

OYSTER RIVER COOPERATIVE SCHOOL DISTRICT

Policy Committee Meeting

November 7, 2018 3:30 – 5:00

Central Office

Agenda

I. Call to Order

- JLF – Reporting Child Abuse or Neglect {Revised}
- IKFC – Alternative Diploma for Students w/Cognitive Disabilities
 - Revised Version
 - Current
- JICD – Student Discipline and Due Process {Revised}
- JICD-R – Procedure - Current
 - NHSBA Version
- ILDA – Non-Educational Questionnaires, Surveys and Research – {Deletion}
- ILD – (Non) Educational Surveys and Questionnaires – {combined ILDA to this one}
 - NHSBA Revised Version
 - Current Version

Next Meeting: December 12, 2018

OYSTER RIVER COOPERATIVE SCHOOL BOARD	Policy Code: JLF
DRAFT to Policy Committee: May 9, 2011 Date to School Board for First Read: May 25, 2011 School Board Second Read/Adoption: June 15, 2011 Policy Committee Review: October 10, 2018 Back to Policy Committee w. Revisions: November 7, 2018	Page 1 of 1

REPORTING CHILD ABUSE OR NEGLECT

Any Oyster River Cooperative school employee having reason to suspect that a child is being or has been abused or neglected shall immediately report ~~his/her/the~~ suspicions to the ~~building principal~~, [DCYF Central Intake Office by telephone at 800-894-5533 or 603-271-6556](#). ~~The principal shall school district employee will~~ then immediately notify the ~~appropriate state officials at the New Hampshire Department of Health and Human Services building principal that a report has been made~~. ~~The principal will then notify the Superintendent that such a report to Health and Human Services has been made~~. ~~The school district employee will complete the district reporting form and return to the Principal~~

~~A written report shall be made by the principal within 24 hours.~~ The report should contain the name and address of the child suspected of being abused or neglected, the person responsible for the child's welfare, the specific information indicating neglect/abuse or the nature and extent of the child's injuries (including any evidence of previous injuries), the identity of the person or persons suspected of being responsible for such neglect or abuse, and any other information that might be helpful in establishing neglect or abuse or that may be required by the Department of Health and Human Services. ~~(e.g., possible threat to student safety, school dismissal time.)~~

~~Based on information received from the school employee making the referral, the DCYF Central Intake Office determines whether the referral is credible and should be accepted. If accepted, the DCYF Central Intake Office determines the level of risk to the child. If the abuse is likely to occur within 24 hours or if there is imminent danger to the child, the school employee shall contact local law enforcement in addition to reporting to DCYF. DCYF Central Intake Office contacts the appropriate District Office to advise of all high-risk reports. If the DCYF Central Intake Office determines that the child does not appear to be in imminent danger, the referral will be sent to the appropriate District Office for a response within 72 hours.~~

~~Immunity from Liability: Anyone participating in good faith in the making of a report is immune from any liability, civil or criminal, that might otherwise be incurred or imposed. Any such participant has the same immunity with respect to participation in any investigation by the department or judicial proceeding resulting from such report.~~

~~The Principal or Administrator of each school shall post a sign in a public area within the school that is readily accessible to students, in the form provided by the New Hampshire Department of Health and Human Services, Division for Children, Youth, and Families, that contains instructions on how to report child abuse or neglect, including the phone number for filing reports and information on accessing the Division's website.~~

The Board recommends all school district employees receive routine training or information on how to identify child abuse and neglect. ~~School District employees do not investigate the suspicion.~~

Legal References:

- NH Code of Administrative Rules, Section Ed 306.04(a)(10), Reporting of Suspected Abuse or Neglect
- RSA 169-C:29, Persons Required to Report
- RSA 169-C:30, Nature and Content of Report
- RSA 169-C:31, Immunity from Liability
- RSA 169-C:34, III, Duties of the Department of Health and Human Services

<u>OYSTER RIVER COOPERATIVE SCHOOL BOARD</u>	<u>Policy Code: IKFC</u>
<u>Revised Draft to Policy Committee: November 7, 2018</u>	<u>Page 1 of 2</u> <u>Category: Recommended</u>

ALTERNATE DIPLOMA FOR STUDENTS WITH SIGNIFICANT COGNITIVE DISABILITIES

A. PURPOSE. The purpose of this policy is to meet the requirements of the federal Every Student Succeeds Act ("ESSA") to establish and allow the awarding of a District Alternate Diploma to certain students with the most significant cognitive disabilities.

