the complainant and an employee is the respondent to alleged sex discrimination or harassment [such cases should be addressed under Procedure ACAA-R2].
2. The Human Rights Officer/Title IX Coordinator may, if appropriate, offer the parties the opportunity to resolve the complaint through an informal resolution process at any point prior to an investigation or determination of responsibility. Engaging in an informal resolution process is voluntary on the part of each party. The Human Rights Officer/Title IX Coordinator also may decline to pursue an informal resolution despite a party's request (for example, if the alleged conduct presents a future risk of harm to the complainant or others).
3. Both (or all) parties must voluntarily agree in writing to participate in an informal resolution process, and a party may withdraw from the process at any time. The parties will not be required to attend meetings together unless they voluntarily agree to do so.
4. Before initiating an informal resolution process, the Human Rights Officer/Title IX Coordinator will ensure that the parties receive notice of: i.) the allegations; ii.) the requirements of the informal resolution process; iii.) the right of any party to withdraw from the process and initiate or resume the investigation process; iv.) that the parties' agreement to an informal resolution would preclude them from initiating or resuming the investigation; v.) potential terms that may be requested or offered in an informal resolution agreement, including notice that an agreement is binding on the parties; and vi.) what information the school district will maintain regarding the informal resolution process.

[Note: Informal resolutions can take many forms, depending on the particular case, including but

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C. E. Alternative Learning Plans

As an alternative to satisfying the provisions of this policy and related State requirements, students may also graduate from high school and obtain either a high school diploma or its equivalent by participating in an alternative learning plan or program. The provisions of Board policy IHBI, Alternative Learning Plans, shall apply in such an event.

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Legal References:

NH Code of Administrative Rules, Section Ed 306.04(a) (14), How Credit Can Be Earned  
 NH Code of Administrative Rules, Section Ed 306.04(a)(16), Credits Earned, Tracking of Graduation Competencies  
 NH Code of Administrative Rules, Section Ed 306.14(f), Awarding of Credit for Required Subjects and Open Electives  
 NH Code of Administrative Rules, Section Ed 306.27(d), Mastery of Required Competencies  
 NH Code of Administrative Rules, Section Ed 306.27(m), Credits Required for Graduation  
 NH Code of Administrative Rules, Section Ed 306.04(a)(25), Graduation Competencies (no later than July 1, 2015)  
 NH Code of Administrative Rules, Section Ed 306.04(a)(26), Graduation Competencies (no later than July 1, 2015)  
 NH Code of Administrative Rules, Section Ed 306.141(a)(6), Achievement of District and Graduation Competencies, Awarding of Credit  
 RSA 189:11, Instruction in National and State History and Government

First Reading: December 13, 2021

Second Reading: January 10, 2022



**Emergency Plan for Sports Related Injuries and  
Additional Protocols for Athletics Participation**

- A. Creation of Plan.** No later than August 1, 2022, the Superintendent or his/her designee [in consultation with each building Principal, the Athletic Director/Coordinator, district athletic trainer(s) and school nurse(s)], shall establish a "Sports Injury Emergency Action Plan" (at times referred to in this policy as the "Plan") for responding to serious or potentially life-threatening injuries sustained from sports or other school sponsored athletic activities. The Sports Injury Emergency Action Plan shall:
- a. Document the proper procedures to be followed when a student sustains a serious injury or illness while participating in school sponsored sports or other athletic activity;
  - b. List the employees, team coaches, and licensed athletic trainers in each school who are trained in first aid or cardiopulmonary resuscitation;
  - c. Identify the employees, team coaches, or licensed athletic trainers responsible for carrying out the emergency action plan;
  - d. Identify the activity location, address, or venue for the purpose of directing emergency personnel;
  - e. Identify the equipment and supplies and location thereof needed to respond to the emergency;
  - f. Identify the location of any automated external defibrillators (AED) and personnel trained in the use of the ~~automated external defibrillator; AED;~~ and
  - g. Document policies related to cooling for an exertional heat stroke victim consistent with guidelines established by the American College of Sports Medicine and the National Athletic Trainers' Association; and
  - h. Require that all school sponsored sports activities for any of grades 6-12 be supervised by a person trained in CPR.
- B. Dissemination of Sports Injury Emergency Action Plan.** The Sports Injury Emergency Action Plan shall be posted within each school and disseminated to, and coordinated with, pertinent emergency medical services, fire department, and law enforcement.
- C. Additional Written Protocols and Procedures Required.** No later than August 1, 2022, the Superintendent or his/her designee [in consultation with each building Principal, the Athletic Director district athletic trainer(s) and school nurse(s)], shall develop written procedures and protocols as described below:
1. Hydration, Heat Acclimatization and Wet Globe Temperature – protocols relating to hydration, heat acclimatization and wet bulb globe temperature as established by the American College of Sports Medicine and the National Athletic Trainers' Association;
  2. Student Medical History – procedures for obtaining student-participant medical information for each student athlete prior to engaging in sports. Such information must

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**JLCJA**

include:



## JLCJA

- a. injury or illness related to or involving any head, face, or cervical spine;
- b. cardiac injury or diagnosis;
- c. exertional heat stroke;
- d. sickle cell trait;
- e. asthma;
- f. allergies; or
- g. diabetes.

Access, filing, and confidentiality of student-participant medical information shall be managed in accordance with the Family Educational Rights and Privacy Act (FERPA), and the Health Insurance Portability and Accountability Act (HIPAA).

3. **Student Return to Play** - Procedures governing a student's return to play after a sports or illness related injury pertaining to this policy are in addition to the return to play provisions specific to head injuries set forth in Board policy JLCJ, and copies of the procedures must be maintained at the SAU office and available to the Department of Education and public upon request.

**D. Annual Review and Update.** The Superintendent and/or designee shall assure that the Sports Injury Emergency Action Plan, and all procedures and protocols adopted pursuant to this policy are reviewed no less than annually and updated as necessary. Copies of the updated Plan and procedures should be provided to the Board no later than the start of each school year.

**E. Inclusion of Sports Injury Emergency Action Plan with Emergency Response Plan.** The Sports Injury Emergency Action Plan shall be included with each school's annual Emergency Response Plan (see Board policy EBCA).

### Legal References:

20 U.S.C. §1232g, Family Educational Rights and Privacy Act (FERPA)  
34 C.F.R. Part 99, Family Educational Rights and Privacy Act Regulations  
RSA 200:40-c, Emergency Plan for Sports Related Injuries

**Legal References Disclaimer:** *These references are not intended to be considered part of this policy, nor should they be taken as a comprehensive statement of the legal basis for the Board to enact this policy, nor as a complete recitation of related legal authority. Instead, they are provided as additional resources for those interested in the subject matter of the policy.*

First reading: October 25, 2021  
Second reading: November 8, 2021

## REPORTING NEGLECTED AND ABUSED CHILDREN

### A. Statutorily Mandated Reporting – All Persons.

*Under New Hampshire law (RSA 169-C:29), every person who has "reason to suspect" that a child has been abused or neglected is required to report that suspicion to DCYF (Division of Children, Youth and Families of the New Hampshire Department of Health and Human Services) or directly to the police. Under RSA 169-C:30, the initial report "shall be made immediately via telephone or otherwise."*

The requirement to report is not dependent on whether there is proof of the abuse or neglect, nor is it dependent upon whether the information suggests the abuse or neglect is continuing or happened in the past. Any doubt regarding whether to report should be resolved in favor of reporting. Failure to report may be subject to criminal prosecution and potential personal liability, while a report made in good faith is entitled to both civil and criminal immunity. Additionally, a "credential holder", as defined in New Hampshire Department of Education Rule 501.02(h), who fails to report suspected abuse or neglect risk having action taken by the New Hampshire Department of Education against his/her credential. See N.H. Code of Conduct for Educators, Ed. 510.05 (e).

To report child abuse or neglect to DCYF, call 24/7 (800) 894-5533 (in-state) or (603) 271-6562. In cases of current emergency or imminent danger, call 911.

#### 1. The initial report should contain to the extent known:

- a. the name and address of the child suspected of being abused or neglected,
- b. the person responsible for the child's welfare,
- c. the specific information indicating neglect/abuse or the nature and extent of the child's injuries (including any evidence of previous injuries),
- d. the identity of the person or persons suspected of being responsible for such neglect or abuse; and
- e. any other information that might be helpful in establishing neglect or abuse.

To report child abuse or neglect to DCYF, call 24/7 (800) 894-5533 (in-state) or (603) 271-6562. In cases of current emergency or imminent danger, call 911.

#### 2. Modes of Reporting. When making a report to DCYF Central Intake, there are 3 modes of reporting that the Central Intake Service Provider will inform you about before you proceed to the actual report. The modes of reporting are:

- a. Disclosure Allowed – The Caller/Reporter provides all their identifying information to DCYF, and it may be provided to the child's family upon request.
- b. Disclosure NOT Allowed – The Caller/Reporter provides all their identifying information to DCYF; however, information is redacted in official paperwork provided to the child's family unless the case goes on to prosecution. At prosecution, identifying information in all reports become public record.
- c. Anonymous – The Caller/Reporter calls the (603) 271-6562 number, blocks their "Caller ID" when calling DCYF, and does not provide any of their identifying information (personal or organizational). If calling anonymously,

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be sure to get the "Report Number" from Central Intake for your call and document it on the <School/Org. Name> Reporting Form. It is the only proof the caller/reporter made the report to DCYF.

- 3. Required reporting mode for school employees, volunteers and contracted service providers.** Notwithstanding that state law allows an anonymous mode of reporting to DCYF, it is the policy of the District that employees, volunteers and contracted service providers who are making a report to DCYF regarding a child/family involved with the District make such report using the "Disclosure Allowed" or as "Disclosure NOT Allowed" modes. This will help ensure there is a legal record of the report being made on behalf of the District. If there are concerns about these reporting modes due to potential retaliation from the family or others, consult the Principal for support.

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**B. Additional provisions relating to school employees, volunteers and contracted service providers.**

Each school employee, designated volunteer or contracted service provider having reason to suspect that a child is being or has been abused or neglected must also immediately report his/her suspicions to the building Principal or other building supervisor. This initial report may be made orally, but must be supplemented with an original completed form JLF-F Child Abuse and/or Neglect Reporting Form ~~written report~~ as soon as practicable after the initial report, but in no event longer than one calendar day.

**1. Request for Assistance in Making Initial Report.**

The initial report to the Principal/building supervisor may be made prior to the report to DCYF/law enforcement, but only if:

- (a) the initial report is made for the purpose of seeking assistance in making the mandated report to DCYF/law enforcement, *and*
- (b) reporting to the Principal, etc. will not cause any undue delay (measured in minutes) of the required report to DCYF/law enforcement.

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When receiving a request for assistance in making a report, the Principal or other person receiving the request is without authority to assess whether the report should be made, nor shall he/she attempt in any way to dissuade the person from making the legally mandated report. Once the Principal/building supervisor receives the information, the law would impose a reporting requirement upon both the original reporter and the Principal.

### **2. Principal's Action upon Receiving Report or Information of Report.**

Upon receiving the report/request from the employee, volunteer or any other person, the Principal/building supervisor shall immediately assure that DCYF/law enforcement is or has been notified, and then notify the Superintendent that such a report to DCYF has been made.

The Principal shall forward the original completed form JLF-F to the

A written report shall be made by the Principal to the Superintendent within twenty-four (24) hours if it is available. If the complete form is not yet available, then the principal shall forward a written report including the relevant information as follows: with a copy provided to DCYF if requested. The report shall include all of the information included in the initial oral report, as well as any other information requested by the Superintendent, law enforcement or DCYF.

- the identity(ies) of the child(ren) and other persons directly involved in the report (suspected responsible parents or others);
- the identities of siblings or other children in the household of the child(ren) who is the subject of the report;
- information relating to the fact that a report was made to DCYF (e.g., the date, the mode, the person who made the report and the DCYF report number); and
- any other information requested by the Superintendent, law enforcement or DCYF.

The Principal will follow that initial report with the completed, original JLF-F(1) as soon as it is available from the original reporter. Such reports shall be maintained permanently in a separate file within the SAU office and not as part of any involved student's file.

### **3. Personal Notes of Reports.**

Each person with knowledge of a report to DCYF (e.g., the original reporter, the Principal, the Superintendent, etc.) is encouraged to create and maintain personal notes reflecting the information they have relative to the nature of the report, as well as information pertaining to the fact of the report (e.g., the date, time, person making, and mode of the report), and the DCYF report number.

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### **3- 4. Additional Reporting Requirements for Reporting of Other Acts.**

Employees/contract providers are also reminded of the requirements to report any act of "theft, destruction, or violence" as defined under RSA 193-D:4, I (a), incidents of "bullying" per Board Policy JICK, and hazing under RSA 671:7. See also Board Policy GBEB. A single act may simultaneously constitute abuse, bullying, hazing, and/or an act of theft, destruction or violence.

