

Our mission is to provide rigorous and varied educational opportunities that challenge and engage all students to attain their highest level of intellectual, social, physical, and emotional growth. (2007)



LITCHFIELD SCHOOL BOARD

Litchfield, New Hampshire 03052

Draft Minutes for June 14, 2021

Location: CHS Auditorium

C. Harrison, Chair

B. Bourque, Vice Chair

In Attendance:

C Harrison, Chair
B Bourque , Vice Chair
E MacDonald, Board Member
H Ames, Board Member
T Hershberger, Board Member
Dr. Michael Jette, Superintendent
Cory Izbicki, Business Administrator
Mary Widman, Director of CIA
Michele E. Flynn, Administrative Assistant

(Agenda items may not be in the order in which they were addressed.)

I. PUBLIC SESSION

5:00 p.m.

A. Call to Order

Mrs. Harrison called the meeting to order at 5:16 p.m.

B. Pledge of Allegiance

C. Review & Revision of Agenda

There was no revision to the agenda.

D. Summary of Non-Public Actions from June 2, 2021:

Mrs. Hershberger made a motion to approve the non-public minutes of May 19, 2021. Mr. Bourque seconded. The motion carried 5-0-0.

Mrs. Harrison made a motion to accept the nomination of Adrienne Vail-Naylor as GMS Nurse at a salary of \$41,115 for the 2021-2022 year . Mrs. Ames seconded. The motion carried 5-0-0.

Mrs. Harrison made a motion to accept the nomination of Hailey Legasse as GMS Special Education teacher at a salary of \$40,997 for the 2021-2022 year . Mrs. Ames seconded. The motion carried 5-0-0.

Mrs. Ames made a motion to accept the nomination of Courtney Magoon as GMS Music teacher at a salary of \$47,246 for the 2021-2022 year. Mrs. Harrison seconded. The motion carried 5-0-0.

Mrs. Harrison made a motion to accept the nomination of Elizabeth Lennon as CHS Science teacher at a salary of \$59,723 for the 2021-2022 year. Mrs. Ames seconded. The motion carried 5-0-0.

Mrs. Harrison made a motion to accept the resignation of Heather Davis, CHS Spanish teacher. Mrs. Ames seconded. The motion carried 5-0-0.

Mr. Bourque made a motion to approve a full time position for a "SET" teacher by combining the part time computer and part time enrichment positions. Mrs. Ames seconded. The motion carried 5-0-0.

E. Presentations and Recognitions

There were no presentations or recognitions.

F. Community Forum

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Public comments shall be made without expectation of a response by any School Board Members to matters raised by such commentary. Comments and statements may be made on matters of public concern directly related to the district's policies, programs and operations. Public commentary shall be limited to 3 minutes per person and must identify the first and last name and address of the commenter.

G. Correspondence

Mr. Bourque reported that correspondence was received from:

Liz Vaillancourt who expressed concerns with requiring students to wear face masks in the 95+ degree heat. She suggested relaxing the mask requirement indoors during the excessive heat.

Dr. Jette indicated that he responded to Mrs. Vaillancourt regarding her concerns and that there are frequent mask breaks and students are allowed to be mask-free outdoors.

Debbie Rice expressed concern regarding students' physical exertion while wearing face masks in the heat.

H. Comments:

- **Superintendent**

- **Graduation Update**

Dr. Jette reported that CHS graduation was held outdoors. 107 students were in the 2021 graduating class; 100 graduated in person, 6 graduated from Londonderry night school; 1 was in the HiSet program. He reported 81% of the graduates are attending a 2 or 4 year college/university; 1 graduate is going into the military, 6 graduates are going onto careers, 1 graduate will begin an apprenticeship and 3 graduates are taking a gap year. He noted during the award ceremonies, 18 students received scholarships.

- **Transportation Update**

Dr. Jette reported that a previous question arose out of a transportation discussion regarding the provision of district transportation for students who attend a private school in the same town. He indicated after researching the law, NH RSA 189:9 states any students attending private schools up to grade 12 are entitled to the same transportation privileges as public school students in that town or district. He noted that the district will work to ensure public school students have more favorable routes.

- **Volunteer Orientation**

Dr. Jette reported that a previous discussion regarding volunteer orientation resulted in questions about the process for school volunteers. He indicated that the volunteer training, process and requirements have been online for over two years. He noted that volunteers are expected to complete the online orientation, process and forms, and principals meet, either in person or remotely, with volunteers for further orientation. Dr. Jette mentioned that the district will be developing a Google form online orientation for parents to complete.

- **Enrollment Update**

Dr. Jette provided an enrollment update for GMS. He indicated that currently there are 84 students enrolled in Kindergarten; 83 in grade 1; 79 in grade 2; 87 in grade 3; 94 in grade 4. He indicated grade 3 enrollment has reached the trigger number and a fifth class is planned. He noted that kindergarten enrollment has surpassed the trigger number and an elementary teacher will be placed in the fifth Kindergarten teaching position.

- **Heatwave Update**

Dr. Jette reported that during the heatwave last week, we continued to monitor the conditions in the school buildings, checking with principals several times during the day and having the students take water breaks. He reported there were no heat related illnesses until Wednesday morning (which was a half day); there were no heat exhaustion or heat stroke issues, and classrooms were warm, but manageable. He indicated that because the night temperatures did not cool down much, the outside air was not cool enough to bring cool air into the buildings. Dr. Jette noted that he and Mr. Izbicki were at LMS on Friday and witnessed classes taking mask breaks outside and approximately 50% of those students were wearing masks.

Mrs. Ames commented that teachers and administrators did a great job during the heatwave.

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o **Re-vote Hiring Authority**

Due to the change in meeting dates for June 2021, the School Board was asked to approve a new motion granting hiring authority to the Superintendent over the summer months.

Mrs. Harrison made a motion to authorize the Superintendent to offer employment contracts to new hires from June 14 to August 30, 2021. Mr. Bourque seconded. The motion carried 5-0-0.

● **LMS Schedule**

Dr. Jette reported that he and the LMS building administration have examined the LMS schedule with regard to school start time because of the LEA contract. He provided a plan to shift the schedule for LMS. He indicated that LMS will go from a 6.25 hour day to a 6.75 hour day, which will increase instructional hours to help meet standards for grades 5-8. He noted that students continue to be provided time for breakfast and time for a movement break during BEST block based on feedback from parents. He commented that bus routes will be streamlined from three routes to two routes, combining middle and high school routes, which will begin approximately 6:40 am to pick up all eligible students for LMS and CHS. The buses will drop off at LMS at approximately 7:15 am and go directly to CHS to drop students off at the high school by approximately 7:25 am. Dr. Jette commented that historically there have been less than 10 student riders per bus and combining routes will provide the extra time needed for instruction. At LMS, all classes will run 53 minutes and BEST will be modified to ensure that it is instructional, personalized and enrichment based. Lunches will be 30 minutes for grade 5 and 25 minutes for grades 6-8. Dismissal will begin at 2:05 pm at LMS, with buses departing at approximately 2:15 pm and picking students up at CHS at approximately 2:25 pm for the routes home.

Mr. Lecklider commented that conversations have occurred over the years regarding this topic and he feels that this plan is going in the right direction. He indicated the additional time will give us a better buffer by the end of year and the revision to the schedule allows us to minimize some of the switches in grades 7 and 8. He noted that BEST block has always offered enrichment and staff will avail themselves to provide more personalized enrichment. Mr. Lecklider indicated students will get a 'movement break' during BEST block. He believes that it makes sense to combine middle and high school bus routes.

Mrs. MacDonald asked if BEST will be based on grade level and if teachers will be rotated.

Mr. Lecklider indicated that it will depend on the student's individual needs. He noted students may not necessarily have the same teacher every day.

Ms. Widman commented we have just contracted with MBA to add a selected model for the BEST block at LMS and an Advisory block at CHS. She indicated teachers will dictate the days they are available and other students can sign up for that enrichment during BEST. She noted targeted support will be provided.

Mrs. MacDonald asked if students with special needs have been considered. Mr. Lecklider indicated that those students are all set up according to their IEPs.

Dr. Jette commented that this is new and professional development needs to be provided, as we will be working with staff to make sure they understand it.

Mr. Bourque asked what a movement break looks like. Mr. Lecklider indicated it can consist of a walk or a field activity, etc. for approximately 15 minutes.

Mr. Bourque was concerned that the time gained for instruction will be lost. Dr. Jette indicated that the instruction will be part of the BEST block as minimum standards allow some of this time to count.

Mr. Bourque asked if the plan document provided will be utilized by the School Start Time Task Force.

Dr. Jette commented that they just filled the last member of the task force last week and the task force will begin meeting virtually throughout the summer. He indicated that the draft plan can be sent out to parents for feedback before the Board approves it.

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Mr. Izbicki commented with the plan to combine middle and high school bus routes, there is no monetary change to the transportation contract or rate billed.

Dr. Jette indicated that First Student has agreed that combining the routes can be accomplished. He explained when the transportation contract was crafted, drivers were promised 2.5 hours in the morning and 2.5 hours in the afternoon.

- **School Board**

Mrs. Harrison congratulated the graduating Class of 2021. She indicated it was a wonderful ceremony and thanked LCTV for covering the event.

Mr. Bourque congratulated the CHS Girls Softball team who went on to become the State Champions. He also commended all athletic teams in the district for their showings in their tournaments.

Mrs. MacDonald congratulated all students that may not have received accolades, but fought through to get their diplomas.

II. GENERAL BUSINESS

A. Public Minutes:

- **June 2, 2021**

Mrs. Harrison made a motion to approve the public minutes of June 2, 2021. Mr. Bourque seconded. The motion carried 5-0-0.

III. REPORTS

A. Curriculum Report

Ms. Widman reported that the Live to Learn academy will be running next week and 43 staff will participate; most tech sessions will be run by staff; the District Admin retreat will run concurrently; 8-12 teachers [20 different teachers in total] are working on curriculum revision and/or competency daily; Common Summative Assessments have been created; SAS data is starting to be reviewed and student reports will be mailed home in 2 weeks.

- **Competency Based Grading Systems & Updates**

Ms. Widman commented that we started the year with some difficulties, but we are getting on track. She provided information regarding competency based grading and reporting.

- The purpose of grade reporting is to provide feedback to students and families regarding the student's proficiency to date and areas for continued growth and development.

- **Vision for the next 3-5 years:**

Summatives truly assess the application of content and skills (competencies and standards).

Why? Students need to be able to have opportunities to demonstrate their skills in individualized and varied ways. They need to be challenged to analyze, evaluate and create, as well as recall and remember.

Summatives are graded on a 4 point scale using a rubric that is consistent by course.

Why? Students need to see their progress and growth towards mastery and have a clearer understanding of what the score means. The descriptors on a rubric mean something more than "I got a 95". We need to shift the focus from earning to learning.

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More voice and choice and individualized pathways for students.

Why? Every student is different and deserves an opportunity to demonstrate their strengths in ways they know how. “One size fits One” has to be the way we look at our students. If we keep them all in the same box, we are failing them.

Consistency and commonality in how we grade and assess.

Why? We all know that we as humans are more successful when we know what the target is. By using our PLC time to workshop our assessments, norm our scoring and having open conversations about why, we all become better educators and our students benefit from it.

- **Current Situation**

How we’re currently set up:

- Equal weight is given to all Competencies.
- Formatives don’t count in the grade calculation.
- Summatives automatically calculate to a percentage grade.
- All summatives in a competency category are averaged for an end of year score for that competency giving each assessment equal weight.
- Teachers have been told to look at trends and discrepancies for their students and use their professional judgement when finalizing grades.

What some staff want:

- The ability to weight individual assignments OR calculate grades based on points.
- This allows for smaller assignments (possibly formatives) to have an impact on the student’s grade but not necessarily a major impact.
- This allows for greater value to be assigned to summative assignments that require more time, effort or are more complex.

- **Examples of competencies (Current Practice and What Some Staff are Looking For):**

Take a task like learning to drive - Here is the “gradebook”

Student A

Car inspection 8/10
 Putting on seat belt 10/10
 Checking mirrors 0/10
Summative Pre-Drive check - 85/100
 Using directionals 5/10
 Turning without crossing the line 8/10
 Using the proper turn lanes 10/10
Summative - Turning - 95/100
 Stopping 10/10
 Parallel parking 4/10
 Backing into a parking spot 7/10
Summative - Stopping and parking 60/100
 Reassessment 85/100
 Merging 8/10
 Maintaining appropriate speed 6/10
 Driving defensively 8/10
Summative - Highway driving 88/100
 Final **Summative** Driving Test 95/100

Student B

Car inspection 0/10
 Putting on seat belt 0/10
 Checking mirrors 0/10
Summative Pre-Drive check - 100/100
 Using directionals 9/10
 Turning without crossing the line 8/10
 Using the proper turn lanes 10/10
Summative - Turning - 55/100
 Reassessment - 65/100
 Stopping 9/10
 Parallel parking 8/10
 Backing into a parking spot 8/10
Summative - Stopping and parking 40/100
 Reassessment 60/100
 Reassessment 75/100
 Merging 8/10
 Maintaining appropriate speed 8/10
 Driving defensively 8/10
Summative - Highway driving 70/100
 Final **Summative** Driving Test 60/100
 Reassessment 70/100

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Scenario 1 - How we are currently set up

Student A
 Car inspection 8/10
 Putting on seat belt 10/10
 Checking mirrors 0/10
Summative Pre-Drive check - 85/100
 Using directionals 5/10
 Turning without crossing the line 8/10
 Using the proper turn lanes 10/10
Summative - Turning - 95/100
 Stopping 10/10
 Parallel parking 4/10
 Backing into a parking spot 7/10
Summative - Stopping and parking 60/100
 Reassessment 85/100
 Merging 8/10
 Maintaining appropriate speed 6/10
 Driving defensively 8/10
Summative - Highway driving 88/100
 Final **Summative** Driving Test 95/100

Competency	Summative 1	Final summative	Average
Safety	85%	100%	92.5%
Turning	95%	100%	97.5%
Stopping	90%	95%	92.5%
Parking	80%	90%	95%
Driving	88%	90%	89%
5 competencies	20% each	Final Grade	93.3%

Scenario 2 - What some staff are looking for

Student A
 Car inspection 8/10
 Putting on seat belt 10/10
 Checking mirrors 0/10
 Summative Pre-Drive check - 85/100
 Using directionals 5/10
 Turning without crossing the line 8/10
 Using the proper turn lanes 10/10
 Summative - Turning - 95/100
 Stopping 10/10
 Parallel parking 4/10
 Backing into a parking spot 7/10
 Summative - Stopping and parking 60/100
 Reassessment 85/100
 Merging 8/10
 Maintaining appropriate speed 6/10
 Driving defensively 8/10
 Summative - Highway driving 88/100
 Final Summative Driving Test 95/100

Competency	Total possible Points	Points Earned	Average
Safety	150	123	82%
Turning	150	138	92%
Stopping	80	74	92.5%
Parking	90	69	77%
Driving	150	128	85%
5 competencies	20% each	Final Grade	85.7%

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Scenario 1 - How we are currently set up

Student B

Car inspection 0/10
 Putting on seat belt 0/10
 Checking mirrors 0/10
 Summative Pre-Drive check - 100/100
 Using directionals 9/10
 Turning without crossing the line 8/10
 Using the proper turn lanes 10/10
 Summative - Turning - 55/100
 Reassessment - 65/100
 Stopping 9/10
 Parallel parking 8/10
 Backing into a parking spot 8/10
 Summative - Stopping and parking 40/100
 Reassessment 60/100
 Reassessment 75/100
 Merging 8/10
 Maintaining appropriate speed 8/10
 Driving defensively 8/10
 Summative - Highway driving 70/100
 Final Summative Driving Test 60/100
 Reassessment 70/100

Competency	Summative 1	Final summative	Average
Safety	100%	80%	90%
Turning	65%	65%	65%
Stopping	75%	60%	67.5%
Parking	75%	75%	75%
Driving	70%	70%	70%
5 competencies	20% each	Final Grade	73.5%

Scenario 2 - What some staff are looking for

Student B

Car inspection 0/10
 Putting on seat belt 0/10
 Checking mirrors 0/10
 Summative Pre-Drive check - 100/100
 Using directionals 9/10
 Turning without crossing the line 8/10
 Using the proper turn lanes 10/10
 Summative - Turning - 55/100
 Reassessment - 65/100
 Stopping 9/10
 Parallel parking 8/10
 Backing into a parking spot 8/10
 Summative - Stopping and parking 40/100
 Reassessment 60/100
 Reassessment 75/100
 Merging 8/10
 Maintaining appropriate speed 8/10
 Driving defensively 8/10
 Summative - Highway driving 70/100
 Final Summative Driving Test 60/100
 Reassessment 70/100

Competency	Total possible Points	Points Earned	Average
Safety	150	116	77%
Turning	150	105	70%
Stopping	80	58.5	73%
Parking	90	68.5	76%
Driving	150	108	72%
5 competencies	20% each	Final Grade	73.6%

Key Takeaways from the comparison of Student A to Student B:

STUDENT A-

Does pretty well on everything but clearly does better on summative opportunities.

In scenario 1, the grade reflects the student’s ability to apply the skills in the real world scenario at a very high level.

In scenario 2, the student can apply the skills at a high level as above, but didn’t do as well on the practice that lead up to the summative and therefore the grade is much lower.

STUDENT B -

Does better on the practice work than the summative opportunities. The overall grade in both scenarios is very similar. However -

In scenario 1, you can clearly see that the student is highly proficient with the safety. So much so that they didn’t do the practice work. It wasn’t needed for success. You can also clearly see that they are overall proficient, but they really probably should do some more practice with turning.

In scenario 2, because the student did the practice when they needed it and didn’t when they didn’t, some competency grades dropped significantly while others rose. It is much more difficult to see the student’s strengths and weaknesses in this calculation.

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- **Current Challenges:**

If formatives don't count, then the students won't do them.

Questions to ask-

Is this work meaningful?

Does it tie into what is going on in class?

Do they need the practice or do they already have a strong understanding?

What we can do -

If they do well on the summative, think about whether they needed to do the formative work.

If they didn't do well on the summative, make the completion of the formative work a condition of a reassessment.

Track formatives in PowerSchool so that you have data to inform WSP and to talk to parents about.

If kids know they can reassess, they won't try the first time.

Questions to ask-

How do you know they didn't try their best?

What else may be going on in their life to not make this a priority?

How frequently is this happening with this student?

What we can do -

Stop assuming that if they ask about a retake it means they aren't prepared. Maybe they just aren't confident in their ability and knowing they have a safety net will help with their anxiety.

Make a Reassessment plan with the student that is individualized to their needs - and put the responsibility of it back on the student.

Look at how the student learns to see if the format of the assessment may have been what they struggled with and not the actual application.

Some of my summatives are more complex and should be valued more.

Questions to ask yourself -

Are they demonstrating proficiency in the competencies in both assessments?

Is the complexity around DOK or effort?

Could the smaller task be part of a larger Performance Assessment?

What you can do -

If the more complex task includes DOK $\frac{3}{4}$ and the smaller one doesn't, move the smaller one to the formative category OR build it into a more comprehensive performance assessment.

Make sure that the smaller task is truly assessing competency.

Make sure the more complex task isn't just more complex because it will take longer....Remember it is truly about demonstration of competency.

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We've been grading like this forever. Everyone understands it. Why are we changing now?

Questions to ask-

What is the level of understanding on competency based grading?

What do our current grades tell kids about learning?

Is what we are doing truly competency based?

What you can do -

Take a look at why we are talking about changing - talk to colleagues, talk to administrators, talk to me.

Read up on some of the philosophy and best practices that surround grading.

Take a deep dive into your practices to see if you are focused on true learning, or grade earning.

- **Action Steps to Move Forward:**

Review current grading policies and practices with the board for input and revision as necessary.

Keep the grading set up the same for next year with a plan to transition all summatives to a 4pt rubric the following year.

Use the summer, PD time and PLC time to build both competency summatives and competency rubrics.

Continue to build capacity in what are best practices in competency based education through such avenues as book studies, monthly check in meetings with team and department leaders, and open forum discussions with staff.

Mrs. Harrison commented as we make these changes we want to be sure we are not leaving parents out of the loop with why we are doing what we are doing.

Dr. Jette commented at the high school and middle school next year the use of PLC time will become purposeful and supportive. He mentioned that the school that was visited in Massachusetts has been doing this competency based transcript for 26 years.

Mr. Lonergan commented the social studies team has done a great job on competency based education this year as has the math team. He indicated pulling the middle and high school alignment together will be the right direction.

Mrs. Hershberger expressed concern that it would be another year before this moves forward.

Ms. Widman indicated what we are implementing now is a structured competency system and most teachers are doing it the way it was set up, but the outliers are the ones that we have to address, although it is challenging.

Dr. Jette indicated with PLCs intact and the opportunity for ongoing dialogue and support, it will help us move this forward. He noted we are working on a partnership with the other school [in Massachusetts] to help us train and help support our teachers.

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Mrs. Ames commented that more parental education is needed with this system. Mrs. MacDonald indicated parents need more explanation of grading that is cumulative.

Ms. Widman indicated that is the plan and it is hopeful that by the winter we will have more understanding and addressed what needs to be addressed.

B. Business Administrator's Update

● General Fund Update

Mr. Izbicki provided an update on the district financial report and updated the Board on district projects. He indicated that he does not have any changes to the financials this evening as purchase order management is ongoing. He requested an additional meeting prior or on June 30 to discuss and approve final additional end of year encumbrances.

Mr. Izbicki reported that Phase I of the LMS project cost will be \$1.6M, which will be funded through the fund balance and a combination of the capital reserve and trust funds. He indicated that the district is waiting for state and federal guidance for the use of the ESSR funds. He reported he sent a letter to the Select Board to request the release of impact fees as well.

C. Committee Reports

● Facilities Improvement Committee

- **New Litchfield Elementary School OPR**
- **New Litchfield Elementary School RFQ**
- **New Litchfield Elementary School Commissioning Agent**

Mr. Bourque reported that the Facilities Improvement Committee met on June 9 and discussed the HVAC projects in the district. He noted:

- the committee toured the LMS kitchen to see how the improvements will impact the space in the kitchen;
- the committee discussed with consultants the HVAC projects in the district;
- the committee talked about building management systems;
- the committee discussed the GMS Owners' Project Requirements for a new elementary school
 - scope of work for what is required
 - communicating with architect what we are looking for in a new school;
- the committee discussed the RFQ for architectural services for a new elementary school
 - decision to hire an architect that has elementary school design experience.

Dr. Jette indicated that the process for selection will be similar to the process followed for LMS, where we will contact firms we know have that experience. He asked for Board approval on the OPR and RFQ.

Mrs. Harrison made a motion to approve the New Elementary School Owner's Project Requirements. Mr. Bourque seconded. The motion carried 5-0-0.

Mrs. Harrison made a motion to approve the New Elementary School Request for Qualifications (architect). Mr. Bourque seconded. The motion carried 5-0-0.

Mr. Bourque reported that the committee also discussed hiring an independent commissioning agent who works directly for the owners of the project and who inspects/ensures all equipment, components and systems are working properly/appropriately for the new school in conjunction with the construction company. He indicated a commissioning agent is highly recommended.

Dr. Jette commented that the cost for a commissioning agent is estimated at \$20,000. He indicated in 20 years this district has wasted more money than that because so much equipment, components and many systems were not running or operating properly, which was discovered by the energy consultants and HVAC vendor.

Mrs. Harrison made a motion to approve the New Elementary School Commissioning Agent RFQ. Mrs. Hershberger seconded. The motion carried 5-0-0.

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- **Emergency Management Meeting**

Mr. Bourque reported the Emergency Management Team met on June 4 and discussed the recent Secure Campus situation at CHS, as well as an external warning system for individuals entering the building during a lockdown or emergency. He indicated the team also discussed power outage notifications in the building when power has been lost and a notification process for parents regarding emergencies in the buildings. He mentioned that ALICE drills were discussed.

IV. NEW BUSINESS

A. Policies - Review:

- **Re-Approval:** *The following policies have been reviewed for changes and were found to have none.*
 - **GBGBA, Use of AEDs**
 - **GBJA, HIPAA Policy**
 - **GBK, Complaint Policy**
 - **GCB, Professional Staff Contracts**

Mrs. Harrison made a motion to approve policies GBGBA, GBJA, GBK, GCB. Mrs. Hershberger seconded. The motion carried 5-0-0.

- **GCAA, Highly Qualified Teachers**

Mrs. Harrison asked if policy GCAA is needed since the change in federal requirements (NCLB has ended and ESSA supersedes).

Dr. Jette indicated we will reach out to NHSBA regarding the policy.

- **Policies - 1st Reading:**
 - **GBEBC, Employee Gifts & Solicitations**

Dr. Jette commented that some Board members had questions regarding the language in the policy regarding what actually constitutes a 'gift' and the intent of that gift. He indicated that the language was updated to reflect that gifts will not be allowed if the intent is perceived to intend to influence the discharge of professional responsibilities.

Board members asked for clarification regarding class materials that are often "gifted" to teachers and if those materials would be perceived more as donations.

Clarification will be provided at the July 14 Board meeting.

- **GBEBD, Staff Communication with Students**
- **GBI, Staff Participation in Political Activities**
- **GBJ, Personnel Records**
- **GBGD, Workers Compensation Temporary Alternative Work Program**

Dr. Jette indicated that policies for first reading were reviewed and language was updated according to legal or statutory changes.

