

OYSTER RIVER COOPERATIVE SCHOOL DISTRICT

Policy Committee Meeting

May 11, 2016 3:30 - 5:00

Central Office

Agenda

- I. Call to Order
- II. Policy Changes for Review from Requested Feedback
 - JRA - Student Education Records and Information (FERPA)
 - JRA-R Student Education Records and Information - Administrative Procedure
 - JRA-E - FERPA - Student Annual Notice
 - JRB - Confidential Student Information
 - JICK - Pupil Safety & Violence Prevention - Bullying & Cyberbullying
 - BEDB & R - Agenda Preparation and Format
 - GBJ & R - Personnel Records
- III. Questions/Discussion

Next Meeting: To Be Determined

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Legal Clarification Version	Category: Priority

STUDENT EDUCATION RECORDS AND INFORMATION

The Oyster River School District shall comply with the Family Educational Rights and Privacy Act ("FERPA") and all other federal and state laws and regulations concerning confidentiality and maintenance of student records and information.

A. Directory Information

The Oyster River School District designates the following student information as directory information: name, participation and grade level of students in recognized activities and sports, height and weight of student athletes, dates of attendance in the school district, honors and awards received, and photographs and videos of student participation in school activities open to the public. The Oyster River School District may disclose directory information if it has provided notice to parents/legal guardians and eligible students and has not received timely written notice refusing permission to designate such information as directory information.

B. Military Recruiters/Higher Education Access to Information

Under federal law, military recruiters and institutions of higher education are entitled to receive the names, addresses and telephone numbers of secondary students and the Oyster River School District must comply with any such request, provided that parents have been notified that they and secondary school students have the right to request that this information not be released without their prior written consent.

C. Health or Safety Emergencies

In accordance with federal regulations, the School District may disclose education records in a health or safety emergency without prior written consent to any person whose knowledge of the information is necessary to protect the health or safety of the student or other individuals.

D. Transfer of Student Records

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

E. Designation of Law Enforcement Unit

The Board hereby designates its School Resource Officer as the Oyster River School District's law enforcement unit.

F. Administrative Procedures and Notices

The Superintendent is responsible for developing and implementing any administrative procedures and parent notices necessary to comply with the applicable laws and regulations concerning

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student education records and information. Notices shall be distributed annually to parents and eligible students concerning their rights under these laws and regulations. A copy of this policy shall be posted in each school.

Legal Reference: 20 U.S.C. § 1232g; 34 C.F.R. Part 99, as amended
20 U.S.C. § 7908
RSA 189:1-e, 193-D:8, 194:31-a
N.H. Code of Administrative Rules Ed 1119

Cross Reference: JRA-E – Annual Notice of Student Education Records and Information Rights
JRA-R – Student Education Records and Information Administrative Procedure
ILD – Student Surveys and Marketing Information
EHB – Records Retention Policy

EXISTING - TO BE REPLACED

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Cross Reference: JRA-E – Annual Notice of Student Education Records and Information Rights
JRA-R – Student Education Records and Information Administrative Procedure

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STUDENT EDUCATION RECORDS AND INFORMATION - ADMINISTRATIVE PROCEDURE

This administrative procedure is intended to assist administrators and school staff in complying with the requirements of federal and state statutes and regulations concerning student education records and information, including special education requirements.

A. Definitions

The following definitions apply to terms used in this procedure.

1. "Act" means the federal Family Educational Rights and Privacy Act ("FERPA") (20 U.S.C. §1232g).
2. "Directory information" means the following information contained in an education record of a student: name, participation and grade level of students in officially recognized activities and sports, height and weight of student athletes, dates of attendance in the school district, honors and awards received, and photographs and videos relating to student participation in school activities open to the public.
3. "Eligible student" means a student who has attained 18 years of age or who is attending an institution of postsecondary education. Generally, once a student becomes an eligible student, all rights accorded to parents concerning education records transfer to the eligible student, except that the School District may continue to disclose education records to a parent without prior written consent if the student qualifies as a dependent under the Internal Revenue Code.
4. "Parent" means parent, regardless of divorce or separation, a legal guardian, or individual acting as a parent or guardian. There shall be a presumption that a parent has the authority to exercise the rights inherent in the Act, unless the School District has been provided with evidence that there is a court order, statute, or legally binding document relating to such matters as divorce, separation or custody that specifically revokes such rights.
5. "Record" means information recorded in any way, including but not limited to handwriting, print, e-mail or other computer media, video or audio tape, or microfilm and microfiche.
6. "Education record" means records, files, documents and other materials that contain information or data that directly relates to a student and is maintained by the school district. Records of instructional, supervisory and administrative personnel and personnel who support these individuals, which are in the sole possession of the maker thereof and which are not accessible or revealed to any other person except a temporary substitute for the person who made the record are excluded from this definition, as are grades on peer-graded papers before they are collected and recorded by a teacher.
7. "Student" includes any individual who has been in attendance at the School District and regarding whom the School District maintains education records.

B. Annual Notification of Rights

Parents and eligible students shall be provided with notice of their rights under FERPA and other applicable federal and state laws and regulations concerning education records at the beginning of each school year or upon enrollment if a student enrolls after the start of the school year. The School District may provide notice through any of the following means:

Note: Are all of these means used? If not, we suggest specifying the ones that are actually used.

1. Mailing to students' homes;
2. Distribution to students to take home;
3. Publication in student handbooks that are provided to students and eligible students; or
4. Publication in newsletters or other materials distributed to each parent/eligible student.

C. Access to Policy and Administrative Procedure

The School District's policy on Student Education Records and Information shall be posted in each school. In addition, school administrators shall provide copies of this administrative procedure to parents/eligible students upon request or when a request to inspect or amend records is made.

Note: If information about FERPA is posted on the district's website, that could be specified in this section.

D. Inspection and Review of Education Records

Parents/eligible students may review and inspect their education records by the following procedure:

1. The parent/eligible student must make a written request to the Superintendent or building administrator to review the records.

Note: The change in the following paragraph is required due to a recent change in New Hampshire law that has a shorter turnaround time than the federal law. It is important that school staff be made aware of this change.

2. The Superintendent or building administrator will comply with the request without unnecessary delay and in a reasonable period of time, ~~but in no case more than 45 days after~~ and in all cases, within 14 days after the day it received the request. If the student qualifies as a child with a disability, the Superintendent or building administrator will comply before any IEP Team meeting regarding an Individualized Education Program or any due process hearing or resolution session under the special education laws.
3. The Superintendent or building administrator may deny a request for access to or copies of the student's education records if there is reasonable doubt as to the legality of the parent-child relationship. Access will be withheld until a determination of legal right to access can be established.
4. All records shall be reviewed in the presence of a school official.

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Parents of special education students may also review upon request the following:

1. The School District's list of types and locations of education records and titles of officials responsible for the records.
2. The School District's record of disclosures of personally identifiable information (see Section F).

