

OYSTER RIVER COOPERATIVE SCHOOL DISTRICT

Policy Committee Meeting

October 14, 2015      3:30 – 5:00

Central Office

Agenda

- I. Call to Order
- II. Policy Changes for Review from Requested Feedback
  - EEAA – Video and Audio Surveillance on School Property
  - JCA – Change of School or Assignment
  - ILD & R – Educational Questionnaires, Surveys and Research
  - ILDA – Non-Educational Questionnaires, Surveys & Research
  - EHAA – Computer security, E-Mail, and Internet Communications
- III. Questions/Discussion

**Next Meeting:** November 12, 2015 (Thursday)

<u>OYSTER RIVER COOPERATIVE SCHOOL BOARD</u>	<u>Policy Code: EEAA</u>
<u>Policy Committee Review: September 9, 2015, &amp; October 14</u>	<u>Page 1 of 1</u> <u>Category: Recommended</u>

## VIDEO AND AUDIO SURVEILLANCE ON SCHOOL PROPERTY

The Oyster River Cooperative School Board authorizes the use of video and/or audio devices on District property to ensure the health, welfare, and safety of all students, staff and visitors to District property and to safeguard District buildings, grounds, and equipment. The Superintendent will approve appropriate locations for surveillance devices. Placement of the video cameras will be based on the presumption and belief that students, staff and visitors have no reasonable expectation of privacy in areas or at events that occur in plain view. However, such devices are not to be placed in bathrooms or locker rooms.

Recording equipment will be placed in classrooms only after school board approval following a public hearing. The administration must receive written permission and consent from the classroom teacher and the parent/guardian of all students within the classroom prior to the use of recording equipment within a classroom.

Signs will be posted on school buildings to notify students, staff and visitors that video cameras may be in use. At the Superintendent's discretion, parents and students may also be notified through the student handbook. Students will be responsible for any violations of school rules caught on tape by cameras.

The district will retain copies of video recordings until they are erased, which may be accomplished by either deletion or copying over with a new recording. The Superintendent will consult with the necessary personnel to determine how and when such recordings should be deleted.

Videos containing evidence of a violation of student conduct rules and/or state or federal law will be retained until the issue of the misconduct is no longer subject to review or appeal as determined by board policy or applicable law. Any release or viewing of the video will be in accordance with the law.

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

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

### Cross Reference:

JRA & R – Student Education Records and Information

### Legal References:

- RSA 189:65, Definitions
- RSA 189:68, Student Privacy
- RSA 570-A:2
- 20 U.S.C. §1232g, Family Educational Rights and Privacy Act (FERPA)
- 34 C.F.R. Part 99, Family Educational Rights and Privacy Act Regulations

*Current Policy - Needs to be replaced*

OYSTER RIVER COOPERATIVE SCHOOL BOARD	Policy Code: JCA
Date of Adoption: Sept. 18, 2002 Code and Title Change Adopted School Board: May 2, 2012 Previously: JECC	Page 1 of 2

### CHANGE OF SCHOOL OR ASSIGNMENT

#### I. Reassignment of Resident Student

- A. The superintendent has discretion to reassign a student from the public school to which the student is currently assigned to another public school in New Hampshire under RSA 193:3 III only if the following conditions are met:
- 1) The student's parents or legal guardian petitions the superintendent for a change of school assignment or consents to the superintendent's recommendation for such a change; and
  - 2) The superintendent determines that such a change would be in the student's best interest as defined below; and
  - 3) The total reassignments or transfers in any one school year shall not exceed one percent of the average daily membership in residence of the school district or exceed five percent of the average daily membership in a residence of any single school, whichever is greater.
- B. The parent or legal guardian has the burden of demonstrating that the reassignment is in the student's best interest.
- C. "Best interest" does not mean that a parent has the right to select whichever public school the parent prefers or that a student has the right to attend a school that the parent or student believes is better suited to allow the student to reach his/her full potential. Rather, best interest means that the student's education will be adversely affected if the student continues to attend the public school to which the student is assigned. The adverse effect must arise from:
- 1) Problems the student has in accessing the assigned school; or
  - 2) The physical or mental condition of the student; or
  - 3) The availability at the school to which a reassignment is sought of academic courses which the student has an obvious educational need to access in order to benefit from education. General conditions or circumstances that affect or could affect numerous children attending the assigned school do not meet this requirement. For example, the availability of extra-curricular activities/athletics or certain advanced placement courses in other schools cannot be the basis of a change of school assignment.
- D. The superintendent's decision is final and conclusive and is not appealable. If the parent or legal guardian disagrees with the superintendent's decision, the parent or legal guardian can file a request for a change of school assignment to the local school board under RSA 193:3.1 and school district policy JEC on the basis of a manifest educational hardship.

