

The mission of the Epping School District is to focus on the potential of every student and engage them to be passionate, confident learners who demonstrate competence and have strength of character to reach their highest aspirations and thoughtfully contribute to a diverse and changing world.



**EPPING SCHOOL DISTRICT
2011-2012 ANNUAL PARENT NOTICE OF RIGHTS AND POLICIES**

Dear Epping Parent:

Welcome to the 2011-2012 school year. Enclosed please find summarized information governing the learning environment in accordance with state and federal law and requiring parental notification. Non-discrimination policy has been revised to address the request and use of genetic information. The school district will not request or use genetic information to discriminate. Acceptable computer use policy has been completely revised to address new technology and to meet the criteria for state approval of the Technology Plan. The State Legislature also adopted a new chapter of law to address the use of physical restraint in schools.

On a local level the Epping School Board has eliminated the one-mile restriction for student transportation due to traffic and safety concerns. All students are eligible for bus transportation to and from school per the established bus routes. Questions may be addressed to the SAU Office. Due to state and national concern regarding student athletes, the school district is recommending a baseline concussion test for any athlete participating in sports, and a follow up test for any athlete suspected of having a concussion following a contact or collision. Questions may be directed to the District Athletic Director. The School Board has also approved parent online access to monitor student food service account balances and new student guidelines for charging meals to address issues in collecting outstanding balances. MealTime Online may be accessed from the district website navigation menu and from school websites under school lunch program. Please refer to the school student/parent handbook for more information regarding food service guidelines. Questions may be directed to the school.

We look forward to working with you and your child,

Gregory Dodge, School Board Chairman
Susan Kimball, School Board Vice-Chairman
Jeff Harris, School Board Member
David Mylott, School Board Member
Brian Reed, School Board Member

Barbara Munsey, Superintendent of Schools
Catherine Zylinski, Director of Special Services
Mark Vallone, EES Principal
Kyle Repucci, EMS & EHS Principal

EPPING SCHOOL DISTRICT

2011-2012 ANNUAL PARENT NOTICE OF RIGHTS AND POLICIES

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*Denotes new information due to changes in law, district policy, or district need.

Highlighted policy titles and *italicized content* indicate a change.

SCHOOL STUDENT HANDBOOKS

The Annual Parent Notice of Rights and Policies provides specific information as required by state and federal law which apply to all students. The School Student Handbook provides specific school information, rules, and regulations. Please read the School Student Handbook and review it with your child.

NON-DISCRIMINATION POLICY*

The School Board in accordance with the requirements of the federal and state laws, and the regulations which implement those laws, hereby declares formally that it is the policy of the Board, in its actions and those of its employees, that there shall be no discrimination on the basis of gender, sexual orientation, marital status, race, color, religion, nationality, ethnic origin, age, disability, *or genetic information* for employment in participation in admission or access to, or operation and administration of any educational program or activity in the School District.

Inquiries, complaints, and other communications relative to this policy and to the applicable laws and regulations concerned with non-discrimination shall be received by the Superintendent or his/her designee.

This policy of non-discrimination is applicable to all persons employed or served by the district. Any complaints or alleged infractions of the policy, law or applicable regulations will be processed through the grievance procedure. This policy implements PL 94-142, Section 504 of the Rehabilitation Act of 1973, Title II of the American with Disabilities Act, Title VI or VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, *Title II of the Genetic Information Nondiscrimination Act of 2008*, and the laws of New Hampshire pertaining to non-discrimination.

Title IX Grievance Procedure - Inquiries or complaints regarding compliance with Title IX may be directed to the office of Superintendent of Schools. Grievances will be processed as follows:

1. Any complaint from or on behalf of any person employed or served by the schools shall be submitted in writing, using the form provided, to the Office of the Superintendent of Schools, hereafter referred to as "the designated employee." The designated employee shall without delay forward it to the person immediately responsible.
2. The immediately responsible person will investigate the complaint and report his/her findings and recommended remediation in writing to the grievant within five (5) school days. A copy of the report shall be sent to the designated employee who will maintain a file on all grievances.
3. If the grievance has not been remedied to the satisfaction of the grievant, he/she may then submit the complaint, with all previous communications attached, to the following parties, in the order given. Each party will have the time indicated in which to investigate and report its findings and recommended remediation.
 - a. Responsible Building Principal (5 school days)
 - b. Superintendent of Schools (10 school days)
 - c. School Board (20 school days)
4. If all else fails, the grievant may appeal to the Federal Office for Civil Rights, Department of Health, Education and Welfare, Washington, D.C. 20201.

Note: All reports submitted throughout the grievance procedure must be made out in duplicate, with all previous correspondence attached, one copy going to the grievant and one to the designated employee who shall maintain a file on all grievances. Blank grievance forms will be available in all Principals' Office in

every school and in the Superintendent of School's Office, and on the District Website at www.sau14.org. (Reference: Policy AC, JBA, and Discrimination and/or Harassment Report Form)

NON-DISCRIMINATION ON THE BASIS OF HANDICAP/DISABILITY

The District provides the following Notice of Procedural Safeguards to parents/guardians, and handicapped persons, as required by 34 C.F.R. Sections 104.7, 104.8, 104.22 (4) (f), and 104.36 of the Regulations implementing Section 504 of the Rehabilitation Act of 1973.

The District does not discriminate on the basis of handicap in admission or access to, or treatment or employment in, its programs and activities.

The District provides a grievance procedure with appropriate due process rights. The Superintendent or his/her designee is the designated employee, charged with coordinating efforts to comply with Section 504. The parent/guardian of handicapped students or any handicapped person may use the grievance procedure established by the Board.

Grievance Procedure - Parents/guardians of a handicapped student have the right to notify the above designated employee with their complaint. Additionally, any handicapped individual also has the right to notify the above-designated employee with their complaint.

The designated employee will make an initial response to the complainant within ten (10) days of receipt of complaint. The parties will attempt to work out their differences informally in a prompt and equitable manner. A written record of the complaint resolution should be made within ten (10) working days of completion. Both parties will receive a copy of the written record. Additionally, the Superintendent will keep a copy on file.

If that effort fails, the complainant may: (a) request that the Board places this matter on its agenda or (b) notify the Superintendent of the complaint. The Board will be notified of whichever action the complainant so chooses.

If the Board schedules the matter for a hearing, the complainant may be represented by any person the complainant chooses, including legal counsel. The complainant may present information through documents and other evidence and witnesses, and may examine witnesses presented by the School District.

Within ten (10) working days of either of the above options, a written record should be made of the decision. Both parties will receive a copy of the written record. Additionally, the Superintendent will keep a copy on file.

Procedural Safeguards - As required by Section 104.36, parents/guardians of a student who needs or is believed to need special instruction and related services have the right, with respect to any action regarding identification, evaluation, and placement to:

1. Notice of referral/identification, evaluation, and placement process, with appropriate consent form.
2. Examine all relevant records.
3. An impartial hearing, at any time, with respect to any actions regarding identification, evaluation, or placement of persons who need or are believed to need special education and related services; an opportunity for participation by the parent/guardian and representation of counsel as provided under the Individuals with Disabilities Education Act.
4. A review process.

(Reference: Policy ACE, JBA, and Discrimination and/or Harassment Report Form)

VIDEO & AUDIO SURVEILLANCE (SUMMARIZED)

The Board authorizes the use of video surveillance devices on District property to ensure the health, welfare, and safety of all staff, students, and visitors to District property and to safeguard District buildings, grounds, and equipment. A notice will be posted at the main entrance of all school district buildings indicating the use of video surveillance. Pursuant to RSA 570-A:2, notice is hereby given that the Board authorizes audio recordings to be made in conjunctions with video recordings of the interior of school buses while students are being transported to and from school or school activities. A notice will also be posted on school buses indicating the use of video and audio surveillance. (Reference: Policy EEAA and JICK)

FREE AND REDUCED-PRICE LUNCH POLICY (SUMMARIZED)

The Epping School District participates in the federally funded National School Meals Program which offers free or reduced priced breakfast and lunch. All students will receive an application for this program. Additional forms are available at all times through the Main Office or SAU should your circumstances change. This program does not cover milk purchased separately.

The Free and Reduced Meals Program provides breakfast and lunch to students on a free or reduced cost basis. This program is available to students whose parents meet the federal income guidelines. This program benefits everyone by feeding hungry students making for more engaged learners and increasing school funds providing for more educational programs and support services.

All families are encouraged to fill out the application for free or reduced cost meals. Applications will be sent home with each student at the start of the school year and should be returned as soon as possible. Parents must fill out a new application each school year, regardless of whether they have qualified previously. All applications will be reviewed by the Food Services Supervisor. The Food Services Supervisor will notify parents as soon as the application has been processed. All information will be held strictly confidential.

Please contact the Food Services Supervisor if you have any questions or need assistance. (Reference: Policy EFC)

EVALUATION REQUIREMENTS FOR CHILDREN WITH SPECIFIC LEARNING DISABILITIES

Consistent with its child find and parent consent obligations, the district responds promptly to requests initiated by a parent or public agency for an initial evaluation to determine if a child has a disability.

A full and individual evaluation of a student's educational needs that meets the criteria established in state and federal law will be conducted before determining eligibility and before the initial provision of special education and related services to a student with a disability. The district implements an ongoing system to locate, identify and evaluate all children from birth to age 21 residing within its jurisdiction who have disabilities and need early intervention, early childhood special education or special education services. The district will seek to identify all children with disabilities, regardless of the severity of their disabilities.

The district is responsible for evaluating and determining eligibility for special education services for school age children. The district is responsible for evaluating children who may be eligible for Early Intervention/Early Childhood Special Education (EI/ECSE) services. The district's designated referral and evaluation agency is responsible for determining eligibility.

Before conducting any evaluation or re-evaluation, the district:

1. Plans the evaluation with a group that includes the parent(s);

2. Provides prior written notice to the parent(s) that describes any proposed evaluation procedures the agency proposes to conduct as a result of the evaluation planning process; and
3. Obtains informed written consent for evaluation.

The district conducts a comprehensive evaluation or re-evaluation before:

1. Determining that a child has a disability;
2. Determining that a child continues to have a disability;
3. Changing the child's eligibility;
4. Providing special education and related services;
5. Terminating the child's eligibility for special education, unless the termination is due to graduation from high school with a regular diploma or exceeding the age of eligibility for a free appropriate public education.

Upon completion of the evaluation, the district provides the parent or eligible child a copy of the evaluation report at no cost. The evaluation report describes and explains the results of the evaluation. Upon completion of the eligibility determination, the district provides the parent or eligible child documentation of eligibility determination at no cost.