B. INTRODUCTION. Under ESSA, states may adopt alternate content standards and alternate assessments for students with the most significant cognitive disabilities. In states that have adopted such alternative content standards, ESSA allows local school boards to adopt policies allowing certain students with significant cognitive disabilities the ability to earn an Alternate Diploma based on the alternative content standards.

An Alternate Diploma provides students who may have ordinarily earned certificates of attendance, or completion under New Hampshire Administrative Rule Ed. 306.27(q), with the option to earn a diploma.

New Hampshire has adopted Dynamic Learning Maps (DLM) as an alternate assessment tool. The DLM assessment measures yearly student progress and provides independent standards which align with the NH Statewide Assessment.

Accordingly, this policy authorizes the Oyster River Cooperative School District to award an Alternate Diploma in accordance with the below requirements and conditions.

C. ELIGIBILITY.

Consistent with ESSA, the Alternate Diploma may be awarded to students who:

1. Have significant cognitive disabilities;
2. Have a current Individualized Education Program ("IEP"); and
3. Participate in the state authorized alternate assessment (currently DLM).

The Alternate Diploma is NOT available to students without IEP's, including students with Section 504 plans.

D. DETERMINATION OF AWARD.

The determination to award ~~and the an~~ Alternate Diploma is the responsibility of the student's IEP team, including the student's parent(s)/guardian(s). The IEP team's consideration of the appropriateness of an Alternate Diploma should be included in transition planning beginning at age sixteen (16). Details of this decision shall be included in the student's IEP transition plan in accordance with Ed. 1109.03.

E. TIME OF RECOGNITION and AWARD.

~~The student may choose (individually or through the IEP team) to receive the Alternate Diploma at one (1) of three (3) times:~~

- ~~1. Recognition A at graduation with common age peers;~~
- ~~2. Award A at the conclusion of the student's IEP; or~~
- ~~3. Award U upon reaching age twenty-one (21).~~

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If the student participates in the traditional graduation ceremony, the student will be included in the graduation program with no difference in listing from his/her peers awarded a regular diploma.

F. EFFECT OF AWARD AND CONTINUED ELIGIBILITY.

1. Under 34 CFR 300.102 (a)(3), the awarding of any document other than regular high school diploma shall not terminate a child's eligibility for a free and appropriate public education ("FAPE"). Accordingly, earning an Alternate Diploma does not end a student's eligibility for special education services. Rather, students who have earned the Alternate Diploma, and are otherwise eligible for special education services, may continue to receive such services and may continue working towards meeting the requirements for the regular high school diploma.
2. Alternate Diplomas awarded under this policy are counted in the state graduation rate, while certificates of attendance or equivalency are not. The Oyster River School District counts them as a completer.

G. IMPLEMENTATION.

The Superintendent, with the assistance of the [Director of Special ~~Education Services/Student Services~~ Director] is directed to establish and make available procedures and administrative rules to implement this policy.

Cross Reference:

- IHBA – Programs for Pupils with Disabilities
- IHBI – Alternative Learning Plans
- IKF - Graduation

Legal References:

- 20 U.S.C. §7801 (23) - Every Student Succeeds Act (§ 8101(a)(23))
- 34 CFR 300.102 (a)(3); 300.43; and 300.320(b)
- RSA 193-E - Adequate Public Education
- Ed 306.27(q)(4)- Minimum Standards/High School Requirements/Equivalency Diplomas
- Ed 1109.03- When and IEP is in Effect...Transition Services