*Current Policy - Needs to be replaced*

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**CHANGE OF SCHOOL OR ASSIGNMENT (continued)**

- E. The superintendent shall notify the New Hampshire Department of Education within 30 days of any reassignment of a resident student.
- II. Requests to Assign students from Other Public School Districts (Non-resident Students)
- A. The superintendent has discretion to approve a request from another superintendent to accept a transfer of a student from another school district if:
1. The conditions in Section (I A) are met;
  2. Space is available within the school; and
  3. The student meets the school's admission requirements.
- B. The superintendent is not required to accept the findings of the sending district's superintendent concerning a student's best interest and will make an independent decision on the reassignment request. The superintendent's decision is final, conclusive and is not appealable.
- C. Any student accepted under this section will be permitted to attend our schools for only so long as that student abides by the reasonable rules of the school, failing which the student's right to attend our schools will be terminated.
- III. General Requirements for Resident and Non-resident Students
- A. The parent or legal guardian of any student reassigned or accepted under this policy shall sign an acknowledgement that he/she has received a copy of this policy, understands it and agrees to be bound by its terms.
- B. All reassignments shall be limited to the current school year.
- C. The parent or legal guardian is responsible for the student's transportation.
- D. The superintendents involved in the reassignment of a student shall jointly establish a tuition rate for each such student. Some or all of the tuition may be waived by the superintendent of the receiving district for the good cause shown or pursuant to school board policy of the receiving district.
- E. Notwithstanding anything else to the contrary contained herein, the educational placement of disabled students shall be determined in accordance with the IDEA, RSA 186-C, and Section 504. Any student reassigned under this policy whom the receiving district suspects has a disability will be referred to the student's district or residence for evaluation and possible identification.
- F. When a reassignment exceeds the percentage limitations set forth in Section I (A) 3, the school board must approve the reassignment.

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### CHANGE OF SCHOOL OR ASSIGNMENT

In circumstances where the best interests of a pupil warrant a change of school or assignment, the [Oyster River Cooperative School District](#) Superintendent is authorized to reassign a pupil from the public school to which he/she is currently assigned to another public school, or to approve a request from another Superintendent to accept a transfer of a pupil from a school district that is not part of the SAU, under the following conditions and procedures.

#### **Conditions and Procedures for Reassignment**

1. Either the parent/legal guardian or the Superintendent of a different SAU may make a written request to the Superintendent for a change of school assignment. In the request, the parent/guardian should state why the best interests of the pupil warrant a reassignment.
2. The Superintendent will fully consider this written request, will meet with the parent/guardian, if necessary, and will make a determination concerning the reassignment request.
3. The Superintendent's decision will be based on the best interests of the pupil, as determined by the Superintendent. The Superintendent may develop administrative regulations concerning the factors that will be considered in making such a determination.
4. If the Superintendent determines that the best interests of the pupil warrant a reassignment, he/she will present the matter to the school board. The board must vote to approve the re-assignment before the reassignment can occur. Upon school board approval, the Superintendent may reassign the pupil to:
  - (a) another school within the same school district;
  - (b) another school district within the same SAU; or
  - (c) a school district in another SAU, subject to the pupil meeting the admission requirements of such school, and subject to the agreement of the Superintendent of the receiving SAU and approval of the school boards of both the sending and receiving school districts.
5. The Superintendent will issue a written decision to the parent/guardian.
6. The total reassignments or transfer made under this policy in any one school year will not exceed one (1) percent of the average daily membership in residence of a school district, or five (5) percent of the average daily membership in residence of any single school, whichever is greater, unless the school board votes to exceed this limit.
7. Reassignments made under this policy that exceed the percentages provided in Paragraph #6 must have the prior written approval of the School Board.