Mr. Bourque made a motion to approve policies GBEBC, GBEBD, GBI, GBJ and GBGD for a 1st Reading. Mrs. Harrison seconded. The motion carried 5-0-0.

- **Policies - 2nd Reading:**
 - **EBCG, Communicable & Infectious Diseases**
 - **JLCG, Exclusion of Students Who Present a Hazard**

Mr. Bourque made a motion to approve policies EBCG and JLCG. Mrs. Harrison seconded. The motion carried 5-0-0.

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- **Policies to be Rescinded:**
 - **GBGAA/R, Bloodborne Pathogens Procedures**

Mrs. Harrison made a motion to rescind policy GBGAA/R, which was replaced by policy EBCG. Mr. Bourque seconded. The motion carried 5-0-0.

V. OLD BUSINESS

A. Coronavirus Review and Update

● **Current Situation Update**

Dr. Jette indicated that there are no cases or quarantines at any of the school buildings in the district. He mentioned that he learned at the Superintendent’s meeting, a district not far from ours was talking about 3 positive cases. He cautioned the Board not to become over confident about the situation as anything can occur.

● **2021-2022 Reopening Plan**

Dr. Jette reported that a 2021-2022 School Reopening Plan, or CoVax 21, has been drafted and includes Key Instructional Strategies and Key Mitigation Strategies. He indicated that in-person learning is recommended for the upcoming school year. He acknowledged remote learning had its benefits, but it has to be properly resourced for situations when it is not safe to attend school or for a medical emergency or weather related emergency. Dr. Jette commented that Google Classroom is effective and the district will continue its use and provide ongoing professional development to staff. He believes that emotional and physical well being is important, as is including and supporting collaborative learning time in all buildings.

Dr. Jette indicated that mitigation strategies include following the guidelines from the NH DHHS for public schools; continue to examine local and state data points; shift to a weekly COVID update; emphasize personal responsibility, which has worked well; attempt to continue physical distancing; follow the mask guidance from the CDC for unvaccinated students and staff; continue to teach handwashing and sanitizing; use effective communication and tools that are available to us; support clinics and sharing of information from our nurses; open schools as soon as possible; make case by case decisions for facility use and volunteers; continue to clean daily; recognize federal and local funds; continue to invest in our HVAC infrastructure as fresh air is the key in fighting sickness.

Dr. Jette noted the plan has to be submitted to the NH DOE by June 23 and part of the plan is to provide an opportunity for public feedback. He indicated he will communicate the plan to parents and ask for feedback.

VI. MANIFEST

The manifest was circulated and signed by the Board.

VII. PUBLIC INPUT

A. Community Forum

There was no public input.

Mr. Bourque asked if the School Board will be continuing with remote access for the public now that Emergency Order #12 has expired.

Mr. Izbicki indicated that the Select Board has decided to allow a total capacity of 17 in the meeting room. He noted that any additional individuals will have to wait outside or in the lobby.

Dr. Jette asked if the Board would like to continue to provide virtual access, which will be convenient for directors and administrators.

Mr. Bourque indicated virtual access is useful. Mrs. Harrison indicated it is convenient for people sitting at home. Mrs. MacDonald indicated that she is in support of keeping virtual access for Board meetings.

Dr. Jette indicated that the practice will continue until a motion is made otherwise.

Our mission is to provide rigorous and varied educational opportunities that challenge and engage all students to attain their highest level of intellectual, social, physical, and emotional growth. (2007)

VIII. NON-PUBLIC SESSION: RSA 91-A:3II (a-c)

[Minutes of Non-Public Session are written under separate cover.]

Upon a motion made by Mrs. Harrison, the Board entered into non-public session at 8:05 p.m. under RSA 91-A:3II (a) The dismissal, promotion or compensation of any public employee or the disciplining of such employee, or the investigation of any charges against him, unless the employee affected (1) has a right to a meeting and (2) requests that the meeting be open, in which case the request shall be granted. (b) The hiring of any person as a public employee. (c) Matters, which, if discussed in public, would likely affect adversely the reputation of any person, other than a member of the body or agency itself, unless such person requests an open meeting. Mrs. MacDonald seconded. The motion carried by roll call vote: Mr. Bourque, yes; Mrs. Harrison, yes; Mrs. MacDonald, yes; Mrs. Ames, yes; Mrs. Hershberger, yes.

IX. RETURN TO PUBLIC SESSION

Upon a motion made by Mrs. Hershberger the Board returned to public session at 9:20 p.m. Mrs. Ames seconded. The motion carried by roll call vote: Mr. Bourque, yes; Mrs. Harrison, yes; Mrs. MacDonald, yes; Mrs. Ames, yes; Mrs. Hershberger, yes.

X. ADJOURN

Mrs. Hershberger made a motion to adjourn the meeting at 9:20 p.m. Mrs. Ames seconded. The motion carried 5-0-0.

Respectfully submitted,

Michele E. Flynn
Executive Assistant to the School Board

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LITCHFIELD SCHOOL BOARD

Litchfield, New Hampshire 03052

Draft Minutes for June 30, 2021

Location: Town Hall

C. Harrison, Chair

B. Bourque, Vice Chair

In Attendance:

- C Harrison, Chair
- B Bourque , Vice Chair
- E MacDonald, Board Member
- H Ames, Board Member
- T Hershberger, Board Member
- Dr. Michael Jette, Superintendent
- Cory Izbicki, Business Administrator (remote)
- Michele E. Flynn, Administrative Assistant

(Agenda items may not be in the order in which they were addressed.)

Public access to the meeting will be granted, both in-person and virtually, and/or by phone. Per Litchfield Select Board, Town Hall Meeting Room total capacity is limited to 17 people. Face masks and social distancing are still required. Correspondence may be sent via email to members of the School Board at schoolboard@litchfieldsd.org.

I. PUBLIC SESSION

5:00 p.m.

A. Call to Order

Mrs. Harrison called the meeting to order at 5:00 p.m.

B. Pledge of Allegiance

C. Community Forum

Public comments shall be made without expectation of a response by any School Board Members to matters raised by such commentary. Comments and statements may be made on matters of public concern directly related to the district's policies, programs and operations. Public commentary shall be limited to 3 minutes per person and must identify the first and last name and address of the commenter.

Jim Norton, Woodhawk Way, commented about Performing Arts at CHS. He expressed concern that there is no full time band director at the high school and the department is stagnant. He indicated he learned Mrs. Leite will be teaching full time at LMS and Ms. Milligan will be at CHS acting as both band and choral director. He commented that this will not improve the department and encouraged the Board to hire a full time band director at CHS, while keeping Mrs. Milligan as the choral director at CHS. Mr. Norton believes having a full time director will improve the music program and encourage students to get exposure to band. He was concerned that CHS farms out musicals and plays to the Palace Theater. He asked Board members if they are committed to the Performing Arts department as this is the only place where some children feel at home or feel motivated to go to school. He suggested a 3 to 5 year plan to improve the Performing Arts department. Mr. Norton was also concerned that there was no communication to parents regarding the changes in the Performing Arts department.

Dr. Jette commented that a proposal from the music teachers was brought forward to the Board. He explained that once we looked at enrollments, we had a dialogue and the teachers felt that building the program at the middle school was important in order to have students get exposure at the middle school level and continue through high school. Dr. Jette indicated that he learned from a board member that an announcement was made at the tail end of the high school year and he was not aware it had not been communicated prior to that. He noted there has been a lot of discussion about how we would build the music program and those teachers felt that it would be best to start building it at the middle school and continue through high school.

Our mission is to provide rigorous and varied educational opportunities that challenge and engage all students to attain their highest level of intellectual, social, physical, and emotional growth. (2007)

Mr. Norton commented that he heard we would be planting those seeds, but believes that not having a second teacher at the high school will hold the music program back.

Mrs. Harrison acknowledged that it has been a struggle in terms of the Performing Arts program. She indicated that she understands the purpose behind building the program from the middle school level and continuing through high school. She expressed support for bringing drama and other performing arts back into the district.

Mr. Norton believes that because the band teacher was only at the high school three days per week the program did not have a chance to grow.

Dr. Jette indicated that program growth is being studied. He commented that enrollment in courses dictates staffing. He noted there is an equity issue across the district as elementary classes are packed and there are large academic classes at the high school, which has resulted in many courses at capacity. He indicated the best way to address Performing Arts is to grow the program so we have the right number of students in it.

II. GENERAL BUSINESS

A. Business Administrator's End of Year Update

- Draft FY21 General Fund Year End Balance
- Final FY21 Encumbrances

Mr. Izbicki provided a financial report to the Board, which included a revised general fund accounting and final encumbrances for FY21. He indicated that there still remain some year end journal entries that will be completed. He reported that the unassigned fund balance is a little over \$200,000, which is estimated after year end FY22 spend ahead projects (LMS energy and renovation) and year end encumbrances.

Mr. Izbicki provided a list of the final year end encumbrance requests, the majority of which is slated for the additional kindergarten class and replacement of carpeting in the preschool/kindergarten portable. He added that there are athletic uniform requests as well. The total final year end encumbrances request is \$31,853.

Board members asked for clarification on which expenditures have actually been encumbered and which have not.

Dr. Jette clarified that encumbrances in the amount of \$845,310 were approved on April 7, 2021 by the Board; encumbrances totaling \$127,380 and \$98,850 were approved on June 2, 2021 by the Board.

Mr. Izbicki indicated that he is asking the Board to approve \$31,853 in encumbrances, which include athletics equipment and uniforms, kindergarten classroom supplies/furniture/equipment, and re-carpeting the preschool/kindergarten portable.

Board members asked if it would be less costly to install laminate flooring instead of carpeting in the portable.

Dr. Jette commented that carpeting is less costly when installing carpet squares, which saves on replacement costs. He noted that with the age level of the children in these classrooms, there are items, including food and liquid, that end up on the floor, which can cause a safety hazard on laminate flooring.

Mr. Bourque commented that he heard at the recent Budget Committee meeting the district is utilizing funds from Special Services.

Dr. Jette indicated that there was an underspend in Special Services transportation that is being utilized.

Mr. Izbicki indicated that the funds were part of the \$810,000 that was transferred to the capital project.

Mrs. MacDonald expressed concerns that using end of year funds from Special Services will cause the Budget Committee to make deeper reductions in the budget next year.

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Mrs. Harrison believes, as a Board, we are required to make the critical decisions to improve our facilities. She mentioned that the agreement referred to by the Budget Committee was made years ago and prior to using actuals from Special Services at this time.

Mr. Bourque noted that a Budget Committee member referred to historical underspend in the Special Services budget year after year.

Dr. Jette indicated that this is a cost savings that came out of a pandemic and we realized an unanticipated cost in addressing the ventilation because of the pandemic guidelines.

Mrs. Hershberger was concerned that these older agreements are not known to newer Board members. She believes that the Board should not be held to these agreements.

Mrs. MacDonald asked about ESSR funds and if those funds will be used for the LMS project or be returned to taxpayers.

Dr. Jette indicated that ESSR funds are being held up at the state level and when it was addressed at the federal level it was too late to take advantage of. He noted this money will absolutely be used for the LMS project as the portables are being removed and grade 5 classes are moving into the main building. He commented the costs we save after eliminating the portables and all other savings will be invested back into the middle school project without a tax impact.

Mrs. MacDonald asked for the total of year end funds that will be returned to taxpayers. Mr. Izbicki indicated it will be approximately \$223,000.

Mrs. MacDonald commented that, as a taxpayer, she was hoping more would be returned this year.

Mr. Bourque commented that much of the salary underspend is from the vacant custodial and other positions we could not fill this year. He indicated that we are always up front about how the funds are spent. He mentioned that the Budget Committee never questions the Town, who never returns funds to the taxpayers.

Mrs. Ames referred to the requested final encumbrances (\$31,853) and indicated that she did not feel there was enough information on the CHS athletic items to vote on them tonight.

Mr. Bourque believes that athletic supplies, equipment and uniforms should be in the budget. He indicated he was going to make a motion to cut them from the request.

Mrs. Harrison made a motion to approve encumbrances in the amount of \$23,620 for the additional kindergarten classroom at GMS. Mrs. MacDonald seconded. The motion carried 5-0-0.

III. MANIFEST

The manifest was circulated and signed by the Board.

IV. NON-PUBLIC SESSION: RSA 91-A:3II (a-c)

[Minutes of Non-Public Session are written under separate cover.]

Upon a motion made by Mrs. Harrison, the Board entered into non-public session at 6:03 p.m. under RSA 91-A:3II (a) The dismissal, promotion or compensation of any public employee or the disciplining of such employee, or the investigation of any charges against him, unless the employee affected (1) has a right to a meeting and (2) requests that the meeting be open, in which case the request shall be granted. (b) The hiring of any person as a public employee. (c) Matters, which, if discussed in public, would likely affect adversely the reputation of any person, other than a member of the body or agency itself, unless such person requests an open meeting. Mr. Bourque seconded. The motion carried by roll call vote: Mr. Bourque, yes; Mrs. Harrison, yes; Mrs. MacDonald, yes; Mrs. Ames, yes; Mrs. Hershberger, yes.

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V. RETURN TO PUBLIC SESSION

Upon a motion made by Mrs. Harrison the Board returned to public session at 7:19 p.m. Mrs. Hershberger seconded. The motion carried by roll call vote: Mr. Bourque, yes; Mrs. Harrison, yes; Mrs. MacDonald, yes; Mrs. Ames, yes; Mrs. Hershberger, yes.

VI. ADJOURN

Mrs. Harrison made a motion to adjourn the meeting at 7:20 p.m. Mrs. Hershberger seconded. The motion carried 5-0-0.

Respectfully submitted,

Michele E. Flynn
Administrative Assistant to the School Board



LITCHFIELD SCHOOL DISTRICT

POLICY CODE: GBEB
APPROVAL:

2nd READING

EMPLOYEE GIFTS & SOLICITATIONS

Gifts

All employees are prohibited from accepting things of material value from companies or organizations that do business with the Litchfield School District. Exceptions to this policy are the acceptance of minor items that are generally distributed by the companies through public relations programs.

Teachers and other employees of the Litchfield School District shall not accept gifts from students and families if the intent of the gift or the perception of the gift's intent is to influence the discharge of professional responsibilities. The Litchfield School District encourages the writing of letters by students and families to staff members to express gratitude and appreciation.

Solicitations

No organization shall solicit funds from staff members within the Schools, nor shall anyone distribute flyers or other materials related to fund drives through the District's schools, without prior approval of the Superintendent, according to Policy KCDB. Staff members shall not be made responsible, nor shall they assume responsibility for, the collection of any money or distribution of any fund drive within the Schools unless such activity has the Superintendent's approval.

The Board expects such activities to be kept to a minimum. The Superintendent shall seek direction from the Board in instances where prior practice offers no guidance about a particular fund drive.

See Also: Policy KCDB, Use of Students in Non-School Public Information Program

Approval:
Revised: 1st Reading, June 14, 2021
Approval: April 1, 2009



LITCHFIELD SCHOOL DISTRICT

POLICY CODE: GBEBD

2ND READING

APPROVAL:

STAFF COMMUNICATION WITH STUDENTS

The Litchfield School District recognizes that recent innovations in electronic technology have revolutionized communication. While these forms of communication are dynamic, mobile and quickly reach their audience, they must continue to meet the high public and professional standards we have set for ourselves.

The expectations outlined in this document are designed for the purpose of:

1. Protecting the students, staff and district
2. Raising awareness of acceptable ways to use electronic communications with students
3. Raising awareness of the positive and negative outcomes that may result from using these tools.

The following is a set of expectations that all staff of the Litchfield School District are expected to adhere to when communicating electronically, including through email, phones/portable electronic devices, social media, etc.

Does the communication meet the TAP Test?

Electronic communication shall always be **Transparent, Accessible, and Professional** as defined below:

The communication is **transparent**. ALL electronic communication between staff and students shall be transparent. As a public school district we are expected to maintain openness, visibility and accountability with regard to all communications. Whenever possible, District email or other District-sponsored communications vehicle shall be used.

The communication is **accessible**. ALL electronic communication between staff and students is part of the district archives and/or may be accessible by others. Staff shall have no expectation of privacy with respect to these communications.

The communication is **professional**. ALL electronic communication from staff to students shall be written as a professional representing the District. This includes word choices, tone, grammar and subject matter that models the standards and integrity of a District professional. Always choose words that are courteous, conscientious, and generally businesslike in manner.

Staff is also cautioned about the inadvertent release of personal or confidential student information under FERPA. Refer to Policy JRA/JRA-R for additional information.

Policy IIAE, Acceptable Use, will dictate the use of social media.

See Also: GBCC, Anti-fraternization; JRA, Student Records and Procedures; IIAE, Acceptable Use Policy

Approval:

Reviewed: 1st Reading, June 14, 2021

Revised: June 2, 2021

Approval: July 31, 2013



LITCHFIELD SCHOOL DISTRICT

POLICY CODE: GBGD
APPROVAL:

2ND READING

WORKERS' COMPENSATION TEMPORARY ALTERNATIVE WORK PROGRAM

I. Policy

In compliance with RSA 281-A:23-b, the School District will provide temporary alternative/transitional work opportunities to all employees temporarily disabled by a work-related injury or illness.

II. Purpose

The School Board adopts the principle that it is important to provide meaningful work during the time of healing following a work-related illness or injury in order to assist employees in their transition back to full duty.

III. Procedure

The Temporary Alternative Work Program will be available to employees for a period of time extending as long as the circumstances of the illness/injury requires, but not longer than four (4) months, as dictated by the treating physician and as such duties are available.

The program is not intended to address those situations in which an employee has been deemed to be permanently disabled and unable to resume his or her previous position.

- An ill/injured employee will be responsible to obtain a New Hampshire Workers' Compensation Task Analysis and a copy of his/her current position when reporting the injury. Forms may be obtained from the Building Principal. If the nature of the injury or illness is such that emergency need for care precludes obtaining the above forms, then the employee shall, as soon as possible call the Building Principal to request that an analysis and position description be mailed to the employee or his/her treating physician.
- The treating physician and the ill/injured employee will share the responsibility of providing the School District the NH Workers' Compensation Medical Form. This form provides information relating to the employee's capabilities necessary to structure a temporary duty program.
- The Building Principal will work with the employee to facilitate a safe return to work program within limitations listed by the treating physician. If necessary, the Building Principal may contact the treating physician for additional information.
- After each subsequent visit, the ill/injured employee will be responsible for providing an updated medical form completed by the treating physician and returned to the Building Principal.
- Additional modifications will be made to the return to work program as required. The Building Principal will be responsible for reviewing the appropriateness of continuing the program or duty assignments, including, but not limited to, extending the program beyond four (4) months, as necessary.
- Upon release by the treating physician, the employee will assume normal duties of his or her regular position.



LITCHFIELD SCHOOL DISTRICT

POLICY CODE: GBDG

2ND READING

APPROVAL:

IV. Summary

A notice summarizing all employees' rights shall be posted at each school building for inspection by all employees.

The provisions of this policy are intended to comply with RSA 281-A:23-b. To the extent that this policy is ambiguous or contradicts the RSA or NH Department of Labor Regulations, the language of the RSA or Department of Labor Regulations will apply.

Approval:

Reviewed: 1st Reading, June 14, 2021

Revised: June 7, 2021

Approval: February 11, 1979



LITCHFIELD SCHOOL DISTRICT

POLICY CODE: GBI
APPROVAL:

2ND READING

STAFF PARTICIPATION IN POLITICAL ACTIVITIES

The Litchfield School Board recognizes that employees of the school district have certain civic rights. Employees, as citizens, have a right to engage in political activities and to speak as a citizen on matters of public concern. Nevertheless, this right to engage in political activities and to speak as a citizen on matters of public concern may be reasonably conditioned by the Litchfield School Board as an employer when the employee is engaged in his/her work as an employee and is speaking pursuant to the employee's official duties. This policy defines the types of conduct that are not permitted. The US Supreme Court has held that when public employees make statements pursuant to their official duties, they are not speaking as citizens for First Amendment purposes, and the Constitution does not insulate their communications from employer discipline.

Employees shall not advocate their personal political views or engage in political activities defined in this policy during hours of official employment. Employees shall not exploit students in any way to promote their personal political views. Employees shall not misrepresent their political views as those of the school district. Examples of activities that are not permitted include, but are not limited to:

1. Representing personal political views as those of the school district; employees should always take adequate precautions to distinguish between their personal political views and those of the school district;
2. Interfering with colleague's exercise of political and citizenship rights and responsibilities; and
3. Using school district privileges, school district resources including but not limited to the district email system or working time to promote political candidates, for partisan political activities, or to influence the vote of a voter on any question or office.

It is the intent of this policy that political activities be narrowly defined to mean only "partisan political activities" and influencing the vote of a voter on any question or office. Partisan political activities include the posting of political circulars or petitions, collection and/or solicitation of campaign funds, solicitations for campaign workers, and other activities of a clearly partisan nature, including but not limited to those activities relating to local, state, or federal elections.

New Hampshire law, RSA 659:44-a Electioneering by Public Employees provides that no public employee, as defined in RSA 273-A:1, IX, shall electioneer while in the performance of his or her official duties. No public employee shall use government property or equipment, including, but not limited to, e-mail systems, telephones, facsimile machines, vehicles, and computers, for electioneering. For the purposes of this law, "electioneer" means to act in any way specifically designed to influence the vote of a voter on any question or office. A person violating this law may be guilty of a misdemeanor. A "public employee," with limited exceptions including those in a confidential relationship with the School Board, means any person employed by the District. This is a criminal offense. Allegations of violations of this law may be investigated and prosecuted by the Attorney General and law enforcement.



LITCHFIELD SCHOOL DISTRICT

POLICY CODE: GBI

2ND READING

APPROVAL:

Nothing in this policy is to be construed as precluding discussion of current events or conducting mock elections, debates, conventions, or similar simulated political activities, where the activity is primarily intended as an educational experience.

District employees as public employees have a full right to publicly discuss and give opinions as an individual on their own time on all matters concerning any government entity and its policies. This policy recognizes public employee freedom of expression as set forth in RSA Chapter 98-E and other law and is intended to address only employee speech when the employee is engaged in his or her work as an employee and is speaking in furtherance of the employee's official duties.

Legal Reference:

Garcetti et al v. Ceballos, 547 U.S. 410 (2006)

Snelling v. City of Claremont, 155 N.H. 674 (2007)

RSA 659:44-a, Electioneering by Public Employees

RSA Chapter 98-E, Public Employee Freedom of Expression

Approval:

Reviewed: 1st Reading, June 14, 2021

Revised: June 7, 2021

Approval: September 10, 2008



LITCHFIELD SCHOOL DISTRICT

POLICY CODE: GBJ

2ND READING

APPROVAL:

PERSONNEL RECORDS

The Superintendent is authorized and directed to develop and implement a comprehensive, confidential, and efficient system of personnel records that is in full compliance with all state and federal requirements.

A personnel folder for each employee shall be accurately maintained in the administrative offices according to the Litchfield School District Policy EHB, Data Records & Retention.

In addition to the application for employment and references, such folders shall contain records and information relative to compensation, payroll deductions, evaluations and other such information as may be considered pertinent.

All personnel records of individual employees of the District shall be considered confidential. They shall not be open for inspection. The Superintendent and designees shall take the necessary steps to safeguard against unauthorized review and/or use of all confidential material.

Each employee shall have the right, upon request and within a reasonable period of time, to review the contents of his own personnel file, with the exception of references and recommendations provided to the Litchfield School District on a confidential basis by universities, colleges or persons not connected with the Litchfield School District.

The District will not disclose any teacher personally identifiable data or information to any person outside of the District, except as may be required by law. Such data or information may be shared to District employees, as necessary.

Legal Reference:

RSA 91:A:5, Access to public records

RSA 189:65, VII-a, Student and Teacher Information Protection and Privacy

RSA 189:67, Limits on Disclosure of Information

See Also: Policy EHB, EHB-R Data and Records Retention

Approval:

Reviewed: 1st Reading, June 14, 2021

Revised: June 7, 2021

Approval: 2nd Reading, April 1, 2009



LITCHFIELD SCHOOL DISTRICT

POLICY CODE: JIC

APPROVAL:

STUDENT CODE OF CONDUCT

A. General Policy

The Litchfield School Board is committed to promoting a safe, healthy, orderly and supportive school and learning environment. To that end, it is important for students to conduct themselves in a manner fitting to their age level and maturity, and with respect and consideration of other students, District personnel and other members of the community. Students are expected and required to maintain appropriate behavior that allows teachers and staff to perform their professional duties effectively and without disruption while on School District property or on property within the jurisdiction of the School District (including vehicles); and/or while attending or engaged in school activities.

Expectations for student conduct and standards of behavior shall be communicated through written Board policies, as well as District and/or school rules. Those policies and rules should be included in a Student Code of Conduct for each school.

Student conduct that causes material or substantial disruption to the school environment, interferes with the rights of others, presents a threat to the health and safety of students, employees, or visitors, and/or violates the Student Code of Conduct, or classroom rules is prohibited. Response to violations of the Student Code of Conduct, however, should be designed to maximize student academic, emotional and social success, while at the same time assuring safety of all students, staff and school visitors. With this objective, the Board endorses adoption of a Multi-Tiered System of Support for Behavioral Health and Wellness ("MTSS-B") as the framework for the Student Code of Conduct. MTSS-B was endorsed by the Legislature specifically through 2020 amendments to RSA 135-F, and the supports required under RSA 193:3, XI(a).