The district ensures that assessments and other evaluation materials, including those tailored to assess specific areas of education need, used to assess a child:

1. Are selected and administered so as not to be racially or culturally discriminatory;
2. Are provided and administered in the child's native language or other mode of communication and form most likely to yield accurate information on what the child knows and can do academically, developmentally, and functionally unless it is clearly not feasible to do so;
3. Are used for purposes for which assessments or measures are valid and reliable;
4. Are administered by trained and knowledgeable personnel; and
5. Are administered in accordance with any instructions provided by the producer of such assessments.

Materials and procedures used to assess a child with limited English proficiency are selected and administered to ensure that they measure the extent to which the child has a disability and needs special education, rather than measuring the child's English language skills.

The district conducts re-evaluations:

1. When the educational or related services needs, including improved academic achievement and functional performance of the children warrant a re-evaluation;
2. When the child's parents or teacher requests a re-evaluation; and
3. At least every three years, unless that parent and the district agree that a re-evaluation is unnecessary.

The district does not conduct re-evaluation more than once a year, unless the parent and district agree otherwise. A student must meet the eligibility criteria established in the New Hampshire Administrative Rules. In making determinations regarding whether a student has a specific learning disability under state and federal special education rules, the District shall use a pattern of strengths and weaknesses model and/or research based intervention (RTI) model as set forth in state regulation ED 1107.01(a) and in federal regulation 34 C.F.R. § 300.309, and shall evaluate for specific learning disabilities in a manner consistent with the procedures and standards set forth in NH Ed 1107.01 and .02 and 34 C.F.R. § 300.301 to .311 as applicable. (Reference: Policy IHBA)

SPECIAL EDUCATION EVALUATIONS POLICY

The State and Federal special education laws require that the Epping School District evaluate children with disabilities who are in need of special education and related services. The District evaluates children upon referral for special education and re-evaluates educationally disabled children at least once every three years or when conditions warrant a re-evaluation.

The District is committed to ensuring that each child's IEP team bases its decision on high quality, reliable and educationally sound special education evaluations. As a result, the District has established the following list of criteria for all special education evaluations the District conducts, obtains or funds.

Unique circumstances may justify deviation from these criteria. If a parent or District staff member is aware of such unique circumstances, they should inform the student's special education teacher, building LEA or district special education administrator immediately.

1. The evaluation must comply with the relevant provisions of the State and Federal Special Education Laws, including 34 C.F.R. 300.530-300.536 and NH Code of Administrative Rules Ed 1107.
2. The evaluation must be conducted in New Hampshire, by an evaluator whose principal office is located in New Hampshire, unless there is no qualified evaluator in New Hampshire.
3. The evaluator must hold a valid license or certification from the State of New Hampshire in the field related to the known or suspected disability. The evaluator must have extensive training and experience in evaluation in the area(s) of concern and be able to interpret the instructional implications of evaluation results. In instances where no "applicable license or certification" exists, the district must be satisfied that the evaluator has extensive training and experience related to the known or suspected disability.
4. All tests administered will be the current version of the test. The test must be norm referenced for the individual evaluation appropriate for the age and educational level of the child and measure the same cognitive, motoric and achievement skills as district tests, and meet the same standards of technical adequacy for reliability and validity.
5. The cost of the evaluation shall not exceed the usual and customary rate for such evaluations. The School District will not pay for the evaluation until it receives the evaluator's report.
6. The evaluator must review educational records located in the student's local public school and other relevant educational records.
7. The evaluator must either: a) observe the child in one or more educational settings; or b) make at least one contact with the child's general education teacher for the purpose of determining how the student is progressing in the general curriculum. In addition, evaluators are encouraged to make additional contacts with other involved general and special education teachers and related service providers.
8. The evaluator must be permitted to directly communicate and share information with members of the IEP team, the district's Special Education Administrator or the administrator's designees. The evaluator must also release the assessments and results, including and parent and teacher questionnaires, to members of the IEP team, the Special Education Administrator or the administrator's designees.
9. All evaluation reports will include the appropriate standardization and reporting methods as designed by the test publishers.
10. The District shall be entitled to inspect and obtain copies of the evaluator's records directly pertaining to the student being evaluated, including any records created by third parties. However, those records will not be deemed accessible to any school district personnel other than the evaluator, unless and until the District exercises its right to inspect or obtain copies of those records from the evaluator.

Parents have a right [34 C.F.R. 300.502(b)(2) to request an independent educational evaluation at school district expense when the parent disagrees with the School District's evaluation. The provision for independent educational evaluation cannot be invoked by a parent who had refused to consent to a District evaluation.

The District may deny a request for an independent educational evaluation at public expense and initiate a due process hearing to demonstrate that the District's evaluation was appropriate.

A parent always has the right to get an independent educational evaluation at his or her own expense. The team must consider the results of any independent educational evaluation, regardless of who pays for it, if the evaluation meets the District's criteria in decisions about the provision of a free and appropriate public education for the child. (Reference: Policy IHBAB)

LIMITED ENGLISH PROFICIENCY INSTRUCTION POLICY (SUMMARIZED)

Per the No Child Left Behind Act of 2001 all new students to the District will receive a Home Language Survey. If your child has not received one, please contact the School Principal. The District requires that parents be notified of their student's placement in a Limited English Proficiency Program. The LEP Program will assess the student's level of English proficiency and determine appropriate placement. Students shall also receive appropriate services and equal educational opportunity. The LEP process for individual students shall also be documented. (Reference: Policy IHBBA)

SEXUAL HARASSMENT AND SEXUAL VIOLENCE POLICY (SUMMARIZED)

It is the policy of the District to maintain a learning and working environment that is free from sexual harassment and sexual violence. The District will not tolerate sexual harassment or sexual violence of students or employees by anyone, whether on school property, at school or work-related assignments off school property, at school-sponsored social functions, or elsewhere. It shall be a violation of this policy for any student or employee to harass a student or an employee through conduct or communication of a sexual nature as defined by this policy. It shall also be a violation of this policy for any student or employee to be sexually violent to a student or employee. The District will act to investigate all complaints, either formal or informal, verbal or written, of sexual harassment or sexual violence and to discipline any student or employee who sexually harasses or is sexually violent to a student or employee of the District. Reports shall be made to the School Principal. (Reference: Policy JBAA and Sexual Harassment and Sexual Violence Report Form)

COMPULSORY ATTENDANCE AGE POLICY (SUMMARIZED)

Law requires that a parent of any child at least 6 years of age and under 18 years of age shall cause such child to attend the public school to which the child is assigned in his/her resident school district. Such child shall attend full time unless one of the conditions outlined in law is met. (Reference: Policy JEA)

RESIDENCY POLICY (SUMMARIZED)

Residency for the purpose of enrollment in a District school shall be defined by RSA 193:12. No person shall attend school, or send a pupil to the school, in any district of which the pupil is not a legal resident, without the consent of the district or of the school board. For the purposes of this policy, an Epping resident student is defined as one whose custodial parent(s) or legal guardian(s) reside in Epping unless one of the conditions outlined in policy is met. Violators of this residency policy will be aggressively pursued and prosecuted under state law to recover lost tuition and legal fees. The Board reserves the right to request proof of residency and custody (if applicable) for students new to District and students in District suspected of not having legal residency per state law. (Reference: Policy JFA and Residency Verification Form)

ADMISSION OF HOMELESS STUDENTS POLICY (SUMMARIZED)

To the extent practical and as required by law, the district will work with homeless students and their families to provide stability in school attendance and other services. If homeless, please report your status to the School Principal or School Homeless Education Coordinator. To the extent feasible, homeless students will continue to be enrolled in their school of origin while they remain homeless or until the end of the academic year in which they obtain permanent housing. Instead of remaining in the school of origin, parents or guardians of homeless students may request enrollment in the school in which attendance area the student is actually living, or other schools. Homeless students will be provided with district educational programming and services for which they are eligible. Homeless students are entitled to transportation to their school of origin or the school where they are to be enrolled. If the school of origin is in a different district, or a homeless student is living in another district but will attend his or her school of origin in this district, the districts will make reasonable efforts to coordinate the transportation services necessary for the student. The district's liaison for homeless students and their families shall coordinate with local social services agencies that provide service to homeless children and youths and their families; other school districts on issues of transportation and records transfers; and state and local housing agencies responsible for comprehensive housing affordability strategies. (Reference: Policy JFABD)

STUDENT ABSENCES, EXCUSES, AND TRUANCY POLICY (SUMMARIZED)

Regular and punctual patterns of attendance will be required of each student enrolled in the District. It is recognized that absence from school may be necessary under certain conditions and may be excused. However, every effort should be made by parents and students to keep absences and tardiness to a minimum. Student attendance at school is the responsibility of the parent(s) and student. In order for the parents to fulfill their responsibility, the school must keep them informed of student absences. The Board recognizes two kinds of absence: excused absence and truancy. Excused absence is defined as absence due to personal illness, death of a relative, observance of religious holidays, educational activities away from school, emergency, or special circumstances. Please note that excused absence requires parental approval and may be subject to a note or other documentation as required by the school. Truancy is defined as habitual unexcused student absences. The District has the responsibility of enforcing attendance after a student is truant for five (5) full days or ten (10) half days. The process includes parent notification followed by a parent meeting to develop a truancy intervention plan followed by a court petition for a Child in Need of Services if the truancy issue is not successfully resolved. Please refer to the School Student Handbook for more information. (Reference: Policy JH and JHB)

STUDENT CONDUCT, DISCIPLINE, AND DUE PROCESS (SAFE SCHOOL ZONES) POLICY

Inappropriate student conduct that causes material and substantial disruption to the school environment, interferes with the rights of others, or presents a threat to the health and safety of others will not be tolerated. Students are expected to exhibit appropriate classroom behavior that allows teachers and staff to perform their professional duties effectively and without disruption.

Students will conduct themselves in a manner fitting to their age level and maturity and with respect and consideration for the rights of others while on school district property or property within the jurisdiction of the school district; while on school-owned and/or school-operated or chartered vehicles; while attending or engaged in school activities;. Additionally, students may be disciplined for off-campus conduct in accordance with the provisions of Policy JICDD. Consequences for the misconduct will be fair and developmentally appropriate in light of the circumstances.

Students who fail to abide by this policy and the administrative regulations supporting it may be disciplined to include, but are not limited to, removal from the classroom, detention, suspension, probation, and expulsion.