CURRENT VERSION

OYSTER RIVER COOPERATIVE SCHOOL BOARD	Policy Code: IKFC
Date of Adoption: November 7, 1990 Date of Revision: April 17, 1996 Review Policy Committee: 8/4/11 First Read to SB: September 21, 2011 Second Read/Adoption to SB: October 5, 2011	Page 1 of 1

HIGH SCHOOL DIPLOMA -- ALTERNATIVE PROGRAM

Educationally disabled students who are mainstreamed in the regular high school program with modifications and support and students who are placed in regional or other programs will be issued an Oyster River High School Diploma if the minimum state and local graduation requirements are met. These students must meet the minimum requirements for each course in which they are enrolled that is counted toward the graduation requirement. Through the Individual Education Program (IEP) process, the district assures that appropriate support is given to educationally disabled students to enable them to work toward meeting the requirements when attainable and appropriate.

An Oyster River High School Diploma -- Alternative Program will be issued to educationally disabled students when the IEP provides for alternative education not encompassing the state and local graduation requirements. The Diploma -- Alternative Program will be awarded on successful completion of the course of studies specified in the IEP to include not less than four academic years of program. The IEP team, including parents and/or student and the Oyster River High School Principal, will specify in the IEP that the student is working toward an Oyster River High School Diploma -- Alternative Program as early as it is clear that the plan for the student can not be designed to meet the minimum state and local requirements for graduation. Evaluation criteria, credit requirements, and promotion status will be clearly specified in the IEP. This status will be reconsidered at least annually when the IEP is reviewed. Educationally disabled students who have been issued an Oyster River High School Diploma -- Alternative Program continue to be eligible for special education services until a regular diploma is obtained or until they reach the of age 21.

Students who have earned the Diploma or the Diploma Alternative Program will have the option to be included in all graduation processes and ceremonies.

OYSTER RIVER COOPERATIVE SCHOOL BOARD	Policy Code: JICD
Draft to Policy Committee: May 9, 2011 Date to School Board for First Read: May 25, 2011 School Board Second Read/Adoption: July 20, 2011 <u>Policy Committee Review: November 7, 2018</u>	Page 1 of 2 <u>Category: Required</u>

STUDENT CONDUCT, DISCIPLINE AND DUE PROCESS – Safe School Zone

Inappropriate student conduct that causes material and substantial disruption to the school environment interferes with the rights of others or presents a threat to the health and safety of others will not be tolerated. Students are expected to exhibit appropriate classroom behavior that allows teachers to communicate and educate effectively.

Students will conduct themselves in a manner fitting to their age level and maturity and with respect and consideration for the rights of others while on school district property or property within the jurisdiction of the school district; while on school owned and/or operated school or chartered vehicles; while attending or engaged in school activities; and while away from school grounds if misconduct will directly affect the good order, efficient management and welfare of the school district. Consequences for the misconduct will be fair and developmentally appropriate in light of the circumstances.

Students who fail to abide by this policy and the administrative regulations supporting it may be disciplined for conduct which disrupts or interferes with the education program; conduct which disrupts the orderly and efficient operation of the school district or school activity; conduct which disrupts the rights of other students to participate in or obtain their education; conduct that is violent or destructive; or conduct which interrupts the maintenance of a disciplined atmosphere. Disciplinary measures include, but are not limited to, removal from the classroom, detention, suspension, probation, and expulsion.

Suspension means an in-school suspension, an out-of-school suspension, a restriction from activities or loss of eligibility. An in-school suspension means the student will attend school but will be temporarily isolated from one or more classes while under supervision. An in-school suspension will not exceed ten consecutive school days. An out-of-school suspension means the student is removed from the school environment, which includes school classes and activities. An out-of-school suspension will not exceed ten days. A restriction from school activities means a student will attend school and classes and practice but will not participate in school activities.

Probation means a student is given a conditional suspension of a penalty for a definite period of time in addition to being reprimanded. The conditional suspension will mean the student must meet the conditions and terms for the suspension of the penalty. Failure of the student to meet these conditions and terms will result in immediate reinstatement of the penalty.