E. Requests to Amend Education Records

Parents/eligible students may ask the School District to amend education records they believe are inaccurate, misleading or in violation of the student's privacy rights as follows:

1. The parent/eligible student must make a written request to the Superintendent or building administrator to amend the education record. The request must clearly identify the part of the record they want changed, specify how they want it changed, and specify why it is inaccurate or misleading.
2. The Superintendent or building administrator shall, within a reasonable period of time after receipt of the request, either amend the record in accordance with the request or inform the parent/eligible student of the School District's refusal to amend the record and inform the parent/eligible student of their right to request a hearing.
3. If the parent/eligible student requests a hearing, it shall be held within a reasonable period of time from the School District's receipt of the written request. The parent/eligible student shall be given advance notice of the date, place and time of the hearing. The Superintendent shall designate an individual to conduct the hearing. This individual may be an employee of the School District so long as he/she does not have a direct interest in the outcome of the hearing. The parent/eligible student shall be afforded a full and fair opportunity to present evidence relevant to the issues raised and may be assisted or represented by individuals of his/her choice at his/her own expense, including an attorney.
4. The School District shall make its decision in writing within a reasonable period of time. The decision of the school must be based solely on the evidence presented at the hearing, and shall include a summary of the evidence and the reasons for the decision.
5. If, as a result of the hearing, the School District decides that the information is inaccurate, misleading or otherwise in violation of the privacy rights of the student, it shall amend the education records of the student accordingly and so inform the parent/eligible student in writing.
6. If, as a result of the hearing, the School District decides that the information is not inaccurate, misleading or otherwise in violation of the privacy rights of the student, it shall inform the parent/eligible student of their right to include a statement in the student's education record about the contested information and/or setting forth any reasons for disagreeing with the decision of the School District.
7. Any statement placed in the student's education record under the preceding paragraph shall be maintained with the contested part of the record for as long as the record is maintained by the School District. If the School District discloses the contested portion of the record to any party, it shall also disclose the statement.

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F. Disclosure of Education Records

All disclosures of education records will be made in compliance with federal and state statutes and regulations. The School District will not disclose any personally identifiable information from the education records of a student without the prior written consent of the parent/eligible student unless such disclosure is otherwise allowed by federal and/or state statutes or regulations. The written consent shall include a specification of the records which may be disclosed, the purpose(s) of the disclosure(s), and the identity of the party or class of parties to whom the disclosure(s) may be made.

There are several exceptions to the requirement to obtain prior written consent before disclosing education records as follows: Note: the language shown in paragraphs 1 and 2 below should be added because the notice should go out each year, not just upon enrollment.

- 1. Directory Information.** The School District may make directory information (as described in Section A) public at its discretion unless a parent/eligible student has notified the Superintendent in writing by September 15th (NOTE: Or choose another date) or within thirty (30) days of enrollment, whichever is later, that the parent/eligible student refuses to let the School District designate as directory information any or all of those types of information. This opt-out shall remain in effect until the following school year, unless the parent or eligible student rescinds it earlier, or unless the student no longer attends the School District, in which case the opt out will remain in effect unless it is rescinded.

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

- 2. Military Recruiters/Institutions of Higher Education.** Military recruiters and institutions of higher education are entitled to receive the names, addresses and telephone numbers of secondary students and the School District must comply with any such request, provided that parents have been notified of their right to request that this information not be released without their prior written consent. Parents and secondary school students who do not want the School District to disclose this information must notify the Superintendent in writing by September 15th (NOTE: Or choose another date) or within thirty (30) days of enrollment, whichever is later.

Note: We recommend adding the phrase to paragraph 3 below to address online vendors.

- 3. School Officials with Legitimate Educational Interests.** Education records (and personally identifiable information from an education record) may be disclosed to school officials with a "legitimate educational interest." A school official has a legitimate educational interest if he/she needs to review an education record (or to receive personally identifiable information from an education record) in order to fulfill his/her professional responsibility. School officials include persons employed by the School District (or the School District's school administrative unit) as an administrator, supervisor, instructor or support staff member (such as guidance, health or medical staff and the School District's designated 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); companies providing online educational services; and volunteers who are under the direct control of the School District with regard to education records.

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4. **Other Schools.** The School District sends student education records to schools, school systems, or institutions of postsecondary education where the student seeks or intends to enroll, or where the student is already enrolled, if the school, school system, or institution of secondary education has requested the records and so long as the disclosure is for purposes related to the student's enrollment or transfer. Such records shall include, but are not limited to, grades, report cards, disciplinary records, attendance records, special education records and health records.
5. **Health or Safety Emergency.** In accordance with federal regulations, the School District may disclose education records in a health or safety emergency without prior written consent to any person whose knowledge of the information is necessary to protect the health or safety of the student or other individuals.
6. **Other Entities/Individuals.** Education records may be disclosed to other governmental entities and individuals as specifically permitted by FERPA and the accompanying regulations.

G. Request/Disclosure Record

1. The School District will maintain a record of requests for and disclosures of personally identifiable information from the education records of a student.
2. Such records do not include: (a) disclosures to the parents/eligible student; (b) disclosures made pursuant to written consent of the parents/eligible student; (c) disclosures to school officials with legitimate educational interests in the record; (d) disclosures of directory information; (e) disclosures to the person who provided or created the record; (f) disclosures pursuant to a subpoena in certain law enforcement proceedings as described 34 C.F.R. § 99.31(a)(9)(ii)(A) and (B) if the court or agency issuing the subpoena ordered that the existence or contents of the request for disclosure remain confidential; or (g) disclosures pursuant to ex parte orders obtained by the U.S. Attorney General (or certain designees) concerning investigations or prosecutions of offenses listed in 18 U.S.C. § 2332(g)(5)(B) or acts of domestic or international terrorism as defined in 18 U.S.C. § 2332.
3. The record will include the party requesting the information and the "legitimate interest" the party has in the information. In the case of state and local educational authorities, and federal officials and agencies identified in the FERPA regulations, the record must specify that the records may be subject to further disclosure by these authorities, officials and agencies without consent.
4. When disclosures are made under the exception for health or safety emergencies, the record must include the "articulable and significant threat to the health or safety of a student or other individuals that formed the basis of the disclosure" and the parties to whom the information was disclosed.

H. Waiver of Confidentiality Rights

A parent/eligible student may waive any of his/her rights regarding confidentiality of education records, but any such a waiver must be in writing and signed by the parent/eligible student. The school may not require that a parent/eligible student waive his or her rights. Any waiver may be revoked, but such revocation shall not apply to any actions taken by the School District prior to the revocation being received. If a parent executes a waiver, that waiver may be revoked by the student any time after he/she becomes an eligible student.

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I. Fees for Copying Records

There shall be no charge to search for or retrieve education records of a student. The School District shall provide copies of education records to parents/eligible students upon request, subject to reasonable limitations. The cost of producing copies of the record to parents/eligible student will be eight cents (\$0.08 per page copied), plus postage. Parents/eligible students who are unable to pay such fees will not be denied access to education records.