Removal from the classroom means a student is sent to the Principal's Office. It is within the discretion of the

person in charge of the classroom to remove the student.

Detention means the student's presence is required during non-school hours for disciplinary purposes. The Principal is authorized to establish guidelines or protocol for when detention shall be served. Whether a student will serve detention, and the length of the detention, is within the discretion of the Principal or his/her designee.

Suspension means an in-school suspension, an out-of-school suspension, a restriction from or loss of eligibility for athletic and/or extracurricular activities. An in-school suspension means the student will attend school, but will be temporarily isolated from one or more classes while under supervision. An in-school suspension will not exceed ten consecutive school days. An out-of-school suspension means the student is removed from the school environment, which includes school classes and activities. An out-of-school suspension will not exceed ten days. The Superintendent may continue the short-term suspension. A restriction from school activities means a student will attend school classes, but will not participate in athletic or extracurricular activities. Suspension means a social restriction, not an academic restriction. Schools will provide educational materials for students to keep up with their regular class assignments and will grant academic credit if earned.

Probation means a student is given a conditional suspension of a penalty for a definite period of time in addition to being reprimanded. The conditional suspension will mean the student must meet the conditions and terms for the suspension of the penalty. Failure of the student to meet these conditions and terms will result in immediate reinstatement of the penalty.

Expulsion means an action by the Board to remove a student from the school environment, which includes, but is not limited to, classes and activities. Any parent or guardian may request an annual review of the expulsion approved by the Board prior to the start of each school year.

Due process in accordance with all applicable laws will be afforded to any student involved in a proceeding that may result in suspension, exclusion, or expulsion. Students expelled from school may be reinstated by the Board under the provisions of RSA 193:13.

The Superintendent may modify expulsion requirements as provided in RSA 193:13, IV.

Students receiving special education services will be disciplined in accordance with the student's Individual Education Program (IEP) and all applicable provisions of the Individual With Disabilities Education Act (IDEA). Following the suspension of a special education student, an informal evaluation of the student's placement will take place. The IEP will be evaluated to determine whether it needs to be changed or modified in response to the behavior that led to the suspension. If a special education student's suspensions, either in or out of school, equal ten days on a cumulative basis, a staffing team will meet to determine whether the IEP is appropriate.

It is the responsibility of the Superintendent, in conjunction with the Principal, to develop administrative regulations regarding this policy.

At all times, students are required to conduct themselves in accordance with behavioral standards set forth in Policy JIC and all other applicable Board policies.

Students and parents will be notified annually of this policy. (Reference: Policy JICD, JICDD, and other applicable policies)

ADMINISTRATIVE PROCEDURES FOR STUDENT CONDUCT, DISCIPLINE, AND DUE PROCESS (SAFE SCHOOL ZONES)

The School District rules relative to student conduct, discipline, and due process in the schools are adapted from the Rules of the New Hampshire State Board of Education (ED 317). The purpose of the State Board rules is set forth as follows:

Purpose

1. These rules provide due process and statewide uniformity in the enforcement of RSA 193-D relative to disciplinary action for misconduct by a pupil in a Safe School Zone, including possessing a firearm or any other dangerous weapon, and RSA 193:13 relative to suspension and expulsion of pupils.
2. Since RSA 193-D:2, II provides that School Boards may adopt policies relative to pupil conduct and disciplinary procedures. These rules also provide a standard so that the policies of School Boards are consistent throughout the state.
3. These rules also link discipline and due process in Safe School Zones to the requirements of ED 1109 relative to special needs students.

Definitions

1. "Expulsion" means the permanent denial of a pupil's attendance at school for any of the reasons listed in RSA 193:13, II and III.
2. "Weapon" means a) a firearm (see 18USC Section 921), to include a pellet or BB gun; b) any object prohibited, licensed, or regulated under RSA 159; c) a knife, but not a folding pocket knife or cafeteria-issued dining utensil; and/or d) a knife and/or any other substance or object which, in the manner it is used, intended to be used, or threatened to be used, is known to be capable of producing serious injury.
3. "Gross misconduct" means an act or acts which: a) results in violence to another person or property; or b) poses a direct threat to the safety of others in a safe school zone; or c) is identified in RSA 193-D:1; or d) involves repeated instances of misconduct or inappropriate behavior for which the pupil has been previously warned or disciplined.
4. "Neglect," in the context of RSA 193:13 I and II, means the failure of a pupil to pay attention to an announced, posted, or printed school rule.
5. "Possession" shall include, but not be limited to, having control over a weapon during any part of a school day or during any part of a school-related activity, including transporting the weapon to school or to a school-related activity and storage of the weapon anywhere on school premises, whether in the student's locker or in another student's locker or in any other place on school premises. Possession is also deemed to include doing any other act whereby the actor knowingly contributes to causing a weapon to be on school premises or contributes to causing use of a weapon on school premises.
6. "Pupil" means a child through age 21 in attendance at the school during the school day. (If the pupil is age 18 or older and under guardianship, the written notices required below to issue to a parent shall issue instead only to the pupil and, further, all consents or decisions required in the suspension or expulsion process will issue from the pupil.)
7. "Refusal," in the context of RSA 193:13 I and II, means the defiance of a pupil to comply with an announced, posted, or printed school rule.
8. "Safe school zone" means a safe school zone as defined in RSA 193-D:I,II.
9. "School day" shall include not only the instructional portion of the day, but may also include travel to and from school or a school-related activity, as well as the time spent as a participant or spectator at a school-related activity.
10. "School premises" shall include the school and surrounding school property, including, without limitation, parking areas, athletic fields, and playgrounds; school buses or other vehicle furnished by the District or its agents for transportation to or from school or a school-related activity; school bus stops; and/or those premises and surroundings being used for a school-related activity. For purposes of this

procedure and without intending to interfere with the rights and duties of the police and/or private property owners, school premises shall also be deemed to include streets and exterior property in the school neighborhood during the course of travel to and from school or a school-related activity.

11. "Superintendent" means the school Superintendent or, in the absence of the Superintendent, the Assistant Superintendent for the School District.
12. "Suspension" means the temporary denial of a student's attendance at school for a specific period of time for gross misconduct or for neglect or refusal to conform to announced, posted, or printed school rules.
13. "Day," with respect to the number of days, shall refer to school days unless there is specific reference to "calendar" days.

Standard for Expulsion by the School District

1. If the School Board expels a pupil under RSA 193:13, II or III, it shall state in writing the act or acts leading to expulsion; and the specific statutory reference prohibiting that act or acts as set forth in RSA 193:13 and/or RSA 193-D; and shall provide notice that the expulsion may be reviewed prior to the start of each school year in accordance with policy as stated herein.
 - a. An expelled pupil has the right to request a review of the expulsion prior to the start of each school year.
 - b. A request for review should be directed by the pupil to the Superintendent of Schools and should be received by the Superintendent on or before August 15. The request shall set forth each and all reasons why the pupil's right to attend school should be reinstated. Of particular importance would necessarily be such information as might convince school authorities that the conduct, which led to the expulsion, would not be repeated.
 - c. The Superintendent of Schools or Assistant Superintendent and the Principal or an Assistant School Administrator (as designated by the Principal) at the applicable school shall direct written recommendation to the Board with a copy to the pupil.
 - d. The expulsion may be continued; the pupil may be reinstated without conditions; or the pupil may be required to meet certain conditions prior to reinstatement. A code of conduct and consequences may be established for a reinstated pupil, which are more strict than for the general student population.
2. The Principal of each school shall make certain that the pupil has received notice of the requirements of RSA 193:13 and RSA 193-D:1 through announced, posted, or printed school rules. The statutory text shall be printed in the school handbook to be distributed to each student at the beginning of the school year; and shall be announced, posted, and printed at other appropriate locations and times in the middle school and high school. Nothing herein shall prevent a Principal from printing, posting, and/or announcing other rules applicable to the school.
3. If the student is subject to expulsion and a weapon is involved, the responsibility shall be upon the Superintendent to contact local law enforcement officials whenever there is any issue concerning:
 - a. Whether a firearm is legally licensed under RSA 159; or
 - b. Whether a firearm is lawfully possessed, as opposed to unlawfully possessed, under the legal definitions of RSA 159.
4. If a pupil brings or possessed a weapon in a Safe School Zone without written authorization from the Superintendent, the following shall apply:
 - a. The pupil shall be suspended for a period of not less than 10 days and, if the weapon is determined to be a firearms as defined in 18 USC Section 921, the School Board shall hold a hearing with 10 days to determine whether the student was in violation of RSA 193:13 III, and, therefore, is subject to expulsion for a period of not less than 12 months; and whether the student's expulsion will be modified under policy as stated herein.

The mandatory 12-month expulsion from school for bringing or possessing a firearm in a Safe School Zone may be modified on a case-by-case basis in the sole discretion of the Superintendent of Schools in the following situations:

- i. The Superintendent determines that possession of the firearm was inadvertent in that another person had left the firearm in the pupil's vehicle; and the pupil had not noticed that she/he was bringing the firearm within the safe school zone; or
- ii. The Superintendent determines that the pupil intended to use the firearm for sport immediately before or after school and had no intention to display the firearm to other students; or
- iii. The pupil is in the fifth grade or lower grade and the Superintendent determines that the pupil did not properly understand the dangers of firearms when the firearm was brought to school.
- iv. The Superintendent determines that the firearm was not loaded; and that no ammunition was reasonably available; and that the pupil had no intention to display the firearm to other students.

Disciplinary and Due Process Procedures – There shall be the following levels of discipline available to school officials enforcing RSA 193:13 and/or RSA 193-D relative to the suspension and expulsion of pupils.