District personnel who interact with students are expected to utilize progressive disciplinary measures, and to place emphasis on educating students so they may grow in self-discipline. Suspensions and expulsions shall be administered consistent with the applicable Student Code of Conduct and Board policy JICD.

B. Student Code of Conduct

The School Board delegates to the Superintendent, in consultation with the appropriate building Principal and counselors, the responsibility of adopting and implementing a Student Code of Conduct with such age-appropriate rules and regulations for each school as he/she deems necessary to implement the objectives of this policy, and reflects the three-tiered support prevention of framework of MTSS-B: school-wide approaches; targeted supports for at-risk students; and individualized services for highest-needs students.

The Student Code of Conduct for each school shall be submitted to the School Board for review each year with the student handbook. Consistent with the Board's statutory authority, and other Board policies regarding review of administrative rules, regulations and procedures, the School Board retains the authority to modify, supersede, or suspend any provision of the Student Code of Conduct.



LITCHFIELD SCHOOL DISTRICT

POLICY CODE: JIC

APPROVAL:

The Student Code of Conduct shall include:

1. *A graduated and age-appropriate system of supports and intervention strategies, such as:*
 - *parent conferences,*
 - *counseling,*
 - *peer mediation,*
 - *instruction in conflict resolution and anger management,*
 - *parent counseling and training,*
 - *community service, and*
 - *rearranging class schedules.*

2. *Graduated and age-appropriate disciplinary consequences such as:*
 - *restriction from extra-curricular activities,*
 - *temporary (same day) removal from class or activity,*
 - *detention,*
 - *temporary reassignment/in-school suspension,*
 - *out-of-school suspension, and*
 - *expulsion.*

3. *Provisions describing how and when short term suspensions of up to 5 days, short term suspensions up to 10 days, long term suspensions up to 20 days, and/or expulsion should be imposed. These standards shall make reference to and reflect:*
 - *the nature and degree of disruption caused to the school environment;*
 - *the threat to the health and safety of pupils and school personnel, volunteers or visitors;*
 - *whether the conduct or behavior is isolated or repeated.*

All temporary (same day) removal from classrooms or activities, restriction from activities, detentions, suspensions and expulsions shall comport with applicable laws, regulations and Board policy JICD.

4. *Information regarding RSA 193:13, 193-D, this policy, Board policy JICD, and other Board policies or District/school rules regulating student conduct on and off-campus. Except where the complete text of a statute, regulation or policy is required, the Student Code of Conduct should include age appropriate language.*

C. Implementation and Notice

The Superintendent shall assure that the Student Code of Conduct, complete with the information set out in section B.4, shall be printed in full in each student handbook, made available to parents at the beginning of the school year, publicly available on the school or District website. Additionally, building Principals shall assure student awareness of the Student Code of Conduct and other District policies and building rules through print, postings and periodic announcements.

The Superintendent may also designate personnel to explore the availability of and pursue any State or Federal grants, technical assistance and professional development opportunities available to facilitate implementation of MTSS-B per RSA 135-F:5, I(c) and (d).



LITCHFIELD SCHOOL DISTRICT

POLICY CODE: JIC

APPROVAL:

D. Parental Notification of Simple Assaults

Pursuant to RSA 193-D:4, I (b), the Superintendent is directed to adopt and implement procedures requiring parents/guardians of each student involved in a simple assault (victim and perpetrator) occurring during the school day to be notified, when such assault causes: any form of bodily injury, including bruising or discoloration, or would otherwise constitute a disciplinable offense under the Student Code of Conduct.

For purposes of this policy, "simple assault" shall have the same meaning as that provided in RSA 631:2-a: a simple assault occurs when one purposefully or knowingly causes bodily injury or unprivileged physical contact to another; or recklessly causes bodily injury to another or negligently causes bodily injury to another by means of a deadly weapon.

E. Disciplinary Removal of Students with Disabilities

If a student is disabled under the Individuals with Disabilities Act (IDEA), the New Hampshire RSA 186-C, Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act, or any other law providing special rights to disabled students, those laws shall govern and shall supersede these local policies to the extent these local policies are inconsistent with those laws. Accordingly, any class or activity removal, suspension or expulsion of a child with a disability as defined in Ed 1102.01(t) shall be in accordance with Ed 1124.01.

Legal References:

RSA 135-F:5, System of Care for Children/Duties of Commissioner of Dept. of Education

RSA 193:13, Suspension and Expulsion of Pupils

RSA 193-D:4, Written Report Required

RSA 631:2-a, Simple Assault

NH Code of Administrative Rules, Section Ed. 306.04(f)(4), Student Discipline

NH Code of Administrative Rules, Section Ed. 306.04(g), Suspension & Expulsion

NH Code of Administrative Rules, Section Ed. 306.06, Culture and Climate

NH Code of Administrative Rules, Section Ed. 317.04(b), Disciplinary Procedures

Approval:

Revised:

Reviewed:

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Category: Priority/Required by Law

Related Policies: JICD, JICDD, JICI, JICK

See also Appendix: JICD-R



ADOPTION/REVISION NOTES –

All text between the highlighted lines “~ ~ ~” above and below, and all highlights within the policy should be removed prior to adoption.

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



A. General Policy.

The School Board is committed to promoting a safe, healthy, orderly and supportive school and learning environment. To achieve that for all, it is important for students to conduct themselves in a manner fitting to their age level and maturity, and with respect and consideration other students, District personnel and other members of the community. Students are expected and required to maintain appropriate behavior that allows teachers and staff to perform their professional duties effectively and without disruption while on School District property or on property within the jurisdiction of the School District (including vehicles); and/or while attending or engaged in school activities.

Expectations for student conduct and standards of behavior shall be communicated through written Board policies, as well as District and/or school rules. Those policies and rules should be included in a Code of Conduct [Delete footnote] for each school.

Student conduct that causes material or substantial disruption to the school environment, interferes with the rights of others, presents a threat to the health and safety of students, employees, or visitors, and/or violates the Code of Conduct, or classroom rules is

1 No law or regulation requires something called a “code of conduct”. However, boards and schools are required to have a policy for “rules of conduct”, and “penalties for misbehavior”, and be disseminated to parents and guardians. (Ed 306.04(f), and (g)). Ed 306.06 further requires fair and consistent implementation of the outdated term “code of discipline”. This sample policy uses “Code of Conduct” to reference the collection of Board policies, school and district administrative rules, and policies & rules pertaining to disciplinary consequences. Any district which does not use term Code of Conduct for such rules, should replace with the District’s own title, e.g., Expectations and Standards of Behavior and Consequences. In mid-May, 2021, NHSBA will make available upon request a template for a code of conduct based upon MTSS-B.

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prohibited. Response to violations of the **Code of Conduct**_____, however, should be designed to maximize student academic, emotional and social success, while at the same time assuring safety of all students, staff and school visitors. **With this objective, the Board endorses adoption of a Multi-Tiered System of Support for Behavioral Health and Wellness (“MTSS-B”) as the framework for the Code of Conduct _____.** [²delete footnote] District personnel who interact with students are expected to utilize progressive disciplinary measures, and to place emphasis on educating students so they may grow in self-discipline. Suspensions and expulsions shall be administered consistent with the applicable Code of Conduct and Board policy **[**]JICD.**

B. **Student Code of Conduct**[_____]

The School Board delegates to the Superintendent, in consultation with the appropriate building Principal and counselors, the responsibility of adopting and implementing a [Student Code of Conduct] with such age-appropriate rules and regulations for each school as he/she deems necessary to implement the objectives of this policy, **and reflects the three-tiered support prevention of framework of MTSS-B: school-wide approaches; targeted supports for at-risk students; and individualized services for highest-needs students.**

The Code of Conduct for each school shall be submitted to the School Board for review [³delete footnote] each year, either separately or with the applicable student handbook. Consistent with the Board's statutory authority, and other Board policies regarding review of administrative rules, regulations and procedures, the School Board retains the authority to modify, supersede, or suspend any provision of the **Code of Conduct**_____.

The **Code of Conduct**_____ shall include:

1. A graduated and age-appropriate system of supports and intervention strategies, such as:
 - parent conferences,
 - counseling,
 - peer mediation,
 - instruction in conflict resolution and anger management,
 - parent counseling and training,
 - community service, and
 - rearranging class schedules.
2. Graduated and age-appropriate disciplinary consequences such as:
 - restriction from extra-curricular activities,
 - temporary (same day) removal from class or activity,

² MTSS-B was endorsed by the legislature specifically through 2020 amendments to RSA 135-F, and the “supports” required under 193:3, XI(a), and included in paragraph B.1 above.

³ An annual review should be sufficient for Board oversight, as the Board will always retain authority require revisions (within legal limits). Pre-approval often creates timing issues as necessary adjustments from school year, and processes reflecting new legislative changes, are not identified until the end of the school year. If the Board wishes annual pre-approval of the Code of Conduct, it should include a date for submission, keeping in mind the board meeting calendar for summer and the need to have handbook ready.

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- detention,
 - temporary reassignment/in-school suspension,
 - out-of-school suspension, and
 - expulsion.
3. Provisions describing how and when short term suspensions of up to 5 days, short term suspensions up to 10 days, long term suspensions up to 20 days, and/or expulsion should be imposed. These standards shall make reference to and reflect:
- the nature and degree of disruption caused to the school environment;
 - the threat to the health and safety of pupils and school personnel, volunteers or visitors;
 - whether the conduct or behavior is isolated or repeated.

All temporary (same day) removal from classrooms or activities, restriction from activities, detentions, suspensions and expulsions shall comport with applicable laws, regulations and Board policy **{**}**JICD.

4. Information regarding RSA 193:13, 193-D, this policy, Board policy **{**}**JICD, and other Board policies or District/school rules regulating student conduct on and off-campus. Except where the complete text of a statute, regulation or policy is required, the Code of Conduct should include age appropriate language. E.g., summaries for elementary grade levels.

C. Implementation and Notice.

The Superintendent shall assure that the Code of Conduct, complete with the information set out in **section B.4**, above, shall be printed in full in each student handbook, made available to parents at the beginning of the school year, publicly available on the school, District and/or SAU district website [or in some other manner to assure parental notification if neither the school district nor SAU maintain a website].

Additionally, building Principal(s) shall assure student awareness of the Code of Conduct and other District policies and building rules through print, postings and periodic announcements.

The Superintendent should also designate personnel to explore the availability of and pursue any State or Federal grants, technical assistance and professional development opportunities available to facilitate implementation of MTSS-B per RSA 135-F:5, I(c) and (d).

D. Parental Notification of Simple Assaults.

Pursuant to RSA 193-D:4, I (b), the Superintendent is directed to adopt and implement procedures requiring parents/guardians of each student involved in a simple assault (victim and perpetrator) occurring during the school day, when such assault causes: any form of bodily injury, including bruising or discoloration, or would otherwise constitute a disciplinable offense under the **Code of Conduct** _____. For purposes of this policy, "simple assault" shall have the same meaning as that provided in RSA 631:2-a (a simple assault occurs when one purposefully or knowingly causes bodily injury or unprivileged physical contact to another; or recklessly

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causes bodily injury to another or negligently causes bodily injury to another by means of a deadly weapon).

E. Disciplinary Removal of Students with Disabilities.

If a student is disabled under the Individuals with Disabilities Act (IDEA), the New Hampshire RSA 186-C, Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act, or any other law providing special rights to disabled students, those laws shall govern and shall supersede these local policies to the extent these local policies are inconsistent with those laws. Accordingly, any class or activity removal, suspension or expulsion of a child with a disability as defined in Ed 1102.01(t) shall be in accordance with Ed 1124.01.

District Policy History:

First reading: _____

Second reading/adopted: _____

District revision history:

Legal References:

RSA 135-F:5, System of Care for Children/Duties of Commissioner of Dept. of Education

RSA 193:13, Suspension and Expulsion of Pupils

RSA 193-D:4, Written Report Required

RSA 631:2-a, Simple Assault

NH Code of Administrative Rules, Section Ed. 306.04(f)(4), Student Discipline

NH Code of Administrative Rules, Section Ed. 306.04(g), Suspension & Expulsion

NH Code of Administrative Rules, Section Ed. 306.06, Culture and Climate

NH Code of Administrative Rules, Section Ed. 317.04(b), Disciplinary Procedures

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

When adopting this sample or variation of the same, a district should not include the NHSBA history or NHSBA policy notes appearing below. The district should, to the extent possible, include its own adoption/revision history, as well as the legal references and disclaimer as indicated above.

NHSBA history: Revised – March 2021; September 2018; May 2018; April 2011; September 2009; October 2004; November 1999; July 1998

NHSBA revision note, March 2021: Policy JIC was revised to reflect 2020 amendments to RSA 193:13. Among other things, those amendments largely are designed to effect greater emphasis on the emotional and academic needs of students through support and intervention strategies prior to using exclusion from school through suspension and expulsion. The amendments also (a) limit the duration of long-term (“LT”) suspensions to 20 days, (b) limit the reasons a student may receive a LT suspension, and (c) require districts to adopt separate standards for short term suspensions of <5 days, and those of >5.

w/p-update/2021-U1 Special/JIC Student Conduct 2021-U1 (f)

DISCLAIMER: This sample policy is copyrighted to the New Hampshire School Boards Association and is intended for the sole and exclusive use of NHSBA Policy Service Subscribers. This sample is provided for general information only and as a resource to assist subscribing Districts with policy development. School Districts and boards of education should consult with legal counsel and revise all sample policies and regulations to

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address local facts and circumstances prior to adoption. NHSBA continually makes revisions based on school Districts' needs and local, state and federal laws, regulations and court decisions, and other relevant education activity.



LITCHFIELD SCHOOL DISTRICT

POLICY CODE: JICD

APPROVAL:

STUDENT CONDUCT, DISCIPLINE & DUE PROCESS

A. Policy Statement

The Litchfield School Board believes that the school is a community with rules and regulations, and those who enjoy the rights and privileges it provides must also accept the responsibilities that membership demands, including respect for and obedience to school rules. *This policy establishes the substantive parameters, procedures and due process that shall apply before a student may be subject to temporary (same day) removal from classrooms or activities, restriction from activities, detentions, suspensions and/or expulsions.* Disciplinary actions ~~should also be articulate;~~ they should be measured responses and established at a level of severity which corresponds to the level of the offense, *while maximizing student academic, emotional and social success and assuring the safety of all students, staff and school visitors.*

Members of the Litchfield School Board expect student conduct to contribute to a productive learning climate and to abide by the following principles:

1. All student behavior must be based on respect and consideration for the rights of others.
2. Respect for law and those given authority to administer it is expected of all students, including conformity to school rules as well as to general provisions of the law regarding minors.
3. A responsibility to know and respect the rules and regulations of the school. Students have the further responsibility to behave in a manner appropriate to good citizenship everywhere.
4. Respect for the real and personal property, pride in one's work, and exemplary personal standards of courtesy, decency, honesty, and wholesome attitudes.

Individual rights are to be honored and protected in all instances; however, the rights of one individual shall not take precedence over those of another individual or of the group itself, and all students shall have equal rights and equal responsibilities in the classroom or at any school-sponsored activity.

Establishment of Policies and Regulations:

~~The School Board may establish written policies, rules and regulations of general application governing student conduct in all schools. In addition, each principal within the school may establish certain written rules and regulations not inconsistent with those established by the Board and the Superintendent.~~

Areas of Prohibited Student Conduct:

~~Any conduct which causes or which creates a reasonable likelihood that it will cause a disruption in or material interference with any school function, activity or purpose, or interferes with the health, safety or well-being or the rights of other students is prohibited.~~

~~The Board further recognizes the right of each school to establish disciplinary procedures in accordance with administrative procedures which are approved by the Litchfield School Board. A hearing shall be afforded to any student involved in a proceeding that may result in suspension, exclusion, or expulsion. This policy does not define all types and aspects of a student behavior; however, the Litchfield School Board has the responsibility to set forth policies, rules and regulations to help each student conduct himself or herself in a proper manner as a good citizen of the community.~~



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B. Standards & Procedures Relative to Disciplinary Consequences

- I. **"Removal from the classroom"** means a student is sent to the building Principal's office or other designated area during the same school day.

Students may be removed from the classroom at the classroom teacher's discretion if the student refuses to obey the teacher's directives, becomes disruptive, fails to abide by school or District rules (see Code of Conduct) or otherwise impedes the educational purpose of the class after warning the student of the infraction and allowing the student to respond.

- II. **"Restriction from school activities"** means a student will attend school, classes, but will not participate in other school extra-curricular activities, including such things as competitions, field trips, and performances. A student who has been restricted from school activities may participate in practices at the discretion of the person imposing the restriction.

The student shall first be given a warning of the infraction and provided an opportunity to respond. If the restriction is immediate and outside of school hours, provision must be made to assure the student is not left unsupervised. The terms of the restriction shall be communicated to the Principal and the student's parent/guardian. Restrictions under this policy are not appealable.

- III. **"Detention"** means the student's presence is required for disciplinary purposes before or after the hours when the student is assigned to be in class, and may occur on one or more Saturdays.

Students may be assigned classroom detention at the classroom teacher's discretion, and building detention at the Principal's discretion, if the student refuses to obey the teacher/employee's directives, becomes disruptive, fails to abide by printed classroom, school or District rules (see Code of Conduct), or otherwise impedes the educational purpose of the class, after warning the student of the infraction and allowing the student to respond. Parents/guardians shall be notified at least 24 hours prior to a student serving detention.

Detentions before or after school shall not exceed one hour, and Saturday detentions shall not exceed three hours. The building Principal is authorized to establish, announce and post additional guidelines and rules regarding detention, supervision, building access, etc.. The length and timing of the detention, is within the discretion of the licensed employee disciplining the student or the building Principal, pursuant to the posted rules of the school. Detentions are not appealable.

- IV. **"Temporary Reassignment" or "in-school suspension"** means the student will attend school but will be temporarily isolated from one or more classes while under supervision. A temporary reassignment should not exceed five consecutive school days. Parents/guardians shall be notified at least 24 hours prior to the administration of a temporary reassignment.

The building Principal is authorized to issue reassignment, restrictions from activities, or place a student on probation for repeated failure to conform to the rules and regulations of the school (see Code of Conduct), classroom rules, or for any conduct that causes material or substantial disruption to the school/class environment, interferes with the rights of others, presents a threat to the health and safety of students, employees, and visitors, is otherwise inappropriate, or is prohibited by law.



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V. "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 reinstatement of the penalty. Notwithstanding the assignment of probation, no imposition of the suspended consequence may be administered unless and until all of the provisions of this policy applicable to the suspended consequence are satisfied.

VI. "Out-of-school suspension" means the temporary denial of a student's attendance at school for a specific period of time. It includes short-term and long-term out of school suspensions.

a. Short-term suspension. A "short-term suspension" means an out-of-school suspension of ten (10) consecutive school days or less. RSA 193:13, I (a).

- The Superintendent or his/her written designees (principals, assistant principals) are authorized to suspend a student for ten (10) school days or less.
- A short term suspension may be imposed only for:
 - Behavior that is detrimental to the health, safety, or welfare of pupils or school personnel (including, but not limited to, an act of theft, destruction or violence, as defined in RSA 193-D:1); or
 - Repeated and willful disregard of the reasonable rules of the school that is not remediated through imposition of the district's graduated sanctions described in Policy JIC and Student Code of Conduct.

Before any short-term suspension may be imposed, a student is entitled to the minimum due process (notice before meeting of the charge and explanation of evidence, notice of the possibility of suspension, opportunity for the student to respond, and a written decision explaining the disciplinary action taken). See New Hampshire Department of Education Rule Ed 317.04(f)(1).

The District shall comply with the provisions of the Individuals with Disabilities Education Act (IDEA) when disciplining students (See JICD-R, Section 6).

b. Long-term suspension. A "long-term suspension" is the extension or continuation of a short-term suspension for a period not to exceed an additional 10 days beyond the duration of the short-term suspension.

- The Superintendent is authorized to continue the suspension and issue a long-term suspension of a pupil for a period in excess of ten (10) school days, provided only that if the Superintendent issued the original short-term suspension, then the School Board may designate another person to continue the short-term suspension and issue the long-term suspension.
- A long-term suspension may only be imposed for:
 - an act that constitutes an act of theft, destruction or violence, as defined in RSA 193-D;
 - bullying pursuant to Board policy JICK when the pupil has not responded to targeted interventions and poses an ongoing threat to the safety or welfare of another student; or
 - possession of a firearm, BB gun, or paintball gun.



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Prior to a long-term suspension, the student will be afforded a hearing on the matter. The informal hearing need not rise to the level and protocol of a formal hearing, but the process must comply with the requirements of Ed 317.04 (f)(2), and (f)(3)(g), including, without limitation, the requirements for advance notice and a written decision.

- c. Appeal of long-term suspension.** Any long-term suspension issued other than by the School Board under this policy, is appealable to the School Board, provided the Superintendent or School Board chair receives the appeal in writing within ten (10) days after the issuance of the Superintendent's hearing and written decision required under N.H. Dept. of Education Rule Ed. 317.04 (f)(2)c, and section B, 6, b. The Board shall hold a hearing on the appeal, but will rely upon the record of the decision being appealed from.

Any suspension in excess of ten (10) school days shall remain in effect while this appeal is pending unless the School Board stays the suspension while the appeal is pending. Any request to stay a long-term suspension should be included in the original appeal.

- d. Educational Assignments.** As required by RSA 193:13, V, educational assignments shall be made available to students during both short and long term suspensions.
- e. Alternative Educational Services.** The school shall provide alternative educational services to a suspended pupil whenever the pupil is suspended in excess of 20 cumulative days within any school year. The alternative educational services shall be designed to enable the pupil to advance from grade to grade.
- f. Re-entry Meetings and Intervention Plans.** Prior to returning to regular classes, a suspended student, and parent/guardian (when available) shall meet with the building Principal or his/her designee to assist the student in smoothly returning to the school setting.

Any time a pupil is suspended more than 10 school days in any school year, upon the pupil's return to school the school district shall develop an intervention plan designed to proactively address the pupil's problematic behaviors by reviewing the problem behavior, re-teaching expectations, and identifying any necessary supports.

- g. Attendance Safe Harbor.** A student may not be penalized academically solely by virtue of missing class due to a suspension.

VII. "Expulsion" means the complete denial of a pupil's attendance at school for any of the reasons listed in RSA 193:13, II and IV. An expulsion may be for either a stated duration or permanent.

- a. Grounds for Expulsion.** Any pupil may only be expelled by the School Board, and only for the following grounds:
- i.** A repetition of an act that warranted long term suspension under B, 6, b;
 - ii.** Any act of physical or sexual assault that would be a felony if committed by an adult;
 - iii.** Any act of violence pursuant to RSA 651:5, XIII ;
 - iv.** Criminal threatening pursuant to RSA 631:4, II(a) ; or



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- v. For bringing or possessing a firearm as defined in Section 921 U.S.C. Title 18 within a safe school zone as prohibited under RSA 193-D:1 , or under the Gun Free School Zones Act, unless such pupil has written authorization from the Superintendent.

Before expelling a pupil, the Board shall consider each of the following factors:

- o The pupil's age.
- o The pupil's disciplinary history.
- o Whether the pupil is a student with a disability.
- o The seriousness of the violation or behavior committed by the pupil.
- o Whether the school district has implemented positive behavioral interventions under paragraph V.
- o Whether a lesser intervention would properly address the violation or behavior committed by the pupil.

b. **Due Process to Be Afforded Prior to Expulsion.** Prior to any expulsion, the District will ensure that the due process standards set forth in Ed 317.04(f)(3) through 317.04 (m) are followed.

c. **Duration of Expulsion.** An expulsion will run for the duration stated in the written decision or until the School Board or Superintendent restores the student's permission to attend school as provided in this policy. An expulsion relating to a firearm in a safe school zone per B.7.a.v, shall be for a period of not less than 12 months.

d. **Educational Services.** The Superintendent is authorized, but not required, to arrange for educational services to be provided to any student residing in the District who has been expelled by the District or by any other school.

C. **Modification or Reinstatement After Suspension or Expulsion.**

Expelled or suspended students may request a modification of, or reinstatement from, an expulsion or suspension as provided below. Except for students establishing residency from out-of-state, requests for modification or reinstatement from expulsion/suspension shall be submitted in writing to the Superintendent no later than August 15. The request should set forth the reasons for the request, and include additional information to establish that it is in the best interest of the student and school community to reinstate the student. Such additional information may include such things as work history, letters of reference, medical information, etc. All reinstatements shall include an Intervention Plan as described in paragraph B.6.f, including such conditions as the reinstating authority (Superintendent or Board) deem appropriate.

1. **Modification by Superintendent.** Subject to all other applicable laws, regulations and Board policies, and paragraph C.3, below (relating to firearms), the Superintendent is authorized to reinstate any student who has been suspended or expelled from a school in this District, and or enroll a student suspended or expelled from another school or district, on a case-by-case basis.

2. **Review and reinstatement by Board.** A student may request the School Board (of the district of attendance) to review an expulsion decision prior to the start of each school year by filing a written request with the Superintendent detailing the basis of the request. The Board will determine whether and in what manner it will consider any such request after consultation with the Superintendent.