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### **C. Signage and Notification, and District Reporting Form.**

The Superintendent is directed to assure that the Principal or administrator of each school shall

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post a sign within the school that is readily visible to students, in the form provided by the, Division for Children, Youth, and Families or available from the Granite State Children's Alliance, that contains instructions on how to report child abuse or neglect, including the phone number for filing reports and information on accessing the Division's website. Additionally, information pertaining to the requirements of section A of this policy shall be included in each student handbook or placed on the district's website. Finally, the Superintendent shall ensure that Form JLF-E is readily available to all staff members, either in hard copy form, or through the District's or school's website.

**D. Training Required.**

The Superintendent shall assure that all District employees, designated volunteers and contracted service providers receive training (in-person or online) upon beginning service with the District, with biennial renewal training annual refreshers thereafter, on the mandatory reporting requirements, this policy, and the materials described in Board policy GBCF and RSA 189:13-a, XII, including how to identify suspected child abuse or neglect.

**Legal References:**

NH Code of Administrative Rules, Section Ed 306.04(a)(10), Reporting of Suspected Abuse or Neglect  
RSA 169-C:29, Persons Required to Report  
RSA 169-C:30, Nature and Content of Report  
RSA 169-C:31, Immunity from Liability  
RSA 169-C:34, III, Duties of the Department of Health and Human Services  
Guidelines for New Hampshire School Employees: Recognizing and Reporting Suspected Child Abuse and Neglect, 2002 (Accessible on the NHDOE Web site)  
NH Code of Administrative Rules, Code of Conduct for NH Educators, Ed 510.05e Duty to Report  
RSA 189:72 Child Abuse and Neglect Information  
RSA 193-D:4 Safe School Zones, Written Report Required

First Reading: October 7, 2019  
Second Reading: November 4, 2019



Organization LOGO

# ~~JLF-F~~ Child Abuse and/or Neglect Reporting Form

Report to the **New Hampshire Division for Children, Youth and Families (DCYF) Central Intake:**

CALL: 1 (800) 894-5533 / (603) 271-6562

Central Intake Fax: 603-271-6565

In cases of current emergency, imminent danger or safety concerns, call 911.

|                                                                                                                                                                 |            |            |            |                                                                |              |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|------------|------------|----------------------------------------------------------------|--------------|
| <b>School or Organization:</b> <input type="checkbox"/> <del>(Check One)</del> Name<br><input type="checkbox"/> <del>Program Name(s) – Add ALL Applicable</del> |            |            |            | <b>Report Form Date &amp; Time:</b><br>Date: _____ Time: _____ |              |
| <b>Child Information:</b>                                                                                                                                       |            |            |            |                                                                |              |
| <b>Child Name:</b><br>First: _____<br>Last: _____<br>Nickname(s): _____                                                                                         | DOB: _____ | Age: _____ | Sex: _____ | School Name: _____                                             | Grade: _____ |
| <b>Additional Information Regarding Special Needs/Considerations:</b> (e.g., communication, developmental delays, IEP, etc.)                                    |            |            |            |                                                                |              |
| <b>If KNOWN, Provide Sibling Information (or Information of other children in the home). If UNKNOWN, skip.</b>                                                  |            |            |            |                                                                |              |
| <b>Sibling # 1 Name:</b><br>First: _____<br>Last: _____<br>Nickname(s): _____                                                                                   | DOB: _____ | Age: _____ | Sex: _____ | School Name: _____                                             | Grade: _____ |
| <b>Sibling # 2 Name:</b><br>First: _____<br>Last: _____<br>Nickname(s): _____                                                                                   | DOB: _____ | Age: _____ | Sex: _____ | School Name: _____                                             | Grade: _____ |
| <b>Sibling # 3 Name:</b><br>First: _____<br>Last: _____<br>Nickname(s): _____                                                                                   | DOB: _____ | Age: _____ | Sex: _____ | School Name: _____                                             | Grade: _____ |
| <b>Sibling # 4 Name:</b><br>First: _____<br>Last: _____<br>Nickname(s): _____                                                                                   | DOB: _____ | Age: _____ | Sex: _____ | School Name: _____                                             | Grade: _____ |
| <b>Sibling # 5 Name:</b><br>First: _____<br>Last: _____<br>Nickname(s): _____                                                                                   | DOB: _____ | Age: _____ | Sex: _____ | School Name: _____                                             | Grade: _____ |
| <b>Additional Information Regarding Special Needs/Considerations of Siblings:</b> (e.g., communication, developmental delays, IEP, etc.)                        |            |            |            |                                                                |              |
| <b>Legal Parent(s)/Guardian Information:</b>                                                                                                                    |            |            |            |                                                                |              |

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|---------------------------------------------------|-----------------------------------------------------------------|
| <b>Legal Parent/Guardian Name(s):</b><br>1.<br>2. | <b>Address</b> (Where Child Resides with Parent(s)/Guardian(s): |
|---------------------------------------------------|-----------------------------------------------------------------|

|                                                                                                                                                                                                                                                      |                                                                            |                                                                                                                                                                            |                   |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|
| <b>Phone Number(s):</b> (Provide any KNOWN Phone Number(s) & Work Names):                                                                                                                                                                            |                                                                            |                                                                                                                                                                            |                   |
| <b>Home:</b>                                                                                                                                                                                                                                         | <b>Cell:</b>                                                               | <b>Work:</b>                                                                                                                                                               | <b>Work Name:</b> |
| 1.                                                                                                                                                                                                                                                   | 1.                                                                         | 1.                                                                                                                                                                         | 1.                |
| 2.                                                                                                                                                                                                                                                   | 2.                                                                         | 2.                                                                                                                                                                         | 2.                |
| <b>Additional Information Regarding Special Needs/Considerations of Parent(s)/Guardian(s):</b> (e.g., communication, developmental delays, mental health, substance use, domestic violence, etc.)                                                    |                                                                            |                                                                                                                                                                            |                   |
| <b>Incident Information:</b>                                                                                                                                                                                                                         |                                                                            |                                                                                                                                                                            |                   |
| <b>Reporter Name:</b><br>First:<br>Last:                                                                                                                                                                                                             |                                                                            | <b>Title/Role at</b> <School/Org./Program Name>:                                                                                                                           |                   |
| <School/Org./Program Name> <b>School Address:</b>                                                                                                                                                                                                    |                                                                            |                                                                                                                                                                            |                   |
| <b>Date of Report to NH DCYF:</b>                                                                                                                                                                                                                    | <b>Time of Report to DCYF:</b>                                             | <b>Mode of Report:</b> (Check ONE)<br><input type="checkbox"/> Disclosure Allowed<br><input type="checkbox"/> Disclosure NOT Allowed<br><input type="checkbox"/> Anonymous |                   |
| <b>Person Completing this Report</b> (If different from "Reporter Name" above)                                                                                                                                                                       |                                                                            |                                                                                                                                                                            |                   |
| <b>Name:</b><br>First:<br>Last:                                                                                                                                                                                                                      |                                                                            | <b>Title/Role at</b> <School/Org./Program Name>:                                                                                                                           |                   |
| <b>Reason for Report</b> (e.g., Alleged Perpetrator, Type of Suspected Abuse (Physical/Sexual/Emotional)/Neglect and Date)                                                                                                                           |                                                                            |                                                                                                                                                                            |                   |
| NOTE: For suspected physical or sexual abuse, do NOT contact the parent(s)/guardian(s) regarding this report. Let DCYF/Law Enforcement be the first point of contact with the parent(s)/guardian(s) to protect the child and any potential evidence. |                                                                            |                                                                                                                                                                            |                   |
| <b>Did the Child Disclose Information?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No                                                                                                                                                  |                                                                            |                                                                                                                                                                            |                   |
| If YES, provide the child's EXACT words and any dialog you had with the child. If NO, please explain what led to your suspicion of child abuse/neglect. Use additional paper as needed.                                                              |                                                                            |                                                                                                                                                                            |                   |
| <b>NH DCYF Response:</b>                                                                                                                                                                                                                             | <input type="checkbox"/> Screened-In <input type="checkbox"/> Screened-Out | <b>Report Number:</b>                                                                                                                                                      |                   |
| <b>Additional DCYF Response Directions:</b>                                                                                                                                                                                                          |                                                                            | (Provided by NH DCYF Central Intake):                                                                                                                                      |                   |
|                                                                                                                                                                                                                                                      |                                                                            | <b>DCYF Central Intake Worker Name:</b>                                                                                                                                    |                   |
| <b>Principal</b> <School/Org./Program Name> XXX Principal/Director Informed:                                                                                                                                                                         |                                                                            | <input type="checkbox"/> Yes <input type="checkbox"/> No                                                                                                                   |                   |
| If YES, <b>Principal</b> XXX Principal/Director Name/Title:                                                                                                                                                                                          |                                                                            | <b>Check ALL that Apply:</b><br><input type="checkbox"/> Verbally Notified<br><input type="checkbox"/> Provided this Report Form                                           |                   |
| <b>Police Notification:</b> <input type="checkbox"/> Yes <input type="checkbox"/> No                                                                                                                                                                 |                                                                            |                                                                                                                                                                            |                   |



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If YES, Police Department Name:

Officer Name/Title:

Check ALL that Apply:

☐ Verbally Notified

☐ Provided this Report Form

Reporter Degree of Concern Communicated: (Circle ONE)

(Low) 1 2 3 4 5 6 7 8 9 10 (High)

Reporter Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name: \_\_\_\_\_ Title: \_\_\_\_\_

**Policy-JLP: Parental Notification of and Involvement in Student Welfare**

Status: ADOPTED

Original Adopted Date: 09/30/2024 | Last Reviewed Date: 09/30/2024

Category: Priority / Required by Law

**ADOPTION/REVISION NOTES –**

Text between the highlighted lines “~~~~~”, and highlights in this sample should be removed prior to adoption.

- A. **Special** – This new sample policy reflects the substantive language of newly enacted RSA 186:11, IX-e (see HB1312). Among other things, the new section prohibits school districts from adopting policies or procedures that prohibit disclosure to parents of certain matters relating to their children. NHSBA has endeavored to review its entire sample policy library to identify any existing policies, etc. that might run afoul of that provision. The only provision we have found is paragraph A in JBAB relative to transgender students. Districts with JBAB should review that paragraph and modify accordingly. Additionally, districts should review their own policies and procedures to determine whether they have provisions which should be removed or modified in order to comply with the new statute.
- B. **General** – As with all sample policies, NHSBA recommends that each district carefully review this sample prior to adoption to assure suitability with the district's own specific circumstances, internal coding system, current policies, and organizational structures.
- C. **General** – Highlighted language or blank, underscored spaces indicate areas which boards must change/complete to reflect local personnel titles, policy references, duty assignments etc.
- D. **General** – Withdrawn and earlier versions of revised policies should be maintained as permanent records of the District. Some districts maintain a “Repealed/Revised” section within their manuals.
- E. **General** – {\*\*} indicates a reference to another NHSBA sample policy. A district should check its own current policies and codes to assure internal consistency.

**NHSBA History: New Policy - September 2024.**

**NHSBA Revision Notes: September 30, 2024**, this new sample policy was created in response to passing of HB 1312, which, among other things, created new paragraph IX-e RSA 186:11, and requires a policy relating to disclosure/disclosure to parents of information concerning a student's mental, emotional or physical health.

Pursuant to New Hampshire RSA 186:11, IX-e, the District will not adopt policies, procedures, or student support forms that prohibit District personnel from answering questions from a parent/guardian about that parent's/guardian's student's mental, emotional, or physical health or well-being, sexuality, or a change in related services or monitoring, or that have the effect of encouraging a student to withhold from a parent/guardian such information.

District personnel will not discourage or prohibit parental/guardian notification of and involvement in critical decisions affecting that parent's/guardian's student's mental, emotional, or physical health or well-being.

The Superintendent is authorized to adopt procedures that permit District personnel to withhold any of the above information from a parent if a reasonably prudent person would believe that such disclosure would result in abuse, abandonment, or neglect of a student or other child as those terms are defined in RSA 169-C:3.

To the extent that any other school board/district/school/class policy, procedure, rule or regulation, conflicts with the above, this policy shall supersede - but not otherwise impact - such policy, procedure, rule or regulation.

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**District Policy History:**

First reading: \_\_\_\_\_

Second reading/adopted: \_\_\_\_\_

**District revision history:**

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***Legal References Disclaimer:*** These references are not intended to be considered part of this policy, nor should they be taken as a comprehensive statement of the legal basis for the Board to enact this policy, nor as a complete recitation of related legal authority. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

DISCLAIMER: This sample policy manual is copyrighted to the New Hampshire School Boards Association and is intended for the sole and exclusive use of NHSBA Policy Service Subscribers. No portion of this manual may be reproduced, copied, transmitted, distributed, in any form, except as needed for the development of policy by a subscribing district. The materials contained in the manual are provided for general information only and as a resource to assist subscribing districts with policy development. School districts and boards of education should consult with legal counsel and revise all sample policies and regulations to address local facts and circumstances prior to adoption. NHSBA continually makes revisions based on school districts' needs and local, state and federal laws, regulations and court decisions, and other relevant education activity.