1. A Short-Term Suspension Not to Exceed Ten (10) Days. The Board hereby designates that the Superintendent, the Assistant Superintendent for the School District, and each Principal and Assistant School Administrator (as designated by the Principal) shall have authority to suspend a pupil for 10 days or less. Due process shall include, at a minimum, the following:
 - a. The pupil shall be informed of the purpose of the meeting.
 - b. At or before the meeting, oral and/or written notice of the charges and an oral and/or written explanation of the evidence against the pupil shall be provided to the pupil.
 - c. The pupil shall be provided an opportunity to present his/her side of the story.
 - d. Following the meeting, a written statement shall issue to the pupil and at least one of the pupil's parents or guardians, delivered in person or by mail to the pupil's last known address, including an explanation of the charges, the evidence, the findings, any recommendation for additional suspension or expulsion, and a recommendation for student action to correct the discipline problem.
2. A Long-Term Suspension between Eleven (11) and Twenty (20) Days. Following a hearing, the Superintendent, the Assistant Superintendent for the School District, and each Principal shall have the authority to extend a short-term suspension to twenty (20) days. This hearing shall be conducted and the decision shall be issued by a different administrator than the administrator who suspended the pupil for the first ten (10) days. Due process shall include, at a minimum, the following:
 - a. The written statement issued under the short-term suspension shall establish a date for a hearing. The hearing will not generally be postponed if the postponement would interrupt the continuity of a short-term suspension into a long-term suspension.
 - b. A hearing in accordance with the following hearing procedures:
 - i. The pupil, together with a parent or guardian, may waive the right to a hearing and accept the findings.
 - ii. Formal rules of evidence shall not be applicable; however, school officials shall present evidence in support of the charge(s) and the accused pupil or his/her parent or guardian shall have an opportunity to present any defense of reply.
 - iii. The hearing shall be either public or private and the choice shall be that of the pupil or his parent or guardian. Provided, nevertheless, that if the nature of the evidence will violate the privacy of other students or if the school officials determine that substantial harm to

the pupil could result from an ill-conceived decision to hold the hearing in public, then the school officials reserve the right and obligation to insist upon a private hearing.

- iv. During the hearing, the pupil, parent, guardian, or counsel representing the pupil, shall have the right to examine any and all witnesses.
 - c. A written decision which includes the legal and factual basis for the conclusion that the pupil should be suspended for an additional ten (10) days or less.
 - d. Within ten (10) calendar days of the decision, this decision may be appealed to the School Board under RSA 193:13 I. The Board may or may not stay the suspension while the appeal is pending. The Board reserves the right to issue a decision without hearing any evidence or all proffered evidence, but may instead rely upon the record as it has been developed during the suspension process.
3. An Expulsion by the School Board. Conditions are established for reinstatement as outlined in this policy. Due process shall include, at a minimum, the following:
- a. A formal hearing shall be held before any expulsion.
 - b. Such hearing may be held either before or after the short-term suspension has expired.
 - c. If the hearing is held after the expiration of a short-term suspension, the pupil shall be entitled to return to school after the short-term suspension has expired, pending the expulsion hearing. The School Board reserves the right to deny a request for postponement of a scheduled hearing if the request for postponement is objected to by either the pupil or the administrator recommending expulsion.
 - d. The written statement issued under a short-term or long-term suspension shall establish a date for the expulsion hearing and shall also include a complete description of the process used by administration to reach its recommendation that the student should be expelled.
 - e. This notice shall be delivered to the pupil and at least one of the pupil's parents or guardians at least five (5) calendar days prior to the hearing.
 - f. The following hearing procedures shall apply:
 - i. The pupil, together with a parent or guardian, may waive the right to a hearing and accept the findings.
 - ii. Formal rules of evidence shall not be applicable; however, school officials shall present evidence in support of the charge(s) and the accused pupil or his/her parent or guardian shall have an opportunity to present any defense of reply.
 - iii. The hearing shall be either public or private and the choice shall be that of the pupil or his parent or guardian. Provided, nevertheless, that if the nature of the evidence will violate the privacy of other students or if the School Board determines that substantial harm to the pupil could result from an ill-conceived decision to hold the hearing in public, then the School Board reserves the right and obligation to insist upon a private hearing.
 - iv. During the hearing, the pupil, parent, guardian, or counsel representing the pupil, shall have the right to examine any and all witnesses.
 - g. The decision of the School Board shall be based on a dispassionate and fair consideration of substantial evidence that the accused pupil committed the act or acts for which expulsion is to be imposed and that such acts are, in fact, a proper reason for expulsion.
 - h. The decision shall state whether the student is expelled; a statement of the time period for which the student is expelled; and any action the student may take to be restored by the Board.
 - i. If the decision is to expel the pupil, the decision shall include the legal and factual basis for the determination.
 - j. A decision shall include a statement that the pupil has the right to appeal the decision to the State Board of Education.

- k. All appeals to the State Board allowed under RSA 193:13 II or III shall be filed within twenty (20) calendar days of receipts of the written decision of the School Board and shall be in accordance with RSA 541-A and ED 200.
4. An Indefinite Expulsion by the School Board whereby no conditions are established for reinstatement. Review of expulsion is outlined in this policy.

Reporting Procedures

1. In accordance with RSA 193-D:4, each written report by a supervisor to the Principal relating to an act of theft, destruction, or violence in a Safe School Zone shall be on standardized New Hampshire Board of Education Form Ed 317.
2. The report by a supervisor to a Principal on Form Ed 317 shall contain all the statutory information, required by RSA 193:D:4.
3. Form Ed 317 shall be completed and filed with the local law enforcement authority within 48 hours of such incident.
4. Form Ed 317 shall contain the following information:
 - a. School name
 - b. School address
 - c. School telephone number
 - d. Name of school principal
 - e. Date of incident involving an act of theft, destruction, or violence, or the possession of a firearm
 - f. Time of incident
 - g. Location of incident
 - h. Alleged offense
 - i. Description of incident
 - j. Name of suspect
 - k. Grade in school of suspect
 - l. Address of suspect
 - m. Gender of suspect
 - n. Name of victim
 - o. Grade in school of victim
 - p. Address of victim
 - q. Gender of victim
 - r. Name of employee reporting incident
 - s. Date report was completed by employee
 - t. Date report was filed with law enforcement authority by school principal.
5. Form 317-Fed, Report on Students Disciplined Under the Gun Free School Act of 1994, shall be completed and filed with the Commissioner of Education on or before June 30 of each school year.
6. For 317-Fed shall contain the following information:
 - a. Name of school district
 - b. School name
 - c. Pupil's grade in school
 - d. Type of firearm – handgun, rifle/shotgun, or other firearm
 - e. Number of expulsions modified to less than 12 months
 - f. Number of modifications for students who are not students with educational disabilities, and
 - g. Number of expulsions which resulted in a referral to an alternative school or program.

Any person who knowingly fails to comply with the reporting requirements under RSA 193-D:4 for acts of theft, destruction, or violence, unless such report is waived under RSA 193-D:5, shall be guilty of a violation.

Per Ed 510, it is the duty of the Superintendent to report all such charges of misconduct against a credential holder to the NH Department of Education. Such misconduct may be grounds for suspension or revocation of an educator's certification.

Discipline of Students with an Educational Disability – The District shall comply with the provisions of the Individual With Disabilities Education Act (IDEA) when disciplining students.

1. No special education student shall be expelled if the student's particular act of gross disobedience/misconduct is a manifestation of his or her disability. Any special education student whose gross disobedience/misconduct is not a manifestation of his or her disability may be expelled pursuant to the expulsion procedures, except that such disabled student shall continue to receive educational services as provided in the IEP during such period of expulsion. The IEP team (PPT) will decide the level of services to be provided to a student with disabilities who is expelled for behavior unrelated to his/her disability.
2. A special education student may be suspended for an aggregate of ten (10) days of school per school year, regardless of whether the student's gross disobedience/misconduct is a manifestation of his or her disabling condition without the need for the district to provide any educational services.
3. A special education student may be suspended for additional removals of up to ten (10) days for separate acts of misconduct, as long as the removals do not constitute a pattern. During such subsequent suspensions for ten (10) school days or less the district must provide services to the student with disabilities to the extent determined necessary to enable the student to appropriately advance in the general curriculum and toward achieving his/her IEP goals. School administrators and the special education teacher will determine the services needed.
4. Any special education student may be temporarily excluded to an appropriate alternative educational setting for no more than forty-five (45) days by court order or by order of a duly appointed hearing officer if the District demonstrates that maintaining the student in his/her current placement is substantially likely to result in injury to the student or others.
5. A special education student who has carried a weapon to school or to a school function or who knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function may be removed from his/her current placement. Such a student shall be placed in an appropriate interim alternative educational setting for no more than forty-five (45) days in accordance with IDEA.

Transfer Records – All elementary and secondary educational institutions, including academies, private schools, and public schools, shall upon request of the parent, pupil, or former pupil, furnish a complete school record for the pupil transferring into a new school system. Such record shall include, but not be limited to, records relating to any incidents involving suspension or expulsion, or delinquent or criminal acts, or any incident reports in which the pupil was charged with any act of theft, destruction, or violence in a Safe School Zone per RSA 193-D:8. (Reference: Policy JICD-R)

TOBACCO PRODUCTS BAN POLICY (SUMMARIZED)

No person shall use any tobacco product in any facility maintained by the School District, nor on any of the grounds of the District. (Reference: Policy JICG)

DRUG AND ALCOHOL USE BY STUDENTS (DRUG FREE ZONE) POLICY (SUMMARIZED)

The School Board is concerned with the health, welfare, and student safety of its students. Therefore, the use, sale, transfer, distribution, possession or being under the influence of unauthorized prescription drugs, alcohol, narcotics, unauthorized inhalants, controlled substances, and illegal drugs is prohibited on any school district property or in any district-approved vehicle used to transport students to and from school or district activities. This prohibition also applies to any district-sponsored or district-approved activity, event or function. The use,

sale, transfer or possession of drug-related paraphernalia is also prohibited. For the purposes of this policy, a controlled substance shall include any controlled substance as defined in the Controlled Substances Act, 21 U.S.C. § 812(c) or RSA 318-B, Controlled Drug Act. Taking of illegal drugs, and/or possession of same, in any form, is not permitted at any time. Parents will be informed immediately if a student is in violation of this policy, and the matter will be brought to the attention of the Superintendent and other proper authorities. (Reference: Policy JICH)

WEAPONS ON SCHOOL PROPERTY POLICY (SUMMARIZED)

Weapons are not permitted on school property, in school vehicles, or at school-sponsored activities. This policy applies to students and members of the public alike. Student violations of this policy will result in both school disciplinary action and notification of the police. Suspension or expulsion from school could result. Members of the public who violate this policy will be reported to the police. (Reference: Policy JICI)

MUSIC AND COMMUNICATION DEVICES

The possession and/or use of portable CD players, iPods, and other such music devices are subject to the rules and regulations set by the School Principal. Likewise, beepers, recording devices, portable cellular phones, and similar communication devices are subject to the rules and regulations set by the School Principal.

The contents of an electronic communication device may be searched to determine ownership or to identify emergency contacts. Upon reasonable suspicion that a school rule or the law has been violated through the use of such a device, an administrator may also search for evidence of suspected wrongdoing. Upon administrative request students are required to hand over their communication device without altering the device or its contents and in accessible, working order. Any refusal on the part of a student to comply with a request to surrender the device may result in disciplinary action.