J. Maintenance and Destruction of Education Records

The School District shall maintain education records as required by federal and state statutes and regulations.

1. Records shall be maintained in paper and/or electronic form by personnel who are knowledgeable about the applicable confidentiality and record retention requirements. All records shall be safeguarded from unauthorized access. Student records must be kept in fireproof storage at the school or a duplicate set must be kept off-site.
2. The School District shall not destroy any education record if there is any outstanding request to inspect or review such records.
3. Records of access to education records shall be retained as long as the records themselves.
4. The School District shall inform parents of students who have received special education services when education records are no longer needed to provide educational services to the student or to demonstrate that the school has provided the student with a free appropriate public education as required by law. At that point, the records may be turned over to parents/eligible student upon their request, or destroyed in accordance with the parent's request or School District procedures.

K. Complaints

The United States Department of Education maintains an office that handles complaints about alleged violations of FERPA by local school districts. Complaints regarding violations of rights accorded parents/eligible students may be submitted in writing to:

Family Policy Compliance Office
Department of Education
400 Maryland Avenue, S.W.
Washington, D.C. 20202-5901

Legal Reference: 20 U.S.C. § 1232g; 34 C.F.R. Part 99 (as amended)
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N.H. Chapter Law 136 (2015)
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3. If the parent/eligible student requests a hearing, it shall be held within a reasonable period of time from the School District's receipt of the written request. The parent/eligible student shall be given advance notice of the date, place and time of the hearing. The Superintendent shall designate an individual to conduct the hearing. This individual may be an employee of the School District so long as he/she does not have a direct interest in the outcome of the hearing. The parent/eligible student shall be afforded a full and fair opportunity to present evidence relevant to the issues raised and may be assisted or represented by individuals of his/her choice at his/her own expense, including an attorney.
4. The School District shall make its decision in writing within a reasonable period of time. The decision of the school must be based solely on the evidence presented at the hearing, and shall include a summary of the evidence and the reasons for the decision.
5. If, as a result of the hearing, the School District decides that the information is inaccurate, misleading or otherwise in violation of the privacy rights of the student, it shall amend the education records of the student accordingly and so inform the parent/eligible student in writing.
6. If, as a result of the hearing, the School District decides that the information is not inaccurate, misleading or otherwise in violation of the privacy rights of the student, it shall inform the parent/eligible student of their right to include a statement in the student's education record about the contested information and/or setting forth any reasons for disagreeing with the decision of the School District.
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Absent an opt out; the School District may disclose directory information about former students without the consent of the parent/eligible student.
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personnel, if any); members of the School Board; persons or companies with whom the School District or school administrative unit has contracted to provide specific services (such as attorneys, auditors, medical consultants, evaluators, experts, or therapists);

and volunteers who are under the direct control of the School District with regard to education records.

4. **Other Schools.** The School District sends student education records to schools, school systems, or institutions of postsecondary education where the student seeks or intends to enroll, or where the student is already enrolled, if the school, school system, or institution of secondary education has requested the records and so long as the disclosure is for purposes related to the student's enrollment or transfer. Such records shall include, but are not limited to, grades, report cards, disciplinary records, attendance records, special education records and health records.
5. **Health or Safety Emergency.** In accordance with federal regulations, the School District may disclose education records in a health or safety emergency without prior written consent to any person whose knowledge of the information is necessary to protect the health or safety of the student or other individuals.
6. **Other Entities/Individuals.** Education records may be disclosed to other governmental entities and individuals as specifically permitted by FERPA and the accompanying regulations.

G. Request/Disclosure Record

1. The School District will maintain a record of requests for and disclosures of personally identifiable information from the education records of a student.
2. Such records do not include: (a) disclosures to the parents/eligible student; (b) disclosures made pursuant to written consent of the parents/eligible student; (c) disclosures to school officials with legitimate educational interests in the record; (d) disclosures of directory information; (e) disclosures to the person who provided or created the record; (f) disclosures pursuant to a subpoena in certain law enforcement proceedings as described 34 C.F.R. § 99.31(a)(9)(ii)(A) and (B) if the court or agency issuing the subpoena ordered that the existence or contents of the request for disclosure remain confidential; or (g) disclosures pursuant to ex parte orders obtained by the U.S. Attorney General (or certain designees) concerning investigations or prosecutions of offenses listed in 18 U.S.C. § 2332(g)(5)(B) or acts of domestic or international terrorism as defined in 18 U.S.C. § 2332.

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3. The record will include the party requesting the information and the "legitimate interest" the party has in the information. In the case of state and local educational authorities, and federal officials and agencies identified in the FERPA regulations, the record must specify that the records may be subject to further disclosure by these authorities, officials and agencies without consent.
4. When disclosures are made under the exception for health or safety emergencies, the record must include the "articulable and significant threat to the health or safety of a student or other individuals that formed the basis of the disclosure" and the parties to whom the information was disclosed.

H. Waiver of Confidentiality Rights

A parent/eligible student may waive any of his/her rights regarding confidentiality of education records, but any such waiver must be in writing and signed by the parent/eligible student. The school may not require that a parent/eligible student waive his or her rights. Any waiver may be revoked, but such revocation shall not apply to any actions taken by the School District prior to the revocation being received. If a parent executes a waiver, that waiver may be revoked by the student any time after he/she becomes an eligible student.

I. Fees for Copying Records

There shall be no charge to search for or retrieve education records of a student. The School District shall provide copies of education records to parents/eligible students upon request, subject to reasonable limitations. The cost of producing copies of the record to parents/eligible student will be *eight cents (\$0.08 per page copied), plus postage*. Parents/eligible students who are unable to pay such fees will not be denied access to education records.

J. Maintenance and Destruction of Education Records

The School District shall maintain education records as required by federal and state statutes and regulations.

1. Records shall be maintained in paper and/or electronic form by personnel who are knowledgeable about the applicable confidentiality and record retention requirements. All records shall be safeguarded from unauthorized access. Student records must be kept in fireproof storage at the school or a duplicate set must be kept off-site.

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2. The School District shall not destroy any education record if there is any outstanding request to inspect or review such records.
3. Records of access to education records shall be retained as long as the records themselves.
4. The School District shall inform parents of students who have received special education services when education records are no longer needed to provide educational services to the student or to demonstrate that the school has provided the student with a free appropriate public education as required by law. At that point, the records may be turned over to parents/eligible student upon their request, or destroyed in accordance with the parent's request or School District procedures.

K. Complaints

The United States Department of Education maintains an office that handles complaints about alleged violations of FERPA by local school districts. Complaints regarding violations of rights accorded parents/eligible students may be submitted in writing to:

Family Policy Compliance Office
Department of Education
400 Maryland Avenue, S.W.
Washington, D.C. 20202-5901

Legal Reference: 20 U.S.C. § 1232g; 34 C.F.R. Part 99 (as amended)
20 U.S.C. § 7908
RSA 189:1-e, 193-D:8, 194:31-a
N.H. Code of Administrative Rules Ed 1119

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**OYSTER RIVER COOPERATIVE SCHOOL DISTRICT
SAU 35, 36 Coe Drive, Durham, NH 03824**

ANNUAL NOTICE OF STUDENT EDUCATION RECORDS AND INFORMATION RIGHTS

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

A. Definitions.

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

B. Inspection of Records Note: The change in the deadline is the same as the one made in the procedure because of the change in state law. We added postage since it is included in the procedure.