#### **Count of Reassigned Pupils, Tuition Payment and Rate, and Transportation**

Pupils reassigned under this policy will be counted in the average daily membership in residence of a given pupil's resident school district. Said pupil's resident district will forward any tuition payment due to the District to which the pupil was assigned.

The Superintendents involved in the reassignment of a pupil will jointly establish a tuition rate for each such pupil. Some or all of the tuition may be waived by the Superintendent of the receiving district for good cause shown or pursuant to any applicable policies of the receiving district, presuming said action is not contrary to law.

The cost of transportation for any pupil reassigned under this policy will be the sole responsibility of the parent/guardian.

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### **Role of the Department of Education**

The Superintendent of the pupil's resident SAU will notify the Department of Education within thirty (30) days of any reassignment made under this policy.

### **Manifest Educational Hardship Change of Assignment**

When a parent/guardian believes that an initial assignment has been made which will result in a manifest educational hardship to the pupil, the parent/guardian may seek a change of assignment in accordance with applicable provisions of RSA 193:3 and Board Policy JEC - Manifest Educational Hardship.

**{NHSBA Note, September 2015: Changes are made to paragraphs #4, #5 and #6 under "Conditions and Procedures for Reassignment" section. Changes are necessitated due to legislative changes to RSA 193:3.} [This statement will not be included in the policy - informational only for review.](#)**

#### Legal References:

- RSA 193:3, III, Change of School Assignment
- RSA 193:3, I, II, Manifest Educational Hardship
- RSA 193:14-a, Change of School Assignment; Duties of State Board of Education

RSA 193:3 III Change of School or Assignment

III. (a) Each school board shall establish a change of school assignment policy, based on the best interest of the pupil and requiring a vote of the school board to reassign a pupil from the public school to which he or she is currently assigned to another public school, or to approve a request from another superintendent to accept a transfer of a pupil from a school district that is not part of the school administrative unit, provided that the following conditions are met:

(1) The pupil's parent or legal guardian petitions the superintendent for a change of school assignment or consents to the superintendent's recommendation for such a change; and

(2) The superintendent determines that such a change would be in the pupil's best interest; and

(3) The school board of each school district involved in the reassignment of the pupil votes to approve the reassignment; and

(4) The total reassignments or transfers in any one school year shall not exceed one percent of the average daily membership in residence of a school district, or 5 percent of the average daily membership in residence of any single school, whichever is greater, unless the school board votes to exceed this limit.

(b) In accordance with the number of pupils authorized in this paragraph, a superintendent may recommend reassignment of a pupil:

(1) To another school within the same school district; or

(2) To another school district within the same school administrative unit; or

(3) To a school district in another school administrative unit, subject to the pupil meeting the admission requirements of such school, and subject to the agreement of the superintendent of the receiving school administrative unit and the approval of the school boards of each school district.

(c) A pupil reassigned under this paragraph shall be counted in the average daily membership in residence of the pupil's resident school district. The pupil's resident district shall forward any tuition payment due to the district to which the pupil was reassigned.

(d) The superintendents involved in the reassignment of a pupil shall jointly establish a tuition rate for each such pupil. Some or all of the tuition may be waived by the superintendent of the receiving district for the good cause shown or pursuant to school board policy of the receiving district. The cost of transportation shall be the responsibility of the parent or legal guardian.

(e) The superintendent of the pupil's resident school administrative unit shall notify the department of education within 30 days of any reassignment of pupils under this paragraph.

(f) Nothing in this paragraph shall alter or impair the right of a child with a disability, as defined in RSA 186-C:2, to be accorded a due process review pursuant to rules adopted under RSA 186-C:16.

(g) Notwithstanding RSA 21-N:11, III, for the purposes of this paragraph, the decision of the superintendent shall be final.