Additionally, it is prohibited for students to take, disseminate, transfer, view, or share obscene, pornographic, lewd, or otherwise illegal images or photographs, whether by electronic data transfer or other means including but, not limited to texting and e-mailing. Any student found to have engaged in such conduct may be reported to the local law enforcement authorities and may face criminal penalties in accordance with applicable law. School administrators may refer such matters to local law enforcement if the administrator believes student action in this regard involves illegal activity.

Camera phones may not be used in locker rooms, bathrooms, or other such areas, which may violate a person's privacy rights.

These rules and regulations shall govern the use of communication and music devices by any student in a school building, while in transit under the authority of the school, or while attending any function authorized by the school.

The School Principal shall take into account the need to communicate with parents or guardians, the age of the student body, the impact on instruction when setting rules and regulations, and the cost of such devices when setting disciplinary consequences. The School Principal may also make exceptions to school rules and regulations for medical or emergency reasons with a written report from the student's medical provider explaining the need for the exception.

The School District will not be responsible for loss, damage, or theft of any electronic communication device brought to the school.

Rules and regulations governing music and communication devices will be included in the Parent/Student Handbook. (Reference: Policy JICJ)

PUPIL SAFETY AND VIOLENCE PREVENTION (BULLYING) POLICY

STATEMENT - The Board is committed to providing all pupils a safe and secure school environment in which all members of the school community are treated with respect. This policy is intended to comply with RSA 193-F. Conduct constituting bullying and/or cyberbullying will not be tolerated, and is prohibited.

Further, in accordance with RSA 193-F, the District reserves the right to address bullying and, if necessary, impose discipline for bullying that:

1. Occurs on, or is delivered to, school property or a school-sponsored activity or event on or off school property; or
2. Occurs off of school property or outside of a school-sponsored activity or event, if the conduct interferes with a pupil's educational opportunities or substantially disrupts the orderly operations of the school or school-sponsored activity or event.

The Superintendent is responsible for ensuring that this policy is implemented.

PROTECTION OF ALL PUPILS – This policy shall apply to all pupils and school-aged persons on school district grounds and participating in school district functions, regardless of whether or not such pupil or school-aged person is a student within the District.

DISCIPLINARY CONSEQUENCES – The District reserves the right to impose disciplinary measures against any student who commits an act of bullying, falsely accuses another student of bullying, or who retaliates against any student or witness who provides information about an act of bullying. In addition to imposing discipline under such circumstances, the Board encourages the administration and school staff to seek alternatives including, but not limited to early intervention measures, dispute resolution, and other similar measures.

DEFINITIONS - Bullying - Bullying is defined as a single significant incident or a pattern of incidents involving a written, verbal, or electronic communication, or a physical act or gesture, or any combination thereof, directed at another pupil which:

1. Physically harms a pupil or damages the pupil's property;
2. Causes emotional distress to a pupil;
3. Interferes with a pupil's educational opportunities;
4. Creates a hostile educational environment; or
5. Substantially disrupts the orderly operation of the school.

Bullying shall also include actions motivated by an imbalance of power based on a pupil's actual or perceived personal characteristics, behaviors, or beliefs, or motivated by the pupil's association with another person and based on the other person's characteristics, behaviors, or beliefs. Historically this has included a pupil's actual or perceived race, color, religion, national origin, ancestry or ethnicity, sexual orientation, socioeconomic status, age, physical, mental, emotional, or learning disability, gender, gender identity and expression, obesity, or other distinguishing person characteristics.

Cyberbullying - Cyberbullying is defined as any conduct defined as "bullying" in this policy that is undertaken through the use of electronic devices. For purposes of this policy, any references to the term bullying shall include cyberbullying.

Electronic Devices – Electronic devices include, but are not limited to telephones, cellular phones, computers, pagers, electronic mail, instant messaging, text messaging, and websites.

School Property – School property means all real property and all physical plant and equipment used for school purposes, including all means of transportation public or private approved by the District.

Parent - Any reference in this policy to “parent” shall include parents or legal guardians.

FALSE ACCUSATIONS – A student found to have wrongfully and intentionally accused another of bullying may face discipline or other consequences, ranging from positive behavioral interventions up to and including suspension or expulsion. Interventions include psychological, curricular, and behavioral services which may take place within classrooms, schools, and alternative settings per Policy JLDB Behavior Management and Intervention.

A school employee or school district agent found to have wrongfully and intentionally accused a student of bullying shall face discipline or other consequences to be determined in accordance with applicable law, Board policies, procedures, and collective bargaining agreements.

REPRISAL OR RETALIATION – The District will discipline and take appropriate action against any student, teacher, staff member, administrator, volunteer, or school district agent who retaliates against any person who makes a good faith report of alleged bullying or against any person who testifies, assists, or participates in an investigation, proceeding, or hearing relating to such bullying.

The consequences and appropriate remedial action for a student, teacher, staff member, administrator, volunteer, or school district agent who engages in reprisal or retaliation shall be determined by the Principal after consideration of the nature, severity, and circumstances of the act, in accordance with law, Board policies, and any applicable collective bargaining agreements. Students shall be subject to disciplinary measures up to and including suspension and expulsion. Employees and agents shall be subject to discipline up to and including termination of employment. Volunteers shall be subject to discipline up to and including exclusion from school grounds.

If the alleged victim or any witness expresses to the Principal or other staff member that he/she believes he/she may be retaliated against, the Principal shall develop a process or plan to protect that student from possible retaliation. Each process or plan may be developed on a case-by-case basis. Suggestions include, but are not limited to rearranging student schedules to minimize contact, changing class assignments, stern warnings to alleged perpetrators, temporary removal of privileges, or other means necessary to protect against possible retaliation.

POLICY NOTIFICATION - The Superintendent or designee shall provide annual written notice of this policy to students, parents, teachers, staff members, administration, volunteers, and school district agents through appropriate references in school and district handbooks, or through other reasonable means.

Parents will be encouraged to prevent bullying at school by:

1. Reporting bullying when it occurs;
2. Taking advantage of opportunities to talk to their children about bullying;
3. Informing the school immediately if they think their child is being bullied or is bullying other students;
and
4. Cooperating fully with school personnel in identifying and resolving incidents.

TRAINING – The Superintendent will ensure that all school employees, volunteers, and agents will receive annual training on bullying and related Board policies. The District may also host or schedule public forums to discuss and address bullying.

Students will participate in an annual education program which sets out expectations for student behavior and emphasizes an understanding of harassment, intimidation, and bullying of students, the District's prohibition of such conduct and the reasons why the conduct is destructive, unacceptable, and will lead to discipline. Students shall also be informed of the consequences of bullying conduct toward their peers. The Superintendent may incorporate anti-bullying training and education in the District's curriculum. Any student training programs shall be written and presented in age appropriate language.

REPORTING ACTS OF BULLYING – At each school, the Principal shall be responsible for receiving complaints of alleged violations of this policy. The Principal may designate this responsibility to the Dean of Students with the understanding that the Principal will be informed of such incidents as soon as possible within the school day.

1. Student – Any student who believes he or she has been the victim of bullying may report the alleged acts immediately to the Principal or administrative designee. If the student is comfortable reporting the alleged act(s) to a person other than the Principal or administrative designee, the student may tell his/her teacher or any school district employee about the alleged bullying. The employee is to report the bullying allegation to the Principal as soon as possible and no later than the end of the school day.
2. School Employees - Any school employee who witnesses, receives a report of, or has knowledge or belief that bullying may have occurred shall inform the Principal or administrative designee as soon as possible within the school day. School employees shall encourage students to tell them about acts that may constitute bullying.
3. Volunteers or Agents – Any school volunteer or school district agent who witnesses or has knowledge or belief that bullying may have occurred shall inform the Principal or administrative designee as soon as possible within the school day.
4. Parent - Any parent who believes that their child has been the victim of bullying or the perpetrator of bullying or has become aware of an act of bullying shall report the alleged act to the Principal or administrative designee.
5. Anonymous Reports – In cases of anonymous reports, formal disciplinary action may not be based solely on an anonymous report. Independent verification of the anonymous report shall be necessary in order for any disciplinary action to be applied.
6. Reporting Forms - The District will make available forms for reporting incidents of bullying, and shall request the use of these forms. Such forms shall be available in the Principal's Office in each school, from the Superintendent's Office, and on the District Website at www.sau14.org. An investigation shall proceed even if a student, school employee, volunteer, school district agent, or parent is reluctant to fill out the designated form and chooses not to do so.

DISTRICT AND STATE REPORTING REQUIREMENTS – The Principal or administrative designee shall be responsible for completing the District and NH Department of Education forms and reporting documents of substantiated incidents of bullying. Said forms shall be completed within 10 school days of any reported incident unless an extension has been granted by the Superintendent. Upon completion of such forms, the Principal or administrative designee shall retain a copy for school records and shall forward a copy to the Superintendent. The Superintendent shall maintain said forms in a safe and secure location.

NOTIFYING PARENTS OF ALLEGED BULLYING – The Principal or administrative designee shall report to the parents of a student who has been reported as a victim of bullying and to the parents of a student who has been reported as a perpetrator of bullying within 48 hours of receiving the report. Such notification may be made by telephone, writing, or personal conference. The date, time, method, and location (if applicable) of such notification and communication shall be noted in the above referenced report. All notifications shall be consistent with the student privacy rights under the applicable provisions of the Family Educational Rights and Privacy Act of 1974 (FERPA).

WAIVER OF NOTIFICATION REQUIREMENTS – The Superintendent may, within a 48 hour time period, grant the Principal a waiver from the requirement that the parents of the alleged victim and the alleged perpetrator be notified of the filing of a report. A waiver may only be granted if the Superintendent deems such a waiver to be in the best interest of the victim or perpetrator. The Superintendent shall notify the School Board Chairperson within the 48 hour time period of a notification waiver. Any waiver granted shall be in writing. This waiver shall not negate the school’s responsibility to adhere to the remainder of this policy.

INVESTIGATION PROCEDURES – Upon receipt of a report of bullying, the Principal or administrative designee shall commence an investigation consistent with the provisions of this policy.