Expulsion means an action by the Board to remove a student from the school environment, which includes, but is not limited to, classes and activities, for a period of time set by the Board.

Due process in accordance with all applicable laws will be afforded to any student involved in a proceeding that may result in suspension, exclusion, or expulsion. Students expelled from school may be reinstated by the Board under the provisions of RSA 193:13.

The Superintendent may modify expulsion requirements as provided in RSA 193:14, IV.

Students receiving special education services will be disciplined in accordance with ~~the all district policies and state laws with consideration of a student's IEP, and all applicable provisions of the Individual with Disabilities Education Act (IDEA).~~

At all times, students are required to conduct themselves in accordance with behavioral standards set forth in ~~Policy JIC~~ and all other applicable Board policies.

Students and parents will be notified annually of this policy.

Legal References:

- RSA 193:13, Suspension & Expulsion of Pupils
- NH Code of Administrative Rules, Section Ed 306.04(a)(3), Student Discipline
- NH Code of Administrative Rules, Section Ed 306.04(f), Student Discipline
- NH Code of Administrative Rules, Section Ed 317.04(b), Disciplinary Procedures.

CURRENT VERSION

OYSTER RIVER COOPERATIVE SCHOOL BOARD	Policy Code: JICD-R
Review to Policy Committee: August 25, 2011 First Read to SB: September 21, 2011 Second Read/Adoption to SB: October 5, 2011	Page 1 of 3

STUDENT DISCIPLINE AND DUE PROCESS - PROCEDURE

Definitions

1. Disciplinary measures include, but are not limited to, removal from the classroom, detention, in-school suspension, out-of-school suspension, restriction from activities, probation, and expulsion.
2. Removal from the classroom means a student is sent to the building principal's office. It is within the discretion of the person in charge of the classroom to remove the student.
3. Detention means the student's presence is required during non-school hours for disciplinary purposes. The building principal is authorized to establish guidelines or protocol for when detention shall be served (either before school or after school.) Whether a student will serve detention, and the length of the detention, is within the discretion of the licensed employee disciplining the student or the building principal.
4. An in-school suspension means the student will attend school but will be temporarily isolated from one or more classes while under supervision. An in-school suspension will not exceed ten consecutive school days.
5. An out-of-school suspension means the temporary denial of a student's attendance at school for a specific period of time for gross misconduct or for neglect or refusal to conform to school rules or policies.
6. A restriction from school activities means a student will attend school and classes and practice but will not participate in school extra-curricular activities.
7. Probation means a student is given a conditional suspension of a penalty for a definite period of time in addition to being reprimanded. The conditional suspension will mean the student must meet the conditions and terms for the suspension of the penalty. Failure of the student to meet these conditions and terms will result in immediate reinstatement of the penalty.
8. Expulsion means the permanent denial of a pupil's attendance at school for any of the reasons listed in RSA 193:13, II and III.

Standards for Removal from Classroom and Detention

Students may be removed from the classroom at the classroom teacher's discretion if the student refuses to obey the teacher's directives, becomes disruptive, fails to abide by school rules or policies, or otherwise impedes the educational purpose of the class.

Likewise, classroom teachers may assign students to detention for similar conduct.

The building principal may assign students to detention under the same standard.

Standards for In-School Suspension, Restriction of Activities, and Probation

The building principal is authorized to issue in-school suspensions, restrictions of activities, or place a student on behavior probation for any conduct that causes material or substantial disruption to the school environment, interferes with the rights of others, presents a threat to the health and safety of students, employees, and visitors, violates other Board policies or is otherwise inappropriate is prohibited.