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3. Modification of Expulsion for Firearms. A student who has been expelled from this District or any other public or private school for bringing or possessing a firearm in a safe school zone as prohibited under RSA 193-D1, or under the Gun Free Schools Act, may only be reinstated or enrolled if the Superintendent first determines: possession of the firearm was inadvertent and unknowing; the firearm was for sporting purposes and the student did not intend to display the firearm to any other person while within the safe schools zone; the student is/was in the fifth or lower grade when the incident occurred; or 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.

Additionally, the School Board may enroll a student expelled from a school outside of New Hampshire for a violation of the Gun Free Schools Act upon the student establishing residency.

D. Appeals to State Board of Education.

Any decision by the Board (i) to expel a student, (ii) not to reinstate a student upon request, or (iii) enroll a student from another state who had been expelled for a violation of the Gun Free Schools Act, may be appealed to the State Board of Education at any time that the expulsion remains in effect, subject to the rules of the State Board of Education.

E. Sub-committee of Board.

For purposes of sections B.6 and B.7 of this policy, "Board" or "School Board" may either be a quorum of the full Board, or a subcommittee of the Board duly authorized by the School Board.

F. Superintendent and Principal Designees.

Except where otherwise stated in this policy, the Superintendent may delegate any authority s/he has under this policy, and a principal may delegate any authority s/he has under this policy, to other appropriate personnel.

G. Disciplinary Removal of Students with Disabilities.

If a student is disabled under the Individuals with Disabilities Act (IDEA), the New Hampshire RSA 186-C, Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act, or any other law providing special rights to disabled students, those laws shall govern and shall supersede these local policies to the extent these local policies are inconsistent with those laws. Accordingly, any suspension or expulsion of a child with a disability as defined in Ed 1102.01(t) shall be in accordance with Ed 1124.01.

H. Notice and Dissemination.

This policy shall be made available to families, students and staff as provided in Board policy JIC.

I. Conflict in Law or State Regulation.

If any provision of this policy shall conflict with State or Federal law, or regulation of the New Hampshire Department of Education, then such law or regulation shall apply, and the remainder of the policy shall be read and interpreted to be consistent with the law or regulation. School administrators and families are strongly encouraged to review the links for pertinent statutes and laws as referenced in this policy.



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Legal Reference:

18 U.S.C. § 921, Et seq., Firearms

20 U.S.C. § 7151, Gun-Free Schools Act

RSA 189:15, Regulations

RSA 193:13, Suspension & Expulsion of Pupils

RSA Chapter 193-D, Safe Schools Zones

RSA 631:4, Criminal Threatening

RSA 651:5, XIII "Act of Violence"

NH Code of Administrative Rules, Section Ed 306.04(a)(3), Discipline

NH Code of Administrative Rules, Section Ed 306.04(f), Student Discipline Policy

NH Code of Administrative Rules, Section Ed. 306.04(g), Suspension & Expulsion

NH Code of Administrative Rules, Section Ed 317.04, Suspension and Expulsion of Pupils Assuring Due Process Disciplinary Procedures

In re Keelin B., 162 N.H. 38, 27 A.3d 689 (2011)

Approved:

Reviewed:

Revised:

Approved: January 31, 2007 (original policy JICD/JICD-R)

Student Discipline and Due Process

Category: Priority/Required by Law

Related Policies: JI, JIC, JICI & JICK
See also Appendix JICD-R



ADOPTION/REVISION NOTES –

All text between the highlighted lines “~ ~ ~ ~” above and below, and all highlights within the policy should be removed prior to adoption.

- (a) The 2021 revisions to JICD should be considered concurrently with 2021 revisions to sample policy JIC.
(b) RSA 193:13, the statute regarding suspension and expulsion was amended significantly in 2020. That statute is explicitly linked to RSA 193-D (Safe Schools), Dept. of Ed. rule 317. Because amendments to either would supersede this policy, NHSBA has chosen not to reprint applicable sections but rather reference with appropriate links to the statute or rule; see, e.g., footnotes 2, 3, 5 – 8.
(c) General – As with all sample policies, NHSBA recommends that each district carefully review this sample prior to adoption/revision to assure suitability with the district’s own specific circumstances, internal coding system, current policies, and organizational structures. Highlighted language or blank, underscored spaces indicate areas which Boards must review/change/complete to reflect local personnel titles, internal and external policy references, duty assignments etc.
(d) {**} indicates a reference to another NHSBA sample policy. A district should check its own current policies and codes to assure internal consistency.
(e) Withdrawn and earlier versions of revised policies should be maintained separately as part of the permanent records of the District.



A. Policy Statement.

This policy establishes the substantive parameters, procedures and due process that shall apply before a student may be subject to temporary (same day) removal from classrooms or activities, restriction from activities, detentions, suspensions and/or expulsion. Pursuant to Board policy {**}/JIC, response to misconduct, including disciplinary measures and consequences should be designed to maximize student academic, emotional and social success, while at the same time assuring safety of all students, staff and school visitors. Administration of any of the consequences described in this policy shall be consistent with the system of supports and graduated sanctions established pursuant to Policy {**}/JIC and the applicable Code of Conduct. [remove footnote]

B. Standards and Procedures Relative to Disciplinary Consequences.

1 No law or regulation requires something called a “code of conduct”. However, boards and schools are required to have a policy for “rules of conduct”, and “penalties for misbehavior”, and be disseminated to parents and guardians. (Ed 306.04(f), and (g)). See also sample policy JIC. Ed 306.06 further requires fair and consistent implementation of the outdated term “code of discipline”. This sample policy uses “Code of Conduct” to reference the collection of Board policies, school and district administrative rules, and policies & rules pertaining to disciplinary consequences. Any district which does not use term Code of Conduct for such rules, should replace with the District’s own title, e.g., Expectations and Standards of Behavior and Consequences.

Student Discipline and Due Process

1. "**Removal from the classroom**" means a student is sent to the building Principal's office or other designated area during the same school day. It is within the discretion of the person in charge of the classroom or activity to remove the student.

Students may be removed from the classroom at the classroom teacher's discretion if the student refuses to obey the teacher's directives, becomes disruptive, fails to abide by school or District rules, or the Code of Conduct, or otherwise impedes the educational purpose of the class. Before ordering the removal, the staff member ordering the removal shall warn the student of the infraction and allow the student to respond.

Detentions are not appealable.

2. "**Restriction from school activities**" means a student will attend school, classes, but will not participate in other school extra-curricular activities, including such things as competitions, field trips, and performances. A student who has been restricted from school activities may participate in practices at the discretion of the person imposing the restriction.

Before ordering the restriction, the supervising employee (e.g., teacher, coach, director, Principal, etc.) ordering the restriction shall warn the student of the infraction and allow the student to respond. If the restriction is immediate and outside of school hours, provision must be made to assure the student is not left unsupervised. The terms of the restriction shall be communicated to the Principal and the student's parent/guardian.

Restrictions under this policy are not appealable.

3. "**Detention**" means the student's presence is required for disciplinary purposes before or after the hours when the student is assigned to be in class, and may occur on one or more Saturdays.

Students may be assigned classroom detention at the classroom teacher's discretion, and building detention at the Principal's discretion, if the student refuses to obey the teacher/employee's directives, becomes disruptive, fails to abide by printed classroom, school or District rules, or the Code of Conduct, or otherwise impedes the educational purpose of the class. Before ordering the detention, the staff member ordering the detention shall warn the student of the infraction and allow the student to respond. Parents/guardians shall be notified at least 24 hours prior to a student serving detention.

Detentions before or after school shall not exceed **one hour**, and Saturday detentions shall not exceed **three hours**. The building Principal is authorized to establish, announce and post additional guidelines and rules regarding detention, supervision, building access, etc.. The length and timing of the detention, is within the discretion of the licensed employee disciplining the student or the building Principal, pursuant to the posted rules of the school.

Detentions are not appealable.

4. "**Temporary Reassignment**" or "in-school suspension" means the student will attend school but will be temporarily isolated from one or more classes while under supervision. A temporary reassignment should not exceed **five** consecutive school days. **Parents/guardians shall be notified at least 24 hours prior to the** administration of a temporary reassignment.

Student Discipline and Due Process

The building Principal is authorized to issue reassignment, restrictions from activities, or place a student on probation for repeated failure to conform to the **Code of Conduct** _____, classroom rules, or for any conduct that causes material or substantial disruption to the school/class environment, interferes with the rights of others, presents a threat to the health and safety of students, employees, and visitors, is otherwise inappropriate, or is prohibited by law.

5. **“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 reinstatement of the penalty. Notwithstanding the assignment of probation, no imposition of the suspended consequence may be administered unless and until all of the provisions of this policy applicable to the suspended consequence (i.e., long-term suspension, expulsion, etc.) are satisfied.
6. **“Out-of-school suspension”** means the temporary denial of a student's attendance at school for a specific period of time. It includes short-term and long-term out of school suspensions.
 - a. **Short-term suspension.** A “short-term suspension” means an out-of-school suspension of ten (10) consecutive school days or less. RSA 193:13, I (a).²

The Superintendent or his/her written designee³ is authorized to suspend a student for ten (10) school days or less.

A short term suspension may be imposed only for:

- i. Behavior that is detrimental to the health, safety, or welfare of pupils or school personnel (including, but not limited to, and act of theft, destruction or violence, as defined in RSA 193-D:1); or
- ii. Repeated and willful disregard of the reasonable rules of the school that is not remediated through imposition of the district's graduated sanctions described in **{**}/JIC** and the **Code of Conduct** _____.

Pursuant to RSA 193:13, XI(b) and Board policy **{**}/JIC**, a short-suspension over 5 days must conform to the standards included in the **Code of Conduct** _____.

Before any short-term suspension may be imposed, a student is entitled to the minimum due process (notice before meeting of the charge and explanation of evidence, notice of the possibility of suspension, opportunity for the student to respond, and a written decision explaining the disciplinary taken). See New Hampshire Department of Education Rule Ed 317.04(f)(1).⁴

² The text of any state law (“RSA”) referenced in this policy may be located with the following link:

<http://www.gencourt.state.nh.us/rsa/html/nhtoc.htm>

³ RSA 193:13, I(a) designates the Superintendent as the person with authority to suspend, but specifically allows the Superintendent to delegate that authority “**in writing**”. This should be done before the start of each year.

⁴ **As of March 2021, Ed 317 has not been revised to reflect 2020 amendments to RSA 193:13.** The text of any regulation of the NH Department of Education may be located with the following link:

<https://www.education.nh.gov/who-we-are/deputy-commissioner/office-of-governance/administrative-rules>

Student Discipline and Due Process

- b. Long-term suspension. A “long-term suspension” is the extension or continuation of a short-term suspension for a period **not to exceed an additional 10 days** beyond the duration of the short-term suspension.

The Superintendent [⁵delete footnote] is authorized to continue the suspension and issue a long-term suspension of a pupil for a period in excess of ten (10) school days, provided only that if the Superintendent issued the original short-term suspension, then the School Board may designate another person to continue the short-term suspension and issue the long-term suspension.

A long-term suspension may only be imposed for:

- i. an act that constitutes an act of theft, destruction or violence, as defined in RSA 193-D⁶;
- ii. bullying pursuant to Board policy **[**]**JICK when the pupil has not responded to targeted interventions **and** poses an ongoing threat to the safety or welfare of another student; or
- iii. possession of a firearm, BB gun, or paintball gun.

Prior to a long-term suspension, the student will be afforded a hearing on the matter. The informal hearing need not rise to the level and protocol of a formal hearing, but **the process must comply with the requirements of Ed 317.04 (f)(2), and (f)(3)(g)**, including, without limitation, the requirements for advance notice and a written decision.

- c. Appeal of long-term suspension. Any long-term suspension issued other than by the School Board under this policy, is appealable to the School Board, provided the Superintendent or School Board chair receives the appeal in writing within ten (10) days after the issuance of the Superintendent's [*or other person designated under B.6.b, above*] hearing and written decision required under N.H. Dept. of Education Rule Ed. 317.04 (f)(2)c, and sub-paragraph **B.6.b**, above. The Board shall hold a hearing on the appeal, but will rely upon the record of the decision being appealed from.

Any suspension in excess of ten (10) school days shall remain in effect while this appeal is pending unless the School Board stays the suspension while the appeal is pending. Any request to stay a long-term suspension should be included in the original appeal.

- d. Educational Assignments. As required by RSA 193:13, V, educational assignments shall be made available to students during both short and long term suspensions.
- e. Alternative Educational Services. The school shall provide alternative educational services to a suspended pupil whenever the pupil is suspended **in excess of 20**

⁵ RSA 193:13 and Ed. 317 both authorize the School Board to designate a representative to issue long term suspensions. Most districts designate the Superintendent, an assistant superintendent, or student services administrator. Alternatively, the Board itself may issue a long term suspension (not recommended).

⁶ <http://www.gencourt.state.nh.us/rsa/html/XV/193-D/193-D-1.htm> That list is subject to change. The statute should be reviewed prior to any long term suspension for an act of theft, destruction of violence.

Student Discipline and Due Process

cumulative days within any school year. The alternative educational services shall be designed to enable the pupil to advance from grade to grade.

- f. Re-entry Meetings and Intervention Plans. Prior to returning to regular classes, a suspended student, and parent/guardian (when available) shall meet with the building Principal or his/her designee to assist the student in smoothly returning to the school setting.

Any time a pupil is suspended **more than 10 school days in any school year**, upon the pupil's return to school the school district shall develop an intervention plan designed to proactively address the pupil's problematic behaviors by reviewing the problem behavior, re-teaching expectations, and identifying any necessary supports.

- g. Attendance Safe Harbor. A student may not be penalized academically solely by virtue of missing class due to a suspension.
7. **“Expulsion”** means the complete denial of a pupil's attendance at school for any of the reasons listed in RSA 193:13, II and IV. An expulsion may be for either a stated duration or permanent.
- a. Grounds for Expulsion. Any pupil may only be expelled by the School Board, and only for the following grounds:
- i. A repetition of an act that warranted long term suspension under section **B.6.b**, above;
 - ii. Any act of physical or sexual assault that would be a felony if committed by an adult;
 - iii. Any act of violence pursuant to RSA 651:5, XIII⁷;
 - iv. Criminal threatening pursuant to RSA 631:4, II(a)⁸; or
 - v. For bringing or possessing a firearm as defined in Section 921 U.S.C. Title 18 within a safe school zone as prohibited under RSA 193-D:1⁹, or under the Gun Free School Zones Act, unless such pupil has written authorization from the Superintendent.

Before expelling a pupil, the Board shall consider each of the following factors:

- (1) The pupil's age.
- (2) The pupil's disciplinary history.
- (3) Whether the pupil is a student with a disability.
- (4) The seriousness of the violation or behavior committed by the pupil.

⁷ <http://www.gencourt.state.nh.us/rsa/html/LXII/651/651-5.htm>

⁸ <http://www.gencourt.state.nh.us/rsa/html/LXII/631/631-4.htm>

⁹ <http://www.gencourt.state.nh.us/rsa/html/XV/193-D/193-D-1.htm>

Student Discipline and Due Process

- (5) Whether the school district or chartered public school has implemented positive behavioral interventions under paragraph V.
- (6) Whether a lesser intervention would properly address the violation or behavior committed by the pupil.
- b. Due Process to Be Afforded Prior to Expulsion. Prior to any expulsion, the District will ensure that the **due process standards set forth in Ed 317.04(f)(3) through 317.04(m)**¹⁰ are followed.
- c. Duration of Expulsion. An expulsion will run for the duration stated in the written decision or until the School Board or Superintendent restores the student's permission to attend school as provided in this policy. An expulsion relating to a firearm in a safe school zone per **B.7.a.v**, shall be for a period of not less than 12 months.
- d. Educational Services. The Superintendent is authorized, but not required, to arrange for educational services to be provided to any student residing in the District who has been expelled by the District or by any other school.

C. Modification or Reinstatement After Suspension or Expulsion.

Expelled or suspended students may request a modification of, or reinstatement from, an expulsion or suspension as provided below. Except for students establishing residency from out-of-state, requests for modification or reinstatement from expulsion/suspension shall be submitted in writing to the Superintendent no later than August 15. The request should set forth the reasons for the request, and include additional information to establish that it is in the best interest of the student and school community to reinstate the student. Such additional information may include such things as work history, letters of reference, medical information, etc. All reinstatements shall include an Intervention Plan as described in paragraph **B.6.f**, above, including such conditions as the reinstating authority (Superintendent or Board) deem appropriate.

- 1. Modification by Superintendent.** Subject to all other applicable laws, regulations and Board policies, and paragraph **C.3**, below (relating to firearms), the Superintendent is authorized to reinstate any student who has been suspended or expelled from a school in this District, and or enroll a student suspended or expelled from another school or district, on a case-by-case basis.
- 2. Review and reinstatement by Board.** A student may request the School Board (of the district of attendance) to review an expulsion decision prior to the start of each school year by filing a written request with the Superintendent detailing the basis of the request. The Board will determine whether and in what manner it will consider any such request after consultation with the Superintendent.
- 3. Modification of Expulsion for Firearms.** A student who has been expelled from this District or any other public or private school for bringing or possessing a firearm in a safe school zone as prohibited under RSA 193-D1, or under the Gun Free Schools Act, may only be reinstated or enrolled if the Superintendent first determines: possession of the firearm was inadvertent and unknowing; the firearm was for sporting purposes and the student did not

¹⁰ <https://www.education.nh.gov/who-we-are/deputy-commissioner/office-of-governance/administrative-rules>

Student Discipline and Due Process

intend to display the firearm to any other person while within the safe schools zone; the student is/was in the fifth or lower grade when the incident occurred; or 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.

Additionally, the School Board may enroll a student expelled from a school outside of New Hampshire for a violation of the Gun Free Schools Act upon the student establishing residency.

D. Appeals to State Board of Education. Any decision by the Board (i) to expel a student, (ii) not to reinstate a student upon request, or (iii) enroll a student from another state who had been expelled for a violation of the Gun Free Schools Act, may be appealed to the State Board of Education at any time that the expulsion remains in effect, subject to the rules of the State Board of Education.

E. Sub-committee of Board. For purposes of sections **B.6** and **B.7** of this policy, "Board" or "School Board" may either be a quorum of the full Board, or a subcommittee of the Board duly authorized by the School Board.

F. Superintendent and Principal Designees.

Except where otherwise stated in this policy, the Superintendent may delegate any authority s/he has under this policy, and a principal may delegate any authority s/he has under this policy, to other appropriate personnel.

G. Disciplinary Removal of Students with Disabilities.

If a student is disabled under the Individuals with Disabilities Act (IDEA), the New Hampshire RSA 186-C, Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act, or any other law providing special rights to disabled students, those laws shall govern and shall supersede these local policies to the extent these local policies are inconsistent with those laws. Accordingly, any suspension or expulsion of a child with a disability as defined in Ed 1102.01(t) shall be in accordance with Ed 1124.01.

H. Notice and Dissemination.

This policy shall be made available to families, students and staff as provided in Board policy **{**}**JIC.

I. Conflict in Law or State Regulation.

If any provision of this policy shall conflict with State or Federal law, or regulation of the New Hampshire Department of Education, then such law or regulation shall apply, and the remainder of the policy shall be read and interpreted to be consistent with the law or regulation. School administrators and families are strongly encouraged to review the links for pertinent statutes and laws as referenced in this policy.

District Policy History:

First reading: _____

Student Discipline and Due Process

Second reading/adopted: _____

District revision history:

Legal References:

18 U.S.C. § 921, *Et seq.*, *Firearms*

20 U.S.C. § 7151, *Gun-Free Schools Act*

RSA 189:15, *Regulations*

RSA 193:13, *Suspension & Expulsion of Pupils*

RSA Chapter 193-D, *Safe Schools Zones*

RSA 631:4, *Criminal Threatening*

RSA 651:5, XIII “*Act of Violence*”

NH Code of Administrative Rules, Section Ed 306.04(a)(3), *Discipline*

NH Code of Administrative Rules, Section Ed 306.04(f), *Student Discipline Policy*

NH Code of Administrative Rules, Section Ed. 306.04(g), *Suspension & Expulsion*

NH Code of Administrative Rules, Section Ed 317.04, *Suspension and Expulsion of Pupils Assuring Due Process Disciplinary Procedures*

In re Keelin B., 162 N.H. 38, 27 A.3d 689 (2011)

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

When adopting this sample or variation of the same, a district should not include the NHSBA history or NHSBA policy notes appearing below. The district should, to the extent possible, include its own adoption/revision history, as well as the legal references and disclaimer as indicated above.

NHSBA history: Revised - _____ 2021, May 2018, September 2017, April 2011, May 2008, November 2007, October 2005, and November 1999

NHSBA revision notes, _____ 2021, Policy JICD was revised to reflect 2020 amendments to RSA 193:13, which Policy JIC was revised to reflect 2020 amendments to RSA 193:13. Among other things, those amendments largely are designed to effect greater emphasis on the emotional and academic needs of students through support and intervention strategies prior to using exclusion from school through suspension and expulsion. The amendments also (a) limit the duration of long-term (“LT”) suspensions to 20 days, (b) limit the reasons a student may receive a LT suspension, and (c) require districts to adopt separate standards for short term suspensions of <5 days, and those of >5.

w/p-update/2021-U1 Special/JICD - Student Discipline and Due Process 2021-U1 (f)

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LITCHFIELD SCHOOL DISTRICT

POLICY CODE: JICD <i>Replaces JFC</i>	APPROVAL: January 31, 2007 Page 1 of 2
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STUDENT CONDUCT & DISCIPLINE

The school is a community with rules and regulations, and those who enjoy the rights and privileges it provides must also accept the responsibilities that membership demands, including respect for and obedience to school rules. Disciplinary actions should also be articulate; they should be measured responses and established at a level of severity which corresponds to the level of the offense.

Members of the Litchfield School Board expect student conduct to contribute to a productive learning climate and to abide by the following principles:

1. All student behavior must be based on respect and consideration for the rights of others.
2. Respect for law and those given authority to administer it is expected of all students, including conformity to school rules as well as to general provisions of the law regarding minors.
3. A responsibility to know and respect the rules and regulations of the school. Students have the further responsibility to behave in a manner appropriate to good citizenship everywhere.
4. Respect for the real and personal property, pride in one's work, and exemplary personal standards of courtesy, decency, honesty, and wholesome attitudes.

Individual rights are to be honored and protected in all instances; however, the rights of one individual shall not take precedence over those of another individual or of the group itself, and all students shall have equal rights and equal responsibilities in the classroom or at any school-sponsored activity.

Establishment of Policies and Regulations:

The School Board may establish written policies, rules and regulations of general application governing student conduct in all schools. In addition, each principal within the school may establish certain written rules and regulations not inconsistent with those established by the Board and the Superintendent.

Areas of Prohibited Student Conduct:

Any conduct which causes or which creates a reasonable likelihood that it will cause a disruption in or material interference with any school function, activity or purpose, or interferes with the health, safety or well-being or the rights of other students is prohibited.

LITCHFIELD SCHOOL DISTRICT

POLICY CODE: JICD Replaces JFC	APPROVAL: January 31, 2007 Page 2 of 2
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The Board further recognizes the right of each school to establish disciplinary procedures in accordance with administrative procedures which are approved by the Litchfield School Board. A hearing shall be afforded to any student involved in a proceeding that may result in suspension, exclusion, or expulsion. The District shall comply with the provisions of the Individuals with Disabilities Education Act (IDEA) when disciplining students (*See JICD-R, Section 6*).

This policy does not define all types and aspects of a student behavior; however, the Litchfield School Board has the responsibility to set forth policies, rules and regulations to help each student conduct himself or herself in a proper manner as a good citizen of the community.

Legal Reference:

RSA 193:13, Suspension & Expulsion of Pupils

RSA 189:15, Regulations

NH Code of Administrative Rules, Section Ed. 317.04(b) Disciplinary Procedures

NH Code of Administrative Rules, Section Ed. 306.04(f) Student Discipline

NH Code of Administrative Rules, Section Ed. 306.06, Culture & Climate

Memorandum of Understanding: Litchfield School District & Litchfield Police Department

See Appendix JICD-R Procedures

See Also JICA, JICK, JKD, Student Handbook

Approved: 2nd Reading, January 31, 2007

Reviewed: 1st Reading, January 17, 2007

Revised: January 3, 2007

Approved: Original JFC dated September 16, 1987

LITCHFIELD SCHOOL DISTRICT

POLICY CODE: JICD-R
Procedures

APPROVAL: January 23, 2008
Page 1 of 1

ADMINISTRATIVE PROCEDURE TO ACCOMPANY STUDENT CONDUCT, DISCIPLINE, DUE PROCESS, AND PUPIL SAFETY & VIOLENCE PREVENTION POLICIES

The Litchfield School District will follow the procedures set forth in Ed. 317 and RSA 193:13 for the discipline of students. The District will also comply with federal and state laws and regulations for the discipline of educationally disabled students.

I. Discipline Authority/RSA 193:13, I Designations

- A. The Superintendent designates the building principal and assistant principal as having authority to suspend a student for a period not to exceed ten (10) school days.
- B. The School Board designates that the Superintendent shall have authority to continue the suspension of a student for a period in excess of ten (10) school days, not to exceed twenty (20) days.

II. Notification to Students

The principal shall make certain that students have received notice of the requirements of RSA 193:13, RSA 193-B, RSA 193-D, RSA 193-F, and Ed. 317 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 school principal from printing, posting and/or announcing other rules applicable to the school.