1. Upon receipt of a report of bullying, the Principal or administrative designee shall, within 5 school days, initiate an investigation into the alleged act. If the administrative designee is directly and personally involved with a complaint or is closely related to a party to the complaint, then the Principal shall conduct the investigation. If the Principal is directly and personally involved with a complaint or is closely related to a party to the complaint, then the Superintendent shall direct another district employee to conduct the investigation.
2. The investigation may include documented interviews with the alleged victim, alleged perpetrator, and any witnesses. All interviews shall be conducted privately, separately, and shall be confidential. Each individual will be interviewed separately and at no time will the alleged victim and perpetrator be interviewed together during the investigation.
3. If the alleged bullying was in whole or in part cyberbullying, the Principal or administrative designee may ask students and/or parents to provide the District with printed copies of e-mails, text messages, website pages, or other similar electronic communication documentation.
4. The investigation may include, but is not limited to:
 - a. Description of incident, including the nature of the behavior;
 - b. How often the conduct occurred;
 - c. Whether there were past incidents or past continuing patterns of behavior;
 - d. The characteristics of parties involved;
 - e. The identity and number of individuals who participated in bullying behavior;
 - f. Where the alleged incident(s) occurred;
 - g. Whether the conduct adversely affected the student’s education or educational environment;
 - h. Whether the alleged victim felt or perceived an imbalance of power as a result of the reported incident; and
 - i. The date, time, and method in which parents or legal guardians of alleged victim and perpetrator(s) involved were contacted.
5. The Principal or administrative designee shall complete the investigation within 10 school days of receiving the initial report. If the investigation may not be completed within 10 school days, the Principal may request an extension to complete the investigation. The Superintendent may grant an extension of up to 7 school days. In the event such extension is granted, the Principal shall notify in writing all parties involved of the granting of the extension. The extension shall also be noted on the District report.
6. Whether a particular action of incident constitutes a violation of this policy shall require a determination based on all facts and surrounding circumstances and shall include recommended remedial steps necessary to stop the bullying and a written final report to the Superintendent. If the Principal does not personally conduct the investigation, the Principal shall be fully informed of the results of the investigation and consulted before disciplinary or remedial action is taken.

RESPONSE TO SUBSTANTIATED BULLYING – Consequences and appropriate remedial actions for a student or staff member who commits one or more acts of bullying, retaliation, or false reporting may range

from positive behavioral interventions up to and including suspension or expulsion of students, dismissal from employment for staff members, and exclusion from school grounds for volunteers and school district agents.

Consequences for a student who commits an act of bullying, retaliation, or false reporting shall be varied and awarded according to the nature of the behavior, the developmental age of the student, and the student's history of problem behaviors and performance. Remedial measures shall be designed to correct the problem behavior, prevent another occurrence of the problem, protect and provide support for the victim, and take corrective action for documented systematic problems related to bullying.

Students who are found to have violated this policy may face discipline in accordance with other applicable Board policies up to and including suspension. In awarding discipline the administrative designee shall discuss the investigation and disciplinary action with the Principal. Students facing discipline will be afforded all due process required by law.

The Board promotes preventative educational measures to create greater awareness of bullying and encourages the Superintendent to work collaboratively with school staff to develop responses other than traditional discipline as a way to remediate substantiated instances of bullying.

REPORTING TO SUPERINTENDENT AND SCHOOL BOARD – The Principal or administrative designee shall forward all substantiated reports of bullying to the Superintendent upon completion of the investigation. The Superintendent shall inform the School Board at the next regularly scheduled School Board meeting.

COMMUNICATION WITH PARENTS UPON COMPLETION OF INVESTIGATION – The Principal or administrative designee shall notify the parents of the alleged victim and alleged perpetrator consistent with the provisions of this policy.

1. Within 2 school days of completing an investigation, the Principal and or administrative designee will notify the students involved in person of his/her findings and the result of the investigation. The Principal or administrative designee will also notify via telephone the parents of the alleged victim and alleged perpetrator of the results of the investigation.
2. Within 5 school days of completing an investigation a letter will also be sent to the parents notifying them of the results of the investigation and the school's remedies and assistance within the boundaries of applicable state and federal law.
3. If the parents request, the Principal or administrative designee shall schedule a meeting with them to further explain his/her findings and reasons for his/her actions.
4. In accordance with the Family Educational Rights and Privacy Act (FERPA) and other law concerning student privacy, the District will not disclose educational records of students including the discipline and remedial action assigned to those students and the parents of other students involved in a bullying incident.

APPEAL – The parents of the pupils perpetrating bullying, making false accusations, and/or retaliating against others may appeal administrative actions consistent with the provisions of this policy.

1. For non-disciplinary remedial actions where no other review procedures govern, the parents of the pupils perpetrating bullying, making false accusations, and/or retaliating against others shall have the right to appeal the Principal's decision to the Superintendent in writing within 5 school days. The Superintendent shall review the Principal's decision and issue a written decision within 10 school days. If the aggrieved party is still not satisfied with the outcome, the aggrieved party may file a written request for review by the School Board within 10 school days of the Superintendent's decision. The School Board will adhere to all applicable NH Department of Education administrative rules.

2. The procedures under RSA 193:13, Ed 317, and District policies establish the due process and appeal rights for students disciplined for acts of bullying.
3. The School Board or its designee will inform parents of any appeal rights they may have to the NH State Board of Education.

IMMUNITY – A district employee, school employee, school volunteer, pupil, parent, legal guardian, or employee of a company under contract with the school or school district shall be immune from civil liability for good faith conduct arising from or pertaining to the reporting, investigation, findings, recommended response, or implementation of a recommended response.

VIDEO & AUDIO RECORDINGS ON SCHOOL BUSES – Pursuant to RSA 570-A:2, notice is hereby given that the Board authorizes audio recordings to be made in conjunctions with video recordings of the interior of school buses while students are being transported to and from school or school activities. The Superintendent shall ensure that there is a sign informing the occupants of school buses that such recordings are occurring.

In the event an audio or video recording is used as part of a student discipline proceeding, such video may become part of a student’s education record. If an audio or video recording does become part of a student’s education record, the provisions of Policy JRA shall apply.

VIDEO SURVEILLANCE ON SCHOOL PROPERTY – The District reserves the right to use video recording devices on school property to ensure the health, welfare, and safety of all staff, students, and visitors. Placement and location of such devices will be established in accordance with the provisions of Policies EEAA, EEAE, and ECAF.

In the event a video recording is used as part of a student discipline proceeding, such video may become part of a student’s education record. If a video recording does become part of a student’s education record, the provisions of Policy JRA shall apply. (Reference: Policy JICK, EEAA, EEAE, ECAF, and JRA)

SCHOOL DISTRICT INTERNET ACCESS FOR STUDENTS*

The School Board recognizes that technological resources can enhance student performance by offering effective tools to assist in providing a quality instructional program, facilitating communications with parents/guardians, teachers, and the community, supporting District and school operations, and improving access to and exchange of information. The Board expects all students to learn to use the available technological resources that will assist them in the performance of their education. As needed, students shall receive lessons and instruction in the appropriate use of these resources.

Students shall be responsible for the appropriate use of technology and shall use the District’s technological resources primarily for purposes related to their education. Students are hereby notified that there is no expectation of privacy on district computers, computer files, email, internet usage logs, and other electronic data.

The Superintendent or designee shall ensure that all District computers with Internet access have a technology protection measure that prevents access to visual depictions that are obscene or pornographic and that the operation of such measures is enforced. The Superintendent or designee may disable the technology protection measure during use by an adult to enable access for bona fide research, educational or other lawful purpose.

The Superintendent shall establish administrative regulations and an Acceptable Use Agreement that outlines student obligations and responsibilities related to the use of District technology. He/she also may establish guidelines and limits on the use of technological resources. Inappropriate use may result in a cancellation of the student’s user privileges, disciplinary action, and/or legal action in accordance with law, Board policy, and administrative regulations.

The Superintendent or designee shall provide copies of related policies, regulations, and guidelines to all students. Students shall be required to acknowledge in writing that they have read and understood the District's Acceptable Use Agreement.

(Reference Policy JICL and JILC-R)

STUDENT SEARCHES AND THEIR PROPERTY

The superintendent, principal, teacher, or other authorized personnel may detain and search any student or students on the premises of the public schools, or while attending, or while in transit to, any event or function sponsored or authorized by the school under the following conditions:

1. When any authorized person has reasonable suspicion that the student may have on the students' person or property alcohol, dangerous weapons, prohibited electronic devices, controlled dangerous substances as defined by law, stolen property if the property in question is reasonably suspected to have taken from a student, a school employee, or the school during school activities, or any other items which have been or may reasonably be disruptive of school operations or in violation of student discipline rules and applicable provisions of the student handbook.
2. School lockers and school desks are the property of the school, not the student. Students who use school district lockers, desks, and other storage areas or compartments have no reasonable expectation of privacy from school employees as to the contents of those areas. Lockers, desks, and other storage areas, or compartments may be subjected to searches at any time with or without reasonable suspicion. Students are not to use any school area or property to contain any thing that should not be at school. Students shall not exchange lockers or desks or use any lockers or desks other than those assigned to them by the Principal. A shared locker or storage area implies shared responsibility.
3. Authorized personnel may search the student's person or the student's belongings, as noted above, whenever a student freely and voluntarily consents to such a search. However, consent obtained through threats or coercion is not considered to be freely and voluntarily given. A search may include a student's cell phone if the authorized personnel has reasonable suspicion that cell phone use has been disruptive of school operations, in violation of student discipline rules and applicable provisions of the student handbook, or in violation of School Board policy.
4. Authorized personnel conducting a search shall have authority to detain the student or students and to preserve any contraband seized. Contraband seized during the course of a search will be preserved and held in accordance with applicable administrative rules and procedures.
5. Any searches of students as outlined herein will be conducted by authorized personnel of the same sex as the student being searched. Whenever possible, two authorized persons shall be present during any search of a student or student property.
6. Strip searches are forbidden. No clothing except cold weather outer garments will be requested to be removed before or during a search. Hats and shoes may also be requested to be removed.
7. The Superintendent is authorized to arrange the use of trained canines to aid in the search process. The Superintendent shall seek prior approval from the School Board if feasible.
8. Items that may be seized during a lawful search (in addition to those mentioned in paragraph above) shall include, but not be limited to, any item, object, instrument, or material commonly recognized as unlawful or prohibited by law or District policy. For example: prescription or non-prescription medicines, switchblade knives, lighters, and pornographic literature are commonly recognizable as unlawful or prohibited items. Such items, or any other items which may pose a threat to a student, the student body, or other school personnel, shall be seized, identified as to ownership if possible, and held for release to the proper authority.
9. Student parking their automobiles on school property is a privilege and not a right. As part of this privilege, the District may search students' automobiles while parked on school property if the District has

- reasonable suspicion that a violation of school rules or policy has occurred. Students consent to having their automobiles searched by parking in school parking lots.
10. In the event that an employee of the school district has reason to believe that drugs, drug paraphernalia, or weapons are present in a student's automobile, that employee will inform the School Principal, who will then conduct a search of the automobile.
 11. In conducting searches of students and property, school officials should keep abreast of law in this area and communicate with police authorities to be aware of circumstances when involvement of the police is advisable and/or necessary.