CURRENT VERSION

OYSTER RIVER COOPERATIVE SCHOOL BOARD	Policy Code: JICD-R
Review to Policy Committee: August 25, 2011	Page 2 of 3
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Process for Out-of-School Suspension:

The power of suspension is authorized as follows:

1. The building principal is authorized to suspend a student for 10 school days or less for gross misconduct or for neglect or refusal to conform to school district policies or rules. The principal shall consult with the Superintendent prior to issuing any suspension.
 - A. Pursuant to Ed 317.04(a)(1), a suspension of 10 school days or less shall be considered a "short-term suspension" and may be issued for gross misconduct or for neglect or refusal to conform to the reasonable rules of the school under RSA 193:13,I.
2. The Superintendent is authorized to continue the suspension of a pupil for a period in excess of 10 school days. Prior to this extended suspension, the Superintendent will provide an informal hearing on the matter. The informal hearing need not rise to the level and protocol of an official hearing before the School Board.
 - A. Pursuant to Ed 317.04(a)(2), a suspension in excess of 10 school days shall be considered a "long-term suspension" and may be issued for an act of theft, destruction, or violence as defined in RSA 193-D, or for possession of a pellet paint ball gun or BB gun or rifle under RSA 193:13,II.
3. Any suspension in excess of 10 school days, as described in Paragraph 2 of this Section, is appealable to the School Board, provided the Superintendent receives the appeal in writing within 10 days after the issuance of the Superintendent's decision described in Paragraph 2. Any suspension in excess of 10 school days shall remain in effect while this appeal is pending.
4. Due process standards for short-term suspensions (10 days or less) will adhere to the requirements of Ed 317.04(d)(1).
5. Due process standards for long-term suspensions (more than 10 days) will adhere to the requirements of Ed 317.04(d)(2).

Process for Expulsion

1. Any pupil may be expelled by the School Board for gross misconduct, or for neglect or refusal to conform to District rules or policies, or for an act of theft, destruction, or violence, as defined in RSA 193-D:1, or for the possession of a pellet or BB gun, rifle, or paint ball gun.
2. Additionally, any pupil may be expelled by the School Board for bringing or possessing a firearm as defined in Section 921 U.S.C. Title 18 in a safe school zone, as defined in RSA 193-D:1, unless such pupil has written authorization from the Superintendent. Any expulsion under this provision shall be for a period of not less than 12 months.
3. The District will ensure that the due process standards set forth in Ed 317.04(d)(3) are followed.

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4. The Superintendent is authorized to modify the expulsion requirements of any student on a case-by-case basis.

Cross Reference:

JICD – Student Discipline and Due Process

Legal References:

RSA 193:13, Suspension & Expulsion of Pupils
NH Code of Administrative Rules, Section Ed 306.04(a)(3), Student Discipline
NH Code of Administrative Rules, Section Ed 306.04(f), Student Discipline
NH Code of Administrative Rules, Section Ed 317.04, Standards and Procedures For
Suspension and Expulsion of Pupils Assuring Due Process

NHSBA VERSION

NH Code of Administrative Rules, Section Ed 317.04, Suspension and Expulsion of Pupils Assuring Due Process Disciplinary Procedures
In re Keelin B., 162 N.H. 38, 27 A.3d 689 (2011)
See Appendix: JICD-R

JICD-R

NHSBA note, May 2018: This sample policy has been substantially updated to more closely reflect and track the language of 193:13 and Ed 317.04. This revised version also includes a provision relative to discipline of children with educational disabilities. NHSBA adoption considerations: Because most of this policy derives from specific statutes or DOE regulations, and involves potential deprivation of a student's "property" rights, it is essential that the language adopted by the local School Board, including the designation of responsible personnel, track the applicable statutes and regulations. Districts should also be certain to update pertinent handbooks, website, and other pertinent publications to assure consistency. Finally, districts which do not use the NHSBA/NEPN code reference system, should check to make sure that the internal policy references included in JICD are changed to reflect the local coding system. See also revisions to sample policy JIC.