Parents/eligible students may inspect and review the student's education records within 14 days after the day a request is made ~~45 days of making a request~~, or before an IEP Team meeting or due process hearing. Such requests must be submitted to the Superintendent or building administrator in writing and must identify the record(s) to be inspected. The Superintendent or building administrator will notify the parent/eligible student of the time and place where the record(s) may be inspected in the presence of school staff. Parents/eligible students may obtain copies of education records at a cost of \$0.08 cents per page, plus postage if applicable.

C. Amendment of Records

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

D. Disclosure of Records

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

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1. Directory Information Note: Same changes in paragraphs 1 and 2 as in the procedure.

The School District designates the following student information as directory information that may be made public at its discretion: name, participation and grade level of students in officially recognized activities and sports, height and weight of student athletes, dates of attendance in the school district, honors and awards received, and photographs and videos relating to student participation in school activities open to the public. Parents/eligible students who do not want the School District to disclose directory information must notify the Superintendent in writing by September 15 (NOTE: or other date chosen) or within thirty (30) days of enrollment, whichever is later. This opt-out shall remain in effect until the following school year, unless the parent or eligible student rescinds it earlier, or unless the student no longer attends the School District, in which case the opt out will remain in effect unless it is rescinded.

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

2. Military Recruiters/Institutions of Higher Education

Military recruiters and institutions of higher education are entitled to receive the names, addresses and telephone numbers of secondary students and the School District must comply with any such request, provided that parents have been notified that they and secondary school students have the right to request that this information not be released without their prior written consent. Parents/students who do not want the School District to disclose this information without their prior written consent must notify the Superintendent in writing by September 15 (NOTE: or other date chosen) or within thirty (30) days of enrollment, whichever is later.

3. School Officials with Legitimate Educational Interests Note: Same change added to the procedure.

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

4. Health or Safety Emergencies

In accordance with federal regulations, the School District may disclose education records in a health or safety emergency to any person whose knowledge of the information is necessary to protect the health or safety of the student or other individuals without prior written consent.

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5. Other Schools

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6. Other Entities/Individuals

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

E. Complaints Regarding School District Compliance with FERPA

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

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-5901

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OYSTER RIVER COOPERATIVE SCHOOL DISTRICT
SAU #5, 36 Coe Drive, Durham, NH 03824

ANNUAL NOTICE OF STUDENT EDUCATION RECORDS AND INFORMATION RIGHTS

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

A. Definitions

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

B. Inspection of Records

Parents/eligible students may inspect and review the student's education records within 45 days of making a request, or before an IEP Team meeting or due process hearing. Such requests must be submitted to the Superintendent or building administrator in writing and must identify the record(s) to be inspected. The Superintendent or building administrator will notify the parent/eligible student of the time and place where the record(s) may be inspected in the presence of school staff. Parents/eligible students may obtain copies of education records at a cost of \$0.08 per page.

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

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D. Disclosure of Records

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

1. Directory Information

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

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

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4. Health or Safety Emergencies

In accordance with federal regulations, the School District may disclose education records in a health or safety emergency to any person whose knowledge of the information is necessary to protect the health or safety of the student or other individuals without prior written consent.

5. Other School

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

6. Other Entities/Individuals

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

E. Complaints Regarding School District Compliance with FERPA

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

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-5901

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CONFIDENTIAL STUDENT INFORMATION

It is policy of the [Oyster River Cooperative](#) School District to respect the privacy and/or confidentiality of all students and staff within the District. It is the policy of the District that personally identifiable information should only be viewed or received by District employees who have a legitimate educational or business interest or purpose in viewing or receiving private and/or confidential information.

Confidential Information

As part of the job performance of the District, employees may produce and receive information that must be kept confidential. Confidential information includes information obtained during the course of employment relating to the conduct of School District internal affairs. It shall also include information relating to students that is otherwise protected by applicable state and federal privacy laws. School District employees shall not disclose nor transmit such confidential information concerning students or others, or confidential internal information and shall use extreme care to protect against negligent or inadvertent disclosure of such information.

Upon termination of employment or involvement in such internal affairs, or at any time that the District requests, all memoranda, notes, records, reports, lists and other documents containing, describing or relating to confidential information, together with all copies of the same, obtained by School District employees or entrusted to them during the course of their employment, shall be surrendered to the District at the time of such termination or request.

Observations:

During the course of carrying out activities as an employee or volunteer of the District, an individual may make certain observations that may disclose personally identifiable information about a student. These observations may indicate the nature of disabilities and/or accommodations that are made in response to such disabilities. These observations, by their very nature, may result in the employee or volunteer receiving information in which they neither have a legitimate educational interest nor a "need to know." To the degree that such observations disclose personally identifiable information, the employee or volunteer in question making such observations must respect the privacy and confidentiality of the student involved and not disclose such information in violation of this policy.

Violations:

The dissemination of personally identifiable information by employees or volunteers to individuals who have neither a legitimate educational interest nor a "need to know" is prohibited. Employees and volunteers are not to disclose such information to individuals not affiliated with the School District without specific written authorization from District administrators and the affected student/parent.

Volunteers who violate this policy may have their services terminated. District employees who violate this policy may face discipline up to and including termination, in accordance with applicable law, Board policies and/or collective bargaining agreements.

Legal References:

20 USC 1232g, Family Educational Rights and Privacy Act (FERPA)

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BULLYING AND CYBERBULLYING
PUPIL SAFETY AND VIOLENCE PREVENTION

I. GENERAL STATEMENT OF POLICY

It is the policy of the Oyster River Cooperative School District that its students have an educational setting that is safe, secure, peaceful, and free from student harassment, also known as bullying or cyberbullying. The School District will not tolerate unlawful harassment of any type and conduct that constitutes bullying or cyberbullying as defined herein is prohibited. Retaliation or false accusations against a victim, witness, or anyone else who in good faith provides information about an act of bullying or cyberbullying is prohibited. All students are protected regardless of their status under the law. Any person violating this Policy may be subject to disciplinary action up to and including expulsion. Each building Principal is responsible for the implementation of this Policy.

II. BULLYING AND CYBERBULLYING DEFINED

1. "Bullying" is 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 student which:

- (a) physically harms a student or damages the student's property;
- (b) causes emotional distress to a student. For the purposes of this policy, the term "emotional distress" means distress that materially impairs the student's participation in academic or other school-sponsored activities. The term "emotional distress" does not include the unpleasantness or discomfort that accompanies an unpopular viewpoint;
- (c) interferes with a student's educational opportunities;
- (d) creates a hostile educational environment; or
- (e) substantially disrupts the orderly operation of the school.