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## EDUCATIONAL QUESTIONNAIRES, SURVEYS AND RESEARCH

### Protection of Pupil Rights Amendment

Pursuant to the Protection of Pupil Rights Amendment, no student will be required to submit to a survey, analysis, or evaluation which is administered or distributed by a school, and is funded in whole or in part by any program administered by the U.S. Department of Education without the prior written consent of the parent/guardian that reveals information concerning the following:

1. Political affiliations;
2. Mental and psychological problems potentially embarrassing to the student or the family;
3. Sexual behavior and attitudes;
4. Illegal, anti-social, self-incriminating, and demeaning behavior;
5. Critical appraisals of other individuals with whom respondents have close family relationships;
6. Legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers;
7. Religious practices, affiliations, or beliefs of the student or student's parent; or
8. Income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program).

### School District Approval

No surveys will be administered without the prior approval of the Superintendent or his/her designee. Any survey created by a third party or funded, in whole or in part, by the U.S. Department of Education, that includes any of the eight categories listed above, will be available for inspection by parents/guardians before the survey is administered to students. Parents/guardians will have the right to deny permission for their child to participate in taking the survey. The school will not penalize students whose parents/guardians exercise this option. The school will take reasonable precautions to protect student privacy during their participation of any survey, analysis, or evaluation containing one or more of the eight categories listed above.

### Parental Notification

Parents will be notified when the school intends on issuing an educational survey. Notice will be given as early as possible before the survey is administered. Included in the notice will be information regarding how the survey or questionnaire will be administered; how it will be utilized; and the persons or entities that will have access to the results of the completed survey or questionnaire. Parents or guardians wishing to inspect a survey, analysis, or evaluation will be able to do so in the administrative office. Parents may refuse to allow their student to participate before or after reviewing the survey or questionnaire.

### School District Use of Data

Administrators, teachers, other staff members and the school board may use surveys for many purposes. Such purposes may include, but are not limited to, the need for student services, the determination of prevailing views pertaining to proposed policies and/or practices, or the determination of student knowledge and/or attitudes related to a specific subject. These are examples of surveys and not intended to be an all-inclusive listing. Administrative approval is required for surveys. Responses will not be used in any identifying manner.

Surveys conducted for other agencies, organizations or individuals must have the recommendation of the Superintendent and the approval of the school board as to content and purpose. The results of such approved surveys must be shared with the school board.



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### Surveys Requesting Sexual Information

In any case in which a questionnaire or survey requesting sexual information of students is to be administered, the Superintendent will notify parents concerning the administration of such questionnaire or survey in writing prior to its administration. Such notice will inform parents of the nature and types of questions included in the questionnaire or survey, the purposes and age-appropriateness of the survey, and whether and how any findings or results will be disclosed. Parents will have the right to review the questionnaire or survey and to exempt their child from participating in the survey. School personnel administering any such questionnaire or survey will not disclose personally identifiable information. No questionnaire or survey requesting sexual information will be administered to any student in kindergarten through grade six unless required by federal or state law or regulation.

### Miscellaneous Provisions

This policy does not apply to the collection, disclosure, or use of personal information collected from students for the exclusive purpose of developing, evaluating, or providing educational products or services for, or to, students or educational institutions, such as the following:

- College or post-secondary education recruitment, or military recruitment;
- Book clubs, magazines, and programs providing access to low-cost literary products;
- Curriculum and instructional materials used by schools;
- Tests and assessments used by schools to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information about students, or to generate other statistical data for educational purposes;
- The sale of products or services to raise funds for school-related or education-related activities; and
- Student recognition programs.

### Cross Reference:

ILD-R – Consent and Opt-Out Forms

### Legal References:

*20 U.S.C. § 1232h; 34 CFR Part 98, Protection of Pupil Rights Amendment*

(Authority: 20 U.S.C. 1221e-3(a)(1), 1232h(a))

§ 98.4 Protection of students' privacy in examination, testing, or treatment.