Statutory References

RSA 193:13: Suspension & Expulsion of Students
RSA 193-B: Drug-Free School Zones
RSA 193-D: Safe School Zones
RSA 193-F: Pupil Safety & Violence Prevention

Regulatory Reference:

Ed. 317: Suspension, Expulsion, & Due Process of Students
Ed. 1109: Standards for Students with Disabilities: The Individual Education Program

Approval: Final Approval, January 23, 2008
Revised: January 2, 2008
Reviewed: December 19, 2007
Revised: August 22, 2007
Reviewed: 1st Reading, August 22, 2007

LITCHFIELD SCHOOL DISTRICT

POLICY CODE: JKD <i>Replaces JGD</i>	APPROVAL: January 31, 2007 Page 1 of 2
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SUSPENSION AND EXPULSION OF STUDENTS

The Litchfield School Board recognizes the following in accordance with RSA193:13:

Suspension of students

The Superintendent or designee (principals, assistant principals) is authorized to suspend pupils from school for a period not to exceed ten (10) school days for gross misconduct, or neglect, or refusal to conform to the reasonable rules of the school or district.

Suspension of a student in excess of ten (10) days

The Litchfield School Board authorizes, in writing by this policy, the Superintendent of the School District, following a hearing, to continue the suspension of a pupil for a period in excess of ten (10) school days to ensure the hearing and extended suspension is not made by the individual who suspended the pupil for the first ten (10) days. Any suspension shall be valid throughout the school districts of the state, subject to modification by the Superintendent of the school district in which the pupil seeks to enroll.

Any suspension in excess of ten (10) school days imposed by the Superintendent may be appealed to the School Board, provided that the Superintendent received an appeal in writing within ten (10) days after the issuance of the decision being appealed. The School Board shall hold a hearing on the appeal, but shall have discretion to hear evidence or to rely upon the record of a hearing conducted under the preceding paragraph. The suspension under the preceding paragraph shall be enforced while that appeal is pending, unless the School Board stays the suspension.

Expulsions

Following a hearing, any pupil may be expelled from school by the School Board for gross misconduct, or for neglect or refusal to conform to the reasonable rules of the school, or for an act of theft, destruction, or violence as defined in RSA 193-D:1; or for possession of a pellet or BB gun, rifle, or paint ball gun, and the pupil shall not attend school until restored by the School Board. Any expulsion shall be subject to review if requested prior to the start of each school year and further, any parent or guardian has the right to appeal any such expulsion by the School Board to the New Hampshire State Board of Education. Any expulsion shall be valid throughout the school districts of the state.

Any pupil who brings or possesses a firearm as defined in 921 of Title 18 of the United States Code in a Safe School Zone as defined in RSA 193-D:1 without written authorization from the Superintendent or designee shall be expelled from school by the School Board for a period of not less than twelve (12) months. The Superintendent is authorized by members of the Litchfield School Board to modify the expulsion requirements that are aforementioned on a case by case basis.

LITCHFIELD SCHOOL DISTRICT

POLICY CODE: JKD <i>Replaces JGD</i>	APPROVAL: January 31, 2007 Page 2 of 2
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The District shall comply with the provisions of the Individuals with Disabilities Education Act (IDEA) when disciplining students. (*See Procedures JICD-R*).

Any pupil expelled by the School Board under the provisions of the Gun-Free Schools Act of 1994 shall not be eligible to enroll in another school district in New Hampshire for the period of such expulsion. Provisions for educational services to such expelled students in an alternative setting may be considered on a case by case basis by the School Board upon the recommendation of the Superintendent.

Students who are suspended or expelled from school are prohibited from being on school grounds and from attending or participating in any school sponsored activities from the time of the notification of the suspension or expulsion through the time of their return to school. Students who are assigned out of school suspension may complete their work for credit. Students who are expelled from school for extended periods of time may not be eligible to make up missed work.

See Appendix JICD – Procedures

See Also JICD, JICK, Memorandum of Understanding, Student Handbook

Statutory Reference

RSA 193:13; 193-D:1

Title 18, Section 921 of the United States Code: Safe School Zone

Gun-Free Schools Act of 1994

Approved: 2nd Reading, January 31, 2007

Reviewed: 1st Reading, January 17, 2007

Revised: January 3, 2007

Approved: Original JGD adopted November 5, 1975 and revised October 15, 1986



LITCHFIELD SCHOOL DISTRICT

POLICY CODE: JICDD

APPROVAL:

STUDENT CONDUCT: CYBER-BULLYING **STUDENT DISCIPLINE: OUT OF SCHOOL ACTIONS**

The Litchfield School Board recognizes that out-of-school and off-campus student conduct is not normally the concern of the Board. However, the Board also recognizes that some out-of-school and off-campus conduct may have an adverse effect upon the schools, school property, school staff, or school district.

Therefore, it shall be the policy of this Board that the Board or school administrators shall impose disciplinary measures against students for some out-of-school or off-campus conduct.

Discipline shall be imposed if the Principal determines such out-of-school conduct causes a significant disruption or substantial interference with the school's educational mission, purpose, or objectives. Additionally, any off-campus or out-of-school behavior that has a strong potential to disrupt normal school operations shall also be met with appropriate disciplinary actions by the Board, Superintendent, or school administrators.

Out-of-school and off-campus student conduct that may subject a student to discipline includes, but is not limited to:

1. *Damaging school property;*
2. *Violence at or near the school's bus stop, either before or after the school day;*
3. *Drinking alcohol, using tobacco products, or using illegal drugs at or near the school bus stop, either before or after the school day;*
4. *Damaging the private property of school staff or employees; or*
5. *Any other activity the Board or administration determines impedes the general welfare of scholastic activities.*

Cyber-bullying and Internet Threats

Reports and/or allegations of cyberbullying will be addressed in accordance with the provisions of Board policy JICK.

Consistent with applicable law, the District will not require or request that a student disclose or provide to the District the student's user name, password or other authenticating information to a student's personal social media account.

However, the District may request to a student or a student's parent/guardian that the student voluntarily share printed copies of specific information from a student's personal social media account if such information is relevant to an ongoing District investigation.

The Litchfield School Board also recognizes that there are growing occurrences of "cyber-bullying" and threatening language being used by students on the internet when out of school and off campus.



LITCHFIELD SCHOOL DISTRICT

POLICY CODE: JICDD

APPROVAL:

~~It shall be the policy of this Board to impose disciplinary measures against any student who is found to have engaged in such behavior, provided the cyber bullying and/or internet threats:~~

~~Violate any school district rules or regulations;~~

~~Contains threats of violence against staff members or students;~~

~~Threatens vandalism to school property;~~

~~Suggests or advocates physical harm to staff members or students;~~

~~Creates a disruption to the school's educational mission, purpose, and objectives.~~

~~Any staff member who learns of an occurrence of cyber bullying and/or internet threats shall report such actions to the Principal, who shall then conduct an investigation into the alleged bullying and/or threat.~~

~~Any discipline imposed by virtue of this policy shall be in accordance and consistent with the Litchfield School Board's policy regarding student conduct and discipline.~~

Legal References:

RSA 189:70, Educational Institution Policies on Social Media

Approved:

Reviewed:

Revised: June 28, 2021

Approved: September 10, 2008



LITCHFIELD SCHOOL DISTRICT

POLICY CODE: JICK

APPROVAL:

PUPIL SAFETY & VIOLENCE PREVENTION POLICY - **Bullying**

Statement of Purpose, Intent and Scope

It is the intent of this policy to protect all children on district grounds, regardless of their enrollment status in the District, from physical, emotional and psychological harm by addressing bullying and cyberbullying of any kind in our district/school, and to prevent the creation of a hostile educational environment. All pupils are protected under this policy, regardless of their legal status. The district will not tolerate unlawful harassment of any type and conduct that constitutes bullying **and cyberbullying** as defined herein is prohibited by this Policy, in accordance with RSA 193-F.

Further, in accordance with RSA 193-F:4, 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 of Schools ~~or designee~~ is responsible for ensuring that this policy is implemented.

I. Definitions: RSA 193-F:3

Bullying: Bullying is hereby 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:

- Physically harms a pupil or damages the pupil's property;
- Causes emotional distress to a pupil;
- Interferes with a pupil's educational opportunities;
- Creates a hostile educational environment; or
- 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.

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.

Perpetrator: Perpetrator means a pupil who engages in bullying or cyberbullying.



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School property: School property means all real property and all physical plant and equipment used for school purposes, including public or private school buses or vans.

Victim: Victim means a pupil against whom bullying or cyberbullying has been perpetrated.

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

II. **Statement Prohibiting Retaliation or False Accusations (RSA 193-F:4, II(b))**

False Reporting

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.

A school employee 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, District policies, procedures and collective bargaining agreements.

Reprisal or Retaliation

The District will discipline and take appropriate action against any student, teacher, administrator, volunteer, or other employee who retaliates against any person who makes a good faith report of alleged bullying or against any person who testifies, assists, or participates in a proceeding or hearing relating to such bullying.:

The consequences and appropriate remedial action for a student, *teacher, school administrator/staff, volunteer or other employee*, who engages in reprisal or retaliation shall be determined by the Principal or designee after consideration of the nature, severity and circumstances of the act, in accordance with law, Board policies *and applicable collective bargaining agreements*.

Any student found to have engaged in reprisal or retaliation in violation of this policy shall be subject to measures up to, and including, suspension and expulsion.

Process To Protect Pupils From Retaliation

If the alleged victim or any witness expresses to the Principal, designee, or other staff member that he/she believes he/she may be retaliated against, the Principal or designee shall develop a process or plan to protect that student from possible retaliation.

Any school volunteer found to have engaged in reprisal or retaliation in violation of this policy shall be subject to measures up to, and including, exclusion from school grounds.

Each process or plan shall be developed on a case-by-case basis. Suggestions include, but are not limited to, re-arranging student class schedules to minimize their contact, severe warnings to alleged perpetrators, temporary removal of privileges, or other means necessary to protect against possible retaliation.



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III. Protection of all Pupils (RSA 193-F:4, II(c))

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.

IV. Disciplinary Consequences For Violations of This Policy

The District reserves the right to impose disciplinary measures and apply corrective 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 district staff to seek alternatives to traditional discipline, including but not limited to early intervention measures, alternative dispute resolution, conflict resolution and other similar measures.

V. Distribution and Notice of This Policy (RSA 193-F:4, II(e))

Staff and Volunteers

All staff will be provided with a copy of this policy annually. The Superintendent may determine the method of providing the policy (employee handbook, hard copy, etc.)

The Superintendent will ensure that all school employees and volunteers receive annual training on bullying and related district's policies.

Students

All students will be provided with a copy of this policy annually. The Superintendent may determine the method of providing the policy (student handbook, mailing, hard copy, etc.)

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, in consultation with staff, may incorporate student anti-bullying training and education into the district's curriculum, but shall not be required to do so.

Parents

All parents will be provided with a copy of this policy annually. The Superintendent may determine the method of providing the policy (parent handbook, mailing, etc.). Parents will be informed of the program and the means for students to report bullying acts toward them or other students. They will also be told that to help prevent bullying at school they should encourage their children to:

- 1. Report bullying when it occurs;*
- 2. Take advantage of opportunities to talk to their children about bullying;*
- 3. Inform the school immediately if they think their child is being bullied or is bullying other students;*
- 4. Cooperate fully with school personnel in identifying and resolving incidents.*



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Additional Notice and School District Programs

The Board may, from time to time, host or schedule public forums in which it will address the anti-bullying policy, discuss bullying in the schools, and consult with a variety of individuals including teachers, administrators, guidance counselors, school psychologists and other interested persons.

~~The Superintendent or designee shall annually inform parents, legal guardians, or other persons responsible for the welfare of a pupil of the District's pupil safety and violence prevention policy and procedures in writing.~~

~~Each District school shall provide notice to students and staff of this policy through appropriate references in the student and employee handbooks, on the District website, or through other reasonable means. The Superintendent or designee shall also make all vendors contracting with the District aware of this policy.~~

~~The Superintendent or designee shall ensure that all school employees, contracted personnel, and volunteers receive annual training on bullying and related District policies.~~

VI. Procedure for Reporting Bullying (RSA 193-F:4, II(f))

At each school, the Principal or other designee shall be responsible for receiving complaints of alleged violations of this policy.

Student Reporting

Any student who believes he or she has been the victim of bullying should report the alleged acts immediately to the Principal or designee. If the student is more comfortable reporting the alleged act to a person other than the Principal or designee, the student may tell any school district employee or volunteer about the alleged bullying.

Any school employee or volunteers who witnesses, receives a report of, or has knowledge or belief that bullying may have occurred shall inform the Principal as soon as possible, but no later than the end of that school day.

Although students, parents, volunteers and visitors may report anonymously, 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.

The administration may develop student reporting forms to assist students and staff in filing such reports. An investigation shall still proceed even if a student is reluctant to fill out the designated form and chooses not to do so.

Upon receipt of a report of bullying, the Principal shall commence an investigation consistent with the provisions of this policy.



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Parent Reporting

Any parent or other individual who has witnessed or has reliable information that a student has been the victim of bullying should report the incident to the student's principal or a designee.

Staff Reporting

An important duty of the staff is to report acts or behavior that they witness that appears to constitute bullying.

Any school employee or volunteers who witnesses, receives a report of, or has knowledge or belief that bullying may have occurred shall inform the Principal or designee as soon as possible, but no later than the end of that school day.

Upon receipt ~~(by student, staff, or volunteer)~~ of a report of bullying, the Principal or designee shall commence an investigation consistent with the provisions of this policy.

VII. Procedure for Internal Reporting Requirements (RSA 193-F:4, II(g))

The Principal ~~or designee~~ shall promptly report all substantiated incidents of bullying or cyberbullying to the Superintendent ~~or designee~~.

The Principal shall be responsible for completing all New Hampshire Department of Education forms and reporting documents of substantiated incidents of bullying. The forms shall be completed within 10 school days of any substantiated incident. Upon completion of such forms, the Principal shall retain a copy for himself/herself and shall forward one copy to the Superintendent.

~~Within ten (10) school days of completion of an investigation of alleged bullying or cyberbullying, the Principal or designee shall provide a written communication to the parents of the victim and perpetrator regarding the school's remedies and assistance, within the boundaries of applicable law.~~

~~The District shall annually report substantiated incidents of bullying or cyberbullying to the Department of Education using the Department's standard form. Such reports shall not contain any personally identifiable information pertaining to the pupil.~~

VIII. Notifying Parents of Alleged Bullying (RSA 193-F:4, II(h))

The Principal shall, by telephone and in writing ~~by first-class mail,~~ **or by conference,** report the occurrence of any incident of bullying as defined by this policy to the parent or legal guardian of all pupils involved within 48 hours of the occurrence of **receiving such report** such incident. ~~unless this requirement is waived by the Superintendent when such a waiver is deemed to be in the best interests of the student. Any waiver granted shall be in writing and any such~~ **All** notifications must be consistent with the student privacy rights under the applicable provisions of the Family Educational Rights and Privacy Act of 1974 (FERPA). ~~The notice shall advise the individuals involved of their due process rights including the right to appeal to the State Board of Education.~~



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IX. Waiver of Notification Requirement (RSA 193-F:4, II(i))

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. Any waiver granted shall be in writing.

X. Investigative Procedures (RSA 193-F:4, II(j))

Upon receipt of a report of bullying or cyberbullying, the Principal or designee shall initiate an investigation of the alleged act within five (5) school days of the reported incident of bullying or cyberbullying. 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.

The investigation shall be completed within ten (10) school days of the reported incident, and shall may include documented interviews speaking with the alleged victim, alleged perpetrator, known and any witnesses. All interviews shall be conducted privately, separately and shall be confidential. At no time will the alleged victim and perpetrator be interviewed together during the investigation. and reviewing other evidence available through reasonable good faith efforts. The results of the investigation shall be documented in writing and preserved in accordance with laws governing retention of educational records.

If the alleged bullying was in whole or in part cyberbullying, the Principal may ask students and/or parents to provide the District with printed copies of emails, text messages, website pages, or other similar electronic communications.

The Superintendent or designee may grant in writing an extension of the time period for the investigation and documentation of reports for up to an additional seven (7) school days, if necessary. The Principal Superintendent or designee shall notify in writing all parties involved of the granting of an extension.

Students who are found to have violated this policy may face discipline in accordance with other applicable board policies, up to and including suspension. Students facing discipline will be afforded all due process required by law.

Consistent with applicable law, the District will not require or request that a student disclose or provide to the District the student's user name, password or other authenticating information to a student's personal social media account. However, the District may request to a student or a student's parent/guardian that the student voluntarily share printed copies of specific information from a student's personal social media account if such information is relevant to an ongoing District investigation.

XI. Response to Remediate Substantiated Instances of Bullying (RSA 193-F:4, II(k))

Consequences and appropriate remedial actions for a student or staff member who commits one or more acts of bullying or retaliation may range from positive behavioral interventions up to and including suspension or expulsion of students and dismissal from employment for staff members.



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Consequences for a student who commits an act of bullying or retaliation shall be varied 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.

Any such disciplinary action shall be taken in accord with applicable School Board policy and legal requirements. *However, in support of this policy, the Board promotes preventative educational measures to create greater awareness of aggressive behavior, including bullying. The Board encourages the Superintendent to work collaboratively with all staff members to develop responses other than traditional discipline as a way to remediate substantiated instances of bullying.*

XII. Reporting of Substantiated Incidents to the Superintendent (RSA 193-F:4, II(I))

The Principal shall forward all substantiated reports of bullying to the Superintendent or designee upon completion of the Principal's investigation.

XIII. Communication With Students & Parents Upon Completion of Investigation (RSA 193-F:4, II(m))

Within two (2) school days of completing an investigation, the Principal ~~or designee~~ shall notify the students involved in person of his/her findings and the result of the investigation.

The Principal will notify via telephone the parents of the alleged victim and alleged perpetrator of the results of the investigation. The Principal will also send a letter to the parents within 24 hours again notifying them of the results of the investigation. If the parents request, the Principal shall schedule a meeting with them to further explain his/her findings and reasons for his/her actions.

In accordance with the Family Educational Rights and Privacy Act 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.

~~Within ten (10) school days of completion of an investigation of alleged bullying or cyberbullying, the Principal or designee shall provide a written communication to the parents or guardians of the victim and perpetrator regarding the school's remedies and assistance, within the boundaries of applicable law.~~

XIV. Appeal

A parent or legal guardian *who is aggrieved by the investigative determination letter of the Principal* may appeal the *determination* ~~principal's decision~~ to the Superintendent ~~or designee~~ within 10 days of notification. *The appeal shall be in writing, addressed to the Superintendent, state the reason(s) for the appeal and the nature of the relief sought. (The Superintendent shall not be required to re-investigate the matter and shall conduct such review as he/she deems appropriate.) The Superintendent shall issue his/her decision in writing.*

If the parent or legal guardian is not satisfied with the Superintendent's ~~or designee's~~ decision, they may appeal in writing within 10 days *of receipt of the Superintendent's decision* to the School Board. *An appeal to the Superintendent shall be a prerequisite to any appeal to the School Board.*



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If the parent or legal guardian is not satisfied with the local school board's decision, they may appeal to the State Board of Education *within 30 calendar days of receipt of the written decision of the local School Board in accordance with RSA 541-A and State of New Hampshire Department of Education Regulations set for in ED 200 pursuant to 193-F. The State Board may waive the 30 day requirement for good cause shown, including, but not limited to, illness, accident or death of a family member.* ~~Such an appeal shall be in writing and filed with the Commissioner of Education with a copy to the Superintendent of Schools and mailed to the NH Department of Education, 101 Pleasant Street, Concord, NH 033012. The State Board of Education shall notify in writing all parties involved of its decision.~~

XV. Capture of 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 conjunction 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.

XVI. Use of Video or Audio Recordings in Student Discipline Matters

The District reserves the right to use audio and/or video recording devices on District property (including school buses) to ensure the health, safety and welfare of all staff, students and visitors. Placement and location of such devices will be established in accordance with the provisions of related Board policies.

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.

The Superintendent is authorized to contact the District's attorney for a full legal opinion relative in the event of such an occurrence.

Legal References:

RSA 189:70, Educational Institution Policies on Social Media

RSA 193-F:3, Pupil Safety and Violence Prevention Act

RSA 570-A:2, Capture of Audio Recordings on School Buses Allowed

NH Code of Administrative Rules, Section Ed 306.04(a)(8), Student Harassment

Approved:

Reviewed:

Revised: June 30, 2021

Approved: December 1, 2010

JICK - PUPIL SAFETY AND VIOLENCE PREVENTION - Bullying

(Download policy)

Category: Priority/Required by Law

See also JBAA, JIC, JICD, IHBA

I. Definitions (RSA 193-F:3)

1. Bullying. Bullying is hereby 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.

2. 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.

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

4. School property. School property means all real property and all physical plant and equipment used for school purposes, including public or private school buses or vans.

Any reference in this policy to "parent" shall include parents or legal guardians.

II. Statement Prohibiting Bullying or Cyberbullying of a Pupil (RSA 193-F:4, II(a))

The Board is committed to providing all pupils a safe and secure school environment. This policy is intended to comply with RSA 193-F. Conduct constituting bullying and/or cyberbullying will not be tolerated and is hereby prohibited.

Further, in accordance with RSA 193-F:4, 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

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orderly operations of the school or school-sponsored activity or event.

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

III. Statement prohibiting retaliation or false accusations (RSA 193-F:4, II(b))

False Reporting

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.

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

Reprisal or Retaliation

The District will discipline and take appropriate action against any student, teacher, administrator, volunteer, or other employee who retaliates against any person who makes a good faith report of alleged bullying or against any person who testifies, assists, or participates in a proceeding or hearing relating to such bullying.

1. The consequences and appropriate remedial action for a student, teacher, school administrator or school volunteer 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.
2. Any student found to have engaged in reprisal or retaliation in violation of this policy shall be subject to measures up to, and including, suspension and expulsion.
3. Any teacher or school administrator found to have engaged in reprisal or retaliation in violation of this policy shall be subject to discipline up to, and including, termination of employment.
4. Any school volunteer found to have engaged in reprisal or retaliation in violation of this policy shall be subject to measures up to, and including, exclusion from school grounds.

Process To Protect Pupils From Retaliation

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, re-arranging student class schedules to minimize their contact, stern warnings to alleged perpetrators, temporary removal of privileges, or other means necessary to protected against possible retaliation.

IV. Protection of all Pupils (RSA 193-F:4, II(c))

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.

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V. Disciplinary Consequences For Violations of This Policy (RSA 193-F:4, II(d))

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 district staff to seek alternatives to traditional discipline, including but not limited to early intervention measures, alternative dispute resolution, conflict resolution and other similar measures.

VI. Distribution and Notice of This Policy (RSA 193-F:4, II(e))

Staff and Volunteers

All staff will be provided with a copy of this policy annually. The Superintendent may determine the method of providing the policy (employee handbook, hard copy, etc.)

The Superintendent will ensure that all school employees and volunteers receive annual training on bullying and related district's policies.

Students

All students will be provided with a copy of this policy annually. The Superintendent may determine the method of providing the policy (student handbook, mailing, hard copy, etc.)

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, in consultation with staff, may incorporate student anti-bullying training and education into the district's curriculum, but shall not be required to do so.

Parents

All parents will be provided with a copy of this policy annually. The Superintendent may determine the method of providing the policy (parent handbook, mailing, etc.). Parents will be informed of the program and the means for students to report bullying acts toward them or other students. They will also be told that to help prevent bullying at school they should encourage their children to:

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

Additional Notice and School District Programs

The Board may, from time to time, host or schedule public forums in which it will address the

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anti-bullying policy, discuss bullying in the schools, and consult with a variety of individuals including teachers, administrators, guidance counselors, school psychologists and other interested persons.

VII. Procedure for Reporting Bullying (RSA 193-F:4, II(f))

At each school, the Principal shall be responsible for receiving complaints of alleged violations of this policy.

Student Reporting

1. Any student who believes he or she has been the victim of bullying should report the alleged acts immediately to the Principal. If the student is more comfortable reporting the alleged act to a person other than the Principal, the student may tell any school district employee or volunteer about the alleged bullying.
2. Any school employee or volunteers who witnesses, receives a report of, or has knowledge or belief that bullying may have occurred shall inform the Principal as soon as possible, but no later than the end of the that school day.
3. The Principal may develop a system or method for receiving anonymous reports of bullying. Although students, parents, volunteers and visitors may report anonymously, 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.
4. The administration may develop student reporting forms to assist students and staff in filing such reports. An investigation shall still proceed even if a student is reluctant to fill out the designated form and chooses not to do so.
5. Upon receipt of a report of bullying, the Principal shall commence an investigation consistent with the provisions of Section XI of this policy.

Staff Reporting

1. An important duty of the staff is to report acts or behavior that they witness that appears to constitute bullying.
2. All district employees and volunteers shall encourage students to tell them about acts that may constitute bullying. For young students, staff members may provide direct assistance to the student.
3. Any school employee or volunteers who witnesses, receives a report of, or has knowledge or belief that bullying may have occurred shall inform the Principal as soon as possible, but no later than the end of the that school day.
4. Upon receipt of a report of bullying, the Principal shall commence an investigation consistent with the provisions of Section XI of this policy.