**NH Statutes**

RSA 169-C:3

RSA 186:11, IX-e

**Description**

[Definitions](#)

[Notice to Parents/Guardian Required](#)

All items rated with a "1" require additional explanation. The reverse side of the page may be used for explanations and additional comments.

A = Superintendent Response  
B = Board response (January)  
C = Board response (May)

3 = commendable    2 = meets expectations    1 = needs improvement

#### RELATIONSHIP WITH THE COMMUNITY

1. Facilitates communication within the community through an effective public information program based on the needs and successes of the District.
2. Seeks meaningful community involvement in the establishment, implementation and evaluation of District-wide goals, objectives, priorities and programs.
3. Develops and maintains a cooperative relationship with the news media.
4. Establishes a procedure for studying and acting on complaints, criticisms and concerns of individuals and/or community.
5. Is actively involved in community arenas.
6. Maintains a professional posture with other public officials and community leaders.
7. Has the ability to face controversy and work effectively with it.
8. Understands and responds to the unique and changing needs of the community.
9. Accepts and solicits input from interested groups and individuals in the decision-making process.

| A | B | C |
|---|---|---|
| — | — | — |
| — | — | — |
| — | — | — |
| — | — | — |
| — | — | — |
| — | — | — |
| — | — | — |
| — | — | — |
| — | — | — |

Average rating for Relationship with the Community

In the area of Relationship with the Community, what is the strongest asset? \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

What specific area could be most improved? \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Comments: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

All items rated with a "1" require additional explanation. The reverse side of the page may be used for explanations and additional comments.

A = Superintendent Response  
B = Board response (January)  
C = Board response (May)

3 = commendable    2 = meets expectations    1 = needs improvement

# **FINANCIAL**

1. Keeps informed of the needs of the school program—supplies, equipment, plant and facilities.
2. Assumes responsibility for overall financial planning for the District, including short-term priorities and long-range planning.
3. Coordinates the preparation of the annual budget utilizing teacher and staff input; submits the budget to the Board for input and approval.
4. Evaluates financial needs and makes timely recommendations for adequate funding.
5. Determines that funds are spent and invested wisely; ensures that adequate controls and accounting are achieved.
6. Provides leadership in solving major problems and achieving maximum utilization of resources.

| A | B | C |
|---|---|---|
| — | — | — |
| — | — | — |
| — | — | — |
| — | — | — |
| — | — | — |
| — | — | — |
| — | — | — |

Average rating for Financial

In the area of Financial, what is the strongest asset? \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

What specific area could be most improved? \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Comments: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

All items rated with a "1" require additional explanation. The reverse side of the page may be used for explanations and additional comments.

A = Superintendent Response  
B = Board response (January)  
C = Board response (May)

3 = commendable    2 = meets expectations    1 = needs improvement

### PERSONAL QUALITIES

1. Sustains physical and mental health and appropriate energy to cope with the Superintendent's tasks.
2. Defends principle and conviction in the face of pressure and partisan influence, yet is able to compromise.
3. Maintains high standards of ethics, honesty and integrity in all personal and professional matters.
4. Uses English effectively in dealing with staff members, the Board and the public.
5. Speaks well before large and small groups, expressing ideas in a logical and forthright manner.
6. Accepts and shares failure as well as success.
7. Is able to identify and discuss own strengths and weaknesses.
8. Welcomes questions and open discussion when presenting ideas.
9. Exercises good judgment and involves appropriate others in the decision-making process.
10. Maintains a balance of professional development by reading, attending conferences, working on professional committees, visiting other districts and meeting with other superintendents.

| A | B | C |
|---|---|---|
| — | — | — |
| — | — | — |
| — | — | — |
| — | — | — |
| — | — | — |
| — | — | — |
| — | — | — |
| — | — | — |
| — | — | — |
| — | — | — |

Average rating for Personal Qualities

In the area of Personal Qualities, what is the strongest asset? \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

What specific area could be most improved? \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Comments: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

### DISTRICT CONCERNS

Identify by priority three major areas of concern which should be addressed by the Superintendent.

Priority 1. \_\_\_\_\_  
 Priority 2. \_\_\_\_\_  
 Priority 3. \_\_\_\_\_

**EVALUATION OF THE SUPERINTENDENT**

*This sample – as with virtually all NHSBA samples designated with “-R”, “-F”, or “-E” - is intended as an aid toward administrative implementation of the corresponding sample policy. Because this sample is not intended as a board policy, neither the original adoption, nor revisions / amendments to the same, require approval by the board any more than other administrative regulations or procedures promulgated under the superintendent's direction.*

The SAU Board shall conduct a minimum of one (1) annual formal evaluation of the Superintendent.

Members of the Board will first evaluate the Superintendent independently, using a written form adopted by the Board for this purpose. The Board will convene to discuss the assessments and to prepare a composite evaluation. The composite evaluation will be discussed by the full Board and the Superintendent. The Board and the Superintendent will each retain a copy of the written evaluation report.

Evaluation of the Superintendent shall be conducted in such manner as to:

1. Provide positive and constructive feedback to the Superintendent that will support and promote the Superintendent's professional growth and development;
2. Help the Board evaluate its work in planning the educational program in this community; and
3. Strengthen the working relationship between the Board and the Superintendent by providing a comprehensive vehicle of communication.
4. Identify strengths and weaknesses of the Superintendent, and make appropriate recommendations.

See Superintendent Evaluation Form



## EVALUATION OF THE SUPERINTENDENT

Name of Superintendent: \_\_\_\_\_ Date: \_\_\_\_\_

All items rated with a "1" require additional explanation. The reverse side of the page may be used for explanations and additional comments.

3 - Commendable

2 - Meets Expectations

1 - Needs Improvement

| ADMINISTRATION |                                                                                                                                                                                        | 3 | 2 | 1 |
|----------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|---|---|
| 1.             | Exerts strong educational leadership, develops a strong management team and delegates responsibility.                                                                                  |   |   |   |
| 2.             | Establishes and maintains a sound plan of organization and assignment of staff personnel which will provide the proper framework for accomplishing District objectives.                |   |   |   |
| 3.             | Fulfills the Board's goals and policies successfully.                                                                                                                                  |   |   |   |
| 4.             | Demonstrates skill in developing long-range planning activities based on program needs and enrollment projections.                                                                     |   |   |   |
| 5.             | Employs a team effort in analyzing, planning, implementing and evaluating policies, programs and personnel.                                                                            |   |   |   |
| 6.             | Implements procedures to carry out a continuous program of evaluation.                                                                                                                 |   |   |   |
| 7.             | Recommends for employment personnel who have proper certification and skills for the position.                                                                                         |   |   |   |
| 8.             | Organizes the roles and responsibilities of staff members so as to optimize their effectiveness and to encourage harmonious relationships among various segments of the school system. |   |   |   |
| 9.             | Provides to the Board and the general public an organized and informative annual report of the state of the District.                                                                  |   |   |   |
| 10.            | Maintains liaison with state and federal legislators, as well as other outside agencies, in efforts to accomplish legislation needed for school improvement.                           |   |   |   |

Rating for this Category: \_\_\_\_\_

In the area of administration, what is the strongest asset? \_\_\_\_\_

\_\_\_\_\_

COMMENTS: \_\_\_\_\_

\_\_\_\_\_

## EVALUATION OF THE SUPERINTENDENT

3 - Commendable

2 - Meets Expectations

1 - Needs Improvement

| INSTRUCTION |                                                                                                                                        | 3 | 2 | 1 |
|-------------|----------------------------------------------------------------------------------------------------------------------------------------|---|---|---|
| 1.          | Provides overall leadership in the development and implementation of a <u>productive instructional delivery system</u> .               |   |   |   |
| 2.          | Identifies and facilitates instruction and student achievement as the focal point of the School District.                              |   |   |   |
| 3.          | Identifies instructional objectives in terms of students and implements programs to meet the diverse needs of students.                |   |   |   |
| 4.          | Capitalizes on the abilities and talents of the professional staff in curriculum development, implementation and evaluation.           |   |   |   |
| 5.          | Provides to staff throughout the system the time for organization and the resources required to improve instruction.                   |   |   |   |
| 6.          | Provides for continued monitoring and evaluation of instructional activities.                                                          |   |   |   |
| 7.          | Promotes <u>high academic expectations</u> and standards for students.                                                                 |   |   |   |
| 8.          | <u>Incorporates</u> useful new ideas into the instruction program.                                                                     |   |   |   |
| 9.          | Maintains a working knowledge of current educational research, reports useful new concepts and shares that information with the Board. |   |   |   |
| 10.         | Keeps the Board informed on the analysis, planning, implementation, and evaluation of instructional activities.                        |   |   |   |
| 11.         | Keeps the community informed of the program of instruction and plans for improvement.                                                  |   |   |   |

Rating for this Category: \_\_\_\_\_

What specific area could be most improved?

COMMENTS:

**EVALUATION OF THE SUPERINTENDENT****3 - Commendable****2 - Meets Expectations****1 - Needs Improvement**

| <b>RELATIONSHIP WITH THE BOARD</b> |                                                                                                                                                 | <b>3</b> | <b>2</b> | <b>1</b> |
|------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------|----------|----------|----------|
| 1.                                 | Works with the Board in the areas of analyzing, planning, implementing and evaluating policies.                                                 |          |          |          |
| 2.                                 | Inform the Board on issues, operations, the instruction program, and needs of the school system.                                                |          |          |          |
| 3.                                 | Informs the Board on educational activities at the state and national levels.                                                                   |          |          |          |
| 4.                                 | Has an harmonious working relationship and maintains a professional relationship with members of the Board.                                     |          |          |          |
| 5.                                 | Interprets and supports Board policy and decisions to the public and staff.                                                                     |          |          |          |
| 6.                                 | Provides the Board members with reports and information which will enable them to sufficiently review the operations of the district.           |          |          |          |
| 7.                                 | Gives constructive advice and guidance to the Board regarding possibilities for District improvement.                                           |          |          |          |
| 8.                                 | States his/her convictions in matters before the Board.                                                                                         |          |          |          |
| 9.                                 | Utilizes the strengths of individual Board members and the Board itself in the decision-making process.                                         |          |          |          |
| 10.                                | Offers professional advice to the Board on items requiring Board action, with appropriate recommendations based on thorough study and analysis. |          |          |          |

Rating for this Category

COMMENTS:

In the area of instruction, what is the strongest asset?

What specific area could be most improved?

## EVALUATION OF THE SUPERINTENDENT

3 - Commendable

2 - Meets Expectations

1 - Needs Improvement

| RELATIONSHIP WITH THE STAFF |                                                                                                                                               | 3 | 2 | 1 |
|-----------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------|---|---|---|
| 1.                          | Includes the participation of faculty and staff in the establishment and the implementation of District-wide goals, objectives, and programs. |   |   |   |
| 2.                          | Facilitates high standards of performance for all staff members.                                                                              |   |   |   |
| 3.                          | Facilitates evaluation of staff performance as required by state law and by Board policy.                                                     |   |   |   |
| 4.                          | Facilitates two-way communication and interaction with staff.                                                                                 |   |   |   |
| 5.                          | Promotes programs for staff growth and development.                                                                                           |   |   |   |
| 6.                          | Strives to maintain positive morale by:                                                                                                       |   |   |   |
|                             | a. minimizing arbitrary decision-making and favorites;                                                                                        |   |   |   |
|                             | b. giving fair and impartial treatment to all parties in a dispute; and                                                                       |   |   |   |
|                             | c. giving recognition and appreciation for a job well done.                                                                                   |   |   |   |
| 7.                          | Instills confidence and self-respect among staff.                                                                                             |   |   |   |
| 8.                          | Meets and confers with employee groups representing the interests and directives of the Board.                                                |   |   |   |
| 9.                          | Communicates effectively the concerns of employee groups to the Board and Board responses to these concerns to employee groups.               |   |   |   |
|                             |                                                                                                                                               |   |   |   |

Rating for this Category

COMMENTS:

In the area of Board relationship, what is the strongest asset?

What specific area could be most improved?

## EVALUATION OF THE SUPERINTENDENT

3 - Commendable

2 - Meets Expectations

1 - Needs Improvement

| RELATIONSHIP WITH THE COMMUNITY |                                                                                                                                                         | 3 | 2 | 1 |
|---------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------|---|---|---|
| 1.                              | Facilitates communication within the community through an effective public information program based on the needs and successes of the district.        |   |   |   |
| 2.                              | Seeks meaningful community involvement in the establishment, implementation and evaluation of district-wide goals, objectives, priorities and programs. |   |   |   |
| 3.                              | Develops and maintains a cooperative relationship with the news media.                                                                                  |   |   |   |
| 4.                              | Establishes a procedure for studying and acting on complaints, criticisms, and concerns of individuals and/or community.                                |   |   |   |
| 5.                              | Is actively involved in community arenas.                                                                                                               |   |   |   |
| 6.                              | Maintains a professional posture with other public officials and community leaders.                                                                     |   |   |   |
| 7.                              | Has the ability to face controversy and work effectively with it.                                                                                       |   |   |   |
| 8.                              | Understands and responds to the unique and changing needs of the community.                                                                             |   |   |   |
| 9.                              | Accepts and solicits input from interested groups and individuals in the decision-making process.                                                       |   |   |   |

Rating for this Category

COMMENTS:

In the area of community relationships, what is the strongest asset?

