

OYSTER RIVER COOPERATIVE SCHOOL DISTRICT

Policy Committee Meeting

February 12, 2020 3:30 – 5:00

Central Office

Agenda

I. Call to Order

- ECAF – Audio & Video Surveillance on School Buses
- EDC – Authorized Use of School-Owned Materials
- EEA – Student Transportation Services
- EEAEA – Mandatory Drug & Alcohol Testing – School Bus Drivers
- EGAD – Copyright Compliance

**Next Meeting:** March 11, 2020

OYSTER RIVER COOPERATIVE SCHOOL BOARD	Policy Code: ECAF
Date of Adoption: May 1, 1996 Code and Title Change-Adoption School Board: May 2, 2012 Previously: EBF Reviewed 1/10/13 – First Read School Board: February 6, 2013 School Board Send Read/Adoption: March 13, 2013 Policy Committee Review: February 12, 2020	Page 1 of 1 Category: Recommended

## AUDIO AND VIDEO SURVEILLANCE ON SCHOOL BUSES

The safety and personal security of students being transported on district school buses is the primary concern of the district transportation program. The school bus driver has direct responsibility for maintenance of a safe and secure environment for students riding the bus. Since the driver must operate the bus as well as monitor the activities of the students on the bus, there may be occasions when it is prudent to augment the driver's observation by installing electronic surveillance devices on the bus.

The following directives may apply to the use of electronic surveillance on the district's school buses:

- All district buses may be equipped for the use of electronic surveillance devices.
- Electronic surveillance may be authorized by the transportation coordinator either a) selectively on buses when there are known safety or security problems, or b) randomly to permit evaluation of daily operational conditions across the bus fleet.
- Electronic records created by surveillance devices will be handled as "personal and confidential" materials, and safeguarded to protect the privacy of students and staff.
- Access to electronic records will be on a strict need-to-know basis and will normally be restricted to the transportation coordinator and building principal(s). In cases where the records are used in evidence in a disciplinary or legal process, the parents of the involved student(s) will be permitted to view the records.
- Electronic records not needed for review or evidence will be taped over within five (5) school days.

Cross Reference:

JLCF – Student Wellness

JICC – Student Conduct on School Buses

# NHSBA

## ECAF - AUDIO AND VIDEO SURVEILLANCE ON SCHOOL BUSES

(Download policy)

*Category: Recommended*  
*See also EEA, JICK, JRA*

Video cameras may be used on school buses to monitor student behavior. Audio recordings in conjunction with video recordings may also be captured on school buses, in accordance with the provisions of RSA 570-A:2.

This policy constitutes notification that audio and video recordings may be made on school buses used in the district. See also Policy JICK - Pupil Safety and Violence Prevention. The Superintendent or his/her designee shall ensure that there is a sign prominently displayed on the school buses informing the occupants of the school buses that such video and audio recordings are occurring.

The Superintendent is charged with establishing administrative procedures to address the length of time, which the recording is retained, ownership of the recording, limitations on who may view and listen to the recording, and provisions for erasing or destroying the recordings. That procedure shall comply with RSA 570-A:2, II (k)(2) which provides in pertinent part: "In no event, however, shall the recording be retained for longer than 10 school days unless the school district determines that the recording is relevant to a disciplinary proceeding, or a court orders that it be retained for a longer period of time. An audio recording shall only be reviewed if there has been a report of an incident or a complaint relative to conduct on the school bus, and only that portion of the audio recording which is relevant to the incident or complaint shall be reviewed."

Recordings may be viewed only by the following persons and only after expressly authorized by the Superintendent:

- Superintendent or designee
- Business Administrator
- Building Administrator
- Law Enforcement Officers
- Transportation Contractor Official

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 to use and retention of an audio and video recording in the event of such an occurrence.

### Legal References:

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

Revised: May 2017

**NHSBA, Note: This policy is revised based on discussions with members and policy reviews to incorporate the statutory limitations on viewing and retaining audio recordings created on school buses.**

OYSTER RIVER COOPERATIVE SCHOOL BOARD	Policy Code: EDC
Date of Adoption: June 29, 1988 School Board First Read: November 6, 2013 Second Read Adoption: December 4, 2013 <u>Policy Committee Review: February 12, 2020</u>	Page 1 of 1 <u>Category: Optional</u>

**AUTHORIZED USE OF SCHOOL-OWNED MATERIALS**

No Oyster River Cooperative school equipment may be used for other than school, school-related civic, or educational purposes.