VIII. Procedure for Internal Reporting Requirements (RSA 193-F:4, II(g))

In order to satisfy the reporting requirements of RSA 193-F:6, the Principal or designee shall be responsible for completing all New Hampshire Department of Education forms and reporting

documents of substantiated incidents of bullying. Said forms shall be completed within 10 school days of any substantiated incident. Upon completion of such forms, the Principal or designee shall retain a copy for himself and shall forward one copy to the Superintendent. The Superintendent shall maintain said forms in a safe and secure location.

IX. Notifying Parents of Alleged Bullying (RSA 193-F:4, II(h))

The Principal 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 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).

X. Waiver of Notification Requirement (RSA 193-F:4, II(i))

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. Any waiver granted shall be in writing.

XI. Investigative Procedures (RSA 193-F:4, II(j))

1. Upon receipt of a report of bullying, the Principal shall, within 5 school days, initiate an investigation into the alleged act. 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 may ask students and/or parents to provide the District with printed copies of e-mails, text messages, website pages, or other similar electronic communications.
4. A maximum of 10 school days shall be the limit for the initial filing of incidents and completion of the investigative procedural steps.
5. Factors the Principal or other investigator may consider during the course of the investigation, including but not limited to:
 - Description of incident, including the nature of the behavior;
 - How often the conduct occurred;
 - Whether there were past incidents or past continuing patterns of behavior;
 - The characteristics of parties involved, (name, grade, age, etc.);
 - The identity and number of individuals who participated in bullying behavior;

- Where the alleged incident(s) occurred;
 - Whether the conduct adversely affected the student's education or educational environment;
 - Whether the alleged victim felt or perceived an imbalance or power as a result of the reported incident; and
 - The date, time and method in which parents or legal guardians of all parties involved were contacted.
6. The Principal shall complete the investigation within 10 school days of receiving the initial report. If the Principal needs more than 10 school days 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.
7. Whether a particular action or 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 Principal.
8. Students who are found to have violated this policy may face discipline in accordance with other applicable board policies, up to and including suspension. Students facing discipline will be afforded all due process required by law.
9. Consistent with applicable law, the District will not require or request that a student disclose or provide to the District the student's user name, password or other authenticating information to a student's personal social media account. However, the District may request to a student or a student's parent/guardian that the student voluntarily share printed copies of specific information from a student's personal social media account if such information is relevant to an ongoing District investigation.

XII. Response to Remediate Substantiated Instances of Bullying (RSA 193-F:4, II(k))

Consequences and appropriate remedial actions for a student or staff member who commits one or more acts of bullying or retaliation may range from positive behavioral interventions up to and including suspension or expulsion of students and dismissal from employment for staff members.

Consequences for a student who commits an act of bullying or retaliation shall be varied and graded 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.

Examples of consequences may include, but are not limited to:

- Admonishment
- Temporary removal from classroom
- Deprivation of privileges

- Classroom or administrative detention
- Referral to disciplinarian
- In-school suspension
- Out-of-school suspension
- Expulsion

Examples of remedial measures may include, but are not limited to:

- Restitution
- Mediation
- Peer support group
- Corrective instruction or other relevant learning experience
- Behavior assessment
- Student counseling
- Parent conferences

In support of this policy, the Board promotes preventative educational measures to create greater awareness of aggressive behavior, including bullying. The Board encourages the Superintendent to work collaboratively with all staff members to develop responses other than traditional discipline as a way to remediate substantiated instances of bullying.

XIII. Reporting of Substantiated Incidents to the Superintendent (RSA 193-F:4, II(1))

The Principal shall forward all substantiated reports of bullying to the Superintendent upon completion of the Principal's investigation.

XIV. Communication With Parents Upon Completion of Investigation (RSA 193-F:4, II(m))

1. Within two school days of completing an investigation, the Principal will notify the students involved in person of his/her findings and the result of the investigation.
2. The Principal will notify via telephone the parents of the alleged victim and alleged perpetrator of the results of the investigation. The Principal will also send a letter to the parents within 24 hours again notifying them of the results of the investigation.
3. If the parents request, the Principal 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 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.

XV. Appeals

A parent or guardian who is aggrieved by the investigative determination letter of the principal

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or his/her designee may appeal the determination to the Superintendent for review. The appeal shall be in writing addressed to the Superintendent, shall state the reason(s) why the appealing party is aggrieved, and the nature of the relief they seek. The Superintendent shall not be required to re-investigate the matter and shall conduct such review as he/she deems appropriate under the circumstances.

It is in the best interests of students, families and the District that these matters be promptly resolved. Therefore, any such appeal to the Superintendent shall be made within ten (10) calendar days of the parent/guardian's receipt of the investigative determination letter of the principal or his/her designee. The Superintendent shall issue his/her decision in writing.

If the parent or guardian is aggrieved by the decision of the Superintendent, they may appeal the decision to the school board within ten (10) calendar days of the date of the parent/guardian's receipt of the Superintendent's decision. An appeal to the Superintendent shall be a prerequisite to any appeal to the School Board. The appeal to the School Board shall be in writing, addressed to School Board Chair in care of the Superintendent, shall state the reason(s) why the appealing party is aggrieved, and the nature of the relief they seek.

An aggrieved parent/guardian has the right to appeal the final decision of the local School Board to the State Board within thirty (30) calendar days of receipt of the written decision of the local School Board in accordance with RSA 541-A and State of New Hampshire Department of Education Regulations set forth in ED 200. The State Board may waive the thirty-day requirement for good cause shown, including, but not limited to, illness, accident, or death of a family member.

XVI. School Officials (RSA 193-F:4, II(n))

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

XVII. Capture of 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 conjunction 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.

XVIII. Use of Video or Audio Recordings in Student Discipline Matters

The District reserves the right to use audio and/or video recording devices on District property (including school buses) to ensure the health, safety and welfare 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 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.

The Superintendent is authorized to contact the District's attorney for a full legal opinion relative in the event of such an occurrence.

NHSBA Note, September 2015: New paragraph (Paragraph #9) added to Section XI - Investigative Procedures. This change is in response to RSA 189:70, effective September 2015.

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RSA 189:70 prohibits school districts from requiring students to provide information relative to personal social media accounts. Districts may request certain information if such information is relative to an ongoing investigation. However, such information cannot be demanded or required. RSA 189:70 is also now added to Legal References.

NHSBA Note, September 2014: Only changes are to Section XV - Appeals. These changes are included after consultation with school officials as to the manner in which the NH Department of Education is now accepting appeals from school board decisions on bullying-related matters.

Legal References:

RSA 189:70, Educational Institution Policies on Social Media

RSA 193-F:3, Pupil Safety and Violence Prevention Act

RSA 570-A:2, Capture of Audio Recordings on School Buses Allowed

NH Code of Administrative Rules, Section Ed 306.04(a)(8), Student Harassment

Revised: September 2014

Revised: July 2004, August 2006, May 2008, September 2010

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LITCHFIELD SCHOOL DISTRICT

POLICY CODE: JICK
Formerly JICD

APPROVED: December 1, 2010

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PUPIL SAFETY & VIOLENCE PREVENTION POLICY (Anti-Bullying Policy In Compliance with RSA 193-F)

Statement of Purpose, Intent and Scope

It is the intent of this policy to protect all children on district grounds, regardless of their enrollment status in the District, from physical, emotional and psychological harm by addressing bullying and cyberbullying of any kind in our district/school, and to prevent the creation of a hostile educational environment. All pupils are protected under this policy, regardless of their legal status. The district will not tolerate unlawful harassment of any type and conduct that constitutes bullying as defined herein is prohibited by this Policy, in accordance with RSA 193-F.

The Superintendent of Schools or designee is responsible for ensuring that this policy is implemented.

I. Definitions: RSA 193-F:3

1. **Bullying.** Bullying is hereby 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:
 - a. Physically harms a pupil or damages the pupil's property;
 - b. Causes emotional distress to a pupil;
 - c. Interferes with a pupil's educational opportunities;
 - d. Creates a hostile educational environment; or
 - e. 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.

2. **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.
3. **Electronic devices.** Electronic devices include, but are not limited to, telephones, cellular phones, computers, pagers, electronic mail, instant messaging, text messaging, and websites.
4. **Perpetrator.** Perpetrator means a pupil who engages in bullying or cyberbullying
5. **School property.** School property means all real property and all physical plant and equipment used for school purposes, including public or private school buses or vans.
6. **Victim.** Victim means a pupil against whom bullying or cyberbullying has been perpetrated.
7. **Parent.** Any reference in this policy to "parent" shall include parents or legal guardians.

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II. False Reporting

False Reporting. 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.

A school employee 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, District policies, procedures and collective bargaining agreements.

Reprisal or Retaliation. The District will discipline and take appropriate action against any student, teacher, administrator, volunteer, or other employee who retaliates against any person who makes a good faith report of alleged bullying or against any person who testifies, assists, or participates in a proceeding or hearing relating to such bullying.

The consequences and appropriate remedial action for a student who engages in reprisal or retaliation shall be determined by the Principal or designee after consideration of the nature, severity and circumstances of the act, in accordance with law, Board policies.

Any student found to have engaged in reprisal or retaliation in violation of this policy shall be subject to measures up to, and including, suspension and expulsion.

Process To Protect Pupils From Retaliation. If the alleged victim or any witness expresses to the Principal, designee, or other staff member that he/she believes he/she may be retaliated against, the Principal or designee shall develop a process or plan to protect that student from possible retaliation.

Each process or plan shall be developed on a case-by-case basis. Suggestions include, but are not limited to, re-arranging student class schedules to minimize their contact, *severe* warnings to alleged perpetrators, temporary removal of privileges, or other means necessary to protect against possible retaliation.

III. Disciplinary Consequences For Violations of This Policy.

The District reserves the right to impose disciplinary measures and apply corrective 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.

IV. Distribution and Notice of This Policy.

The Superintendent or designee shall annually inform parents, legal guardians, or other persons responsible for the welfare of a pupil of the District's pupil safety and violence prevention policy and procedures in writing.

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Each District school shall provide notice to students and staff of this policy through appropriate references in the student and employee handbooks, on the District website, or through other reasonable means. The Superintendent or designee shall also make all vendors contracting with the District aware of this policy.

The Superintendent or designee shall ensure that all school employees, contracted personnel, and volunteers receive annual training on bullying and related District policies.

V. Procedure for Reporting Bullying.

At each school, the Principal or other designee shall be responsible for receiving complaints of alleged violations of this policy.

Student Reporting Any student who believes he or she has been the victim of bullying should report the alleged acts immediately to the Principal or designee. If the student is more comfortable reporting the alleged act to a person other than the Principal or designee, the student may tell any school district employee or volunteer about the alleged bullying.

Parent Reporting Any parent or other individual who has witnessed or has reliable information that a student has been the victim of bullying should report the incident to the student's principal or a designee.

Staff Reporting

1. An important duty of the staff is to report acts or behavior that they witness that appears to constitute bullying.
2. Any school employee or volunteers who witnesses, receives a report of, or has knowledge or belief that bullying may have occurred shall inform the Principal or designee as soon as possible, but no later than the end of that school day.

Upon receipt (by student, staff, or volunteer) of a report of bullying, the Principal or designee shall commence an investigation consistent with the provisions of Section VIII of this policy.

VI. Procedure for Internal Reporting Requirements.

1. The Principal or designee shall promptly report all substantiated incidents of bullying or cyberbullying to the Superintendent or designee.
2. Within ten (10) school days of completion of an investigation of alleged bullying or cyberbullying, the Principal or designee shall provide a written communication to the parents of the victim and perpetrator regarding the school's remedies and assistance, within the boundaries of applicable law.

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3. The District shall annually report substantiated incidents of bullying or cyberbullying to the Department of Education using the Department's standard form. Such reports shall not contain any personally identifiable information pertaining to the pupil.

VII. Notifying Parents of Alleged Bullying

The Principal or designee shall, by telephone and in writing by first-class mail, report the occurrence of any incident of bullying as defined by this policy to the parent or legal guardian of all pupils involved within 48 hours of the occurrence of such incident unless this requirement is waived by the Superintendent when such a waiver is deemed to be in the best interests of the student. Any waiver granted shall be in writing and any such notification must be consistent with the student privacy rights under the applicable provisions of the Family Educational Rights and Privacy Act of 1974 (FERPA). The notice shall advise the individuals involved of their due process rights including the right to appeal to the State Board of Education.

VIII. Investigative Procedures.

1. The Principal or designee shall initiate an investigation within five (5) school days of the reported incident of bullying or cyberbullying. The investigation shall be completed within ten (10) school days of the reported incident, and shall include speaking with the alleged victim, alleged perpetrator, known witnesses, and reviewing other evidence available through reasonable good faith efforts. The results of the investigation shall be documented in writing and preserved in accordance with laws governing retention of educational records.
2. The Superintendent or designee may grant in writing an extension of the time period for the investigation and documentation of reports for up to an additional seven (7) school days, if necessary. The Superintendent or designee shall notify in writing all parties involved of the granting of an extension.

IX. Response to Remediate Substantiated Instances of Bullying.

Consequences and appropriate remedial actions for a student or staff member who commits one or more acts of bullying or retaliation may range from positive behavioral interventions up to and including suspension or expulsion of students and dismissal from employment for staff members.

Consequences for a student who commits an act of bullying or retaliation shall be varied 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.

Any such disciplinary action shall be taken in accord with applicable School Board policy and legal requirements.

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X. Reporting of Substantiated Incidents to the Superintendent.

The Principal shall forward all substantiated reports of bullying to the Superintendent or designee upon completion of the Principal's investigation.

XI. Communication With Students & Parents Upon Completion of Investigation.

Within two (2) school days of completing an investigation, the Principal or designee shall notify the students involved in person of his/her findings and the result of the investigation.

Within ten (10) school days of completion of an investigation of alleged bullying or cyberbullying, the Principal or designee shall provide a written communication to the parents or guardians of the victim and perpetrator regarding the school's remedies and assistance, within the boundaries of applicable law.

XII. Appeal.

The parent or legal guardian may appeal the principal's decision to the Superintendent or designee within 10 days of notification. If the parent or legal guardian is not satisfied with the Superintendent's or designee's decision, they may appeal in writing within 10 days to the school board.

If the parent or legal guardian is not satisfied with the local school board's decision, they may appeal to the State Board of Education pursuant to 193-F. Such an appeal shall be in writing and filed with the Commissioner of Education with a copy to the Superintendent of Schools and mailed to the NH Department of Education, 101 Pleasant Street, Concord, NH 033012. The State Board of Education shall notify in writing all parties involved of its decision.

Statutory and Regulatory References

RSA 193-F, Pupil Safety and Violence Prevention

RSA 193:13, Suspension and Expulsion

RSA 193-F:3, Pupil Safety and Violence Prevention Act

RSA 570-A:2, Capture of Audio Recordings on School Buses Allowed

NH Code of Administrative Rules, Section Ed 306.04(a)(8), Student Harassment

NH Code of Administrative Rules, Section Ed 317, Student Discipline

See Also:

Student/Parent Handbook

Audio & Video Surveillance on District Transportation (ECAAF/ECAF-R)

Video Surveillance on District Property (EEAA/EEAA-R)

Student Conduct & Discipline (JICD)

Administrative Procedure to Accompany Student Conduct, Discipline, Due

Process, and Pupil Safety & Violence Prevention Policies (JICD-R)

Student Conduct: Cyberbullying (JICDD)

Suspension & Expulsion of Students (JKD)

Memorandum of Understanding between the Litchfield School District and the Litchfield Police Department

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Approval: 2nd Reading, December 1, 2010
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Reviewed: 1st Reading October 20, 2004
Revised: October 6, 2004
Approval: See Original (JFC-1) – Student Conduct – dated November 4, 1981



COVAX-21: Reopening Plan for School Year 2021-22

Version 2.0 ~ July 14, 2021

This is our plan on the “safe return to in-person instruction and continuity of services” as required by the US Department of Education and the NH Department of Education. Our plan is written as a living document that will evolve over the course of the summer. As we experienced for the past 15 months, the COVID-19 pandemic has thrown new information our way on a weekly, and sometimes daily, basis. We anticipate that we will need to continue to be nimble when applying our knowledge about successful mitigation of airborne illnesses in public schools to emerging threats from COVID-19 variants or other yet unknown diseases. The overall goal of this plan is to return to as much “normal” as possible while continuing to protect the health and welfare of both students and staff.

Key Instructional Strategies:

The key instructional strategies we successfully used this past year will continue to be used as appropriate:

- In-person learning is better than remote learning for most students. The Litchfield School District will continue to offer highly engaging direct instruction as our primary means of teaching and learning.
- Remote instruction, when properly designed and resourced, will continue to have a role for some students. While we recognize that these situations are rare, the district will allow remote instruction when school based teams have determined that it is in a student’s best interest due to medical necessity. We also anticipate that remote learning may be used whenever it is not safe to attend school due to an outbreak of illness or a weather emergency.
- Google Classroom will continue to be the Learning Management System and platform used by all teachers in grades 1 through 12 for the delivery of curriculum, instruction and assessment.
- The emotional and physical well-being of our staff and students will continue to be emphasized in the future. We will provide equitable access to support services including mental health and instructional interventions and support.
- We will include and actively support collaborative planning time for staff in the daily schedule at each school. We have learned that by working together on instructional goals, all students

*** This is a DRAFT plan that is subject to change as new information or situations develop. ***

benefit from enhanced instructional and assessment practices. This will be particularly important as we continue to identify and address learning gaps related to the pandemic.

Key Mitigation Strategies:

The key mitigation strategies that we successfully employed this past year will continue to be used as appropriate:

- **Best Practices** - We will continue to follow Guidelines and Recommendations from the New Hampshire Department of Public Health (NH-DPS) as published for public schools.
- **Data** - Examining local and state data points has helped us to stay ahead of the illness. We will continue to make data informed decisions related to the safe operation of our schools.
- **Personal Responsibility** - This has been a hallmark feature of our reopening planning and will continue to play a prominent role in the future.
 - **Daily Health Screening** will be emphasized as a critical aspect of how staff and students can care for the health of self and others.
 - **Physical distancing** throughout the school day has proven to be an effective way to prevent the spread of airborne illnesses and will continue to be encouraged and used whenever possible.
 - **Masks** have proven to be effective in preventing the spread of airborne pathogens. Masks will be optional at school when there are low levels of community transmission. If local conditions indicate higher levels of community transmission, we may require masking.
 - **Hand-washing/ sanitation** and other respiratory etiquette and protocols will continue to be taught and emphasized in our schools.
- **Effective Communication** - We have used our communication tools to ensure parents and staff are aware of conditions in both individual classrooms and school buildings. We anticipate that effective communication about the prevention of, and concerns related to, illness in our schools will continue to be extremely important in future school years.
- **Vaccines** - While decisions about vaccination are highly personalized and left up to each individual and family, we believe they have proven effective in preventing the spread of COVID-19 and other airborne illnesses such as seasonal influenza. The school district does not intend to require vaccines for any students or staff, but will continue to support activities that promote effective access to vaccines such as hosting clinics and sharing information from scientists and medical professionals.
- **Facilities** - Our schools are tremendous community assets and we intend to open them as much as possible. Decisions about school use by visitors, volunteers and community groups will continue to be made on a case-by-case basis considering environmental conditions.
- **Cleaning** - Our schools will continue to be cleaned on a daily basis by following guidelines established for public facilities and schools.
- **Funding** - We have used a combination of federal and local funds to update our ventilation systems in each school. Providing the correct amount of fresh air in each learning space has been critical to ensuring the health and safety of our students and staff. We will continue to invest in our infrastructure to ensure the learning environment is safe and comfortable for all participants. We believe this investment is effective for all airborne illnesses including the common cold, influenza and COVID-19 and will improve attendance and time on task for all.

*** This is a DRAFT plan that is subject to change as new information or situations develop. ***



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“Imagine Greatness, Expect Success!”

Memo to Litchfield School Board

July 9, 2021

Explanation to accompany Litchfield School District Special Education Procedures Plan

From: Devin Bandurski

Each district must have special education procedures and effective practices that are aligned with and support the implementation of the IDEA, New Hampshire Statutes, and the New Hampshire Standards for the Education of Children with Disabilities.

The changes in this document are reflective of changes and amendments to the NH standards and needs to be adopted by our district.

Thank you.

Litchfield School District

Special Education Procedures Plan



July 2021

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Special Education Procedures Plan Ed 1126.01(b)

This Special Education Procedures Plan (Plan) describes Litchfield School District's (LEA) procedures regarding the provision of a free and appropriate public education (FAPE) to all children with disabilities. The LEA will annually review this special education procedural plan so that the procedures reflect current federal and state regulations.

This Plan has been developed to assure the SEA that the LEA has procedures to meet the eligibility requirement of Part B of the IDEA for purposes of receiving federal funds.

This Plan is aligned with 34 CFR Part 300 of the Assistance to States for the Education of Children with Disabilities and Preschool Grants for Children with Disabilities - Final Rules - 8/14/06 (IDEA 2004) and The New Hampshire Standards for the Education of Children with Disabilities adopted March 23, 2017, , amended June 14, 2018, amended August 9, 2018 (NH Standards).

Child Find Procedure
34 CFR 300.111 Ed 1126.01(b)(1) Ed 1105
Participation with Other Agencies
Ed 1126.01(b)(10)

The Litchfield School District understands its obligation to find children who are potentially a child with a disability who is 2.5 years of age up to 21 years of age. This responsibility is known as child find and is defined in the NH Standards for the Education of Children with Disabilities under section Ed 1105.

The Litchfield School District ensures that all children who have disabilities, from 2.5 to age 21, who reside in the District, and who need special education and related services are identified, located and evaluated. This applies to all children with disabilities, including highly mobile children (such as migrant and homeless children), children placed in homes for children, health care facilities, or state institutions, and children who are suspected of being eligible under IDEA, even though they are advancing from grade to grade. In addition, this applies to those children attending approved, non-public private schools within the geographic boundaries of the District.

All data and information collected and used under this section are subject to confidentiality requirements as described in the Confidentiality section.

The District child find program includes, at a minimum, the following:

Annual Dissemination of Child Find Procedures

On an annual basis, the District publicizes and disseminates information, which describes its Child Find Program. This includes a description of the District's special education program, supports and services, including a contact person, his/her functions, and how he/she might be contacted for further information or referral.

The District annually provides all parents of children with disabilities information regarding their rights and responsibilities under federal and state special education laws.

On an annual basis, the District contacts all approved nonpublic private schools (including religious elementary and secondary schools) within its geographic boundaries regardless of where the child resides. The District conducts a consultation meeting and advises school officials of the District's responsibilities to identify and evaluate all students who are suspected of or known to be a child with a disability enrolled in such schools. The District conducts child find activities that ensure equitable participation of private school students with disabilities and provide an accurate count of those students. All child find activities conducted for children

enrolled in private schools by their parents are similar to those activities conducted for children who attend public schools in the District. Referrals from approved nonpublic schools are forwarded to an appropriate special education team for further consideration.

The District ensures there are continuing efforts related to cultural competency in relation to public awareness and child find activities, such as the ability to communicate with and relate to parents and families in ways which are appropriate to their individual racial, ethnic, and/or cultural backgrounds.

Referral Process

Any person may refer a child to the IEP team for reasons including but not limited to the following (list is not exhaustive):

- Failing to pass a hearing or vision screening
- Unsatisfactory performance on group achievement test or accountability measures
- Receiving multiple academic and/or behavioral warnings or suspensions/expulsions from a child care or after school program
- Repeatedly failing one or more subjects
- Inability to progress or participate in developmentally appropriate preschool activities
- Receiving services from family centered early supports and services

The District ensures that all referrals from parents and others who suspect or know a child with a disability are forwarded to the special education evaluation team. The District shall provide the parents with a written notice of any referral other than one initiated by the parent.

Transition Process for Children Exiting Family Centered Early Supports and Services Who is Potentially a Child with a Disability

The District shall coordinate with area agencies and family centered supports and services to establish a process of District notification of children served by these programs consistent with the interagency agreement between the District and the area agencies providing family centered supports and services.

- Ed 1105.04(a): The District shall develop a written early transition process for children exiting family centered early supports and services which assures that any child who is potentially a child with a disability is evaluated and eligibility for special education is determined prior to the child's third birthday. If a child is determined to be a child with a disability eligible for special education and related services, the District shall ensure that an IEP is developed and implemented on/before the child's third birthday.
- Ed 1105.04 (b): The transition process in Ed 1105.04(a) shall include a written interagency agreement between the District and the local area agencies, as defined by RSA 171-A:21-b, responsible for the provision of family centered supports and services in that community.

Participation with Other Agencies

The Litchfield School District welcomes the opportunity to collaborate with other agencies who provide services to students.

Such agencies may include but are not limited to counselors, medical providers, and therapists. The district is required to have releases for communication on file in order to participate in this sort of interagency collaboration. Parents are encouraged to share contact information of appropriate agencies and consider granting permission for communication with the district.

Confidentiality of Information

Ed 1126.01(b)(2); Ed 1119

The Litchfield School District adheres to the Confidentiality of Information regulations set forth in the NH Standards Ed 1119.01(b)(1), the Federal Family Educational Rights and Privacy Act of 1974 20 U.S.C. 1232G, (FERPA) and its implementing regulations in 34 CFR Part 99 and the Individuals with Disabilities Education Act (IDEA 2004; 34 CFR 300.610-627).

Annual Notice

- The District provides annual notice to families and students of their rights under FERPA. This notice is published on each school's website and is available in hard copy upon request.