(Reference: Policy JIH)

USE OF PHYSICAL RESTRAINT*

Definitions (RSA 126-T:1)

1. *“Student” means a person who has not reached the age of 18 years. “Parent” means the student’s parent legal guardian, surrogate parent, or student over the age of 18.*
2. *“Restraint” means bodily physical restriction, mechanical devices, or any device that unreasonably limits freedom of movement. It includes mechanical restraint, physical restraint, and medication restraint used to control behavior in an emergency or any involuntary medication.*

Restraint shall not include:

- a. *Holding a child to calm or comfort the child, holding a child’s hand or arm to escort the child safely from one area to another, or intervening in an ongoing assault or fight.*
 - b. *Brief periods of physical restriction by person-to-person contact, without the aid of medication or mechanical restraints, accomplished with minimal force and designed either to prevent a child from completing an act that potentially would result in physical harm to himself or herself or to another person, or to remove a disruptive child who is unwilling to leave an area voluntarily.*
 - c. *Physical devices, such as orthopedically prescribed appliances, surgical dressings, and bandages, and supportive body bands, or other physical holding when necessary for routine physical examination and tests or for orthopedic, surgical, and other similar medical treatment purposes, or when used to provide support for the achievement of functional body position or proper balance or to protect a person from falling out of bed, or to permit a child to participate in activities without the risk of physical harm.*
 - d. *The use of seat belts, safety belts, or similar passenger restraints during the transportation of a child in a motor vehicle.*
 - e. *The use of force by a person to defend himself or herself or a third person from what the actor reasonably believes to be the imminent use of unlawful force by a child, when the actor uses a degree of such force which he or she reasonably believes to be necessary for such purpose.*
3. *“Medication restraint” occurs when a child is given medication involuntarily for the purpose of immediate control of the child’s behavior.*
 4. *“Mechanical restraint” occurs when a physical device or devices are used to restrict the movement of a child or the movement or normal function of a portion of his or her body.*

5. *“Physical restraint” occurs when a manual method is used to restrict a child’s freedom of movement or normal access to his or her body.*

Procedures for Managing the Behavior of Students (RSA 126-T:2)

The Superintendent is authorized to establish procedures for managing the behavior of students. Such procedures shall be consistent with this policy and all applicable laws. The Superintendent is further authorized to establish any other procedures necessary to implement this policy and/or any other legal requirements.

The District authorizes staff members to use physical restraints in limited situations. The District does not authorize medication restraint and mechanical restraint except as permitted in the transportation of children per RSA 126-U:6.

It shall be used only by trained personnel using extreme caution. Restraint shall never be used explicitly or implicitly as punishment for the behavior of a child per RSA 126-U:5.

Training

The District shall identify personnel to be trained and to use prevention strategies and physical restraint procedures only as a last resort. The District will notify all new personnel working in programs where the use of restraint is "anticipated" of the Policy and Procedures for the Use of Physical Restraint. Staff will receive ongoing training to maintain the requirements of the training program chosen by the District.

Risks of Restraint

All physical restraints involve some risk. This may include injury, including in rare instances death, to the person being restrained and/or to staff. For this reason, it is essential that staff is trained in appropriate techniques that minimize the possibilities of risk. There is also the risk of psychological impact in using restraints. An individual’s past experience with abuse or the fear involved with being restrained may cause unanticipated responses. For some students, the use of physical restraint might have the unintended consequence of acting as a positive reinforcer for their behavior. In addition, staff should be conscious of individual perceptions, experiences and cultural orientation and recognize that for some students any touching may be unwelcome and misinterpreted despite good intentions. In these situations, touching the student may evoke an extreme and intense response and make the use of restraint more dangerous for both student and staff.

Circumstances in Which Restraint May Be Used (RSA 126-T:2)

Physical restraint will be used only when the physical action of a student creates a substantial risk of harm to self or others; and/or as a last resort when all other positive interventions have failed, or the level of immediate risk prohibits exhausting other means.

Physical restraint is appropriate only when a student is displaying physical behavior that presents substantial risk to the student or others, and considered when, in the opinion of the supervising adult, the threat is imminent. Persons implementing a restraint will use extreme caution, and will use the least amount of physical strength necessary to protect the student. The use of physical intervention should not exceed that necessary to avoid injury. The degree of physical restriction employed must be in proportion to the circumstances of the incident and the potential consequences. School administration may elect to contact the local law enforcement agency for support if necessary.

A physical restraint of a student will be conducted in a manner consistent with the techniques prescribed in the District approved training program. The purpose of the restraint is to assist the student to regain emotional stability. It should last only as long as is necessary to accomplish this. To the extent possible, it will be conducted in such a way as to preserve the confidentiality and dignity of all involved.

Physical restraint should be carried out by trained persons authorized by the Superintendent, Special Education Director, Principal, or his/her designee. Untrained staff is limited to physically intervening by using the minimal amount of physical contact with the student to protect the student and ensure the safety of others until trained staff is available. Untrained staff should request assistance from trained staff as soon as possible.

Processing the Incident

Immediately after the student has restored emotional and behavioral control, a staff member not involved with the incident shall examine the student to ascertain if any injury has been sustained during the restraint. This will be verified by the school nurse or other health professional. The individuals involved with the incident shall complete a written report no later than the end of the following school day. The staff member involved with the physical restraint will have the opportunity to meet with his/her supervisor after the incident. The purpose is to have staff process the incident, look at what could have been done to prevent the restraint and look at other options. The student, with assistance from staff, will process the event at the earliest appropriate time.

Written Plan for Physical Restraint

If the District anticipates that the use of physical restraint will be necessary for a student, a written plan for that student shall be developed. When the use of physical restraint is included in a student's written plan, the District will provide the parent/guardian with a copy of the Policy and Procedures for the Use of Physical Restraint. The parent/guardian will also be asked to share relevant information with school personnel. This information should include, but not be limited to, medical, health and/or psychological considerations, past experiences, patterns of behavior that may signal an imminent situation and/or de-escalation techniques that have proven to be successful. Whenever staff becomes aware of a medical condition, it is their responsibility to work with the parent/guardian to identify viable modifications/alternatives. To the extent possible, the District will collaborate with the parent to identify appropriate and effective techniques for supporting student behavior. Ultimately, it is the responsibility of the District to provide for the safety of all students. The general welfare and safety of both the student and others must be considered at all times. In dangerous situations where the student can cause serious, probable and imminent bodily harm to himself/herself or others, restraint may be used.

Authorization and Monitoring of Extended Restraint (RSA 126-T:11)

- 1. Restraint shall not be imposed for longer than is necessary to protect the student or others from the substantial and imminent risk of serious bodily harm.*
- 2. Students in restraint shall be continuously and directly observed by school administration or school staff authorized by the Superintendent or designee and trained in the safe use of restraint.*
- 3. No period of restraint of a student may exceed 15 minutes without the approval of a supervisory employee designated by the Superintendent or designee to provide such approval.*

4. *No period of restraint of a student may exceed 30 minutes unless a face-to-face assessment of the mental, emotional, and physical well-being of the student is conducted by a supervisory employee designated by the Superintendent or designee who is trained to conduct such assessments. The assessment shall also include a determination of whether the restraint is being conducted safely and for a purpose authorized by RSA 126-T. Such assessments shall be repeated at least every 30 minutes during the period of restraint. Each such assessment shall be documented in writing and such records shall be retained by the school as part of the written notification required in RSA 126-T:7.*

Transportation (RSA 126-T:12)

The District will not use mechanical restraints during the transportation of students unless case-specific circumstances dictate that such methods are necessary.

Whenever a student is transported to a location outside the school, the Superintendent or designee will ensure that all reasonable and appropriate measures consistent with public safety are made to transport or escort the student in a manner in which:

1. *Prevents physical and psychological trauma;*
2. *Respects the privacy of the child; and*
3. *Represents the least restrictive means necessary for the safety of the child.*

Whenever a student is transported using mechanical restraints, the Superintendent or designee will document in writing the reasons for the use of the mechanical restraints. This documentation will be treated as a notification of restraint under RSA 126-U:7.

Prohibition of Dangerous Restraint Techniques (RSA 126-U:4)

Use of the following restraint and behavior control techniques is prohibited:

1. *Any physical restraint or containment technique that:*
 - a. *Obstructs a child's respiratory airway or impairs the child's breathing or respiratory capacity or restricts the movement required for normal breathing;*
 - b. *Places pressure or weight on, or causes the compression of, the chest, lungs, sternum, diaphragm, back, or abdomen of a child;*
 - c. *Obstructs the circulation of blood;*
 - d. *Involves pushing on or into the child's mouth, nose, eyes, or any part of the face or involves covering the face or body with anything, including soft objects such as pillows, blankets, or washcloths; or*
 - e. *Endangers a child's life or significantly exacerbates a child's medical condition.*
2. *The intentional infliction of pain, excluding the use of pain inducement to obtain compliance.*
3. *The intentional release of noxious, toxic, caustic, or otherwise unpleasant substances near a child for the purpose of controlling or modifying the behavior of or punishing the child.*
4. *Any technique that unnecessarily subjects the child to ridicule, humiliation, or emotional trauma.*

Reporting Requirements and Parental Notification (RSA 126-T:7 & 8)

- 1. The School Principal will be notified as soon as possible.*
- 2. All restraints must be documented. An incident of restraint report form will be completed no later than the end of the following school day and given to the School Principal or designee. Each staff member involved in an incident will engage in a processing session(s).*
- 3. Unless prohibited by court order, the School Principal or designee will make reasonable efforts to verbally notify the parent as soon as possible, but no later than the end of the school day that a restraint was used. The School Principal or designee will update the parent on the student's current emotional state and discuss strategies to assist the parent in dealing with any residual effects of the incident. (Notation – law requires within 24 hours)*
- 4. Unless prohibited by court order, the written incident of restraint report will be given to the parent no later than the following school day after submission to the School Principal or designee after the use of restraint. The report may be given in person, sent by first class mail, or delivered by electronic transmission. (Notation – law requires within 2 business days)*
- 5. A copy of the incident of restraint report will be placed in the student's confidential file.*
- 6. A copy of the incident of restraint report will be submitted to the Superintendent within 5 business days after the restraint occurrence. The Superintendent may develop a reporting form or other documents necessary to satisfy these reporting requirements.*

Reporting Requirements to State Agencies (RSA 126-U:10)

The Superintendent or designee will complete the reporting requirements for the annual report use of restraints in schools as required by the NH Department of Education.