What specific area could be most improved?

In the area of staff relationship, what is the strongest asset?

What specific area could be most improved?

## EVALUATION OF THE SUPERINTENDENT

3 - Commendable

2 - Meets Expectations

1 - Needs Improvement

| PERSONAL QUALITIES |                                                                                                                                                                                         | 3 | 2 | 1 |
|--------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|---|---|
| 1.                 | Sustains physical and mental health and appropriate energy to cope with the Superintendent's tasks.                                                                                     |   |   |   |
| 2.                 | Defends principle and conviction in the face of pressure and partisan influence, yet is able to compromise.                                                                             |   |   |   |
| 3.                 | Maintains high standards of ethics, honesty, and integrity in all personal and professional matters.                                                                                    |   |   |   |
| 4.                 | Uses English effectively in dealing with staff members, the Board and the public.                                                                                                       |   |   |   |
| 5.                 | Speaks well before large and small groups, expressing ideas in a logical and forthright manner.                                                                                         |   |   |   |
| 6.                 | Accepts and shares failure as well as success.                                                                                                                                          |   |   |   |
| 7.                 | Is able to identify and discuss own strengths and weaknesses.                                                                                                                           |   |   |   |
| 8.                 | Welcomes questions and open discussion when presenting ideas.                                                                                                                           |   |   |   |
| 9.                 | Exercises good judgment and involves appropriate other in the decision-making process.                                                                                                  |   |   |   |
| 10.                | Maintains a balance of professional development by reading, attending conferences, working on professional committees, visiting other Districts and meeting with other Superintendents. |   |   |   |

Rating for this Category

COMMENTS:

In the area of personal qualities, what is the strongest asset?

What specific area could be most improved?

## EVALUATION OF THE SUPERINTENDENT

3 - Commendable

2 - Meets Expectations

1 - Needs Improvement

| FINANCIAL |                                                                                                                                             | 3 | 2 | 1 |
|-----------|---------------------------------------------------------------------------------------------------------------------------------------------|---|---|---|
| 1.        | Keeps informed of the needs of the school program – supplies, equipment, plant and facilities.                                              |   |   |   |
| 2.        | Assumes responsibility for overall financial planning for the District, including short-term priorities and long-range planning.            |   |   |   |
| 3.        | Coordinates the preparation of the annual budget utilizing teacher and staff input, submits the budget to the Board for input and approval. |   |   |   |
| 4.        | Evaluates financial needs and makes timely recommendations for adequate funding.                                                            |   |   |   |
| 5.        | Determines that funds are spent and invested wisely, ensures that adequate controls and accounting are achieved.                            |   |   |   |
| 6.        | Provides leadership in solving major problems and achieving maximum utilization of resources.                                               |   |   |   |

Rating for this Category

In the area of finances, what is the strongest asset?

What specific area could be most improved?

In the area of Board relationship, what is the strongest asset?

What specific area could be most improved?

COMMENTS:

Signed:

Chairperson of the School Board

Signed:

Superintendent

Date:

Page 8 of 8



**ADA**

**NEWFOUND REGIONAL HIGH SCHOOL MISSION STATEMENT**

The mission of Newfound Regional High School is to challenge and empower each learner.

First Reading: 5/18/2020

Second Reading: 6/9/2020

## INSURANCE MANAGEMENT

The School Board shall periodically review and adopt a comprehensive plan for risk management to protect the financial resources of the District, preserve its ability to provide an educational program and protect individuals from personal loss as a result of carrying out their responsibilities for the District.

Administration of this Board policy shall be under the direction of the Superintendent or, by designation, the Business Administrator, who is charged with the responsibility to regularly evaluate exposures, develop strategies to control losses, implement insurance coverage, maintain property appraisals and inventories, process claims, maintain loss records and supervise loss prevention activities.

The Board shall assume the risk of property damage, legal liability and dishonesty in all cases in which the exposure is so small or dispersed that a loss would not significantly affect the operations or financial position.

Insurance shall be provided against all major exposures through the purchase of appropriate types of policies, combined wherever possible or practical in one policy, and utilizing self-insurance through use of deductibles. Coverages needed include:

|                                        |                           |
|----------------------------------------|---------------------------|
| Automobile                             | Host liquor liability     |
| Boiler and machinery                   | Liability other than auto |
| Crime                                  | Medical payments          |
| Educator's legal liability             | Property                  |
| Employee benefits liability            | Scheduled bonds           |
| Employment related practices liability |                           |

Property shall be insured to value based on replacement cost against as wide a range of perils as possible, practical and reasonable, allowing for various rate offerings, and shall be regularly appraised to allow for increases in value. Insurance of buildings, contents, or property in the open, shall not be purchased to cover loss exposures below the amount of \$5,000.00, unless such insurance is required by statute or contract, or when it is desirable to obtain special services such as inspection or claim adjustment service in connection with the insurance.

Insurance shall be purchased only through licensed agents or brokers who have the technical competence to service the account adequately. Insurance shall be placed only through companies rated at least A- in Best's ratings. Bids shall be taken periodically and submitted to the Board for consideration.

First Reading: February 12, 2007  
Second Reading: March 12, 2007

## ANNUAL FACILITY PLAN

- A. Drafting and Adoption.** Each year, the School Board shall adopt an updated Facility Plan. The first Facility Plan shall be adopted no later than November 15, 2021, with an updated plan approved by the Board by June 1 of 2023 and each year thereafter.

The Facility Plan shall be developed and drafted by the Superintendent or his/her designee, and it shall be proposed to the School Board for comment and adoption at least 30 days prior to the adoption deadlines articulated above.

- B. Contents of Facility Plan.** The Facility Plan shall account for each facility owned by the District and document the use of each such facility. For each then unused facility, the plan shall specify any uses intended within the next two years of the annual plan approval relative to academic purposes, extracurricular activities, administrative functions, and/or sports. Facilities for which no current or intended use is included on the plan shall be referred to in this policy as “Unused Facilities”.

- C. Annual Report to N.H. Department of Education.** The Superintendent shall submit a report of Unused Facilities to the New Hampshire Department of Education, with the first such report due January 1, 2022 and subsequent reports due July 1 each year thereafter. Pursuant to RSA 194:61, such Unused Facilities are then encumbered by a right of first refusal (“ROFR”) available to every approved charter school operating in New Hampshire. The specifics of the ROFR are described in RSA 194:61, III-VII.

**Legal References:**

*RSA 194:61, Unused District Facilities*

First reading: October 25, 2021

Second reading: November 8, 2021

**TEACHING ABOUT ALCOHOL, DRUGS AND TOBACCO**

District personnel shall provide students, parents, and legal guardians with information and resources relative to existing drug and alcohol counseling and treatment for students. The Superintendent shall oversee the development, distribution, and maintenance of a comprehensive list of local, regional, statewide drug and alcohol counseling and treatment resources which are available to district students. This information may be published in student/parent handbooks, posted on district websites, distributed along with other course material during drug and alcohol education, and shall be available through the principal's office, school nurse's office, athletic program offices, guidance offices and other locations deemed appropriate by the principal in each school.

As part of the health education program for grades K-12, the District shall provide age and developmentally appropriate education based upon the needs of pupils and the community regarding the effects of alcohol and other drugs, abuse thereof, the hazards of using tobacco products, e-cigarettes, liquid nicotine and like suspensions, as well as the state laws and related penalties for prohibiting minors using or possessing such products. The Superintendent shall be responsible to establish and periodically review the District's guidelines for staff members providing such health education or education on such topics. An evidence-based prevention program, approved by the Superintendent, may be used for this purpose.

**Legal References:**

RSA 126-K:8, Youth Access to and Use of Tobacco Products, Special Provisions  
RSA 189:10, Studies  
RSA 189:11-d, Drug and Alcohol Education  
RSA 193-E:2-a, Substantive Educational Content of an Adequate Education  
Ed 306.40, (b)(2) a – Health Education Program

First Reading: February 3, 2020

Second Reading: March 2, 2020

5. What do you believe is the theme of this work?

6. Are you aware of professional reviews of this work?

7. What would you like the school to do about the work?

8. In its place what work would you recommend that would convey as valuable a picture and perspective of the subject treated?

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Additional comments:

First Reading - 14 September 1998  
Second Reading - 13 October 1998

**NEWFOUND AREA SCHOOL BOARD POLICY**

## Nursing Mothers Accommodation of Lactation Needs

### A. Statement of Purpose.

The District provides a supportive environment as to time and place for students and<sup>2</sup> employees (collectively "people with lactation or lactation related needsnursing mothers"). Subject to the terms and exceptions set forth in this policy, the District will accommodate persons with lactation needsthe needs of nursing mothers by providing reasonable times and suitable spaces for themnursing mothers to attend to lactation needsnurse during school and work hours for one year after the birth of the child. Nursing for purposes of this policy will include expression of milk by manual or mechanical means.

No person with lactation needsnursing mother will be discriminated against for nursing or nursing related activities as provided in this policy, and reasonable efforts will be made to assist people with lactation needsnursing mothers in meeting their infant feeding goals while at work or school.

### B. Accommodation Notice and Plans.

A person with lactation needsnursing or expectant mother should contact the building principal, school nurse or employee's supervisor at least two weeks before the need for nursing accommodations arises. The District will endeavor to meet the break and space needs of each person with lactation needs nursing mother. However, when ordinary accommodations (as discussed below) will create undue hardship to the operations of the school/workplace, the District will work with the person with lactation needsnursing mother to determine whether other acceptable accommodations may be made. Such other accommodations could include such items as a change in work/class assignments, or schedules. When acceptable accommodations are unattainable, the school nurse, building principal or other administrator working with the person with lactation needsnursing mother should consult with the District's Human Rights/Non-Discrimination Officer or Superintendent.

A nursing accommodation plan should be revisited upon the person with lactation needs nursing mother's request, or at least every three months, with adjustments made to the accommodations for breaks as nursing needs change.

### C. Reasonable Time to Express Milk during the School Day.

Absent due hardship or other accommodations as established under Section B, above, a person with lactation needs nursing mother will have a minimum of three opportunities ("nursing period") during a work or school day, at agreed upon intervals (which should include flexibility as appropriate and practicable) for the purpose of nursing or to address other needs relating to nursing. An employee or student can use usual break and meal periods if she chooses.

A person with lactation needsnursing mother who is an hourly employee will be paid during nursing periods. People with lactation needsNursing mothers shall not be required to "make up" time relating to the use of unpaid nursing periods.

### D. Suitable Private Areas for Nursing.

People with lactation needsNursing mothers will be provided with a private place, other than a bathroom, in each school district building in which a nursing mother spends her working or school day.

The nursing area:

1. May be temporary or permanent.



2. Shall be shielded from view and free from intrusion by other persons, including without limitation other staff or students;

3. Shall be within a reasonable walk to the person with lactation needs~~nursing mothers~~ work-station or classroom unless otherwise agreed by the person with lactation needs~~nursing mother~~;
4. Have at a minimum an electrical outlet and a chair if feasible;
5. Have a sink with running water if feasible, or be in proximity to one;
6. Have a refrigerator for breast milk storage if feasible, or be in proximity to one; and
7. Shall be cleaned regularly by District staff assigned to that duty.

#### **E. Nursing Mother Responsibilities of the Person with Lactation Needs.**

A person with lactation needs~~Nursing mothers~~ will:

1. Provide at least two weeks' advance notice of the need for nursing accommodations, preferably prior to their return to school following the birth of the child. This will allow school administrators the opportunity to establish a location and work out scheduling issues. Note that, notwithstanding the requested two weeks' notice, an unnecessary delay in making a reasonable accommodation for a person with lactation needs could constitute a violation of the PWFA and Title IX.
2. Maintain the nursing area by wiping down surfaces with antibacterial wipes so the area is clean for the next user.
3. Provide their own supplies as is necessary.

#### **F. Prohibited conduct.**

Any intentional act which violates a lactating person's needs~~nursing mother's~~ privacy, aims to frustrate a lactating person's~~nursing mother's~~ intentions to use the nursing facilities, or constitutes harassment on account of a lactating person's~~nursing mother's~~ needs or lactating~~breastfeeding~~ status is prohibited, and shall be treated as violation of the applicable code of conduct, with possible disciplinary consequences and may constitute sexual harassment and reported to the Title IX Coordinator in accordance with Policy ACAC.

#### **G. Dissemination of policy.**

This policy shall be printed or summarized if applicable in the employee and student handbook. For employees, if the handbook is not provided at the time of hire, then the District will provide a copy of this policy at the time of hire.