The board shall permit school equipment to be loaned to staff members when such use is related to their employment and to students when the equipment is to be used in connection with their studies or extracurricular activities. Proper controls shall be established to assure the lender's responsibility for, and return of, all such equipment or financial restitution if lost or damaged. The School Board authorizes the superintendent to establish these controls.

**Cross Reference:**

JFCB – Care of School Property

OYSTER RIVER COOPERATIVE SCHOOL BOARD	Policy Code: EEA
Date of Adoption: April 16, 1987 School Board Adoption: September 22, 2010 School Board First Read: April 2, 2014 Back to Policy: May 14, 2014 School Board Second Read/Adoption: June 4, 2014 Policy Committee Review: February 12, 2020	Page 1 of 2 Category: Recommended

## STUDENT TRANSPORTATION SERVICES

The Oyster River Cooperative School District will provide pupil transportation services consistent with applicable law.

### RESPONSIBILITY:

Parent/Guardian is responsible for student until the student embarks and disembarks from the school vehicle.

The principal of the school has complete authority over students from the time they board a school vehicle until they leave the school vehicle for home. The responsibility of the principal for the safety and discipline of the students is delegated to the transportation director and thence to the school vehicle driver when students are on the school vehicle, loading or unloading.

### TRANSPORTATION SUPERVISOR:

The transportation director will function within established board policies pertaining to all aspects of pupil transportation. The transportation director will work with and be responsible directly to the business administrator. The principal will work closely with appropriate staff to ensure safety and discipline of the student is maintained.

If deemed advisable by the transportation director and approved by the School Board, some students may be required to walk distances beyond those specified, but within the maximum distances allowed by RSA 189:6 and 189:8. Pupils residing in areas which are inaccessible by a local school district's established mode of transportation may be required to walk a distance not to exceed one and one-half miles to a school vehicle stop. This exception is generally reserved to the "mud season" or other deficiencies in road construction/ownership. The route must be approved by the Commissioner of Education.

Alternative transportation may be arranged for children living in remote areas if deemed advisable by the transportation director and approved by the School Board.

The transportation director will establish regulations for school vehicle riders which will be distributed to students and parents at the beginning of each school year.

The transportation director will develop and supervise a student training program. At least twice during the school year, each pupil who is transported to school in a vehicle shall be instructed in safe riding practices and shall participate in emergency evacuation drills.

Transportation privileges may be suspended for failure to conform to district transportation regulations. A procedure for suspension will be developed by the transportation director and made part of transportation regulations.

The transportation director is authorized to hire, train, supervise, and dismiss school vehicle drivers.

OYSTER RIVER COOPERATIVE SCHOOL BOARD	Policy Code: EEA
Date of Adoption: April 16, 1987 School Board Adoption: September 22, 2010 School Board First Read: April 2, 2014 Back to Policy: May 14, 2014 School Board Second Read/Adoption: June 4, 2014 Policy Committee Review: February 12, 2020	Page 2 of 2 Category: Recommended

STUDENT TRANSPORTATION SERVICES (continued)

ELIGIBILITY:

All students in K-4 living more than one mile from school shall be transported to school.

All students in grades 5-12 living more than one and one-half miles from school shall be transported to school.

Students living less than the above distances from a school may be transported to school if, in the judgment of the transportation director, conditions warrant it.

Tuition pupils attending Oyster River schools may be transported to school for a fee, to be approved by the Board, providing that no extra mileage or time is involved.

ROUTES AND SCHOOL VEHICLE STOPS:

The transportation director is responsible for establishing school vehicle routes, school vehicle stops, assigning pupils to school vehicles, and for publicizing the routes with approximate time schedule.

Students in grades K-4 may be required to walk up to three-fourths of a mile along public roads to a school vehicle stop.

Students in grades 5-12 may be required to walk up to one and one-half miles along public roads to a school vehicle stop.

EDUCATIONALLY DISABLED:

Educationally disabled students will be furnished suitable transportation if warranted by the student's individual education plan.

Educationally disabled students placed in out of district programs will be furnished suitable transportation from home to program.

APPEALS:

Parents may appeal decisions affecting their child's transportation. An appeals procedure will be part of transportation regulations.