In cases involving serious injury or death to a child subject to restraint in school, the Superintendent or designee will, in addition to the provisions of RSA 126-U:7, notify the Commissioner of the Department of Education, the Attorney General, and the state's federally-designated protection and advocacy agency for individuals with disabilities. Such notice shall include the written notification required in RSA 126-U:7.

Policy, Procedures, and Annual Review Process (RSA 126-U:2)

The District shall have a written policy and procedures for managing the behavior of children. Such policy shall describe how and under what circumstances restraint is used and shall be provided to the parent, guardian, or legal representative of each child at school.

The District shall review and update the Policy and Procedures for the Use of Physical Restraint based on governmental requirements and licensing standards.

(Reference Policy JKAA Use of Physical Restraint)

EXCLUSION OF STUDENTS FROM SCHOOL FOR ILLNESS OR IMMUNIZATION REQUIREMENTS (SUMMARIZED)

Contagious or communicable illness, such as the H1N1 virus, has necessitated schools to be the forefront for controlling such diseases. The District may exclude students from school for symptoms of a contagious or communicable disease. Failure to comply with immunization requirements may also result in students being excluded from school. Students may be exempted from immunization requirements for medical or religious reasons. However, in the event of an outbreak, students who have been exempted from immunization

requirements will be excluded from school for a period of time to be established in consultation with the NH Department of Health and Human Services, if such students are considered to be at risk. (Reference: Policy JLCB and JLCG)

STUDENT WELLNESS POLICY (SUMMARIZED)

The Child Nutrition and WIC (Women, Infants and Children) Reauthorization Act of 2004 requires all school districts participating in the National School Lunch Program to adopt a wellness policy on proper nutrition and physical activity. (Reference: Policy JLCF)

NOTIFICATION OF RIGHTS UNDER FERPA POLICY

EPPING SCHOOL DISTRICT
SUPERINTENDENT'S OFFICE
213 MAIN STREET
EPPING, NH 03042

ANNUAL NOTICE OF STUDENT EDUCATION RECORDS AND INFORMATION RIGHTS

The Family Educational Rights and Privacy Act ("FERPA") provides certain rights to parents and eligible students with respect to the student's education records.

A. Definitions.

1. "Parent" means a parent of a student and includes a natural parent, a guardian, or an individual acting as a parent in the absence of a parent or guardian.
2. "Eligible student" means a student who has reached 18 years of age or who is attending an institution of postsecondary education. Generally, once a student becomes an eligible student, rights under FERPA transfer from the parents to the eligible student. The School District may, however, continue to disclose education records to a parent without prior written consent if the student qualifies as a dependent under the Internal Revenue Code.

B. Inspection of Records

Parents/eligible students may inspect and review the student's education records within 45 days of making a request, or before an IEP Team meeting or due process hearing. Such requests must be submitted to the Superintendent or building administrator in writing and must identify the record(s) to be inspected. The Superintendent or building administrator will notify the parent/eligible student of the time and place where the record(s) may be inspected in the presence of school staff. Parents/eligible students may obtain copies of education records at a cost of \$0.25 per page, subject to reasonable limitations.

C. Amendment of Records

Parents/eligible students may ask the School District to amend education records they believe are inaccurate, misleading or in violation of the student's right to privacy. Such requests must be submitted to the Superintendent or building administrator in writing, clearly identify the part of the record they want changed and how they want it changed, and specify why it is inaccurate or misleading or in violation of the student's right of privacy. If the Superintendent or building administrator decides not to amend the record as requested,

the parent/eligible student will be notified of the decision, their right to request a hearing and information about the hearing process.

D. Disclosure of Records

The School District must obtain a parent/eligible student's written consent prior to disclosure of personally identifiable information in education records except in circumstances permitted by law or regulations as summarized below.

1. Directory Information

The School District designates the following student information as directory information that may be made public at its discretion: name, participation and grade level of students in officially recognized activities and sports, height and weight of student athletes, dates of attendance in the school district, honors and awards received, and photographs and videos relating to student participation in school activities open to the public. Parents/eligible students who do not want the School District to disclose directory information must notify the Superintendent in writing by September 30th of the school year or within thirty (30) days of enrollment, whichever is later. This opt-out shall remain in effect until the following school year, unless the parent or eligible student rescinds it earlier, or unless the student no longer attends the School District, in which case the opt out will remain in effect unless it is rescinded.

Absent an opt-out, the School District may disclose directory information about former students without the consent of the parent/eligible student.

2. Military Recruiters/Institutions of Higher Education

Military recruiters and institutions of higher education are entitled to receive the names, addresses and telephone numbers of secondary students and the School District must comply with any such request, provided that parents have been notified that they and secondary school students have the right to request that this information not be released without their prior written consent. Parents/students who do not want the School District to disclose this information without their prior written consent must notify the Superintendent in writing by September 30th or within thirty (30) days of enrollment, whichever is later.

3. School Officials with Legitimate Educational Interests

Education records (and personally identifiable information from an education record) may be disclosed to school officials with a "legitimate educational interest." A school official has a legitimate educational interest if he/she needs to review an education record (or to receive personally identifiable information from an education record) in order to fulfill his/her professional responsibility. School officials include persons employed by the School District (or the School District's School Administrative Unit) as an administrator, supervisor, instructor or support staff member such as guidance, health or medical staff and the district's law enforcement personnel, if any; members of the School Board; persons or companies with whom the School District or school administrative unit has contracted to provide specific services (such as attorneys, auditors, medical consultants, evaluators, experts, or therapists); and volunteers who are under the direct control of the School District with regard to education records.

4. Health or Safety Emergencies

In accordance with federal regulations, the School District may disclose education records in a health or

safety emergency to any person whose knowledge of the information is necessary to protect the health or safety of the student or other individuals without prior written consent.

5. Other Schools

The School District sends student education records to schools, school systems, or institutions of postsecondary education where the student seeks or intends to enroll, or where the student is already enrolled, if the school, school system, or institution of postsecondary education has requested the records and so long as the disclosure is for purposes related to the student's enrollment or transfer. Such records shall include, but are not limited to, grades, report cards, disciplinary records, attendance records, special education records and health records.

6. Other Entities/Individuals

Education records may be disclosed to other entities and individuals as specifically permitted by law. Parents/eligible students may obtain information about other exceptions to the written consent requirement by request to the Superintendent or building administrator.

E. Complaints Regarding School District Compliance with FERPA

Parents/eligible students who believe that the School District has not complied with the requirements of FERPA have the right to file a complaint with the U.S. Department of Education. The office that administers FERPA is:

Family Policy Compliance Office
U.S. Department of Education
600 Independence Avenue, SW
Washington, DC 20202-4605

(Reference: Policy JRA, Request for Student Records/Access Forms, and Objection to Release of Student Information Form)

TITLE 1 PARENT INVOLVEMENT & PARENT'S RIGHT TO KNOW (SUMMARIZED)

The Board endorses the parent involvement goals of Title I and encourages the regular participation by parents of Title I eligible children in all aspects of the program. The education of children is viewed as a cooperative effort among the parents, school and community. (Reference: Policy KB)

Under the No Child Behind Act of 2001 the Epping Elementary School will provide information regarding the professional qualifications of the student's classroom teachers to any parent who requests. Such information shall include:

1. Whether the teacher has met NH qualifications for the grade levels and subject areas in which the teacher provides instruction.
2. Whether the teacher is teaching under emergency or other professional status that the State has waived.
3. The degree major of the teacher and any other graduate certification or degree held by the teacher and the field of discipline of the certification or degree.
4. Whether the child is provided services by professionals and if so their qualifications.

Epping Elementary School as a receiving school of Title 1 funds must also provide each individual parent the following information:

1. Information on the level of achievement the child has made on all state assessments.

2. Timely notice that the parent's child has been assigned or taught for 4 or more consecutive weeks by a teacher who is not highly qualified.

FACILITIES OR SERVICES – GRIEVANCE PROCEDURE (SECTION 504)

1. Any qualified handicapped person, or persons, who feels subject to discrimination with respect to Section 504 of the Rehabilitation Act has the right to file a formal grievance.
2. Any qualified handicapped person, or persons, who have a grievance shall discuss it first with the appropriate School Principal in an attempt to resolve the matter informally at that level.
3. If, as a result of the discussion, the matter is not resolved to the satisfaction of the aggrieved party within five (5) school days, the aggrieved party shall set forth the grievance in writing to the School Principal. The School Principal shall communicate his/her decision to the aggrieved party in writing within five (5) school days of receipt of the written grievance.
4. The aggrieved party, no later than five (5) school days after receipt of the School Principal's decision, may appeal the School Principal's decision to the Section 504 Coordinator. The appeal to the Coordinator must be made in writing reciting the matter submitted to the School Principal and the aggrieved party's dissatisfaction with decisions previously rendered. The Coordinator shall meet with the aggrieved party to attempt to resolve the matter as quickly as possible, but within a period not to exceed five (5) school days. The Coordinator shall communicate his/her decision in writing to the aggrieved party and the School Principal not later than five (5) school days after the meeting.
5. If the grievance is not resolved to the aggrieved party's satisfaction, the aggrieved party, no later than five (5) school days after receipt of the Coordinator's decision, may submit a written request for a hearing with the local School Board regarding the alleged discrimination through the Superintendent of Schools. The hearing will be held within thirty (30) calendar days of the written request. The School Board must provide the aggrieved party with a written decision on the appeal within ten (10) calendar days after the hearing.
6. Between the date the aggrieved party requests the hearing and the date the hearing is held, the aggrieved party and the School District may continue to negotiate. If the School District and aggrieved party agree on a mutual solution to the alleged discrimination, the hearing would be cancelled.
7. The decision of the School Board is final pending any further legal recourse as may be described in current local district, state or federal statutes pertaining to Section 504 of the Rehabilitation Act of 1973.

(Reference: Policy KED)

The individual policies can be viewed in their entirety on the SAU 14 Website at www.sau14.org under School Board Policy.

Copies may also be obtained at the Epping School District Office, SAU 14, 213 Main Street, Epping, NH.