Access Rights

- Consistent with RSA 189:66 (IV)(a), parents or eligible students who wish to inspect their child's or their education records should submit a written request that identifies the records they wish to inspect. The school will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected. Access will be granted within 14 days of receipt of the request.

Record of Access

- Each school will maintain and review at least annually a list of the names and positions of those employees who may have access to personally identifiable student information.
- The District keeps a record of parties obtaining access to education records collected, maintained, or used under Part B of IDEA (except access by parents and authorized employees of the participating agency), including the name of the party, the date access was given, and the purpose for which the party is authorized to use the records.

Record on More than One Child

- If any education record includes information on more than one child, the parents of those children have the right to inspect and review only the information relating to their child or to be informed of that specific information.

Amendment of Records at Parent Request

- Parents or eligible students who believe records are inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA may ask the school to amend their child's or their education record. The parent or eligible student should submit a written request to the building Principal clearly identifying the part of the record they want changed and specify why it should be changed. If the school decides not to amend the record as requested by the parent or eligible student, the school will notify the

parent or eligible student of the decision and of their right to request a hearing regarding the request for amendment.

- A request for a hearing must be submitted in writing to the building Principal, within 30 days of the date of the decision denying the requested amendment. Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing. The rights pertaining to access and challenging described herein are transferred to the student on the attainment of his/her 18th birthday.

Consent

- Parents and eligible students have the right to provide written consent before the school discloses personally identifiable information (PII) from the student's education records, except to the extent that FERPA authorizes disclosure without consent.
- One exception, which permits disclosure without consent, is disclosure to school officials with legitimate educational interests. 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.
- Upon request, the school discloses education records without consent to officials of another school or school district in which a student seeks or intends to enroll or is already enrolled if the disclosure is for purposes of the student's enrollment or transfer. The School will make a reasonable attempt to notify the parent or student of the records request unless it states in its annual notification that it intends to forward records on request or the disclosure is initiated by the parent or eligible student.

List of Types and Locations of Records

- The District will provide parents on request a list of the types and locations of education records collected, maintained, or used by the District.

Fees

- The District may charge a fee for copies of records that are made for parents under this part if the fee does not effectively prevent the parents from exercising their right to inspect and review those records. Consistent with policy JRA adopted 4/26/06, an

eligible student and his/her parent, or either one, as applicable, shall have access to the student record, and may have copies of any information in the record upon payment of a reasonable fee (\$.30 per page).

Retention and Destruction of Special Education Records

- Upon a student's graduation from high school, his or her parent(s)/guardian(s) may request in writing that the District destroy the student's special education records, including any final individualized education program.
- The parent(s)/guardian(s) may, at any time prior to the student's twenty-sixth birthday, request, in writing, that the records be retained until the student's thirtieth birthday.
- Absent any request by a student's parents to destroy the records prior to the twenty-sixth birthday, or to retain such records until the student's thirtieth birthday, the District shall destroy a student's records and final individualized education program within a reasonable time after the student's twenty-sixth birthday, provided that all such records be destroyed by the student's thirtieth birthday.
- A permanent record of a student's name, address, and phone number, his or her grades, attendance record, classes attended, grade level completed, and year completed may be maintained without time limitation. 34 CFR 300.624.
- The District shall provide parents/guardians, or where applicable, the adult student, with a written notice of the District's document destruction policies upon the student's graduation with a regular high school diploma or at the transfer of rights, whichever occurs first.
- The District shall provide public notice of its document destruction policy at least annually.

If the rights accorded to parents are transferred to a student who reaches the age of majority, the rights regarding education records are also transferred to the student. The LEA will provide any notice required to the student and the parents.

Facilities, Personnel & Services

Ed 1126.01(b)(3)

The Litchfield School District shall take steps to ensure that children with disabilities have equal access to the variety of educational programs and services available to nondisabled children. The District ensures that, to the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with students who do not have disabilities. Special classes, separate classes, separate schooling, or other removal of students with disabilities from the regular educational environment occurs only when the nature or severity of the disability is such that education in regular classes with the uses of supplementary aids and services cannot be achieved satisfactorily. Placement decisions for children with disabilities shall be made on an individual basis by the IEP team and in accordance with the procedures described in The Plan in the section entitled Pupil Evaluation to Placement.

The District shall provide a full range of opportunities, programs and services to meet the unique needs of children with disabilities in the least restrictive educational setting. The District shall ensure that every child with a disability shall have full access to the general curriculum with accommodations and modifications as delineated in the IEP. This includes the provision of non-academic and extra-curricular services.

The District shall provide access to vocational training and transition services as appropriate. Vocational and transition services are provided primarily within the District and at the high school level. Other student specific circumstances may be addressed as determined by the IEP team.

A list of approved Special Education Programs is maintained at the School District Office.

Equipment, Materials and Assistive Technology

The District shall provide appropriate instructional equipment and materials, including assistive technology devices and assistive technology services appropriate to implement each student's IEP.

Personnel Standards

Personnel providing services to children with disabilities in public elementary and secondary schools shall be appropriately credentialed as required under 34 CFR 300.18 and 34 CFR 300.156, except as provided in Ed 1113.12 (b) and (c) for paraprofessional personnel.

All formal diagnostic assessments shall be administered by qualified examiners as set forth in Table 1100.01 of the New Hampshire Standards for the Education of Children with Disabilities, "Required Assessments and Qualified Examiners by Type of Disability."

Continuum of Alternative Learning Environments--Ages 6-21 (Table 1100.3)

The District provides educational services to students with disabilities along a continuum of environments including the following:

Regular Education Setting: A child with a disability attends the regular class with supports and services as required in the IEP.

Resource Room: A child with a disability attends a regular class and receives assistance at or through the special education resource room for no more than 60% of the child's school day.

Self-contained Special Education Class: A child with a disability attends a self-contained special education class for more than 60% of the child's school day.

Separate Approved Special Education Program/School: A child with a disability attends a public or privately-operated special education program/school.

Residential Placement: A child with a disability attends a publicly or privately-operated residential program.

Home Instruction: A child with a disability receives all or a portion of her/his special education program at home.

Hospital or Institution: A child with a disability receives special education while in a hospital or institution.

Continuum of Alternative Learning Environments -- Ages 3-5 (Table 1100.2)

Children in preschool programs shall be grouped by age levels with a range of not more than three years. Children with disabilities shall be provided with appropriate special education and related services through the District's preschool programs and services. Each program shall provide personnel who are endorsed in the area of disability consistent with the student population of the program (Ed 1113.10(c) (7-8)).

Early Childhood Program: A preschool child with a disability attends an early childhood program that includes at least 50% nondisabled children.

Home: A preschool child with a disability receives some or all of his/her supports and services in the child's home.

Early Childhood Special Education Program: A preschool child with a disability attends an early childhood special education program which can include any of the classrooms described in Ed 1113.10(c)(5).

Service Provider Location: A preschool child with a disability receives supports and services from a service provider.

Separate School: A preschool child with a disability attends a publicly or privately-operated separate day school facility designed specifically for children with disabilities.

Residential Facility: A preschool child with a disability attends a publicly or privately-operated residential school or residential medical facility on an inpatient basis.

Home Instruction for School Aged Children with Disabilities (Ed 1111.04)

A child with a disability receives all or a portion of his/her special education program at home in accordance with Ed 1111.04.

- Home instruction for children at least six years of age but less than 21 years of age shall include a minimum of ten hours per week of instruction, including special education services and related services as specified in the child's IEP.
- Home instruction for children at least six years of age but less than 21 years of age shall not include parent designed home instruction programs as authorized in Ed 315.
- A child's placement is determined at least annually and is based on the child's IEP.
- Children who are placed in home instruction shall be allowed to participate with nondisabled children to the maximum extent appropriate to the needs of the child.
- The length of the school year and school day for a home instruction placement shall be consistent with RSA 186-C:15 except when the superintendent has excused a student from fulltime attendance in which case the superintendent and parent shall agree on the number of hours per week of instruction, including special education and related services.

Facilities and Location

- Classrooms and other instructional areas for children with disabilities shall be located in a building with students of a similar chronological age and shall be comparable to other classrooms within the school.
- The physical space used for classrooms and other instructional programs and school activities for children with disabilities shall meet the state requirements in Ed 321.10 and Ed 321.11 for physical space for classrooms and other instructional programs for other children enrolled at the school. Length of School Day, School Year and Extended School Year
- Preschool level: The IEP team shall determine the length of the school day for preschool students with disabilities and shall be included in the IEP or IFSP.
- Elementary/High School: The District shall provide a standard school year for children ages 6 – 12 of at least 180 days or the equivalent number of hours approved by the Commissioner of Education, NHDOE, consistent with the provisions of RSA 186-C:15 I, RSA 189:1 and 189:24, and Ed 306.18-Ed 306.21.
- Extended School Year: Children with disabilities ages 3 to 21 that are eligible and in need of extended school year services shall receive extended school year services in accordance with Ed 1110.

When, due to a student's limited physical and/or emotional stamina, the special education placement team recommends a school day of less than the minimum hours listed above, written consent shall be obtained from the Superintendent of Schools and the parent prior to implementing a shortened school day. A copy of the written consent shall be sent to the parent

and another placed in the student's school records. If it would cause a serious adverse effect upon a child's educational progress pursuant to RSA 193:1 I(c), the Superintendent shall not excuse a child from the required minimum school day. The District's obligation to provide a free and appropriate public education to a child shall still be in effect even if the child attends school for a shortened school day.

Supervision and Administration

The Superintendent of Schools, the Director of Special Services, Principals, Assistant Principals or their designees shall supervise the services and programs provided to students with disabilities. Paraprofessionals shall work under the direct supervision of appropriately certified personnel and be supervised by the professional under whom they work as often as deemed necessary by the District, but no less than once each week. Paraprofessionals shall implement plans designed by the supervising professionals and monitor the behavior of student(s) with whom they work. They may not design or evaluate the effectiveness of programs.

Diplomas

The Litchfield School District shall provide all children with disabilities an equal opportunity to complete a course of studies leading to a regular high school diploma. Children with disabilities shall be entitled to continue in an approved program until such time as the student has acquired a regular high school diploma or has attained the age of 21, whichever occurs first, or until the IEP team determines that the child no longer has a disability in accordance with Ed 1107.

The term "regular high school diploma" does not include an alternative degree that is not fully aligned with the NH School Approval Standards, such as a certificate or a High School Equivalency Test (HiSET). Any student who receives a diploma/certificate other than the District's regular high school diploma remains eligible to receive a free appropriate public education until he or she reaches age twenty-one or until the IEP Team, through a formal evaluation process, determines that such student is no longer in need of, and thereby not eligible for, special education and related services.

Personnel Development Ed 1126.01(b)(4)

Personnel Development

The District has adopted a Professional Development Master Plan to serve as a basic guideline for the operation of its professional development for the five-year period of July 1, 2021 to June 30, 2026 (dates subject to change).

The District promotes a climate that encourages the continuing education and training of all staff within the District. The Professional Development Master Plan shall advance an educational environment in which students receive high exposure to stimulating teachers, instructional materials and activities. Professional development activities that enhance the knowledge and skills of all staff related to the education of children with disabilities and increase their understanding of the diverse needs of all students shall be offered to all teachers, specialists, paraprofessionals, administrators and other IEP team members.

A variety of professional development opportunities shall be available to District staff, including job-embedded activities, in-service workshops, conferences and/or formal coursework reimbursed through the District.

Professional development initiatives for the current and upcoming school year include:

- New Teacher Orientation for all incoming teachers new to the SAU
- SAU 27 District-Wide Workshop Days for all staff held in August, October, and March
- Special Education Law and other conferences throughout the year

Additionally, staff members of the school District shall participate in child-specific training and professional consultation as required to help them understand various types of disabilities and meet the needs of individual students.

The SAU 27 Professional Development Master Plan is housed at the SAU 27 office and is available upon request.

Procedural Safeguards

34 CFR 300.504 Ed 1126.07(b)(7) Ed 1120

The Individuals with Disabilities Education Act includes a section entitled "Procedural Safeguards". These safeguards are designed to protect the rights of children with disabilities and their parents. They also provide families and schools the means for resolving disputes that may arise throughout the special education process.

Litchfield School District will give a copy of the current procedural safeguards notice to parents, including plain language explanations of parents' procedural rights, once per year, but at a minimum upon:

- Initial referral for evaluation or parental request for an evaluation
- The first time in a school year that a request for a due process hearing is filed
- The first time in a school year that a complaint is filed
- The date in which the decision is made to make a removal that constitutes a change in placement of a child with a disability because of a violation of a code of student conduct, in accordance with the discipline procedures in 34 CFR 300.536.
- Upon request by the parent

LEA Procedural Safeguards

The Procedural Safeguards Handbook is available at each of the schools and at the following link:

https://www.education.nh.gov/instruction/special_ed/documents/procedural_safeguards_handbook.pdf

Pupil Evaluation to Placement
Ed 1126.01(b)(8)
Parent Involvement
Ed 1126.01(b)(5)

Litchfield School District implements the Special Education Process that includes procedures for referral, evaluation, development of IEPs, and placement for children with disabilities. These procedures involve parents in all aspects of the pupil evaluation to placement process (Ed 1104.01).

- a) Referral
- b) Evaluation
- c) Determination of eligibility
- d) Development and approval of IEP
- e) Placement
- f) Ongoing monitoring of the IEP
- g) Annual review of the IEP

REFERRAL (Ed 1106)

Any student age 2.5 to 21 years suspected of having a disability may be referred to the District by parents, District personnel, or any other concerned party. A child's parents may also contact their child's teacher(s) or other school professional to request an evaluation. This request may be verbal or in writing; however, parents will be asked to place their request in writing and submit it to the building Administrators. Assistance in completing this written request shall be available to parents upon request.

Upon receipt of a referral from someone other than a parent, and prior to the evaluation of a child suspected of being a child with a disability, the District shall immediately send written notification of the referral to the parent. Procedural Safeguards will be included with the parent notification.

A meeting will be scheduled and held within 15 business days of receipt of the referral to review the referral and determine the appropriate course of action. At a minimum, the following people shall be invited to be part of the referral team:

- One or both of the student's parents which includes biological or adoptive parents, legal guardians or surrogate parents, including foster parents who have fulfilled certain requirements
- A representative of the School District other than the student's teacher who is qualified to provide or supervise the provision of special education services
- Not less than one regular education teacher of the child (if the child is, or may be, participating in the regular education environment)

- Not less than one special education teacher or, when appropriate, not less than one special education provider of the child
- The student (if of the age of majority) and where otherwise appropriate
- Other individuals at the discretion of the parent or School District who have knowledge or expertise regarding the child

The District representative shall be qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities, knowledgeable about the general curriculum, and knowledgeable about the availability of District resources.

The team will review concerns raised in the referral and decide which of the following actions should occur.

- 1. Determination that the student is not suspected to be a child with a disability**
 - The IEP team considers information available, including parent concerns, and determines that no evaluation is needed.
 - The IEP team may recommend intervention strategies to be used in the regular class or other District options (CAT/CHAT Team; 504 Team, etc).
 - The IEP team shall document its decision in meeting notes and Written Prior Notice.
- 2. Determination that the child may be a child with a disability**
 - The IEP team considers information available, including parent concerns, and determines that further evaluation is needed to address concerns and determine if the child is eligible for special education and related services.
 - The IEP team may request additional information from outside sources. Parents will be asked to provide written consent for the District to obtain this information.
 - The IEP team shall document its decision(s) in meeting notes and Written Prior Notice, and request written parental consent for evaluation.
- 3. Determination that the team requires more information before it can come to consensus regarding suspicion of an educational disability**
 - The IEP team considers information available, including parent concerns, and determines that additional information is required in order to make a determination.
 - The IEP team will generate a plan for obtaining the required information. This may include requesting additional information from outside sources. Parents will be asked to provide written consent for the District to obtain this information.
 - The IEP team shall document its decision in meeting notes and Written Prior Notice.

In each situation, if the child's parent disagrees with the team's disposition of the referral, the parent or District may activate the due process procedures (Ed 1121). The District shall comply with federal and state law and regulations when accepting referrals and transitioning children from early supports and services programs to preschool programs.

EVALUATION (Ed 1107)

When the team determines that a child is suspected of requiring special education services, a full and individual evaluation is provided to determine if the child is a “child with a disability” and to determine the educational needs of the child. The IEP team plans initial evaluations and reevaluations, and parents are active participants in the evaluation planning process. Evaluations will be provided based on the suspected disability (or disabilities), and in accordance with the NH Standards. The child’s educational history shall be reviewed, including identification of the child’s past opportunities to have acquired important skills and information.

The District shall comply with state and federal laws and regulations relative to initial evaluations, evaluation procedures and re-evaluations, including the additional procedures required for evaluating children with specific learning disabilities.

Written parental consent is required in order for the District to conduct evaluations as a part of an eligibility determination. If a parent refuses consent to a proposal included in Ed 1120.04(a)(1) the District shall have the authority to pursue the initiation of a due process hearing under ED 1123. (Ed 1120.05 (c)) Written parental consent shall also be required for individual evaluations that are necessary to further diagnose the needs of a child who has previously been determined to be a child with a disability.

The District shall complete initial evaluations within 60 calendar days after receipt of written consent from the parent. For reevaluations, the evaluation process shall be completed within 60 calendar days after the receipt of parental consent to evaluate, or at the conclusion of any extension. When circumstances warrant additional time to complete reevaluations, upon written consent of the parties, a 60 day time limit may be extended by a specific number of days, not to exceed 30 days. A copy of this written agreement will be placed in the child’s confidential file with the signed permission to test. When an extension is requested, the team shall make every effort to complete the evaluation in the shortest amount of time possible.

If a child with a disability moves into the District from another NH District his/her disability identification will be honored without delay.

If the child is moving into the District from another state, an IEP team meeting will be convened as soon as possible to review the types of evaluations that have previously been conducted and to plan any further evaluations necessary to determine eligibility in accordance with the NH Standards. If evaluations are not sufficient or current, further evaluations will be conducted as per team agreement. Formal eligibility as a child with a disability, as defined in the NH Standards, shall be determined within 60 calendar days of receipt of parental permission to evaluate. The student will receive FAPE including special services comparable to those described in the out of state IEP during this interim period.

The District shall ensure that evaluation materials and instructions are presented in the child’s native language or other mode of communication and in the form most likely to yield

information on what the child knows, and can do academically, developmentally and functionally, unless it is clearly not feasible.

Examiners shall be responsible for selecting current assessment tools that have been demonstrated to be reliable and valid. The District shall periodically review and consistently update test materials to the most current editions. Examiners shall be expected to use all test materials for their intended purpose. If an assessment is not conducted under standard conditions, a description of the extent to which it varied from standard conditions must be included in the evaluation report.

The District shall ensure that all evaluators are qualified according to the NH Rules. (See Table 1100.1) Each evaluator shall prepare a test report reflecting the data and their conclusions.

DETERMINATION OF ELIGIBILITY (Ed 1108)

Upon the completion of the administration of tests and other evaluation materials, a team of qualified professionals and the parent of the child will meet to review the results and recommendations of the evaluations and to determine whether the child is a child with a disability and that the child requires specialized instruction. At this meeting, team members will draw upon information from a variety of sources, including aptitude and achievement tests, parent input, teacher recommendations, physical condition, social or cultural background, and adaptive behavior. They must ensure that the information obtained from all of these sources is documented and carefully considered. The team will complete a written summary containing the results of the various diagnostic findings and forward a copy of the report to the parent and maintain a copy for the child's records. The report shall include, at a minimum:

- (1) The results of each evaluation procedure, test record, or report;
- (2) A written summary of the findings of the procedure, test, record, and/or report; and
- (3) Information regarding the parent's rights of appeal in accordance with the NH Standards - Ed 1120 and a description of the parent's right to an independent evaluation in accordance with the NH Standards - Ed 1107.03.

The LEA shall provide parents with copies of each examiner's evaluation and assessment report(s) at least 5 days prior to the meeting of the IEP team at which the evaluation and assessment report(s) will be discussed. The LEA shall provide the report(s) by sending the report(s) to the parents via US mail unless the parents and the LEA agree upon another method.

A child may not be determined to be eligible if the determining factor for that eligibility decision is lack of instruction in reading or math, limited English proficiency, or the child does not otherwise meet the eligibility criteria under state guidelines. If a determination is made that a child has a disability and needs special education and related services, a meeting to develop an IEP shall be conducted within 30 calendar days of the eligibility meeting.

Additional Procedures for Evaluating Children with Specific Learning Disabilities (CFR 300.307)

The Litchfield School District has adopted Policy IHBA which describes the evaluation

procedures and standards that will be used to evaluate whether a child has a learning disability. This policy can be found on the school district website.

Evaluation requirements for Children with Specific Learning Disabilities (Ed. 1107.02)

(a) For purposes of evaluating whether a child has a specific learning disability one or more of the following criteria shall be used:

- (1) A discrepancy model between intellectual skills and achievements;
- (2) A process that determines if the child responds to scientific, research-based intervention as part of the evaluation procedures described in 34 CFR 300.307 (a)(2); and
- (3) Other alternative research-based procedures as described in 34 CFR 300.307 (a)(3)

(b) Each LEA shall adopt a policy describing the evaluation procedures and standards that will be used to evaluate whether a child has a specific learning disability. When a child is suspected of having a specific learning disability, the District shall comply with the additional evaluation requirements for this disability category.

A group may determine that a child has a specific learning disability if:

1. The child does not achieve adequately for his/her age or to meet State-approved grade-level standards in one or more of the following areas, when provided with learning experiences and instruction appropriate for the child's age or State-approved grade-level standards:
 - Oral Expression
 - Reading Fluency Skills
 - Listening Comprehension
 - Reading Comprehension
 - Written Expression
 - Mathematics Calculation
 - Basic Reading Skill
 - Mathematics Problem Solving
2. The child does not make sufficient progress to meet age or State-approved grade-level standards in one or more of the areas identified above when using a process based on his or her response to scientific, research-based intervention, or
3. The child exhibits a pattern of strengths and weaknesses in performance, achievement, or both, relative to age, State-approved grade-level standards, or intellectual development, that is determined by the group to be relevant to the identification of a specific learning disability, using appropriate assessments, and
4. The group determines that the evaluation findings are not primarily the result of:
 - A visual, hearing, or motor impairment;
 - Intellectual Disability;
 - Emotional disturbance;
 - Cultural factors;
 - Environmental or economic disadvantage; or

- Limited English proficiency.

5. Teams must consider the student's achievement measured against expectations for the child's age and grade level standards/expectations set by the state.

In order to ensure that underachievement in a child suspected of having a specific learning disability is not due to lack of appropriate instruction in reading or math, the group must consider, as part of its evaluation:

- data that demonstrates that prior to, or as a part of, the referral process, the child was provided appropriate instruction in regular education settings delivered by qualified personnel; and
- data-based documentation of repeated assessments of achievement at reasonable intervals, reflecting formal assessment of student progress during instruction, which was provided to the child's parents.

The District shall promptly request parental consent to evaluate the child to determine if the child needs special education and related services, and shall adhere to the established timeframes (unless extended by mutual written agreement of the child's parents and the District)

- if, prior to a referral, the child has not made adequate progress after an appropriate period of time when provided instruction; and
- whenever a child is referred for an evaluation.

Observation:

- At least one team member other than the child's regular teacher shall observe the child's academic performance in the regular classroom setting.
- The District must ensure that the child is observed in the child's learning environment (including the regular classroom setting) to document the child's academic performance and behavior in the areas of difficulty.
- In the case of a child of less than school age or out of school, a team member shall observe the child in an environment appropriate for a child of that age.

Written Report:

For a child suspected of having a specific learning disability, the documentation of the team's determination of eligibility shall include a statement of:

- Whether the child has a specific learning disability;
- The basis for making the determination;
- The relevant behavior noted during the observation of the child;
- The relationship of that behavior to the child's academic functioning; and educationally relevant medical findings, if any;
- Whether the child does not achieve adequately for the child's age or to meet State-approved grade-level standards; and the child does not make sufficient progress to

meet age or State-level standards, or the child exhibits a pattern of strengths and weaknesses in performance, achievement, or both relative to age, State-approved grade level standards or intellectual development.

- The determination of the group concerning the effects of visual, hearing, or motor disability; intellectual disability; emotional disturbance; cultural factors; environmental or economic disadvantage; or limited English proficiency on the child's achievement level (300.311); and
- If the child has participated in a process that assesses the child's response to scientific, research-based intervention- strategies uses, data collected, strategies for increasing learning, and parents right to request an evaluation

Each team member shall certify in writing whether the report reflects his or her conclusion. If it does not reflect his or her conclusion, the team member must submit a separate statement presenting his or her concerns.

RE-EVALUATION

The District shall ensure that a re-evaluation of each child with a disability is conducted at least once every three years or sooner if the child's parent or teacher requests a re-evaluation.

The IEP team, including parents as active participants and other qualified professionals as appropriate, shall plan re-evaluations. The Team may determine that previous assessments used to determine eligibility are still considered to be valid. Such decisions must be documented in the Written Prior Notice form.

INDEPENDENT EDUCATIONAL EVALUATIONS (Ed 1107.03)

Parents of a child with a disability have the right to obtain an independent educational evaluation at public expense if they disagree with an evaluation conducted by the District. If parents request an independent educational evaluation at public expense, the District: shall either initiate a due process hearing to show that its evaluation is appropriate or ensure that an independent educational evaluation is provided at public expense.