NH Statutes  
RSA 275:78-83

Federal Regulations  
89 FR 29182

Federal Statutes  
20 U.S.C 1681, et seq  
42 U.S.C. 2000gg  
42 U.S.C. 218d

Cross References

Code

Description

Policies Relating to Nursing Mothers (Scroll down to sections 275:78-83)

Description

Pregnant Workers Fairness Act ("PWFA")

Description

Title IX of the Education Amendments of 1972

Pregnant Worker Fairness Act ("PWFA")

Pump for Nursing Mothers Act ("PUMP Act")

Description

|                |                                                                                                                             |
|----------------|-----------------------------------------------------------------------------------------------------------------------------|
| <u>AC</u>      | <u>Nondiscrimination, Equal Opportunity Employment, and Anti-Discrimination Plan</u>                                        |
| <u>AC-R(2)</u> | <u>Nondiscrimination, Equal Opportunity Employment, and Anti-Discrimination Plan - Annual Notice of Contact Information</u> |
| <u>ACA</u>     | <u>Discrimination and Harassment Grievance Procedure</u>                                                                    |
| <u>ACAC</u>    | <u>Title IX Prohibition of Sex Discrimination and Sex-Based Harassment: Policy and Grievance Procedure</u>                  |
| <u>GBEB</u>    | <u>Staff Conduct</u>                                                                                                        |
| <u>IHBCA</u>   | <u>Accommodation of Pregnancy and Related Medical Conditions: Students</u>                                                  |
| <u>JIC</u>     | <u>Student Conduct</u>                                                                                                      |

#### *Federal Statutes*

~~20 U.S.C. 1681, et seq—Title IX of the Education Amendments of 1972~~

~~42 U.S.C. 2000gg—Pregnant Worker Fairness Act ("PWFA")~~

~~42 U.S.C. 218d—Pump for Nursing Mothers Act ("PUMP Act")~~

#### *Cross References*

~~AC—Non-Discrimination, Equal Opportunity Employment, and Anti-Discrimination Plan CAB-R—Employee Discrimination /Harassment and Retaliation Complaint Procedures GBEB—Staff Ethics~~

~~JIC—Student Conduct~~

*First Reading: November 13, 2023*

*Second Reading: November 27, 2023*

## SUPERINTENDENT EVALUATION

Through evaluation of the Superintendent, the Board shall strive to accomplish the following:

1. clarify for the Superintendent her/his role in the school system as seen by the Board;
2. clarify for all Board members the role of the Superintendent in the light of her/his job description and the immediate priorities among her/his responsibilities as agreed upon by the Board and the Superintendent;
3. develop harmonious working relationships between the Board and Superintendent;
4. provide effective administrative leadership for the school system.

The Board shall provide the Superintendent with periodic opportunities to discuss Superintendent-Board relationships, and shall inform her/him, at least annually, of its assessment of her/his performance.

The Newfound Area School Board shall conduct a minimum of one annual formal evaluation of the Superintendent.

Members of the Board shall first evaluate the Superintendent independently, using a written form adopted by the Board for this purpose. The Board shall convene to discuss the assessments and to prepare a composite evaluation. The composite evaluation shall be discussed by the full Board and the Superintendent. The Board and the Superintendent shall each retain a copy of the written evaluation report.

Evaluation of the Superintendent shall be conducted in such manner as to:

1. provide positive and constructive feedback to the Superintendent that shall support and promote the Superintendent's professional growth and development;
2. help the Board evaluate its work in planning the educational program in the community;
3. strengthen the working relationship between the Board and the Superintendent by providing a comprehensive vehicle of communication;
4. identify strengths and weaknesses of the Superintendent and make appropriate recommendations.

First Reading: April 14, 2014

Second Reading: May 12, 2014

Name of Superintendent \_\_\_\_\_

Date \_\_\_\_\_

All items rated with a "1" require additional explanation. The reverse side of the page may be used for explanations and additional comments.

A = Superintendent Response  
B = Board response (January)  
C = Board response (May)

3 = commendable    2 = meets expectations    1 = needs improvement

**ADMINISTRATION**

1. Exerts strong educational leadership, develops a strong management team and delegates responsibility.
2. Establishes and maintains a sound plan of organization and assignment of staff personnel which will provide the proper framework for accomplishing District objectives.
3. Fulfills the Board's goals and policies successfully.
4. Demonstrates skill in developing long-range planning activities based on program needs and enrollment projections.
5. Employs a team effort in analyzing, planning, implementing and evaluating policies, programs and personnel.
6. Implements procedures to carry out a continuous program of evaluation.
7. Recommends for employment personnel who have proper certification and skills for the position.
8. Organizes the roles and responsibilities of staff members so as to optimize their effectiveness and to encourage harmonious relationships among various segments of the school system.
9. Provides to the Board and the general public an organized and informative annual report of the state of the District.
10. Maintains liaison with state and federal legislators, as well as other outside agencies, in efforts to accomplish legislation needed for school improvement.

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Average rating for Administration

In the area of Administration, what is the strongest asset? \_\_\_\_\_

What specific area could be most improved? \_\_\_\_\_

Comments: \_\_\_\_\_

All items rated with a "1" require additional explanation. The reverse side of the page may be used for explanations and additional comments.

A = Superintendent Response  
B = Board response (January)  
C = Board response (May)

3 = commendable    2 = meets expectations    1 = needs improvement

# INSTRUCTION

1. Provides overall leadership in the development and implementation of a productive instructional delivery system.
2. Identifies and facilitates instruction and student achievement as the focal point of the School District.
3. Identifies instructional objectives in terms of students and implements programs to meet the diverse needs of the students.
4. Capitalizes on the abilities and talents of the professional staff in curriculum development, implementation and evaluation.
5. Provides to staff throughout the system the time for organization and the resources required to improve instruction.
6. Provides for continued monitoring and evaluation of instructional activities.
7. Promotes high academic expectations and standards for students.
8. Incorporates useful new ideas into the instruction program.
9. Maintains a working knowledge of current educational research, reports useful new concepts and shares that information with the Board.
10. Keeps the Board informed on the analysis, planning, implementation and evaluation of instructional activities.
11. Keeps the community informed of the program of instruction and plans for improvement.

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Average rating for Instruction

In the area of Instruction, what is the strongest asset? \_\_\_\_\_

What specific area could be most improved? \_\_\_\_\_

Comments: \_\_\_\_\_

All items rated with a "1" require additional explanation. The reverse side of the page may be used for explanations and additional comments.

A = Superintendent Response  
B = Board response (January)  
C = Board response (May)

3 = commendable    2 = meets expectations    1 = needs improvement

### RELATIONSHIP WITH THE BOARD

1. Works with the Board in the areas of analyzing, planning, implementing and evaluating policies.
2. Informs the Board on issues, operations, the instruction program and needs of the school system.
3. Informs the Board on educational activities at the state and national levels.
4. Has a harmonious working relationship and maintains a professional relationship with members of the Board.
5. Interprets and supports Board policy and decisions to the public and staff.
6. Provides the Board members with reports and information which will enable them to sufficiently review the operations of the District.
7. Gives constructive advice and guidance to the Board regarding possibilities for District improvement.
8. States her/his convictions in matters before the Board.
9. Utilizes the strengths of individual Board members and the Board itself in the decision-making process.
10. Offers professional advice to the Board on items requiring Board action, with appropriate recommendations based on thorough study and analysis.

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Average rating for Relationship with the Board

In the area of Relationship with the Board, what is the strongest asset? \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

What specific area could be most improved? \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Comments: \_\_\_\_\_  
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All items rated with a "1" require additional explanation. The reverse side of the page may be used for explanations and additional comments.

A = Superintendent Response  
B = Board response (January)  
C = Board response (May)

3 = commendable    2 = meets expectations    1 = needs improvement

### RELATIONSHIP WITH THE STAFF

1. Includes the participation of faculty and staff in the establishment and the implementation of District-wide goals, objectives and programs.
2. Facilitates high standards of performance for all staff members.
3. Facilitates evaluation of staff performance as required by state law and by Board policy.
4. Facilitates two-way communication and interaction with staff.
5. Promotes programs for staff growth and development.
6. Strives to maintain positive morale by:
  - a. minimizing arbitrary decision-making and favorites
  - b. giving fair and impartial treatment to all parties in a dispute
  - c. giving recognition and appreciation for a job well done.
7. Instills confidence and self-respect among staff.
8. Meets and confers with employee groups representing the interests and directives of the Board.
9. Communicates effectively the concerns of employee groups to the Board and Board responses to these concerns to employee groups.

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Average rating for Relationship with the Staff

In the area of Relationship with the Staff, what is the strongest asset? \_\_\_\_\_  
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What specific area could be most improved? \_\_\_\_\_  
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Comments: \_\_\_\_\_  
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not limited to: restrictions on contact between the parties; facilitated discussions between the parties; restorative justice; acknowledgement of responsibility by a respondent; apologies; disciplinary actions against a respondent or requirements to engage in specific services; or supportive measures.]

5. The facilitator for the informal resolution process: must be trained; cannot be the same person as the investigator or decisionmaker in the matter; and must not have a conflict of interest or bias regarding parties to such matters generally or to an individual complainant or respondent.
6. The Superintendent must agree to the terms of any informal resolution reached between the parties, considering whether the resolution is in the best interest of the parties and the school district in light of the particular circumstances, applicable laws/regulations, and Board policies.
7. If an informal resolution agreement is reached, it will be agreed to in writing by both parties and the Human Rights Office/Title IX Coordinator. Any such agreement is final and binding on the parties.

#### **C. Investigation Process**

1. The complaint will be investigated by a trained internal or external individual designated by the Superintendent and the Human Rights Officer/Title IX Coordinator. The investigator shall not have a conflict of interest or bias against complainants or respondents generally, or an individual complainant or respondent, and will consult with the Human Rights Officer/Title IX Coordinator during the investigation process.
2. Any complaint about an employee who holds a supervisory position will be investigated by a person not subject to that supervisor's authority. Any complaint about the Superintendent will be submitted to the Board Chair, who will consult with legal counsel concerning the handling and investigation of the complaint.
3. If the complaint is against an employee of the school district, any rights conferred under an applicable bargaining agreement will be applied, to the extent they do not conflict with the requirements of Title IX and accompanying regulations.
4. The burden is on the school district, and not the parties, to gather sufficient evidence (through the investigation) in order to determine whether illegal discrimination or harassment occurred.
5. The investigator shall provide an opportunity for the complainant and respondent to be heard as part of the investigation. The parties will not be required to attend meetings together.
6. The parties may suggest witnesses to be interviewed and/or submit materials that they believe are relevant to the allegations and complaint.
7. The investigator will evaluate evidence that is relevant and not otherwise impermissible, including both inculpatory and exculpatory evidence. Credibility determinations will not be based on a person's status as a complainant, respondent, or witness.
  - a. The Title IX regulations define "relevant" as "related to the allegations of sex discrimination under investigation. Questions are relevant when they seek evidence that may aid in showing whether the alleged sex discrimination occurred, and evidence

is relevant when it may aid a decisionmaker in determining whether the alleged sex discrimination occurred."

8. The following types of evidence, and questions seeking that evidence, are impermissible:

- a. Evidence that is protected under a privilege recognized by federal or state law, or evidence provided to a confidential employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality in writing.
- b. A party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the treatment to the party or witness, unless the school district obtains that party's or witness's voluntary, written consent for use in the complaint procedure; and
- a. Evidence that relates to the complainant's sexual interests or prior sexual conduct, unless evidence about the complainant's prior sexual conduct is offered to prove that someone other than the respondent committed alleged sexual/sex-based harassment or is evidence about specific incidents of the complainant's prior sexual conduct with the respondent that is offered to prove consent to the alleged sexual/sex-based harassment. The fact of prior sexual conduct between the complainant and respondent does not by itself demonstrate or imply the complainant's consent to the alleged sex-based harassment or preclude a determination that sex-based harassment occurred.

9. The investigator will provide each party with the opportunity to review the evidence that is relevant to the allegations of discrimination or harassment (and not otherwise impermissible), and to respond to it.

10. The Human Rights Officer/Title IX Coordinator and investigator will take reasonable steps to prevent and address the parties' unauthorized disclosure of information and evidence obtained solely through the complaint procedure. Disclosure of such information and evidence for the purposes of administering administrative proceedings or litigation related to the complaint are authorized.

11. The investigator will conclude the investigation and issue a written report to the Human Rights Officer/Title IX Coordinator within forty (40) school days, if feasible.

- a. If the investigator has been charged with making a determination of responsibility/non-responsibility with respect to each allegation, such determination(s) and the reasons, therefore, shall be included in the report.

12. Extensions of time may be granted to complete the investigation if approved by the Human Rights Officer/Title IX Coordinator for reasonable cause. Notice of any extension and the reasons, therefore, will be provided to the parties.

#### **D. Determinations of Responsibility**

1. The standard used to determine whether illegal discrimination or harassment occurred is the preponderance of the evidence standard ("more likely than not").