(a) No student shall be required, as part of any program specified in §98.1(a) or

(b), to submit without prior consent to psychiatric examination, testing, or treatment, or psychological examination, testing, or treatment, in which the primary purpose is to reveal information concerning one or more of the following:

- (1) Political affiliations;
- (2) Mental and psychological problems potentially embarrassing to the student or his or her family;
- (3) Sex behavior and attitudes;
- (4) Illegal, anti-social, self-incriminating and demeaning behavior;
- (5) Critical appraisals of other individuals with whom the student has close family relationships;
- (6) Legally recognized privileged and analogous relationships, such as those of lawyers, physicians, and ministers; or
- (7) Income, other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under a program. (b) As used in paragraph (a) of this section, prior consent means:

- (1) Prior consent of the student, if the student is an adult or emancipated minor; or
- (2) Prior written consent of the parent or guardian, if the student is an unemancipated minor.

(c) As used in paragraph (a) of this section:

- (1) Psychiatric or psychological examination or test means a method of obtaining information, including a group activity, that is not directly related to academic instruction and that is designed to elicit information about attitudes, habits, traits, opinions, beliefs or feelings; and
- (2) Psychiatric or psychological treatment means an activity involving the planned, systematic use of methods or techniques that are not directly related to academic instruction and that is designed to affect behavioral, emotional, or attitudinal characteristics of an individual or group.

(Authority: 20 U.S.C. 1232h(b))

**PROTECTION OF PUPIL RIGHTS AMENDMENT – SUPPORTING FORMS**

**Protection of Pupil Rights Amendment - Consent for Specific Activities**

(For activities not funded in whole or in part by the United States Department of Education)

Dear Parent/Guardian,

For your convenience you will find attached a copy of our school district’s “Notification of Protection of Pupil Rights Amendment” (PPRA). On \_\_\_\_\_ at

\_\_\_\_\_ there will be a survey, analysis, or evaluation, and  
*Date*  
*Name of School/Site*

your consent is required so that your child(ren) may participate. This activity consists of:  
 Description:

\_\_\_\_\_  
 \_\_\_\_\_

Please sign below in the event that you consent to your child(ren)’s participation and return this form to your Principal/designee by \_\_\_\_\_.  
*Five (5) days before activity or as directed*

If you would like to review any survey instrument or instructional material used in connection with any protected information or marketing survey, please submit a request to your Principal/designee. You will be notified of the time and place where you may review these materials. You may review a survey and/or instructional materials before the survey is administered to a student.

As the parent/guardian, I give my consent for my child(ren), as noted below, to participate in the activity designated above.

STUDENT (PRINT NAME)	SCHOOL	GRADE
_____	_____	_____
_____	_____	_____

\_\_\_\_\_  
*Parent Signature* \_\_\_\_\_ *Date*

**Opt-Out For Specific Activities**

(For activities not funded in whole or in part by the United States Department of Education)

Dear Parent/Guardian,

For your convenience you will find attached a copy of our school district's "Notification of Protection of Pupil Rights Amendment" (PPRA). On \_\_\_\_\_ at \_\_\_\_\_  
*Date*

\_\_\_\_\_ there will be a protected information survey conducted.  
*Name of School/Site*

This activity consists of: \_\_\_\_\_

\_\_\_\_\_

If you do not want your child(ren) to participate, please sign below and return the form to your Principal/designee by \_\_\_\_\_.  
*Five (5) days before activity or as directed*

OPTIONAL: You may also opt out of the activity by calling or e-mailing your Principal no later than \_\_\_\_\_ at \_\_\_\_\_ or \_\_\_\_\_  
*Five (5) days before activity or as directed* *Phone*  
\_\_\_\_\_  
*e-mail address*

If you do not indicate your decision to opt out by the date set forth above, the student will be permitted to participate in the activity. If you wish to review any survey instrument or instructional material used in connection with any protected information or marketing survey, please submit a request to your Principal/designee. You will be notified of the time and place where you may review these materials. You may review a survey and/or instructional materials before the survey is administered to a student.