"Bullying" includes actions motivated by an imbalance of power based on a student's actual or perceived personal characteristics, behaviors, or beliefs, or motivated by the student's association with another person and based on the other person's characteristics, behaviors, or beliefs.

2. "Cyberbullying" is any conduct defined in paragraph 1 of this Section undertaken through the use of electronic devices which include, but are not limited to, telephones, cellular phones, computers, pagers, electronic mail, instant messaging, text messaging, and websites. Cyberbullying includes, but is not limited to, the following actions: harassing, teasing, intimidation, threatening, stalking or terrorizing another person by sending or posting inappropriate and hurtful e-mail messages, instant messages, text messages, digital pictures or images, or web site postings, including blogs or other use of technology.

3. Bullying or cyberbullying occurs when an action or communication defined in paragraphs 1 or 2 of this Section:

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_____ (a) occurs on, or is delivered to, school property or a school-sponsored activity or event on or off school property; or

(b) occurs off of school property or outside of a school-sponsored activity or event, if the conduct interferes with a student's educational opportunities or substantially disrupts the orderly operations of the school or school sponsored activity or event.

4. "Parent" means parent, parents, or legal guardians.

5. "Perpetrator" is a student who engages in bullying or cyberbullying.

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

7. "Victim" is a student against whom bullying or cyberbullying has been perpetrated.

8. Bullying in violation of this Policy need not rise to the level of unlawful harassment under Title IX of the Education Acts of 1972, the Americans With Disabilities Act, Title VI, or the Rehabilitation Act of 1974.

III. REPORTING PROCEDURE

1. Any student who believes he/she has been a victim of bullying or cyberbullying shall report the alleged act to the building Principal. If a student is more comfortable reporting the alleged act to a person other than the building Principal, the student may contact any School District employee. The School District will respect the confidentiality of the victim and the perpetrator(s) as much as possible, consistent with the School District's legal obligations and the necessity to investigate allegations of alleged bullying and cyberbullying and to take appropriate remedial disciplinary action when such conduct has been substantiated. However, no disciplinary action can be taken against a perpetrator solely on the basis of a confidential report.

2. Any school employee, volunteer, or employee of a company under contract with the school or School District, who has witnessed or has reliable information that a student has been subjected to bullying or cyberbullying shall report the incident to the student's Principal. "Reliable information" shall include a parent's or student's claim that a student is the victim of bullying or cyberbullying.

3. All reports must be documented on the School District's Bullying/Cyberbullying Reporting Form. The victim or reporter shall provide copies of documents relating to the bullying or cyberbullying and/or save those documents so that the documents can be provided to the investigator. If a victim or reporter is either unwilling or unable to complete the School District's Bullying/Cyberbullying Reporting Form, the school employee who receives the oral report will promptly fill out the School District's Bullying/Cyberbullying Reporting Form, using, to the extent practicable, the reporter's or victim's own words to describe the alleged bullying or cyberbullying.

4. Upon receipt of a report of bullying or cyberbullying, the Principal shall within twenty-four (24) hours forward a written report to the Superintendent of the incident and the Principal or his/her designee's response to the initial report.

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5. The Principal shall by telephone and in writing by first-class mail, notify the parent of the victim and perpetrator within forty-eight (48) hours of receiving the School District's Bullying/Cyberbullying Reporting Form that a report of alleged bullying or cyberbullying was received and is being investigated in accordance with this Policy. The content of the notice shall comply with the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g.

6. The Superintendent may, within the forty-eight (48) hour time period in paragraph 5 of this Section, grant the Principal a written waiver from the notification requirement if the Superintendent deems such waiver to be in the best interest of the victim or perpetrator. The waiver shall not negate the school's responsibilities to comply with the remainder of this Policy.

IV. INVESTIGATION AND REMEDIAL ACTION

1. The Principal or his/her designee shall begin an investigation of the alleged acts of bullying or cyberbullying within five (5) school days of receiving the School District's Bullying/Cyberbullying Reporting Form. The goal of an investigation is to obtain an accurate and complete account of all incidents and circumstances deemed relevant to the allegations, to determine whether bullying or cyberbullying occurred, and to identify the student(s) responsible for the acts. These procedures are intended to protect the rights of a victim and perpetrator.

(a) The alleged perpetrator(s) will be provided the opportunity to be heard as part of the investigation.

(b) Privacy rights of all parties shall be maintained in accordance with applicable laws.

(c) The building principal/assistant principal shall keep a written record of the investigation process.

(d) The building principal/assistant principal may take interim remedial measures to reduce the risk of further bullying/cyberbullying, retaliation and/or to provide assistance to the alleged victim while the investigation is pending.

(e) The building principal/assistant principal shall consult with the Superintendent as appropriate concerning the investigation and any remedial measures or assistance provided.

(f) Consistent with applicable law, students may not be required to 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, District investigators may request a student or a student's parent/guardian voluntarily share printed copies of specific information from a student's personal social media account if such information is relevant to an ongoing investigation.

2. The Principal or his/her designee will complete the investigation within seven (7) school days after the Principal receives the School District's Bullying/Cyberbullying Reporting Form, except in cases where the Superintendent grants a written extension. The Superintendent, if necessary, may grant an extension of the time period for the completion of the investigation for up to an additional seven (7) school days. The Superintendent shall notify all parties in writing of the granting of an extension. The Principal or his/her designee will expedite the investigation of any claim involving physical violence or serious threats of harm.

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3. To end bullying or cyberbullying and prevent its recurrence, the Principal or his/her designee will take such disciplinary action deemed necessary and appropriate, including but not limited to detention, in-house suspension, out-of-school suspension or referral to the Superintendent to consider long-term suspension or expulsion, and/or referral to law enforcement. Any discipline imposed will be in accordance with and consistent with the School Board's policies on student discipline.

4. Administrators have the discretion within the requirements of district policies on student discipline, to determine appropriate disciplinary consequences and/or interventions for violations of this policy based upon the relevant facts and circumstances in a particular case, including but not limited to the age and maturity of the students involved; the type and frequency of the behavior; a student's willingness to cooperate in the investigation and correct behavior; and the student's prior disciplinary record.

5. Besides initiating disciplinary action, the Principal or his/her designee may also take other remedial action deemed necessary and appropriate to end bullying or cyberbullying and prevent its recurrence including but not limited to requiring participation in peer mentoring, or other life skills groups; reassigning student's classes, lunch periods or transportation; and/or offering appropriate assistance to the victim or perpetrator.

6. At the time a bullying or cyberbullying report is made, the Principal or his/her designee in consultation with the Superintendent, shall develop a strategy to protect all students from any kind of retaliation.