2. The decisionmaker will review the investigation report, the evidence gathered (as appropriate), and will have the discretion to conduct additional interviews of parties and/or witnesses if needed to assess credibility.
3. The decisionmaker will make a written determination of responsibility/non-responsibility in regard to each allegation and the reasons therefore, which shall be shared with the Human Rights Officer/Title IX Coordinator and the parties.
4. In general, the Human Rights Officer/Title IX Coordinator will notify the parties of the determination decision(s) within five (5) school days of the determination being reached. Reasonable extensions of time may be approved by the Human Rights Officer/Title IX Coordinator for good reason. The notification will include the permissible bases for appeal and the deadline for receipt of appeals.
5. If there is a determination that the respondent is responsible for violations, the appropriate administrator will make decisions as to appropriate disciplinary action and remedies.
6. The Human Rights Officer/Title IX Coordinator shall, as appropriate:
  - a. Coordinate the provision and implementation of remedies to a complainant and any other persons if necessary to provide equal access to the school district's educational programs and activities that had been limited or denied by discrimination or harassment;
  - b. Coordinate the imposition of any disciplinary sanctions on a respondent, including notification to the complainant of any such disciplinary sanctions; and
  - c. Take other appropriate prompt and effective steps if necessary to ensure discrimination and harassment does not continue or recur.
7. A determination of responsibility becomes final on the date that the Human Rights Officer/Title IX Coordinator provides the parties with the written determination of the results of the appeal, if an appeal is filed. If an appeal is not filed, the determination of responsibility becomes final on the date on which the appeal would no longer be considered timely.
8. The school district will not discipline a party, witness, or others participating in the complaint procedure for making a false statement or for engaging in consensual sexual conduct based solely on the determination whether sex discrimination or sexual/sex-based harassment occurred.

#### E. Remedies, Discipline, and Other Actions

##### 1. Remedies

Remedies are measures used to ensure that the complainant has equal access to the school district's education programs and activities following the decisionmaker's determination(s). Such remedies may include supportive measures and may include other appropriate measures, depending on the determination(s) and the needs of the complainant. The Human Rights Officer/Title IX Coordinator is responsible for implementing remedies and providing any needed assistance to the complainant.

##### 2. Discipline and Other Actions

Examples of disciplinary and other actions that may be imposed on a student when there is a

determination that they are responsible for one or more violations of sexual/sex-based harassment include suspension, expulsion, restorative justice, required education or counseling, and other measures.

Examples of disciplinary actions that may be imposed on an employee when there is a determination that they are responsible for one or more violations of sexual/sex-based harassment include: written warning, probation, counseling, demotion, suspension without pay, termination.

#### **F. Appeals**

1. After the conclusion of the investigation and decisionmaker determination(s), the complainant or respondent may seek an appeal of the findings based on the following factors:
  - a. Procedural irregularity that would change the outcome;
  - b. New evidence that would change the outcome and that was not reasonably available when the determination was made; and
  - c. The Human Rights Officer/Title IX Coordinator, investigator, or decisionmaker had a conflict or bias for or against complainants or respondents generally or the individual complainant or respondent that would change the outcome.
2. The appeal must be made in writing to the Human Rights Officer/Title IX Coordinator within five (5) school days and state the basis for the appeal.
3. The Superintendent is responsible for making a determination on the appeal. The Superintendent will conduct an impartial review of the appeal, including consideration of the written record in the case, and may consult with legal counsel or other school district officials in making their decision.
4. The Superintendent will issue the appeal determination in writing within ten (10) school days of receipt of the appeal, if feasible.
5. The Superintendent's decision is final.

B.

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**D. Records** "The District will keep a written record of the complaint, investigation, and findings."

#### **Section 3. Title IX Sexual Harassment Complaint Procedure**

This section should be used only for complaints of Title IX sexual harassment as defined in Section 1.B.1.

##### **A. How to Make a Report**

1. Any individual who believes an employee has been sexually harassed (as this term is defined in Section 1.B.1) may make a report to the HRO/Title IX Coordinator.
2. If the individual making the report is the alleged victim, or if the alleged victim is identified by the individual making the report, the HRO/Title IX Coordinator will meet with the alleged victim to discuss supportive measures that may be appropriate in the particular circumstances and explain the process for filing a formal complaint.
  - a. Supportive measures are individualized measures designed to ensure the employee can continue to access and perform their work (such as requiring no contact between individuals, temporarily moving work locations or changing schedules, etc.).
  - b. Supportive measures may be continued even if the alleged victim chooses not to file a formal complaint, if appropriate under the particular circumstances.
3. The school district cannot provide an informal resolution process for resolving a report until a

*Newfound Area School Board Policy*

formal complaint is filed.

- ~~4. Employees will not be retaliated against for reporting sexual harassment, or for participating in an investigation. Retaliation is illegal under federal and state nondiscrimination laws, and any retaliation will result in disciplinary actions, up to and including discharge.~~
- ~~5. Any employee who believes they have been the victim of sexual harassment is encouraged to utilize the school district's complaint procedures. However, employees are hereby notified that they also have the right to report sexual harassment to the New Hampshire Commission for Human Rights at 603-271-2767 and/or to the federal Office for Civil Rights, U.S. Department of Education, 5 Post Office Square, 8<sup>th</sup> Floor, Boston, MA 02109-3921 (telephone: 617-289-0111).~~
- ~~6. The Superintendent shall be informed of all reports and formal complaints of sexual harassment.~~

#### **~~B. How to Make a Formal Complaint~~**

- ~~1. An alleged victim may file a formal written complaint requesting investigation of alleged Title IX sexual harassment. The written complaint must include basic information concerning the allegation of sexual harassment (i.e., date, time, location, individual(s) who alleged engaged in sexual harassment, description of allegation). Employees who need assistance in preparing a formal written complaint, are encouraged to consult with the HRO/Title IX Coordinator.~~
- ~~2. In certain circumstances, the HRO/Title IX Coordinator may file a formal complaint even when the alleged victim chooses not to. Examples include if the respondent (person alleged to have engaged in sexual harassment) has been found responsible for previous sexual harassment or there is a safety threat within the school district). In such cases, the alleged victim is not a party to the case, but will receive notices as required by the Title IX regulations at specific points in the complaint process.~~



- 2.1. In accordance with the Title IX regulations, the HRO/Title IX Coordinator must dismiss a formal complaint under this Title IX procedure if: a) the conduct alleged in the formal complaint does not constitute sexual harassment under the Title IX regulations and this policy; b) if the conduct alleged did not occur within the scope of the school district's education programs and activities, or c) did not occur in the United States.
- 4.2. In accordance with the Title IX regulations, the HRO/Title IX Coordinator may dismiss a formal complaint under this Title IX procedure if: a) a complainant withdraws the formal complaint, or withdraws particular allegations within the complaint; b) the respondent is no longer employed by the school district; or c) there are specific circumstances that prevent the school district from gathering evidence sufficient to reach a determination regarding the formal complaint.
- 5.3. If a formal complaint is dismissed under this Title IX procedure, the HRO/Title IX Coordinator will promptly and simultaneously send written notices to the parties explaining the reasons. Parties have the opportunity to appeal dismissals in accordance with subsection I below.
- 6.4. If the conduct alleged potentially violates other laws, Board policies and/or professional expectations, the school district may address the conduct under Section 2 or another applicable policy/procedure.

#### **C.B. Administrative Leave**

1. The Superintendent may place an employee respondent on administrative leave during the complaint procedure in accordance with any applicable State laws, school policies and collective bargaining agreement provisions.
2. Any decision to place an employee respondent on administrative leave shall be made in compliance with any applicable disability laws, including Section 504 of the Rehabilitation Act and the Americans with Disabilities Act.

#### **D.C. Notice to Parties of Formal Complaint**

1. The Title IX Coordinator will provide to the parties written notice of the formal complaint and allegations of sexual harassment potentially constituting prohibited conduct under the Title IX regulations and this procedure. The notice will include:
  - Notice regarding the complaint procedure and the availability of an informal resolution process;
  - Sufficient details known at the time (including identities of parties, if known; the conduct alleged; and the date and location of the alleged incident, if known), with sufficient time to prepare before any initial interview (not less than five business days);
  - As required by the Title IX regulations, a statement that the respondent is presumed not responsible for the alleged conduct and that a determination of responsibility will be made at the conclusion of the complaint; and that the parties may inspect and review evidence;
  - Notice that the parties may each have an advisor of their choice (who may be an attorney), and that the parties may inspect and review evidence;
  - Notice that knowingly making false statements or submitting false information during the complaint procedure is prohibited and may result in disciplinary action; and
  - Notice of the name of the investigator, with sufficient time (no less than three business days) to raise concerns of conflict of interest or bias.
2. If additional allegations become known at a later time, notice of the additional allegations will be provided to the parties.
3. The HRO/Title IX Coordinator will discuss supportive measures with each party and implement such measures as appropriate.

#### **E.D. Informal Resolution Process**



After a formal complaint has been filed, and if the HRO/Title IX Coordinator believes the circumstances are appropriate, the HRO/Title IX Coordinator may offer the parties the opportunity to participate in an informal resolution process to resolve the complaint without completing the investigation and determination process. Informal resolutions cannot be used to resolve a formal complaint where a student is the complainant and the respondent is an employee.

Informal resolutions can take many forms, depending on the particular case. Examples include, but are not limited to, facilitated discussions between the parties; restorative justice; acknowledgment of responsibility by a respondent; apologies; disciplinary actions against a respondent or a requirement to engage in specific services; or supportive measures. Both parties must voluntarily agree in writing to participate in an informal resolution process, and either party can withdraw from the process at any time. The Superintendent must agree to the terms of any informal resolution reached between the parties. If an informal resolution agreement is reached, it must be signed by both parties and the school district. Any such signed agreement is final and binding according to its terms.

If an informal resolution process does not resolve the formal complaint, nothing from the informal resolution process may be considered as evidence in the subsequent investigation or determination.

#### **F.E. Investigation**

1. The complaint will be investigated by a trained internal or external individual designated by the Superintendent and HRO/Title IX Coordinator. Any complaint about an employee who holds a supervisory position shall be investigated by a person who is not subject to that supervisor's authority. Any complaint about the Superintendent should be submitted to the Chair of the Board, who should consult with legal counsel concerning the handling and investigation of the complaint.
2. The investigator shall consult with the HRO/Title IX Coordinator as agreed during the investigation process.
3. If the complaint is against an employee of the school district, rights conferred under an applicable collective bargaining agreement shall be applied, to the extent they do not conflict with the Title IX regulatory requirements.
4. Privacy rights of all parties to the complaint shall be maintained in accordance with applicable state and federal laws.
5. The investigator will:
  - a. Meet with each party after they have received appropriate notice of any meeting and its purpose, with sufficient time to prepare.
  - b. Allow parties to have their advisor at all meetings related to the complaint, although advisors may not speak on behalf of a party or interfere with the process.
  - c. Allow parties a reasonable opportunity to identify witnesses and submit favorable and unfavorable evidence.
  - d. Interview witnesses and conduct such other activities that will assist in ascertaining facts (site visits, review of documents, etc.).
  - e. Consider evidence that is relevant and directly related to the allegations in the formal complaint.
  - f. During the course of the investigation, provide both parties with an equal opportunity to inspect and review any evidence that is obtained in the investigation that is directly related to the allegations in the formal complaint (including evidence which the school district does not intend to rely upon in reaching a determination of responsibility), and favorable and unfavorable evidence.
  - g. Prior to completion of the investigation report, provide each party and advisor (if any) the evidence subject to inspection and review, and provide the parties with ten business days to submit a written response.

- h. Consider the parties' written responses to the evidence prior to completing the investigation report.
  - i. Create an investigative report that fairly summarizes relevant evidence and send the report to the parties and advisors (if any), for their review and written responses within ten business days of receipt.
  - j. After receipt of the parties' written responses (if any), forward the investigation report and party responses to the assigned decision maker.
6. The investigation shall be concluded within 40 business days if practicable. Reasonable extension of time for good reason shall be allowed.

#### G.F. Determination of Responsibility

1. The decision maker shall provide the parties with the opportunity to submit written, relevant questions that the party wants asked of another party or witness within five business days of when the decision maker received the investigation report and party responses.
  - a. The decision maker shall explain to a party proposing questions if the decision maker excludes a question as not relevant.
2. Each party shall be provided the opportunity to review the responses of another party and/or witness, and to ask limited written follow-up questions within five business days of receiving the answers.
3. Each party will receive a copy of the responses to any follow-up questions.
4. The decision maker shall review the investigation report, the parties' responses and other relevant materials, applying the preponderance of the evidence standard ("more likely than not").
5. The decision maker shall issue a written determination, which shall include the following:
  - a. Identification of all the allegations potentially constituting sexual harassment as defined in the Title IX regulations and this policy;
  - b. A description of the procedural steps taken from receipt of the formal complaint through the determination, including notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and meetings held;
  - c. A determination regarding responsibility as to each allegation and findings of fact supporting the determinations;
  - d. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the school district imposes on the respondent, and whether remedies designed to restore or preserve equal access to the school district's programs and activities will be provided to the complainant;
  - e. The school district's appeal procedure and permissible bases for the parties to appeal the determination.
6. The written determination shall be provided to the parties simultaneously. The determination concerning responsibility becomes final either on the date that the school district provides the parties with the written determination of the results of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which the appeal would no longer be considered timely.