NHSBA note, September 2017: Revised to include the requirement that educational assignments shall be made available to the suspended student when suspended up to ten (10) days, enacted by House Bill 216, Laws of 2017, Chapter 12, effective June 16, 2017, and to conform to other changes to law and administrative rules. In light of the Supreme Court's decision in *In re Keelin B.*, language is added reflecting the School Board's authority under that statute to adopt policies defining misconduct beyond that explicitly addressed in RSA Chapter 193-D and RSA 193:13. RSA 189:15 was last amended in 1969 and it uses the term "regulation." More recent law and NHSBA practice uses the term "policy" for rules set by the School Board. "Regulation" is the term used for rules and procedure set by the Superintendent or Administrators using authority delegated by the School Board or established by statute. We recommend that School Boards continue to classify their "rule-making as policy, but it may be beneficial when setting a policy using the authority granted by RSA 189:15, to include in the text of the policy reference to that statute.

JICD - STUDENT DISCIPLINE AND DUE PROCESS

At all times, students are required to conduct themselves in accordance with behavioral standards set forth in Policy JIC and all other applicable Board policies and all District or school rules. Failure to comply can lead to disciplinary consequences as set forth in this policy and applicable law.

A. Disciplinary Measures - "Definitions".

Disciplinary measures include, but are not limited to, removal from the classroom, detention, in-school suspension, out-of-school suspension, restriction from activities, probation, and expulsion.

1. "Removal from the classroom" means a student is sent to the building Principal's office. It is within the discretion of the person in charge of the classroom to remove the student.
2. "Detention" means the student's presence is required for disciplinary purposes before or after the hours when the student is assigned to be in class. The building Principal is authorized to establish guidelines or protocol for when detention shall be served (either before school or after school). Whether a student will serve detention, and the length of the detention, is within the discretion of the licensed employee disciplining the student or the building Principal.
3. "In-school suspension" means the student will attend school but will be temporarily isolated from one or more classes while under supervision. An in-school suspension will not exceed ten (10) consecutive school days.
4. "Out-of-school suspension" means the temporary denial of a student's attendance at school for a specific period of time for gross misconduct, for neglect, or refusal to conform to school rules or policies.
 - a. "Short-term suspension" means a suspension of ten (10) school days or less. Ed 317.04(a)(1).
 - b. "Long-term suspension" means the continuation of a short-term suspension under RSA 193:13, I (b)-(c), and also means a suspension in excess of ten (10) school days under Ed 317.04(a)(2).
5. "Restriction from school activities" means a student will attend school, classes, and practice but will not participate in other school extra-curricular activities, including competitions.
6. "Probation" means a student is given a conditional suspension of a penalty for a definite period of time in addition to being reprimanded. The conditional suspension will mean the student must meet the conditions and terms for the suspension of the penalty. Failure of the student to meet these conditions and terms will result in immediate reinstatement of the penalty.
7. "Expulsion" means the permanent denial of a pupil's attendance at school for any of the reasons listed in RSA 193:13, II and III.

B. Standards for Removal from Classroom and Detention.

Students may be removed from the classroom at the classroom teacher's discretion if the

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student refuses to obey the teacher's directives, becomes disruptive, fails to abide by school rules or policies, or otherwise impedes the educational purpose of the class.

Likewise, classroom teachers may assign students to detention for similar conduct.

The building Principal may assign students to detention under the same standard.

C. Standards for In-School Suspension, Restriction of Activities, and Probation.

The building Principal is authorized to issue in-school suspensions, restrictions of activities, or place a student on probation for any failure to conform to school or School District policies or rules, or for any conduct that causes material or substantial disruption to the school environment, interferes with the rights of others, presents a threat to the health and safety of students, employees, and visitors, is otherwise inappropriate, or is prohibited by law.

Restriction of activities may also be issued pursuant to rules or policies pertaining to specific clubs or teams.

D. Process for Out-of-School Suspension.

The power of suspension is authorized for gross misconduct, for neglect, or refusal to conform to School District policies and rules as follows:

1. Short-term Suspensions. The [_____ building Principal] (as designee of the Superintendent) is authorized to suspend a student for ten (10) school days or less. The Principal shall consult with the Superintendent prior to issuing any suspension.

As required by RSA 193:13(a), educational assignments shall be made available to the suspended pupil during the period of suspension.

Due process standards for short-term suspensions (ten (10) days or less) will adhere to the requirements of Ed 317.04(f)(1).