7. The Principal or his/her designee must document his/her investigation results in a written report. The investigation report shall include documentation of the statements/interviews of the victim, perpetrator, and witnesses. Copies of any documents or other evidence (e.g., electronic communications) obtained during the investigation shall be attached to the report. The Principal or his/her designee's investigation report shall also include the Principal or his/her designee's findings of whether the report of bullying or cyberbullying was substantiated and the reasons why the report was or was not substantiated. If the report is substantiated, the Principal or his/her designee shall include in the investigation report recommendations for remediating the bullying or cyberbullying and shall, when appropriate, recommend a strategy to protect students from retaliation. If the report is not substantiated as bullying or cyberbullying but the conduct violates school rules or policies, the Principal or his/her designee shall specify the school rules or policies violated and make appropriate recommendations to address the violations.

8. The Principal or his/her designee shall notify the Superintendent of all substantiated instances of bullying or cyberbullying. The Superintendent shall report to the School Board all substantiated instances of bullying and cyberbullying.

9. Within ten (10) school days of completion of the investigation, the Principal shall notify the parents of the victim and perpetrator of the school's remedial action. In accordance with FERPA, the School District may not disclose to the parents of victims the educational records of perpetrators which include but are not limited to the discipline and remedial action assigned to the perpetrators.

10. Since bullying or cyberbullying may begin again after several weeks or months have lapsed, the perpetrator in substantiated cases should be closely supervised. The victim should be encouraged to report any new problems to the Principal or his/her designee. The Principal or his/her designee should interview the victim regularly to make sure that there is no recurrence of bullying, cyberbullying, or retaliation. The Principal or his/her designee shall document all follow-up with the victim.

V. FILE RETENTION

The Principal will maintain in a separate confidential file the original completed School District's Bullying/Cyberbullying Reporting Form, investigatory interview notes and reports, findings made, the investigation report, including any decision for action, and other relevant investigatory materials, and maintain a copy of the file in the perpetrator's education record. The Principal shall also provide a copy of the file to the Superintendent.

VI. APPEAL

1. For non-disciplinary remedial actions where no other review procedures govern, the parents of the perpetrator and victim shall have the right to appeal the Principal or his/her designee's decision regarding their student to the Superintendent in writing within five (5) school days. The Superintendent shall review the Principal or his/her designee's decision and issue a written decision within ten (10) school days. If the aggrieved party is still not satisfied with the outcome, then the aggrieved party may file a written request for review by the School Board within ten (10) school days of the Superintendent's decision. The appeal shall state in writing why the appealing party is aggrieved, and the specific relief they are requesting.

2. The procedures in RSA 193:13, Ed 317, and the School District's discipline policies establish the due process and appeal rights for students disciplined for acts of bullying, cyberbullying, or retaliation.

VII. RETALIATION OR FALSE ACCUSATIONS

No person shall retaliate or make false accusations against a victim, witness, or anyone else who in good faith provides information about an act of bullying or cyberbullying. The School District will discipline any individual who retaliates or makes a false accusation or encourages others to retaliate or make a false accusation against a victim, witness, or anyone else who in good faith provides information, testifies, assists, or participates in an investigation, proceeding or hearing relating to an act of bullying or cyberbullying.

If a complaint or report is not made in good faith, the School District will take such disciplinary action deemed necessary and appropriate including but not limited to suspension, expulsion, or dismissal.

VIII. POLICY NOTIFICATION/DISSEMINATION

1. Copies of this Policy shall be given to all employees, students and parents annually by publishing in the applicable handbook. Whenever new School District employees or students begin during the school year, they shall receive a copy of the appropriate handbook before commencing work or school attendance. The Superintendent or his/her designee shall also make

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all volunteers, and contractors who have contact with students and chartered public schools aware of this Policy.

2. The School District will post this Policy and a summary of the Policy on the School District's website and conspicuously in each school building in areas easily accessible to students and staff.

IX. TRAINING OF STAFF AND EDUCATING PARENTS AND STUDENTS

1. The School Administration shall develop age-appropriate methods of discussing the meaning, substance, and application of this Policy with parents and students in order to minimize the occurrence of bullying and cyberbullying and to identify, respond to, and report incidents of bullying or cyberbullying. In support of this policy, the Board promotes preventative educational measures to promote greater awareness of aggressive behavior, including bullying.

2. The School Administration shall provide training annually for employees, school volunteers, and contractors who have contact with students for the purpose of preventing, identifying, responding to, reporting incidents of bullying or cyberbullying, and implementing this Policy.

X. RECORDINGS IN STUDENT DISCIPLINE MATTERS

1. Recordings on School Buses. Pursuant to RSA 570-A:2, notice is hereby given that the School 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. A sign informing the occupants of school buses that such recordings may occur shall be posted on all buses.

2. Use of Recordings. The District reserves the right to use audio/video on buses and video recording devices on District property 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, EEAF and ECAF~~.

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

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

XI. BULLYING AS ABUSE AND CRIMINAL CONDUCT

Under certain circumstances (e.g., physical harm/touching, or damage to property) bullying or cyberbullying may constitute a violation of the Safe School Zones Act or abuse under RSA 169-C, the Child Abuse Reporting Act. In such situations, employees, volunteers and contractors shall comply with provisions of the School District's Policy concerning the Safe School Zones Act and the law which in part requires reporting to the Principal and requires the Principal to file a written

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report with the police within 48 hours and to notify the victim's parents/guardian that a report has been filed.

XII. SEXUAL HARASSMENT

Bullying or cyberbullying may constitute sexual harassment in which case it shall be subject to and be handled in accordance with the School District's Sexual Harassment and Sexual Violence Policy, not this Policy.

XIII. ANNUAL REPORT

The Superintendent shall prepare and submit an annual report of substantiated bullying/cyberbullying incidents on the form provided by the New Hampshire Department of Education. Such reports shall not contain personally identifiable information regarding students.

XIV. IMMUNITY

A School Administrative Unit employee, School District employee, school volunteer, student, parent, legal guardian, or employee of a company under contract to the School District, School Administrative Unit, or chartered public school, shall be immune from civil liability for good faith conduct arising from or pertaining to the reporting, investigation, findings, recommended response, or implementation of a recommended response under RSA 193-F.

EXISTING - TO BE REPLACED

OYSTER RIVER COOPERATIVE SCHOOL BOARD	Policy Code: JICK
Policy Committee Review: 11/30/10 SB First Read: 12/1/10 SB Second Read & Adoption 12/15/10	Pages: 4

BULLYING AND CYBERBULLYING

The Oyster River Cooperative School Board believes that students are entitled to learn in a school environment that is safe and secure. Students are expected to conduct themselves with respect for others and in accordance with this policy and other Board policies and school rules governing student conduct. The Board will take reasonable steps to protect all students from the harmful effects of bullying and cyberbullying that occurs at school and/or that interferes with student learning and orderly school operations.

The Superintendent is responsible for implementing this policy, but may delegate specific responsibilities to administrators and others as he/she deems appropriate.

A. Prohibited Conduct

Students are prohibited from bullying and cyberbullying actions or communications directed toward other students which:

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

Students are further prohibited from retaliating against or making false accusations against a victim, witness or anyone else who in good faith provides information about an alleged act of bullying or cyberbullying.