As the parent/guardian, I do not want my child(ren), as noted below, to participate in the activity designated above and, by signing and returning this form, indicate my decision to opt them out of the activity.

STUDENT (PRINT NAME)	SCHOOL	GRADE
_____	_____	_____
_____	_____	_____

\_\_\_\_\_  
*Parent Signature* *Date*

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## [NON-EDUCATIONAL QUESTIONNAIRES, SURVEYS AND RESEARCH](#)

This [Oyster River Cooperative School District](#) policy will apply to all non-academic and non-educational surveys and questionnaires implemented, used and conducted by the District. This policy is intended to be separate and distinguishable from Policy ILD - Educational Questionnaires, Surveys and Research.

Parents/guardians will be notified at least ten (10) days prior to the District administering a non-academic or non-educational survey or survey to students. Parents/guardians will be permitted to review the survey or questionnaire prior to it being administered, if so requested. Parents/guardians may opt-out their child from the survey or questionnaire. Such an opt-out notice must be in writing, including e-mail notification. Parents who do not opt-out their child(ren) from District administered surveys or questionnaires will be deemed to have consented to the survey or questionnaire.

For purposes of this policy, "non-academic survey or questionnaire" means "surveys, questionnaires, or other documents designed to elicit information about a student's social behavior, family life, religion, politics, sexual orientation, sexual activity, drug use, or any other information not related to a student's academics" or as otherwise may be defined by applicable state law or Department of Education regulation.

### Legal References:

RSA 186:11, IX-d, Non-Academic Surveys and Questionnaires

## COMPUTER SECURITY, E-MAIL AND INTERNET COMMUNICATIONS

The Oyster River Cooperative School District has established this policy with regard to access and disclosure of electronic data composed, stored, sent, or received by employees using the District computer system. This policy is designed to protect the safety and security of the District's computer systems including e-mail and Internet use.

The District intends to enforce the rules set forth below and reserves the right to change these rules at any time.

1. The computer hardware system, software and e-mail system are owned by the District, and all messages or data composed, stored, sent, or received using the system are and remain the private property of the District. They are not the property of the employee.
2. The computer and e-mail system is to be used for business purposes only. Personal business is unauthorized and should not be conducted on the system.
3. The electronic mail system may not be used to solicit or proselytize for commercial ventures, religious or political causes, outside organizations, or other non-job related solicitations.
4. The District prohibits discriminatory, harassing, or offensive materials in any form of media. Among those which are considered offensive are any messages which contain sexual implications, racial slurs, gender-specific comments, or any other comments that offensively address someone's age, sexual orientation, religious or political beliefs, national origin, or disability.
5. The electronic mail system shall not be used to send (upload) or receive (download) copyrighted materials, trade secrets, proprietary financial information, or similar materials without prior authorization.
6. The District reserves, and intends to exercise without prior notice, the right to read, review, audit, intercept, access or disclose any and all information on an employee's computer system or messages created, received or sent over the electronic mail system for any purpose, even if coded or password protected.
7. The confidentiality of any message or data should not be assumed. Even when a message is erased, it is still possible to retrieve and read that message. The use of passwords for security does not guarantee confidentiality, or that the District will not retrieve it. All passwords must be disclosed to the computer administrator.
8. Any communications created, sent, or retrieved using e-mail may be read by individuals other than the intended recipient.
9. Notwithstanding the District's right to retrieve and monitor any e-mail messages, such messages should be treated as confidential by other employees and accessed only by the intended recipient. Employees are not authorized to retrieve or read any e-mail that is not sent to them. Any exception to this policy must receive prior approval by the Superintendent.
10. Any employee who violates this policy or uses the computer system or electronic mail system for improper purposes shall be subject to discipline up to and including discharge.

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11. The District has the authority to terminate or limit access to any program at any time.
12. Personal disks cannot be used on the system unless pre-authorized by the computer coordinator.
13. The District will take all necessary measures to maintain student privacy relative to the District's website, online information and storage of student personally identifiable information, as required by state and federal law.

**Legal References:**

*RSA 189:68-a, Student Online Personal Information*  
*RSA 194:3-d, School District Computer Networks*