**Legal Reference:** RSA 193:12

**Cross Reference:** JFCC – Student Conduct on School Buses

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## EEA - STUDENT TRANSPORTATION SERVICES

(Download policy)

*Category: Recommended*

*See also EEAE, EEAE & JICC*

The District will provide pupil transportation services consistent with applicable law.

Per RSA 193:12, students who are deemed legal residents of the school district pursuant to a divorce decree or parenting plan developed under RSA 461-A will not necessarily be provided for students admitted under this provision and under corresponding law. The Superintendent or designee will make all determinations as to whether transportation will be provided in such circumstances. The Superintendent or designee's decision will be final.

### **General Operating Policy**

The Superintendent, subject to review by the Board, shall establish bus routes. Routes will be developed annually and posted. Pupils who attend chartered public schools within the district and pupils who attend private schools shall be entitled to the same transportation privileges within the District as are provided for pupils in public school. Bus stops shall be established under the direction of the Superintendent. A bus stop so established will be designated as authorized when the School Board has approved its designation as such. Drivers may not load or unload pupils at other than authorized bus stops.

### **Student Conduct on School Buses**

Bus drivers have the responsibility to maintain orderly behavior of students on school buses and will report, in writing, misconduct to the student's Principal. Parents of children whose conduct on school buses endangers the health, safety and welfare of other riders will be notified that their children face the loss of school bus riding privileges in accordance with the student discipline code. The school Principal will have the authority to suspend the riding privileges of students failing to conform to bus rules and regulations. The Board must approve suspensions of riding privileges that continue beyond twenty (20) days.

### **Resolution of Conflicts**

Parents who wish to request a change or exemption from any of the Student Transportation policies shall direct that request to the SAU Transportation Coordinator. If the SAU Transportation Coordinator's ruling does not satisfy the parent, he/she may appeal the ruling within five days to the Superintendent. If the parent is again not satisfied by the ruling, he/she may appeal to the Superintendent within the next five-day period. As a last appeal, the parent may request to appear before the Board's Transportation Committee.

**NHSBA Note - September 2016:** Amendments to this Sample Policy are necessary due to the passage of HB 1272, which amends RSA 194-B:2, V, by allowing charter school pupils access to traditional school district bus and transportation services. School districts are not required to expend additional resources or alter bus routes in order to provide this accommodation.

Pertinent changes to this Sample Policy are found in the heading "General Operating Procedure."

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**Legal References:**

*RSA 189:6, Transportation of Pupils*  
*RSA 189:8, Limitations and Additions*  
*RSA 189:9, Pupils in Private Schools*  
*RSA 189:9-a, Pupils Prohibited for Disciplinary Reasons*  
*RSA 193:12, Legal Residency Required*  
*RSA 194-B:2, V, Chartered Public Schools; Establishment*  
*Appendix: EEA-R & JICC-R*

Revised: September 2016

Revised: April 2004, May 2006, August 2006, August 2008, September 2013

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OYSTER RIVER COOPERATIVE SCHOOL BOARD	Policy Code: EEAEA
DRAFT to Policy Committee: May 9, 2011 Date to School Board for First Read: May 25, 2011 School Board Second Read/Adoption: June 15, 2011 Reviewed. First Read School Board: February 6, 2013 School Board Second Read/Adoption: March 13, 2013 <a href="#">Policy Committee Review: February 12, 2020</a>	Page 1 of 2 Category: Priority

## MANDATORY DRUG AND ALCOHOL TESTING – SCHOOL BUS DRIVERS

### 1. Statement of Policy

The Oyster River Cooperative School Board believes that the safety of students while being transported to and from school or school activities is of utmost importance and is the primary responsibility of the driver of the vehicle. To fulfill such a responsibility, each driver, as well as others who perform safety-sensitive functions with commercial vehicles that transport students, must be mentally and physically alert at all times while on duty. To that end, the Board established this policy related to the fitness for duty of transportation personnel.

### 2. Medical Examination of School Bus Operators

In accordance with RSA 200:37, before employing any person as a bus operator, directly or through a vendor, the School District shall require that such persons submit a certificate signed by a licensed physician setting forth the physician’s finding as a result of the examination to determine the physical condition of drivers in accordance with the requirements of 49 C.F.R. Part 391.41-391.49. Such certificate shall be submitted to the Transportation Director for review and then Superintendent’s Office for filing prior to the commencement of such employment and the District shall retain a copy of such certification. Every two years thereafter, either prior to the commencement of the school year or prior to the reemployment of such persons as a school bus operator, the School District shall require submission of a like certificate, except that school bus operators attaining the age of 70 shall be required to undergo an annual examination and to submit a certificate annually.

