

OYSTER RIVER COOPERATIVE SCHOOL DISTRICT

Policy Committee Meeting

October 13, 2021 3:30 PM

**SAU - Conference Room**

Agenda

I. Call to Order

- GBCD – Background Investigation and Criminal History Records Check
- EEAEA – Mandatory Drug & Alcohol Testing – School Bus Carriers
- EEAE – School Bus Safety Program
- IB – Academic Freedom
- GBI – Staff Participation in Political Activities

**Next Regular Meeting: November 18, 2021 {Due to Veteran's Day on 11/11}**

OYSTER RIVER COOPERATIVE SCHOOL BOARD	Policy Code: GBCD
Date of Adoption: January 3, 2007 Policy Committee Review: June 11, 2014 & June 8, 2016 <b>Attorney review and revisions to Policy 9/14/16</b> School Board First Read: October 19, 2016 Back to Policy Committee: October 26, 2016 & 11/8/17 School Board: First Read: November 15, 2017 School Board Second Read/Adoption: December 6, 2017 <u>Policy Committee Review: October 13, 2021</u>	Page 1 of 3  Category: Priority

## **Background Investigation and Criminal History Records Check**

### **Background Investigation**

The Oyster River Cooperative School District Superintendent, or his/her designee, shall conduct a thorough investigation into the past employment history, and other applicable background, of any person considered for employment with the District. This investigation shall be completed prior to making an offer of employment.

The Superintendent shall develop a background investigation protocol for use in completing a background investigation and shall keep a written record of all background investigations which have been done.

As part of the application process, each applicant for a position shall be asked whether he/she has ever been convicted of any crime that has not been annulled by a court and whether there are any criminal charges pending against him/her at the time of application. The falsification or omission of any information on a job application or in a job interview, including, but not limited to, information concerning criminal convictions that have not been annulled by a court or pending criminal charges, shall be grounds for disqualification from consideration for employment or immediate discharge from employment.

Any person for whom the Board requires a Criminal Records Check, with the exception of substitutes, the District shall pay all fees and costs associated with the fingerprinting process and/or the submission or processing of the requests for the Criminal Records Check, unless otherwise determined by the Board.

### **Criminal Records Check**

Each person considered for employment by the Board whose duties require regular contact with pupils must submit to a State and FBI Criminal Records Check.

“Persons regularly in contact with students” means a person or persons who, in the performance of his/her duties, (1) comes in direct contact with pupils on a daily basis for any period of time, (2) meets regularly, e.g., once or twice a week, with students, including, but not limited to, an art, music, or physical education teacher, (3) a substitute teacher who comes in direct contact with pupils on a limited basis, or (4) any other persons whom the Superintendent believes, by virtue of their duties and contact with students, should appropriately undergo a Criminal Records Check.

The Superintendent is responsible to establish all necessary internal procedures relative to the initiation and completion of the State and FBI Criminal Records Check.

### **Volunteers**

Volunteers are subject to a background investigation/criminal records check and the provisions of this policy.

### **Conditional Employment**

Persons who have been selected for employment may be hired on a conditional basis, pending a successful completion of the State and FBI Criminal Records Check.

No selected applicant for employment shall be extended a conditional offer of employment until the Superintendent, or his/her designee, has initiated the formal State and FBI Criminal Records Check process and has completed a background investigation.

Any person who is offered conditional employment, by way of individual contract or other type of letter of employment, will have clearly stated in such contract or letter of employment that his/her contract and

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continuation of employment is entirely conditioned upon the completion of a Criminal Records Check which is satisfactory to the District.

All persons employed under a conditional offer of employment may be covered under the District's health insurance program, at the sole discretion of the Board, and in accordance with Board policies and/or collective bargaining agreements, if applicable. However, any such coverage will immediately cease and will not be subject to extension under COBRA, if the Board does not tender the person a final offer of employment by reason of application of this Policy.

### **Contract Services**

Any person performing contracted services and employees of the contractor whose duties require regular contact with students (e.g., bus drivers, service providers, cafeteria workers) or are designated by the Superintendent or School Board shall be subject to the State and FBI Criminal Records Check.

### **Final Offer of Employment**

A person who has been extended a conditional offer of employment may be extended a final offer of employment upon the completion of a Criminal Records Check which is satisfactory to the Board.

No person with a conditional offer of employment shall be extended a final offer of employment if such person has charges pending or has been convicted of the following offenses, as referenced in RSA 189:13-a, V: murder; child pornography; aggravated felonious sexual assault; felonious sexual assault; sexual assault; kidnapping; manufacturing, selling, administering, dispensing or distributing any controlled substance(s) on school property; or sexual misconduct within an education setting; or where such person has been convicted of the same conduct in another state, territory, or possession of the United States, or where such person has been convicted of the same conduct in a foreign country.

In addition to the felonies listed above, a person may be denied a final offer of employment if he/she has charges pending or has been convicted of any crime. Such determination will be made by the Superintendent, on a case by case basis.

Additionally, a person may be denied a final offer of employment if the Superintendent becomes aware of other conduct which he/she determines would render the person unsuitable to perform the responsibilities of the position involved. Such determinations shall be made on a case-by-case basis.

Considerations that will be taken into account for this determination are as follows:

- The nature of the arrest offense compared to the nature of the conviction;
- Age of conviction;
- Age of applicant at the time of the offense;
- Type of offense in consideration of the type of position applied for;
- Number of offenses;
- Any other consideration(s) the superintendent deems relevant to the position sought.

### **Hiring Contracted Service Providers/Accepting Volunteers**

The School District will not hire contracted service providers or accept the services of volunteers who would be disqualified from employment under this Policy.