#### H.G. Remedies, Discipline and Other Actions

##### 1. Remedies

Remedies are measures used to ensure that the complainant has equal access to the school district's education programs and activities following the decision maker's determination. Such remedies may include supportive measures, and may include other appropriate measures, depending upon the determination and the needs of the complainant. The Title IX Coordinator is responsible for implementing remedies and providing any needed assistance to the Complainant.

## 2. Discipline and Other Actions

The following are examples of the types of disciplinary actions that may be imposed on an employee when there is a determination that they are responsible for one or more violations involving sexual harassment:

- Written warning.
- Probation.
- Demotion.
- Suspension without pay.
- Discharge.

The following are examples of other types of actions that may be imposed on an employee when there is a determination of responsibility:

- Performance improvement plan.
- Counseling.
- Training.
- Loss of leadership/stipend position.

### 4.11. Appeals

The parties have the opportunity to appeal a determination regarding responsibility, and from dismissals of formal complaints. Under the Title IX regulations, appeals are allowed on the following grounds:

1. A procedural irregularity that affected the outcome of the matter;
2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal of the formal complaint was made, that could affect the outcome of the matter; or
3. The Title IX Coordinator, investigator, or decision maker had a conflict of interest or bias for or against complainants or respondents generally, or the individual complainant or respondent that affected the outcome of the matter.

An appeal must be filed in writing within five business days of receiving the determination, stating the grounds for the appeal and including any relevant documentation in support of the appeal.

Appeals submitted after this deadline are not timely and shall not be considered.

1. Appeals must be filed with the Superintendent, who will consider the appeal.
2. The Superintendent shall conduct an impartial review of the appeal, including consideration of the written record of the matter, and may consult with legal counsel or other school district officials in making their decision.
3. The Superintendent shall issue a written decision describing the result of the appeal and rationale for the result, and provide the written decision simultaneously to the parties. The decision will either deny the appeal; grant the appeal and remand to the decision maker for further consideration; or grant the appeal by revising the disciplinary action(s).

### I. Section 3. Recordkeeping

The Human Rights Officer/Title IX Coordinator shall maintain a record of documents and action in each case, and records of trainings provided, for a period of seven (7) years.

### J. Records

Records in connection with sexual harassment reports and the complaint process shall be maintained for a minimum of seven years.

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### Legal References:

Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681 et seq.); 34 C.F.R. Part 106

Newfound Area School Board Policy

*Clery Act (20 U.S.C. §1092(f)(6)(A)(v) - definition of sexual assault)*

*Violence Against Women Act (34 U.S.C. § 1092(f)(6)(A)(v) – definition of sexual assault; 34 U.S.C. § 12291(a)(10) – dating violence; 34 U.S.C. § 12291(a)(3) – definition of stalking; 34 U.S.C. § 12291(a)(8) – definition of domestic violence)*  
*Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d)*  
*Americans with Disabilities Act (42 U.S.C § 12101 et seq.), as amended*  
*Section 504 of the Rehabilitation Act of 1973 (Section 504) (29 U.S.C. § 794 et seq.), as amended*  
*Title VII of the Civil Rights Act of 1964 (42 U.S.C. § 2000e, et. seq.; 29 C.F.R. § 1604.11)*  
*Age Discrimination in Employment Act (29 U.S.C. § 623 et seq.)*  
*Genetic Information Nondiscrimination Act of 2008 (42 U.S.C. § 2000ff et seq.)*  
*RSA 186:11; and 354-A*  
*NH Code Admin. R. Ed. 303.01(i) and (j)*

*Cross Reference:*

*AC – Nondiscrimination/Equal Opportunity and Human Rights*

*ACAB – Harassment of Employees*

*ACAB-R1 – Employee Discrimination and Harassment Complaint Procedure*

*ACAB-R2 – Employee Sex Discrimination/Harassment Complaint Procedure*

*JIE - Pregnant Students*

~~*AC – Nondiscrimination/Equal Opportunity*~~

~~*ACAB – Harassment and Sexual Harassment of School Employees*~~

First Reading: November 7, 2022  
 Second Reading: November 28, 2022

**Policy AD: Philosophy of the School District**

Status: ADOPTED

Original Adopted Date: 07/01/1998 | Last Revised Date: 07/01/2005 | Last Reviewed Date:  
07/01/2005

Category: Recommended

**ADOPTION/REVISION NOTES –**

Text between the highlighted lines “~~~~~”, and highlights in this sample should be removed prior to adoption.

- a. General – As with all sample policies, NHSBA recommends that each district carefully review this sample prior to adoption/revision to assure suitability with the district's own specific circumstances, internal coding system, current policies, and organizational structures.
- b. Highlighted language or blank, underscored spaces indicate areas which Boards should review, change or complete to reflect local personnel titles, internal/ external policy references, duty assignments etc.
- c. {\*\*} indicates a reference to another NHSBA sample policy. A district should check its own current policies and codes to assure internal consistency.
- d. Withdrawn & earlier versions of revised policies should be maintained separately as part of the permanent records of the District.

**NHSBA history:**

Revised: July, 2005

Reviewed: February, 2004

Revised: November, 1999

Revised: July, 1998

The Board will develop a mission statement for the District. The Board should review and revise the statement annually.

**District Policy History:**

First reading: \_\_\_\_\_

Second reading/adopted: \_\_\_\_\_

**District revision history:**



**Legal References Disclaimer:** *These references are not intended to be considered part of this policy, nor should they be taken as a comprehensive statement of the legal basis for the Board to enact this policy, nor as a complete recitation of related legal authority. Instead, they are provided as additional resources for those interested in the subject matter of the policy.*

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**NH Dept of Ed Regulation**

NH Code of Admin. Rules, Section Ed.  
306.05

**Description**

School Philosophy, Goals, and Objectives

~~REQUEST FOR RECONSIDERATION OF LIBRARY OR CLASSROOM MATERIALS~~  
Parent/Guardian Library Title Opt-Out Form

[ Please fill in the appropriate blanks]

Student Name: \_\_\_\_\_ School: \_\_\_\_\_

Parent/Guardian Name: \_\_\_\_\_

I, the undersigned, wish to opt my child out from checking out the following title from the school library.

Title \_\_\_\_\_ Book \_\_\_\_\_ Periodical \_\_\_\_\_ Other \_\_\_\_\_

Author/Producer \_\_\_\_\_

Publisher/Distributor \_\_\_\_\_ Date of Publication: \_\_\_\_\_

Request initiated by: \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_ Telephone \_\_\_\_\_

~~1. To what in the work do you object? What is the reason for the objection? Please be as specific as possible.~~

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~~2. Did you read, view or listen to the entire work? If not, what part or parts?~~

~~3. What do you feel might be the result of reading, viewing, or listening to this work?~~

~~4. For what age group would you recommend this work?~~

## Student Conduct

### A. General Policy.

The School Board is committed to promoting a safe, healthy, orderly and supportive school and learning environment. To achieve that for all, it is important for students to conduct themselves in a manner fitting to their age level and maturity, and with respect and consideration other students, District personnel and other members of the community. Students are expected and required to maintain appropriate behavior that allows teachers and staff to perform their professional duties effectively and without disruption while on School District property or on property within the jurisdiction of the School District (including vehicles); and/or while attending or engaged in school activities. Additionally, students may be disciplined for off campus conduct in accordance with the provisions of policy JICDD.

Expectations for student conduct and standards of behavior shall be communicated through written Board policies, as well as District and/or school rules. Those policies and rules should be included in a Code of Conduct for each school.

Student conduct that causes material or substantial disruption to the school environment, interferes with the rights of others, presents a threat to the health and safety of students, employees, or visitors, and/or violates the Code of Conduct, or classroom rules is prohibited. Response to violations of the Code of Conduct, however, should be designed to maximize student academic, emotional and social success, while at the same time assuring safety of all students, staff and school visitors. With this objective, the Board endorses adoption of a Multi-Tiered System of Support for Behavioral Health and Wellness ("MTSS-B") as the framework for the Code of Conduct. District personnel who interact with students are expected to utilize progressive disciplinary measures, and to place emphasis on educating students so they may grow in self-discipline. Suspensions and expulsions shall be administered consistent with the applicable Code of Conduct and Board policy JICD.

### B. Student Code of Conduct

The School Board delegates to the Superintendent, in consultation with the appropriate building Principal and counselors, the responsibility of adopting and implementing a [Student Code of Conduct] with such age-appropriate rules and regulations for each school as he/she deems necessary to implement the objectives of this policy, and reflects the three-tiered support prevention of framework of MTSS-B: school-wide approaches; targeted supports for at-risk students; and individualized services for highest-needs students.

The Code of Conduct for each school shall be submitted to the School Board for review each year, either separately or with the applicable student handbook. Consistent with the Board's statutory authority, and other Board policies regarding review of administrative rules, regulations and procedures, the School Board retains the authority to modify, supersede, or suspend any provision of the Code of Conduct.

The Code of Conduct shall include:

1. A graduated and age-appropriate system of supports and intervention strategies, such as:
  - parent conferences,
  - counseling,
  - peer mediation,
  - instruction in conflict resolution and anger management,

- parent counseling and training,
  - community service, and
  - rearranging class schedules.
2. Graduated and age-appropriate disciplinary consequences such as:
- restriction from extra-curricular activities,
  - temporary (same day) removal from class or activity,
  - detention,
  - temporary reassignment/in-school suspension,
  - out-of-school suspension, and
  - expulsion.
3. Provisions describing how and when short term suspensions of up to 5 days, short term suspensions up to 10 days, long term suspensions up to 20 days, and/or expulsion should be imposed. These standards shall make reference to and reflect:
- the nature and degree of disruption caused to the school environment;
  - the threat to the health and safety of pupils and school personnel, volunteers or visitors;
  - whether the conduct or behavior is isolated or repeated.

All temporary (same day) removal from classrooms or activities, restriction from activities, detentions, suspensions and expulsions shall comport with applicable laws, regulations and Board policy JICD.

4. Information regarding RSA 193:13, 193-D, this policy, Board policy JICD, and other Board policies or District/school rules regulating student conduct on and off-campus. Except where the complete text of a statute, regulation or policy is required, the Code of Conduct should include age appropriate language. E.g., summaries for elementary grade levels.

#### **C. Implementation and Notice.**

The Superintendent shall assure that the Code of Conduct, complete with the information set out in section B.4, above, shall be printed in full in each student handbook, made available to parents at the beginning of the school year, publicly available on the school, District and/or SAU district website [or in some other manner to assure parental notification if neither the school district nor SAU maintain a website].

Additionally, building Principal(s) shall assure student awareness of the Code of Conduct and other District policies and building rules through print, postings and periodic announcements.

The Superintendent should also designate personnel to explore the availability of and pursue any State or Federal grants, technical assistance and professional development opportunities available to facilitate implementation of MTSS-B per RSA 135-F:5, I(c) and (d).

#### **D. Parental Notification of Simple Assaults.**

Pursuant to RSA 193-D:4, I (b), the Superintendent is directed to adopt and implement procedures requiring parents/guardians of each student involved in a simple assault (victim and perpetrator) occurring during the school day, when such assault causes: any form of bodily injury, including bruising or discoloration, or would otherwise constitute a disciplinable offense under the Code of

Conduct. For purposes of this policy, "simple assault" shall have the same meaning as that provided in RSA 631:2-a (a simple assault occurs when one purposefully or knowingly causes bodily injury or unprivileged physical contact to another; or recklessly causes bodily injury to another or negligently causes bodily injury to another by means of a deadly weapon).

**E. Disciplinary Removal of Students with Disabilities.**

If a student is disabled under the Individuals with Disabilities Act (IDEA), the New Hampshire RSA 186-C, Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act, or any other law providing special rights to disabled students, those laws shall govern and shall supersede these local policies to the extent these local policies are inconsistent with those laws. Accordingly, any class or activity removal, suspension or expulsion of a child with a disability as defined in Ed 1102.01(t) shall be in accordance with Ed 1124.01.

First reading: May 24, 2021

Second reading: June 14, 2021

## WELLNESS

The Board recognizes the importance of proper nutrition and developmentally appropriate physical activity as ways of promoting healthy lifestyles, minimizing childhood obesity, and preventing other diet-related chronic diseases. The Board also recognizes that health and student success are inter-related. It is, therefore, the goal of the Board that the learning environment positively influences a student's understanding, beliefs, and habits as they relate to good nutrition and physical activity.

This policy outlines the District's approach to ensuring environments and opportunities for all students to practice healthy eating and physical activity behaviors throughout the school day while minimizing commercial distractions. This policy applies to all students, staff and schools in the District.

### **I. DISTRICT WELLNESS COMMITTEE**

The Superintendent, in consultation with the Director of Food Services, will facilitate development of updates to the District Wellness Policy, subject to School Board approval, and will oversee compliance with the policy. In addition, the Superintendent shall designate a Building Wellness Coordinator for each school to help ensure compliance with this policy at the building level.