B. Definitions

For the purposes of this policy, the following definitions shall apply:

1. "Bullying" means 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 student which:
 - a. Physically harms a student or damages the student's property;
 - b. Causes emotional distress to a student. For the purposes of this policy, the term "emotional distress" means distress that materially impairs the student's participation in academic or other school-sponsored activities. The term "emotional distress" does not include the unpleasantness or discomfort that accompanies an unpopular viewpoint;
 - c. Interferes with a student's educational environment;
 - 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 student's actual or perceived personal characteristics, behaviors or beliefs, or motivated by the student's association with another person and based on the other person's characteristics, behaviors or beliefs if those actions cause one or more of the results in paragraphs (a) through (d) above.

Bullying or cyberbullying of a student on the basis of sex, sexual orientation, race, color, ancestry, national origin, religion, age, marital status, familial status, pregnancy,

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physical or mental disability may constitute illegal discrimination under federal and/or state laws. Complaints regarding such conduct may be processed through the Board's Student Discrimination and Harassment Complaint Procedure (ACAA-R).

2. "Cyberbullying" means conduct defined in Paragraph 1 that takes place through the use of electronic devices.
3. "Electronic devices" include but are not limited to telephones, cellular phones, computers, pagers, electronic mail, instant messaging, text messaging and websites.
4. "School property" means all real property and all physical plant and equipment used for school purposes, including public or private school buses or vans.
5. "Perpetrator" means a student who engages in bullying or cyberbullying.
6. "Victim" means a student against whom bullying or cyberbullying has been perpetrated.

C. Capture of Video or 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.

D. 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 educational 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.

E. Disciplinary Consequences and Intervention Programs

Administrators have the discretion to determine appropriate disciplinary consequences and/or interventions for violations of this policy based upon the relevant facts and circumstances in a particular case, including but not limited to the age and maturity of the students involved; the type and frequency of the behavior; a student's willingness to cooperate in the investigation and correct behavior; and the student's prior disciplinary record.

Disciplinary consequences may include detention, suspension or expulsion from school. In addition, students may be required to participate in education programs, mediation, counseling and/or other programs and/or activities to address and prevent recurrence of bullying and cyberbullying behavior. 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.

F. Reporting Bullying and Cyberbullying

Students who are subjected to bullying or cyberbullying, or who observe bullying/cyberbullying by or against other students are strongly encouraged to report it to School Administrators, any

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staff member or school resource officer. Staff will use all means possible to protect the privacy of the individual reporting the bullying.

School staff and volunteers are required to report possible incidents of bullying or cyberbullying to the building principal /assistant principal as soon as practicable. Parents and other adults are also encouraged to report any concerns about possible bullying or cyberbullying of students to the building principal.

G. Report Handling and Investigation

1. The building administrator shall notify the parents/guardians of the alleged victim(s) and perpetrator(s) that a bullying/cyberbullying report has been made within 48 hours of the report and in accordance with applicable privacy laws. However, the building principal /assistant principal may request a waiver of this parent notification requirement from the Superintendent. The Superintendent may waive parent/guardian notification at this stage of the procedure if he/she determines this to be in the best interest of the victim(s) and/or the perpetrator(s). Any such waiver of the parent notification requirement shall be made in writing.
2. An investigation of the bullying/cyberbullying report will be initiated by the building principal /assistant principal within five school days.
 - a. The alleged perpetrator(s) will be provided the opportunity to be heard as part of the investigation.
 - b. Privacy rights of all parties shall be maintained in accordance with applicable laws.
 - c. The building principal /assistant principal shall keep a written record of the investigation process.
 - d. The building principal /assistant principal may take interim remedial measures to reduce the risk of further bullying/cyberbullying, retaliation and/or to provide assistance to the alleged victim while the investigation is pending.
 - e. The building principal /assistant principal shall consult with the Superintendent as appropriate concerning the investigation and any remedial measures or assistance provided.
 - f. The investigation shall be completed within 21 school days of receipt of the report, if practicable. The Superintendent may grant in writing an extension of time to complete the investigation of up to 7 additional school days if necessary. The Superintendent shall notify all parties involved of any such extension.
 - g. If the building principal /assistant principal substantiates the bullying/cyberbullying report, he/she shall, forward the substantiated reports to the Superintendent and in consultation with the Superintendent determine what remedial and/or disciplinary actions should be taken against the perpetrator(s) and determine what further assistance should be provided the victim(s), if any.
 - h. The building principal /assistant principal shall inform the victim(s), the perpetrator(s) and their parents/guardians in writing of the results of the investigation and any remedies and/or assistance provided by the school, including strategies for protecting students from retaliation. Such communication shall be provided within 10 school days and shall be in compliance with applicable privacy laws.

EXISTING - TO BE REPLACED

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H. Training

1. The school administration shall provide appropriate training on this policy for school employees, regular school volunteers and any employees of companies contracted to provide services directly to students. The purpose of the training is to prevent bullying/cyberbullying if possible, and to educate staff on how to properly identify, respond to and report incidents of bullying/cyberbullying. In support of this policy, the Board promotes preventative educational measures to create greater awareness of aggressive behavior, including bullying.
2. The school administration shall provide age-appropriate education programs for students and parents regarding this policy, bullying/cyberbullying prevention, how to identify, respond to and report bullying/cyberbullying.

All training and education programs shall be initially approved by the Superintendent. Building administrators are responsible for scheduling the required training and education programs each year.

I. Annual Report to New Hampshire Department of Education

The Superintendent shall prepare and submit an annual report of substantiated bullying/cyberbullying incidents on the form provided by the New Hampshire Department of Education. Such reports shall not contain personally identifiable information regarding students.

J. Immunity

Any employee of the school unit or contract company, regular school volunteer, student or parent/guardian shall be immune from civil liability for good faith conduct arising out of or pertaining to the reporting, investigation, findings, and the development or implementation of any recommended response under this policy.

K. Policy Dissemination

This policy shall be posted on the district website and included in student and employee handbooks. It shall also be provided to employees of any company contracted to provide services directly to students. The policy may also be disseminated by other means as determined by the Superintendent.

Legal References: NH RSA 193-F:2-F:10

Cross References: AC – Nondiscrimination/Equal Opportunity
ACAA - Harassment and Sexual Harassment of Students
ACAA-R - Harassment and Sexual Harassment of
Students Complaint Procedure
JRA – Student Education Records and Information
EBF – Electronic Surveillance on School Buses.
JFCC – Student Conduct on School Buses.
GBEB – Staff Conduct with Students.