### 3. School Bus Driver’s Certificate

No person shall be employed as a school bus operator, directly or through a vendor, unless the person has received a School bus Driver’s Certificate from the NH Department of Motor Vehicles as required by RSA 263:29.

### 4. Criminal Background Investigation

Before employing any person as a school bus operator, directly or through a vendor, the School District shall require a criminal background investigation as set forth in RSA 189:13-a and School District policy. If the school bus operators are employed directly by the District, then the employee will pay for the investigation. If the District contracts with a vendor to provide student transportation services, either the vendor or the bus operator will pay for the investigation at the discretion of the vendor.

### 5. Mandatory Drug and Alcohol Testing

The term “CDL holder” means someone who is required as part of their job duties to hold a commercial Driver’s License. The term “safety-sensitive function” refers to all tasks associated with the operation and maintenance of commercial vehicles. A “commercial vehicle” is any vehicle capable of carrying 16 or more passengers including the driver. In compliance with the United States Department of Transportation’s Title 49 Code of Federal Regulations, Part 391, all CDL holders and personnel performing safety-sensitive functions related to the transportation of the students of this School District will be required to submit to drug and alcohol testing. Testing procedures and facilities used for the tests shall conform to the requirements of the 49 C.F.R. Part 40.

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If the School District employs the transportation personnel directly, the District will be responsible for ensuring compliance with the Mandatory Drug and Alcohol Testing requirements. If the School District contracts with a vendor to provide student transportation services, the vendor shall be the employer and provide assurance to the District on an annual basis that they are in compliance with the Mandatory Drug and Alcohol Testing requirements.

The Drug and Alcohol Testing will include pre-employment, random, reasonable suspicion and post-accident testing as defined by Department of Labor Regulations. The School District supports a zero tolerance policy related to substance abuse. Therefore any personnel who have a confirmed positive test for drugs or a confirmed alcohol concentration of 0.02 or greater will be terminated from employment.

Legal References:

- RSA 200:37, Medical Examination of School Bus Operators
- RSA 263:29, School Bus Driver's Certificate
- RSA 189:13-a, School Employee & Volunteer Background Investigations
- 49 C.F.R. Part 40.1-40.13(2001), Transportation Workplace Drug Testing Program
- 49 C.F.R. Part 391 (1995), Qualifications of Drivers

Cross Reference:

- GBCD – Background Investigations and Criminal Checks
- JLCF – Student Wellness

OYSTER RIVER COOPERATIVE SCHOOL BOARD	Policy Code: EGAD
Date of First Reading SB: July 1, 2009 Date of Adoption: August 5, 2009 Reviewed by Policy: January 10, 2013 – No Changes <u>Policy Committee Review: February 12, 2020</u>	Page 1 of 1 Category: Recommended

### **COPYRIGHT COMPLIANCE**

The Board expects all employees and students in the Oyster River Cooperative School District to comply with the federal copyright law and guidelines. Employees and students who willfully disregard the law/guidelines and the Board's copyright policy and procedure do so at their own risk. The Oyster River Cooperative School District will not extend legal and/or insurance protection to employees or students for willful violations of this policy. Such violations may also result in disciplinary action.

The Superintendent is responsible for implementing this policy and the accompanying administrative procedure. The Superintendent may delegate specific responsibilities to building principals and others as he/she deems appropriate.

The Oyster River Cooperative School District will take the following steps to discourage violations of the copyright law in ORCSD:

- A. All instructional staff and administrators shall receive a copy of this policy and the accompanying administrative procedure.
- B. Copyright notices shall be posted within view of copying equipment.
- C. Teachers and library media specialists shall be responsible for informing students about the legal and ethical issues raised by copyright infringement and illegal use of copyrighted materials.

Cross Reference: EGAD-R – Copyright Compliance Administrative Procedure  
GBEF & R – School District Internet Access for Staff  
JICL – Student Computer and Internet Use

Legal Reference: 17 U.S.C. § 101 et seq. (The Copyright Act of 1976)  
P.L. 107-273 (The TEACH Act of 2002)