The Superintendent shall convene a representative "District Wellness Committee" (or "Wellness Committee"), who's functions will include review and recommendations regarding implementation of and updates to this policy, and establishment of specific goals for nutrition promotion, education and physical activity.

The Superintendent or his/her designee shall serve as the Chairperson of the District Wellness Committee, and shall maintain an updated roster of Building Wellness Coordinators and other persons serving on the Committee.

The District Wellness Committee shall meet no less than three times per school year.

The District Wellness Committee should represent each school and the diversity of the community, and to the extent feasible include the Superintendent or her/his designee, The Food Services Director, each Building Wellness Coordinator, parents, students, physical education teachers, health education teachers, school counselors, school administrators, a school board member, outside health professionals, individual school building representatives, and members of the public.

Staff appointments to the Wellness Committee will be made by the Superintendent. The School Board Chair shall appoint the School Board member. Remaining members, other than those who are ex officio, shall be appointed and approved by the Wellness Committee.

As a statutory committee, the Wellness Committee shall comply with the requirements of RSA 91-A regarding meetings.



## **II. WELLNESS POLICY IMPLEMENTATION, MONITORING, ACCOUNTABILITY AND COMMUNITY ENGAGEMENT**

### **A. Implementation Plan**

Each Building Wellness Coordinator, with the assistance of the Wellness Committee, will conduct a school level assessment based on the Centers for Disease Control and Prevention's School Health Index to create an action plan and generate an annual progress report. The school-level assessment/report should be completed by September 30<sup>th</sup> of each school year and provided to the Superintendent.

### **B. Annual Notification of Policy**

The District will annually inform families and the public of basic information about this policy, including its content, any updates to the policy, and implementation status. The District will make this information available via the district website. This information will include the contact information of the District official(s) chairing the Wellness Committee (i.e., the Superintendent or his/her designee) and any Building Wellness Coordinator(s), in addition to on how the public can get involved with the District Wellness Committee.

### **C. Triennial Progress Assessments**

Every three years, the Food Services Director will assess:

- The extent to which each of the District's schools are in compliance with the wellness policy;
- The extent to which the District Wellness Policy compares to model wellness policies; and
- A description of the progress made in attaining the goals of the District's Wellness Policy.

The Wellness Committee will make recommendations to update the District Wellness Policy based on the results of the annual School Health Index and triennial assessments and/or as District priorities change; community needs change; wellness goals are met; new health science, information, and technology emerges; and new Federal or state guidance or standards are issued. The Board will review and act upon such assessments as required or as the Board deems appropriate.

### **D. Recordkeeping.**

The Superintendent will retain records related to this Policy, to include at least the following:

- The District Wellness Policy;
- The most recent assessment on the implementation of the local school wellness policy;

- Documentation on how the District Wellness Policy and Policy assessments are/were made available to the public;
- Documentation confirming annual compliance with the requirement that District Wellness Policy, including updates, and the most recent assessment on the implementation of the Policy have been made available to the public; and
- Documentation of efforts to review and update the District Wellness Policy; including who is/was involved in each update and methods the District uses to make stakeholders aware of opportunities to participate on the District Wellness Committee.

#### **E. Community Involvement, Outreach and Communications**

The District will communicate ways in which representatives of DWC and others can participate in the development, implementation and periodic review and update of the wellness policy through a variety of means appropriate for that district. The District will also inform parents/guardians of the improvements that have been made to school meals and compliance with school meal standards, availability of child nutrition programs and how to apply, and a description of and compliance with Smart Snacks in School nutrition standards.

### **III. NUTRITION**

#### **A. School Meals**

All schools within the District participate in USDA child nutrition programs, including the National School Lunch Program (NSLP) and the School Breakfast Program (SBP). District schools are committed to offering school meals that:

- Are accessible to all students;
- Are appealing and attractive to children;
- Are served in clean and pleasant settings;
- Promote healthy food and beverage choices; and
- Meet or exceed current nutrition requirements established by local, state, and Federal statutes and regulations. The District offers reimbursable school meals that meet USDA nutrition standards, which may be found at:

**<https://www.fns.usda.gov/school-meals/nutrition-standards-school-meals>**

#### **B. Staff Qualifications and Professional Development**

All school nutrition program directors, managers and staff will meet or exceed hiring and annual continuing education/training requirements in the USDA professional standards for school nutrition professionals, which may be found at:

**<https://www.fns.usda.gov/school-meals/professional-standards>**

### C. Water

To promote hydration, free, safe, unflavored drinking water will be available to all students at every school.

### D. Competitive Foods and Beverages and Marketing of Same in Schools

“Competitive foods and beverages” (i.e., foods and beverages sold and served or marketed during the school day, but outside of the school meal programs) must meet the USDA Smart Snacks in School nutrition standards, which may be accessed at: <https://www.fns.usda.gov/school-meals/smart-snacks-school>

These standards will apply in all locations and through all services where foods and beverages are sold, which may include, but are not limited to, à la carte options in cafeterias and vending machines.

Except as may be provided elsewhere in this Policy, any foods and beverages marketed or promoted to students on the school campus during the school day will meet or exceed the USDA Smart Snacks in School nutrition standards. Food and beverage marketing is defined as advertising and other promotions in schools, including, but is not limited to:

- Brand names, trademarks, logos or tags, except when placed on a physically present food or beverage product or its container.
- Displays, such as on vending machine exteriors.
- Corporate brand, logo, name or trademark on school equipment, such as marquees, message boards, scoreboards or backboards (*note*: immediate replacement of these items are not required; however, districts will replace or update scoreboards or other durable equipment when existing contracts are up for renewal or to the extent that is financially possible over time so that items are in compliance with the marketing policy.).
- Corporate brand, logo, name or trademark on cups used for beverage dispensing, menu boards, coolers, trash cans and other food service equipment; as well as on posters, book covers, pupil assignment books or school supplies displayed, distributed, offered or sold by the District.
- Advertisements in school publications or school mailings.
- Free product samples, taste tests or coupons of a product, or free samples displaying advertising of a product.

Corporate brand names, logos, and trademarks for companies that market products that comply with the USDA Smart Snacks in School nutrition standards will not be prohibited because they offer some non-compliant food or beverage items in their product line. Likewise, the marketing restrictions do not apply to clothing or other examples of expression which include brand information for non-compliant food or beverage items.

As the District, school athletic department, and parent teacher associations review existing contracts and consider new contracts, equipment and product purchasing (and replacement) decisions should reflect the applicable marketing guidelines established by the District wellness policy.

#### **E. Celebrations and Rewards.**

All foods offered during the school day on the school campus will meet or exceed the USDA Smart Snacks in School nutrition standards. Foods and beverages will not be used as a reward or withheld as punishment for any reason. The District's School Nutrition Services will make available a list of healthy party ideas to parents and teachers, including non-food celebration ideas, and a list of foods and beverages which meet Smart Snack nutrition standards.

#### **F. Food Sale Fundraising.**

Foods and beverages that meet or exceed the USDA Smart Snacks in Schools nutrition standards may be sold through fundraisers on the school campus during the school day. Fundraising groups are encouraged to choose non-food fundraisers, and to consider healthy fundraising ideas. Notwithstanding this provision, each school may allow up to nine bake sales or other fundraising food sales of non-compliant foods (i.e., that do not meet Smart Snack standards), which are no more than one day in duration each.

#### **G. Nutrition Promotion.**

The District will promote healthy food and beverage choices for all students throughout the school campus, as well as encourage participation in school meal programs. This promotion will include.

- Implementation of at least \_\_\_\_ or more evidence-based healthy food promotion techniques in the school meal programs using methods included in the Smarter Lunchroom Movement, which may be found at:

<https://www.smarterlunchrooms.org/scorecard-tools/smarter-lunchrooms-strategies>

- Ensuring 100% of foods and beverages promoted to students during the school day meet the USDA Smart Snacks in School nutrition standards. Additional promotion techniques that the District and individual schools may use are available through the Smart Food Planner of the Alliance for a Healthier Generation, available at:

<https://www.healthiergeneration.org/our-work/business-sector-engagement/improving-access-to-address-health-equity/smart-food-planner>

## **H. Nutrition Education.**

The District will teach, model, encourage and support healthy eating by all students.

- Nutrition education shall be included in the health curriculum so that instruction is sequential and standards-based and provides students with the knowledge, attitudes, and skills necessary to lead healthy lives.
- Nutrition education posters will be displayed in [each school cafeteria] [each room in which students regularly eat their lunches].
- Consistent nutrition messages shall be disseminated throughout the school.

Schools should provide additional nutrition education that

- Is designed to provide students with the knowledge and skills necessary to promote and protect their health;
- To the extent practicable is integrated into other classroom instruction through subjects such as math, science, language arts, social sciences and elective subjects;
- May include enjoyable, developmentally-appropriate, culturally-relevant and participatory activities, such as cooking demonstrations or lessons, promotions, taste-testing, farm visits and school gardens;
- Promotes fruits, vegetables, whole-grain products, low-fat and fat-free dairy products and healthy food preparation methods;
- Emphasizes caloric balance between food intake and energy expenditure (promotes physical activity/exercise);
- Links with school meal programs, cafeteria nutrition promotion activities, school gardens, Farm to School programs, other school foods and nutrition-related community services;
- Teaches media literacy with an emphasis on food and beverage marketing; and
- Includes nutrition education training for teachers and other staff.

## **IV. PHYSICAL ACTIVITY.**

The District will provide physical education consistent with national and state standards. Physical activity during the school day (including but not limited to recess, classroom physical activity breaks or physical education) **will not be withheld** as punishment for any reason.

### **A. Classroom Physical Activity Breaks.**

In addition to any recess periods provided in the ordinary daily schedule, students will be offered **periodic opportunities** to be active or to stretch throughout the day. The District recommends teachers provide short physical activity breaks to students during and between classroom time at least three days per week. These physical activity breaks

will complement, not substitute, for physical education class, recess, and class transition periods.

**B. Before and After School Activities.**

The District offers opportunities for students to participate in physical activity after school through interscholastic and intramural sports and clubs.

**C. Walking and Biking to School.**

The District will support walking or biking to school by students or faculty only if determined safe by the building principal.

**V. OTHER ACTIVITIES TO PROMOTE STUDENT WELLNESS.**

The District will endeavor to integrate wellness activities across the entire school setting, not just in the cafeteria or physical education and athletic facilities.

In furtherance of this objective, each school in the District will *[identify at least one activity or list of options with a requirement to engage in one or more]* each school year.

**VI. PROFESSIONAL LEARNING.**

When feasible, the District will offer annual professional learning opportunities and resources for staff to increase knowledge and skills about promoting healthy behaviors in the classroom and school (e.g., increasing the use of kinesthetic teaching approaches or incorporating nutrition lessons into math class).

*First reading: December 7, 2020*

*Second reading/adopted: December 21, 2020*

**Legal References:**

*42 U.S.C. 1751, Richard B. Russell National School Lunch Act*

*42 U.S.C. 1771, Child Nutrition Act of 1966*

*Section 204 of Public Law 108-265, Child Nutrition and WIC Reauthorization Act of 2004*

*The Healthy Hunger-Free Kids Act of 2010*

*7 C.F.R 210, National School Lunch Program*

*7 C.F.R 220, School Breakfast Program*

*RSA 189:11-a, Food and Nutrition Programs*

*N.H. Dept. of Education Administrative Rule – Ed 306.04 (a)(20), Wellness*

*N.H. Dept. of Education Administrative Rule – Ed 306.11 (g), Food and Nutrition Services*

*N.H. Dept. of Education Administrative Rule – Ed 306.38 (b)(1)b, Family and Consumer Science Education Program (middle schools)*

*N.H. Dept of Education Administrative Rule – Ed 306.40, Health Education Program*

## **BEHAVIOR MANAGEMENT AND INTERVENTION**

It is the policy of the Board to promote good behavior in a safe and orderly environment, where all students can be fully engaged in the learning process. To ensure that our students and staff are protected against disruptive behavior, the Board directs the Superintendent to set forth procedures for behavior management and interventions that are designed to maintain a positive environment conducive to learning.

Student conduct that disrupts class work, involves disorder, or invades the rights of others shall not be tolerated and may be cause for suspension or other disciplinary action.

The administration of disciplinary action shall focus both on consequences and on changing or managing inappropriate behavior.

It is important that there be careful evaluation of the individual situation so that the school's response to the student is appropriate.

If the student has an Individualized Education Program (IEP), the process shall follow federal and state laws governing special education

All available resources should be utilized, including preventive and responsive interventions to support students' needs. These interventions should include psychological, curricular and behavioral services, which should take place within classrooms, schools and alternative settings. Exclusion from the classroom should be the disciplinary action of last resort.

The Superintendent shall also ensure that classroom behavior management skills are addressed through professional development and that there is an adequate system of recordkeeping regarding disciplinary infractions and interventions.

The use of corporal punishment is prohibited in District schools.

### Legal References:

NH Code of Administrative Rules, Section Ed. 306.04((a)(18)Behavior Management and Intervention for Students

First Reading: December 8, 2014

Second Reading: January 12, 2015