OYSTER RIVER COOPERATIVE SCHOOL DISTRICT	Policy Code: BEDB
Date of Adoption: October 17, 2007 REVISED: 09/17/08, 09/22/2010, 6/6/12 SB First Read: August 17, 2011 SB Second Read Adoption: September 7, 2011 Policy Review: May 11, 2016 w/BEDB-R	Page 1 of 1

AGENDA PREPARATION AND FORMAT

Agenda Preparation and Dissemination

The Superintendent, in consultation with the Board Chair, [and/or Vice-Chair](#) shall prepare an agenda for each meeting of the Board. Board members, school staff, students, organizations and members of the public may submit written requests to the Board through the Chair or the Superintendent for items to be placed on the agenda. Their request must be received a minimum of seven days prior to the meeting at which the organization or individual wishes the item to be addressed by the Board in order to be considered for placement on the agenda. In addition, during the meeting, Board members may request that an item be placed on a future agenda. The Chair and Superintendent shall make the final decision regarding placement of items on the agenda.

The agenda will be distributed to Board members, the media, and designated school-affiliated organizations no later than 72 hours prior to a regular meeting or workshop/informational meeting of the Board and, as soon as possible in the event of a special or emergency meeting. Copies of the agenda will be posted and/or available at the Superintendent's Office, at each school and on the district website. Anyone desiring additional information regarding an agenda item should direct inquiries to the Office of the Superintendent. Copies of the agenda will also be available at the Board meeting.

Additions and Adjustments to the Agenda during the Meeting

In general, it is the Board's intent that meeting agendas be set in advance and that the regular agenda format be followed. However, it is understood that there may be occasions when it is necessary to add items or otherwise adjust the agenda. After the meeting has been called to order, the Superintendent or Board Chair may recommend additions and/or adjustments to the agenda of a regular meeting.

Any Board member who wishes to add, remove, or change an item to the agenda may offer a motion to that effect. Such a motion shall require a second to proceed to a vote.

All additions, deletions and changes to the agenda must be approved by a majority vote of the Board members present and voting. If possible, please give advanced notice of changes to the Superintendent and Board chair.

In order to facilitate its business, the Board Chair may adjust the agenda by changing the order of business by consensus of the Board.

[Cross Reference:](#)

[BEDB-R – Agenda Format](#)

**Oyster River Cooperative School District
REGULAR MEETING**

Date _____ **Oyster River High School, Room C-124** _____ **Time** _____

- o. CALL TO ORDER (6:30 PM)**
- I. 6:30 – 7:00 PM MANIFEST REVIEW/APPROVAL AT EACH SCHOOL BOARD MEETING**
- II. PUBLIC COMMENTS**
- III. APPROVAL OF MINUTES**
- IV. ANNOUNCEMENTS AND COMMENDATIONS**
 - A. District**
 - B. Board**
- V. DISTRICT REPORTS {Will be presented at the first meeting of every month}**
 - A. Assistant Superintendent/Curriculum & Instruction Report(s)**
 - B. Superintendent's Report**
 - C. Business Administrator**
 - D. Student Senate Report**
 - E. Other:**
- VI. DISCUSSION ITEMS**
- VII. ACTIONS**
 - A. Superintendent Actions**
 - B. Board Action Items**
- VIII. SCHOOL BOARD COMMITTEE UPDATES**
- IX. PUBLIC COMMENTS**
- X. CLOSING ACTIONS**
 - A. Future meeting dates:**
- XI. ADJOURNMENT**
- XII. NON-PUBLIC SESSION: RSA 91-A:3{If Required}**
NON-MEETING SESSION: RSA 91-A2 {If Required}

The School Board reserves the right to take action on any item on the agenda.

Respectfully submitted,

Superintendent

If you require special communication aids, please notify us 48 hours in advance.

Oyster River Cooperative School District
SAU #5

Welcome to the School Board meeting. If you wish to be heard by the Board, please note "Public Comment" at the beginning of the agenda (reverse side). During the comment section of the agenda ~~should each speaker may have up to not exceed~~ three (3) minutes ~~within the time frame allowed, unless extended by the Board~~ Chair may ~~limit time allotment as deemed necessary~~. Occasionally, the Board may "suspend its rules" to allow visitor participation at the time an issue of specific interest is being addressed. A speaker will not be recognized for a second time on a particular topic.

Visitors should not expect a Board response to their comments or questions under the above since the Board may not have discussed or taken a position on the matter. The Superintendent, without speaking for the Board, may offer clarification as appropriate.

Agendas and background information are available on the district website prior to meetings. Agendas and additional information are generally available at the entrance to the meeting room or distributed at the time the item is introduced for discussion.

The ORCSD School Board will meet in regular session on the first and third Wednesdays of the month with special meetings when necessary. The School Board appreciates your attendance at these meetings and invites your continued interest in its work on behalf of the children and residents of the District.

Oyster River Cooperative School District Members:

- | | |
|-------------------------------------|--|
| • Maria S. Barth | Term on Board: 2012 - 20158 |
| • Thomas Newkirk, Chair | Term on Board: 2013 - 20169 |
| • Kenneth Rotner | Term on Board: 20136 - 20169 |
| • Sarah Farwell | Term on Board: 2014 - 2017 |
| • Denise Day, <u>Vice-Chair</u> | Term on Board: 2014 - 2017 |
| • Allan Howland | Term on Board: 20125 - 20158 |
| • <u>Edwin Charles Daniel Klein</u> | Term on Board: 20125 - 20158 |

Information Regarding Nonpublic Session

On occasion, the Board agenda may include (or be adjusted to include) a Nonpublic Session. When a motion is made to do so, it will be done under the provisions of the NH State Law RSA 91-A:3 II, and one or more of the following reasons will be claimed for entering Nonpublic Session:

- 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 will 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 public body itself, unless such person requests an open meeting.
- d. Consideration of the acquisition, sale or lease of real property or personal property which, if discussed in public, would likely benefit a party or parties whose interests are adverse to those of the general community.
- e. Consideration or negotiation of pending claims or litigation which has been threatened in writing or filed against the body or agency of any sub-division thereof, or against any member thereof because of his membership in such body or agency, until the claim or litigation has been fully adjudicated or otherwise settled.

OYSTER RIVER COOPERATIVE SCHOOL BOARD	Policy Code: GBJ
Date of Adoption: September 1971 <small>Previously: GBI.</small> Code Change-Adopted School Board: May 2, 2012 School Board First Read: March 20, 2013 School Board Second Read/Adoption: September 18, 2013 Policy Committee: May 11, 2016	Page 1 of 1 Category: Recommended

PERSONNEL RECORDS

The Oyster River Cooperative School District 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.

[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.](#)

Cross Reference:

[GBJ-R – Personnel Records](#)

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](#)

OYSTER RIVER COOPERATIVE SCHOOL BOARD	Policy Code: GBJ-R
Policy Committee Review: May 11, 2016	Page 1 of 1

PERSONNEL RECORDS

1. A personnel folder for each employee, certificated and non-certificated, shall be accurately maintained in the administrative offices and permanently stored in an acceptable form.
2. 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.
3. 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 District on a confidential basis by universities, colleges or persons not connected with the District.
4. A list of employees, ~~their addresses~~ and their salaries shall be tendered to any citizen upon request in accordance with RSA 91-A.

Cross Reference:

— GBJ – Personnel Records