The District may ask for the reason why parents object to the District's evaluation; however, the explanation shall not be required, and the District shall not unreasonably delay either providing the independent educational evaluation at public expense or initiating a due process hearing to defend the District's evaluation.

If a parent obtains an independent educational evaluation at private expense, the District shall consider the results of the evaluation if it meets the District's criteria. If an independent educational evaluation is at public expense, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the examiner, must be the same as the criteria that the District uses when it initiates an evaluation, to the extent those criteria are consistent with the parent's right to an independent educational evaluation. The agency criteria, determined by the District, shall not be so restrictive that it effectively prohibits

parent choice Ed 1107.03(c)). Results of an independent evaluation obtained at parents' expense may be presented as evidence at a hearing regarding the child.

DEVELOPMENT OF THE INDIVIDUALIZED EDUCATION PROGRAM (IEP) (Ed 1109)

A meeting to develop an Individualized Education Program (IEP) for the child shall be conducted within 30 calendar days of a determination that the child needs special education and related services.

For previously identified children with disabilities, the IEP must be in place at the beginning of the school year. The District shall take steps to ensure that one or both of the child's parents attend each IEP meeting or are afforded the opportunity to participate. IEP meetings will be scheduled during the day at a mutually convenient time and place. The District shall ensure that parents of a child with a disability receive written notice no fewer than 10 calendar days before an IEP meeting is to occur. The notice shall include the purpose, time, location, and identification of the participants. The 10-day notice requirement may be waived with the written consent of the parent or upon the written request of the parent. If the parent is unable to attend a meeting, they may ask for it to be rescheduled or held in a different location. The District shall consider alternative ways for a parent to participate if he or she is not able to physically attend a meeting, such as a telephone conference call. If for some reason parents cannot take part in scheduled meetings, documentation of the attempts made to include the parent shall be kept.

Consistent with ED 1109.01, each IEP shall include:

- The elements listed in 34 CFR 300.320;
- The length of the school year and the school day required to implement the IEP;
- The types of service providers who would be responsible for implementing the IEP or the names of those providers;
- A statement identifying the party or parties assuming the financial responsibility for the implementation of the IEP;
- The signature of the parent or, where appropriate, student, and representative of the LEA stating approval of the provisions in the IEP;
- Short-term objectives or benchmarks for all children unless the parent determines them unnecessary for all or some of the child's annual goals;
- Short-term objectives or benchmarks for all children who take alternate assessment based on alternate achievement standards;
- A statement of how the child's progress toward meeting the annual goals shall be provided to the parents;
- A statement of how the child's progress toward meeting the annual goals will be measured and whether progress is sufficient to achieve the annual goals by the end of the school year; and
- A statement of transition services that meets the requirements of 34 CFR 300.43 and 34 CFR 300.320(b), with the exception that a plan for each student with a disability beginning at age 14 or younger, if determined appropriate by the IEP team, shall include

a statement of the transition service needs of the student under the applicable components of the student's IEP that focuses on the student's courses of study such as participation in advanced-placement courses, vocational education, or career and technical education.

In the event that Specialized Transportation is a required service in the IEP, the district will comply with ED 1109.02 relative to vehicles, licensing and transporting of children.

For purposes of the Special Education process, the term “parent” is defined as “a biological or adoptive parent, surrogate parent or a guardian. Parent does not mean when the state has legal guardianship.” In instances when a child with a disability requires special education and the parent or guardian is unknown or cannot be located after reasonable efforts are taken to find said parent the district may be required to request an educational surrogate. An educational surrogate is defined in RSA 186 C: 14, II (a) as a person appointed to act as a child's advocate and a place of the child's natural parents or guardian in the educational decision-making process who is appointed pursuant to Ed 1115.05.

The Litchfield School District will take necessary steps to ensure that parents understand the proceedings at IEP team meetings, including arranging for interpreters for parents whose native language is other than spoken English.

THE IEP TEAM (Ed1103.01)

A team approach shall be used to develop an IEP for each child with a disability. The IEP team shall include:

- The parents of the child
- Not less than one regular education teacher of the child (if the child is, or may be, participating in the regular education environment)
- Not less than one special education teacher of the child, or, where appropriate, not less than one special education provider of the child
- A representative of the public agency who:
 - Is qualified to provide or supervise the provision of specially designed instruction to meet the unique needs of children with disabilities
 - Is knowledgeable about the general curriculum; and
 - Is knowledgeable about the availability of resources of the public agency
- An individual who can interpret instructional implications of evaluation results,
- Other individuals who have knowledge or special expertise regarding the child (at the discretion of the parent or school District)
- Transition service representative if applicable
- If appropriate, the child

A team member may be excused from the whole or part of the meeting if the parent and the District agree the member's area of curriculum or related services is not being modified or

discussed. The District or parent shall notify the other party 72 hours before a scheduled meeting or upon learning of the expected absence of a team member, whichever is earlier. (Ed 1103.01 (d)).

The team member may be excused only if the parent and the District provide written consent to the excusal. The team member must submit written suggestions about the development of the IEP to the parent and IEP team prior to the meeting.

In the case of a child who was previously provided Early Supports and Services (Part C of the IDEA), an invitation to the initial IEP Team meeting shall, at the request of the parent, be sent to the Part C service coordinator or other representatives of the Part C system to assist with the smooth transition of services.

Team members may, at times, fulfill more than one role. IEPs shall be developed collaboratively and include all necessary components as designated in state and federal laws and regulations. Transition goals, related services and/or supports shall be included in the discussion and incorporated into the IEP as appropriate. This includes transition to adult life as well as transitions from grade to grade, school to school or from one agency to another. Necessary supports to ensure successful transitions will be documented.

The District shall ensure that each child with a disability has access to appropriate instructional equipment and materials for the proper and timely implementation of the IEP, including assistive technology devices or aids.

The District shall provide special education, related services, supplementary aids and services, accommodations and modifications to a child with a disability in accordance with the child's IEP. The IEPs shall be in effect in accordance with 34 CFR 300.323. (Ed 1109.03)

The District shall provide each teacher and service provider listed as having responsibilities for implementing the IEP with a copy of the complete IEP for working and monitoring purposes. In addition, the District shall provide a private school or non-District provider responsible for implementing the IEP with a copy of the IEP on or before the first day of placement (Ed 1109.04).

The District shall maintain written evidence documenting implementation of the child's IEP, including, but not limited to (Ed 1109.04 (b)):

- all special education and related services provided;
- any supplementary aids and services provided;
- program modifications made; and
- supports provided for school personnel implementing the IEP.

The IEP team shall determine the appropriate duration of an IEP, which shall not exceed 12 months. The IEP shall be reviewed at least annually and, if necessary, revised. The District shall conduct annually, at or near the end of the term of the IEP, a meeting for the purpose of

assessing the effectiveness of the present program, and to design an IEP, including Extended Year Services if determined by the IEP team to be necessary for FAPE.

The District shall seek to obtain informed consent from a parent on the IEP before providing special education and related services to a child.

If at any time subsequent to the initial provision of special education and related services, the parent of the child revokes consent in writing for the continued provision of special education of special education and related services, the District:

- may not continue to provide special education and related services to the child;
- will provide a written prior notice before ceasing the provision of special education and related service;
- will not use the mediation or due process procedures to obtain an agreement or ruling that the services may be provided to the child;
- will not be considered in violation of the requirement to make FAPE available to the child; and
- need not convene an IEP Team meeting or develop an IEP for the child.

If a parent refuses to consent to the provision of special education and related services other than initial provision of such services, the District shall initiate a due process hearing as specified in Ed 1123.

At any time, the parent or District can request another meeting to discuss any areas of concern regarding provisions in the IEP.

IEP DEVELOPMENT FOR STUDENTS WHO TRANSFER

If a child with a disability who had an IEP that was in effect in a previous New Hampshire school District transfers to the Litchfield School District during the same year, the District shall consult with the child's parents and provide services comparable to those described in the child's IEP from the previous District, until it either adopts the child's previous IEP, or develops, adopts and implements a new IEP for the student. If a child with a disability transfers from a District outside of New Hampshire, the Litchfield School District shall additionally determine if an evaluation is necessary in order to complete the previously described IEP process for the new student. The District shall provide a free appropriate public education, including services comparable to those described in the child's IEP from the previous District during this process.

MONITORING AND RE-EVALUATION

The District shall develop and implement procedures to ensure that IEPs are monitored in a regular and systematic manner. Student progress shall be monitored continually so that adjustments can be made as needed to ensure that each student is progressing adequately toward the goals and benchmarks/objectives in his or her IEP. Progress shall be monitored in accordance with the IEP through a variety of means such as consultation, observation, work samples and post testing. Parents will be notified of their child's progress throughout the year at least as often as parents of children without disabilities are notified of their child's progress. If a student is not progressing adequately toward the goals and benchmarks/objectives in the IEP, a meeting shall be called to discuss possible IEP or program adjustments which may facilitate progress. Conversely, if a student has met or exceeded the goals and benchmarks/objectives in the IEP, the IEP will be amended to reflect new goals.

The IEP team may be reconvened at any time to review the provisions of the IEP. The District shall, upon a written request for an IEP team meeting, schedule a mutually agreeable time and date, convene the IEP team, or provide the parent/guardian/adult student with written prior notice detailing why the District refuses to convene the requested meeting. All of the above must be completed within 21 days. (ED 1109.06 (b)(c))

Both IDEA (34CFR300.324(a)(4)) and NH Standards allow the parents and District to agree to amend or modify the IEP without a meeting and to develop a written plan to amend or modify the IEP which must be shared with all IEP team members.

PLACEMENT OF CHILDREN WITH DISABILITIES

The District shall ensure that, to the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities shall be educated with children who do not have disabilities. Special classes, separate classes, separate schooling, or other removal of children with disabilities from the regular educational environment shall occur only when the nature or severity of the disability is such that education in regular classes with the uses of supplementary aids and services cannot be achieved satisfactorily.

IEP Team

The IEP Team (including the parents) shall make placement decisions in accordance with state and federal laws and rules. The IEP team shall include:

- The parents of the child
- Not less than one regular education teacher of the child (if the child is, or may be, participating in the regular education environment)
- Not less than one special education teacher of the child, or, where appropriate, not less than one special education provider of the child
- A representative of the public agency who

- o Is qualified to provide or supervise the provision of specially designed instruction to meet the unique needs of children with disabilities
- o Is knowledgeable about the general curriculum; and
- o Is knowledgeable about the availability of resources of the public agency
- An individual who can interpret instructional implications of evaluation results,
- Other individuals who have knowledge or special expertise regarding the child (at the discretion of the parent or school District),
- Transition service representative if applicable
- If appropriate, the child.

Placement Decisions (Ed 1111)

The decision where a child with a disability receives support and services shall occur after the development and approval of the individualized education program (IEP). The placement decision shall be based on the unique educational needs of the child as specified in the individualized education program and the requirements for placement in the least restrictive environment.

In making placement decisions, the IEP team shall:

- Draw upon information from a variety of sources, including but not limited to aptitude and achievement tests and teacher recommendations;
- Consider information about the student’s physical condition, social or cultural background, and adaptive behavior;
- Ensure that information obtained from all of these sources is documented and carefully considered;
- Ensure that the placement decision is made by a group of persons knowledgeable about the child, the meaning of the evaluation data, and the placement options.
- The District shall ensure that to the maximum extent appropriate, children with disabilities, including children in public or private providers of special education, are educated with children who do not have disabilities and that, consistent with 34 CFR 300.114, special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only when the nature or the severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily. (Ed 1111.01 (a))

The District shall offer a continuum of alternative learning environments from least restrictive to most restrictive and shall be available for children with disabilities including children of preschool age. Supplementary services shall be provided in conjunction with regular class placement.

Each child's educational placement shall be reviewed annually and shall be based on his/her individualized education program (IEP). The placement shall be as close as possible to the child's home. If possible, a child with a disability shall be educated in the school he/she would attend if a disability did not exist. The least restrictive environment shall be selected with consideration given to any potentially harmful effects to the child or on the quality of services described in the child's individualized education program.

The District shall ensure that children with disabilities participate with non-disabled peers, to the maximum extent possible, in non-academic activities such as recess, lunch and specials (i.e. art, music).

The District shall ensure that parents are afforded the same notification for placement meetings as they receive for IEP meetings, including a minimum of 10-day notice, unless the 10-day notice requirement is waived in writing. Special education placements shall require written consent from parents prior to implementation and shall be determined at least annually.

Graduation from high school with a regular high school diploma shall constitute a change in placement, requiring written prior notice and parental consent. Graduation from high school with a regular high school diploma does not however, require evaluations to discharge from special education services. A summary of performance shall be developed by the student, IEP team and parents to facilitate information sharing after the student leaves school.

Home Instruction

A child with a disability receives all or a portion of his/her special education program at home in accordance with Ed 1111.04.

- Preschool students with disabilities may receive all or a portion of their special education program at home depending upon the need as specified in the IEP.
- Home instruction for children at least six years of age but less than 21 years of age shall include a minimum of ten hours per week of instruction, including special education services and related services as specified in the child's IEP.
- Home instruction for children at least six years of age but less than 21 years of age shall not include parent designed home instruction programs as authorized in Ed 315.
- A child's placement is determined at least annually and is based on the child's IEP.
- Children who are placed in home instruction shall be allowed to participate with nondisabled children to the maximum extent appropriate to the needs of the child.
- The length of the school year and school day for a home instruction placement shall be consistent with RSA 186-C:15 except when the superintendent has excused a student from full-time attendance in which case the superintendent and parent shall agree on the number of hours per week of instruction, including special education and related services.

- A child with a disability who is in a hospital or institution shall receive special education or special education and educationally related services in that setting.

EXTENDED SCHOOL YEAR SERVICES (ESY) (Ed 1110)

Extended school year services are special education and related services provided to a child with a disability beyond the normal school year and in accordance with the child's IEP, and at no cost to the parents of the child. The District ensures that ESY services are available as necessary to provide each child with a disability a free, appropriate public education (FAPE).

The child's IEP team determines the child's need for extended school year services. Extended school year services are not limited to the summer months or to predetermined program design.

ESY services, other than those provided by a NH Department of Education approved special education program which the child attends, are monitored by District personnel on no less than a weekly basis. (Ed 1110.01 (c))

CONTINUUM OF EDUCATION ENVIRONMENTS

The following is a list of the educational environments to be considered when making placement decisions after agreement to the Individualized Education Program (IEP). The IEP Team shall keep in mind that all children with disabilities must be placed in the least restrictive environment for implementing the student's specialized instruction as detailed in their IEP.

Regular Education Setting: A child with a disability attends regular class with supports and services required in the IEP.

Resource Room: A child with a disability attends a regular class and receives assistance at or through the special education resource room for no more than 60% of the child's school day.

Self-contained Special Education Class: A child with a disability attends a self-contained special class for more than 60% of their school day.

Separate Approved Special Education Program/School: A child with a disability attends a publicly or privately-operated special education program/school.

Residential placement: A child with a disability attends a publicly or privately-operated residential program.

Home Instruction: A child with a disability receives all or a portion of her/his special education program at home in accordance with Ed 1111.05.

Hospital or institution: A child with a disability receives special education while in a hospital or institution.

For a complete description of the above placement options, see the NH Standards - Ed 1111.01(b), Table 1100.3 Continuum of Alternative Learning Environments – Ages 6-21.

Preschool children shall be educated in a setting that is appropriate to implement the IEP. (Ed 1100.02 (b))

Preschool children with disabilities may receive their special education program in any of the settings listed below. (Ed 1111.02 (c) and Table 1100.3 Continuum of Alternative Learning Environments – Pre-school)

Early childhood program: A preschool child with a disability attends an early childhood program that includes at least 50% nondisabled children.

Home: A preschool child with a disability receives all or some of his/her supports and services in the child's home.

Early childhood special education program: A preschool child with a disability attends an early childhood special education program which can include any of the classrooms described in Ed 1113.10(c)(5).

Service Provider Location: A preschool child with a disability receives supports and services from a service provider.

Separate school: A preschool child with a disability attends a publicly or privately-operated separate day school facility designed specifically for children with disabilities.

Residential facility: A preschool child with a disability attends a publicly or privately-operated residential school or residential medical facility on an inpatient basis.

Program Evaluation 1126.01(b)(9)

Litchfield School District's Plan includes a program evaluation component. The LEA's procedures for program evaluation determine the effectiveness of special education programs and services in meeting the needs of the children with disabilities.

The Litchfield School District is committed to providing effective, high quality special education services to all children with disabilities. The District continually evaluates the special education and educationally related services it provides to children with disabilities to ensure that all students' unique needs are met. The District determines, at least annually, the degree to which special education and related services being provided for children with disabilities are effectively meeting the students' needs. As part of its evaluation activities, the District also identifies program deficiencies and plans for future needs.

Evaluation of the overall functioning, efficiency and success of the special education programs offered by the District is conducted through a combination of objective and subjective techniques. This process includes an internal monitoring and review component that considers both individual and general program impact, as well as an external review process, which consists of the NH Department of Education Program Approval and Improvement Process.

Individual Program Impact

The effectiveness of students' individualized education programs is determined through a careful analysis conducted by each child's IEP team. The IEP team monitors the child's progress toward achieving the measurable goals, including post-secondary goals when age appropriate, detailed in the student's IEP. Evaluation measures may include:

- Curriculum based measurement
- Student observation
- Post testing and diagnostic reevaluations
- IEP progress reports
- Report cards
- Input from parents
- Student movement from more restrictive to less restrictive educational settings

General Program Impact

Participation in state and District-wide assessments is part of the statewide accountability system that helps to ensure that all children have a fair, equal, and significant opportunity to obtain a high-quality education through the New Hampshire Curriculum. The Litchfield School District ensures that all students with disabilities have the opportunity to participate in state and District-wide assessments with appropriate accommodations as necessary, to show what they know and can do, and how they are progressing, based upon challenging state academic achievement standards.

Decisions about accommodations are determined by IEP teams and are specified in each student's IEP. Students currently in grades 3, 4, 5, 6, 7, 8 and 11, who are identified by their IEP teams as appropriate for alternate statewide assessment based upon alternate achievement standards, will be included in the Dynamic Learning Maps (DLM) alternate assessments in English language arts, mathematics and science. This process begins each school year in September and ends in April for all participating students.

In a similar manner, the IEP team determines alternate forms for District-wide assessments to be provided for all eligible students.

Results of group assessments are formally analyzed by District staff to determine trends and patterns that may reflect areas in need of improvement. Instructional decisions are made in accordance with the analysis of assessment results in order to more effectively meet the needs of all students. Alternate assessments are examined in order to reflect on progress, programming needs and potential adjustments that may be needed for students with more significant disabilities.

The following strategies may be included in those utilized to assess general program effectiveness in the special education department:

- Parent Surveys
- General Staff Surveys
- Special Education Focus Group Meetings
- Professional Development Needs Survey
- New Hampshire Special Education Information System data
- Other – as determined by District

The above information will be used to identify program needs, training needs and any gaps in services that may exist. Systemic changes for the upcoming school year will be considered and planned for, based on the information gathered. Additionally, the information will be used to plan District professional development activities.

All professional and paraprofessional staff members within the District are evaluated using a predetermined system aimed at professional growth and development. Feedback is provided to all in the form of commendations and recommendations; summative evaluation; etc. In this way, the Litchfield School District ensures opportunity for staff to continue to improve their knowledge and skills in order to effectively meet the needs of all students.

NH Department of Education Special Education Monitoring

The findings and recommendations from the external "Special Education Compliance and Improvement Monitoring," process conducted by the NH Department of Education, will be carefully considered and addressed by all members of the Litchfield School District Administrative Team. Team members/District officials will analyze the final report and implement the necessary activities to ensure full compliance with state and federal laws and regulations. Upon notification from the NH Department of Education regarding areas of

non-compliance, all corrective action activities shall be completed as soon as possible, but in no case later than one year.

Children with Disabilities Enrolled by Their Parents in Private Schools Ed 1126.01(b)(11)

The Litchfield School District has procedures in place that are designed to ensure the equitable participation of children with disabilities who are enrolled by their parents in private schools that are located within the jurisdiction of the Litchfield School District in accordance with 34 CFR 300.131 (Child find for parentally-placed private school children with disabilities), 34 CFR 300.111 (Child Find) and 34 CFR 300.201 (Consistent with state policies).

Procedures for obtaining written affirmation of consult with private schools within the LEA's jurisdiction

The Litchfield School District ensures that children with disabilities who are placed by their parents in private schools have equitable participation in special education programs pursuant to state and federal regulations.

Records for children with disabilities who are enrolled by their parents in private schools that are located within the jurisdiction of the Litchfield School District are maintained at that district office by the Director of Special Services and his/her designee(s). The records include, the number of children evaluated, the number of children determined to be children with disabilities; and the number of children served.

In accordance with the New Hampshire Education Standards, children who are receiving home education are not considered to be children attending a private school.

Child Find

The District must locate, identify and evaluate all children with disabilities attending all private schools, including religious schools, within the geographic boundaries of the District. Private schools must be approved as "elementary" or "secondary" schools by the New Hampshire Department of Education and included on the published list of approved, non-public schools on the NHDOE website.

On an annual basis, the District consults with representatives of private schools and representatives of parentally placed students to decide:

- How parentally placed private school children will participate equitably, and
- How parents, teachers, and private school officials will be informed of the District's year-round child find activities.

All child find activities conducted for children enrolled in private schools by their parents are similar to those activities conducted for children who attend public schools within the District. The District maintains records and reports the number of private school students evaluated, the number of children determined to be children with disabilities, and the number of parentally

placed private school children with disabilities who are served to the NH Department of Education on an annual basis.

A “Notice to Parents of Private School Children” is distributed to local newspapers for publication, as well as posted at each private school located within the boundaries of the District each year. This notice fulfills the District’s obligation to invite representatives of parents of the children with disabilities who are enrolled in the school to the consultation meeting.

Consultation

The District conducts timely and meaningful consultation with representatives of private schools and representatives of parents of parentally placed private school children with disabilities in order to design and develop special education and related services for eligible children who attend private schools within the District. The consultation process operates throughout the school year to ensure that parentally placed children have the opportunity to meaningfully participate in special education and related services.

Through the consultation process, the District decides:

- Which children will be served,
- What services will be provided,
- How and where the services will be provided, and
- How the services will be evaluated.

The District documents these decisions on the Affirmation of Consultation form. The completed form is sent to each private school providing and rationale of the District’s decisions.

Provision of Services

Services to parentally placed private school children are provided by personnel meeting the same standards as those required in the District. Eligible children do not hold individual rights to special education or related services. They may receive different amounts of services than those provided to students in the public schools. An Individual Service Plan (ISP) will be developed for each child eligible to receive services.

Private elementary and secondary school teachers who are providing equitable services to parentally placed private school children with disabilities do not have to meet the highly qualified special education teacher requirements under IDEA.

Accessible Instructional Materials

Ed 1126.01(b)(12)

The Litchfield School District ensures that it has taken reasonable steps to provide children with disabilities who need instructional materials in accessible formats those appropriate materials at the same time other children receive their instructional materials.

Accessible Instructional Materials

The Litchfield School District ensures that children with disabilities who need instructional materials in accessible formats will receive those materials, as set forth in their IEP's or dictated by their disabilities, at the same time other non-disabled children receive instructional materials.

Such materials may include, but are not limited to, Braille texts, books-on-tape, specialized software, etc.

For Reference Purposes Only
IDEA Part B
Section 611 Assurances

Each year, as a condition of receiving the federal funds, LEAs must assure compliance with all requirements of the IDEA. A section of the “Annual Request for Federal Special Education Funds” is dedicated to this requirement.

Litchfield School District assures that the required procedures are being followed and indicates the sources of documentation within the district within the following chart.

Each participating LEA must clearly identify the name of the document supporting each of the Federal Assurances; indicate where each document is located, and the date the document was adopted. Do not submit the documents. For monitoring purposes, each participating district must keep a file containing all the documentation referenced in this part.

IDEA Part B SECTION 611 ASSURANCES - SECTION II

Federal Assurance	Document Name	Date Adopted	Document Location	Page
Free Appropriate Public Education (FAPE)	Special Education Procedures Plan		SAU 27 Website, SAU 27 Central Office	3
Child Find	Special Education Procedures Plan		SAU 27 Website, SAU 27 Central Office	4
Confidentiality of Information	Special Education Procedures Plan		SAU 27 Website, SAU 27 Central Office	6
Individualized Education Programs	Special Education Procedures Plan		SAU 27 Website, SAU 27 Central Office	23

Federal Assurance	Document Name		Document Location	Page
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Procedural Safeguards	Special Education Procedures Plan		SAU 27 Website, SAU 27 Central Office	14
Participation in LRE	Special Education Procedures Plan		SAU 27 Website, SAU 27 Central Office	27-31
Participation in State & District Wide Assessment	Special Education Procedures Plan		SAU 27 Website, SAU 27 Central Office	32&33
Parent Participation with Special Education Process	Special Education Procedures Plan		SAU 27 Website, SAU 27 Central Office	15
Full Educational Opportunity Goal	Special Education Procedures Plan		SAU 27 Website, SAU 81 Central Office	3
Compliance with the McKinney-Vento Homeless Education Assistance Improvement Act	SAU 27 Policies	9/28/05	SAU 27 Website, SAU 27 Central Office	Policy JLG