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**Additional Criminal Records Checks**

The Superintendent and/or the Board may require a Criminal Records Check of any employee at any time.

**Legal Reference:**

- RSA 189:13-a, School Employee and Designated Volunteer Criminal History Records Check
- [RSA 189:13-b School Bus Driver and Transportation Monitor Criminal History Records Check](#)
- RSA 651:5,X(f) Questioning an applicant for employment
- [Code of Conduct for New Hampshire Educators](#)

**Cross Reference:**

IJOC -R, R1 School Volunteers, Application Form, Confidential Form

<b>OYSTER RIVER COOPERATIVE SCHOOL BOARD</b>	<b>Policy Code: EEAEA</b>
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**CDL/SCHOOL BUS CERTIFIED DRIVER COMPLIANCY**  
**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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<a href="#">Reviewed. First Read School Board: February 6, 2013</a> <a href="#">School Board Second Read/Adoption: March 13, 2013</a> <a href="#">Policy Committee Review: February 12, 2020</a> <a href="#">School Board First Read: February 19, 2020</a> <a href="#">School Board Second Read/Adoption: March 4, 2020</a> <a href="#">Policy Committee Review: October 13, 2021</a>	<a href="#">Page 2 of 2</a> <a href="#">Category: Priority</a>

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 382 Controlled Substance & Alcohol Use & Testing](#)
- 49 C.F.R. Part 391 (1995), Qualifications of Drivers
- Saf-c 1300 School Transportation Rules – part Saf-c 1304.01 & 1305.03(a)

Cross Reference:

- EEA – Student Transportation Services
- ECAF – Audio & Video Surveillance on School Buses
- GBCD – Background Investigations and Criminal Checks
- JLCF – Student Wellness

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## School Bus Safety Program

The safety and welfare of all Oyster River Cooperative student riders will be the first consideration in all matters pertaining to transportation. Safety precautions for the District will follow the SAF-C 1300 School Bus Transportation guidelines which will include the following:

1. The Transportation Director will assure that students using District transportation are provided instruction as to the proper procedure for boarding, riding, and exiting from a school bus.
2. The Transportation Director will assume that emergency evacuation drills from school buses will be conducted at least two times a year to acquaint student riders with procedures in emergency situations.
3. The Transportation Director is encouraged to establish guidelines for families relative to safe practices for students in between home and bus stops.
4. All school buses used to transport children will be inspected on a regular schedule to see that they meet applicable safety regulations.
5. Bus Drivers are required to fully inspect their assigned vehicle each day.
6. All bus drivers will be screened before employment for physical condition, proper license, criminal records background check, and experience. The prior driving record of each driver will be checked for drug and alcohol or other convictions and a criminal records check must also be completed.
7. The Transportation Director shall maintain Driver Qualification Files.
8. To help ensure the health, welfare, and safety of students and others relative to District provided transportation, the School Board has authorized use of video and/or audio surveillance on school buses. Conducting such surveillance, and the use of any subsequent recordings in student disciplinary proceedings, will be in accordance with Board policy.
9. The School District will comply with all state and federal laws and regulations pertaining to the operation of school buses and will make these requirements know to bus drivers. It will also cooperate with local safety officials in formulating and accomplishing its school bus safety program.

### Cross Reference:

Policy EEA – Student Transportation  
Policy EEAEA – Mandatory Drug & Alcohol Testing – School Bus Drivers  
Policy JICC – Student Conduct on School Buses

### Legal References:

Chapter Saf-C 1300 School Bus Transportation  
RSA 189:6-a, School Bus Safety  
RSA 189:9-a Pupils Prohibited for Disciplinary Reasons  
RSA 189:13-b, School Bus Driver & Transportation Monitor Criminal History Records Check  
49 C.F.R. 40.1-40.13, Transportation Workplace Drug Testing Program  
49 C.F.R. Part 382, Controlled Substances and Alcohol Use and Testing  
49 C.F.R. Part 391, Qualifications of Drivers

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*ACADEMIC FREEDOM*

The Oyster River Cooperative teacher is entitled to freedom in the classroom in discussing his/her assigned subject matter or current issues, makes every effort to be accurate, should exercise appropriate restraint, and respect the opinions of others.

Cross Reference:

- IMC – Controversial Topics, Speakers and Programs
- AC – Nondiscrimination/Equal Opportunity
- ACE – Nondiscrimination on the Basis of Handicap/Disability
- ACE-R – Special Education Procedural Safeguards Handbook
  
- GBI – Staff Participation in Political Activities {When adopted}



OYSTER RIVER COOPERATIVE SCHOOL BOARD	Policy Code: GBI
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### **STAFF PARTICIPATION IN POLITICAL ACTIVITIES**

The Oyster River School Board recognizes that employees of the school district have certain civic rights. Employees, as citizens, have a right to engage in political activities. Nevertheless, this right to engage in political activities may be reasonably conditioned by the School Board as an employer. This policy defines the types of conduct that are not permitted.

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

1. Representing personal political views as those of the school district; employees should always take adequate precautions to distinguish between their personal political views and those of the school district.
2. Interfering with colleague's exercise of political and citizenship rights and responsibilities; and
3. Using school district privileges, school division resources, including but not limited to the District e-mail system or working time to promote political candidates or for partisan political activities.

It is the intent of this policy that political activities be narrowly defined to mean only "partisan political activities." Partisan political activities would include the posting of political circulars or petitions, collection and/or solicitation of campaign funds, solicitations for campaign workers and other activities of a clearly partisan nature, including those activities relating to local, state, or federal elections.

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

Legal Reference:

RSA 193:40, Prohibition on Teaching Discrimination