2. Long-term Suspensions. The [_____ Superintendent???) {note: 193:13 and Ed. 317 both authorize the School Board to designate a representative to issue long term suspensions. Most districts designate the Superintendent}}] is authorized to continue the suspension and issue a long-term suspension of a pupil for a period in excess of ten (10) school days, provided only that if the Superintendent issued the original short-term suspension, then the School Board may designate another person to continue the short-term suspension and issue the long-term suspension.

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

Any suspension in excess of ten (10) school days, as described in Paragraph 2 of this Section, is appealable to the School Board, provided the Superintendent receives the appeal in writing within ten (10) days after the issuance of the [Superintendent]'s decision described in Paragraph 2. Any suspension in excess of ten (10) school days shall remain in effect while this appeal is pending.

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E. Process for Expulsion.

1. Any pupil may be expelled by the School Board for (a) an act of theft, destruction, or violence as defined in RSA Chapter 193-D, (b) for possession of a pellet paint ball gun or BB gun or rifle as provided by RSA 193:13, II, or (c) for gross misconduct, or for neglect or refusal to conform to the reasonable rules of the school. An expulsion under this paragraph will run until the School Board restores the student's permission to attend school. A student seeking restoration of permission to attend school shall file a written request with the Superintendent which details the basis for the request. The Board will determine whether and in what manner it will consider any such request.
2. Additionally, any pupil may be expelled by the School Board for bringing or possessing a firearm as defined in Section 921 U.S.C. Title 18 in a safe school zone, as defined in RSA 193-D:1, unless such pupil has written authorization from the Superintendent. Any expulsion under this provision shall be for a period of not less than twelve (12) months.
3. Prior to any expulsion, the District will ensure that the due process standards set forth in Ed 317.04(f)(3) are followed.
4. Any decision by the Board to expel a student may be appealed to the State Board of Education.
5. The Superintendent of Schools is authorized to modify the expulsion or suspension requirements of Sections E.1 and E.2 above on a case-by-case basis.

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

G. Disciplinary Removal of Students with Disabilities.

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

H. Notice.

This policy and school rules which inform the student body of the content of RSA 193:13 shall be printed in the student handbook and made available on the District's website to students, parents, and guardians. The Principal or designated building administrator shall also inform the student body concerning this policy and school rules which address the content of RSA 193:13 through appropriate means, which may include posting and announcements. See: Ed. 317.04(d).

Legal References:

RSA 189:15, Regulations

RSA 193:13, Suspension & Expulsion of Pupils

RSA Chapter 193-D, Safe Schools Zones

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

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

TO BE DELETED: COMBINED INTO POLICY ILD

OYSTER RIVER COOPERATIVE SCHOOL BOARD	Policy Code: ILDA
Draft to Policy Committee: 10/14/15 & 01/27/16 School Board First Read: February 10, 2016 School Board Second Read/Adoption: March 2, 2016	Page 1 of 1 Category: Priority

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 although that policy may also apply to Non-Educational Questionnaires, Surveys as well and therefore should be reviewed before administering a non-academic survey or questionnaire

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 by making a copy available at the school as well as posting information about the survey on the District website. 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 filling out the survey or questionnaire. To do so a Parent/Guardian's opt-out notice must be in writing, an email notice is acceptable. 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.

Cross Reference:

Policy ILD Educational Questionnaires, Surveys and Research

Legal References:

RSA 186:11, IX-d, Non-Academic Surveys and Questionnaires
20 U.S.C. § 1232h; 34 CFR Part 98, Protection of Pupil Rights Amendment

NHSBA VERSION

ILD - NON-EDUCATIONAL / NON-ACADEMIC QUESTIONNAIRES, SURVEYS & RESEARCH

Separate federal and state laws require that written consent be obtained from a parent or guardian before a student participates in a non-educational survey or questionnaire that asks about information not directly related to a student's academics. While similar, the two laws are not co-extensive, with slightly different scope, procedures and exceptions.

A. General.

1. For the purpose of this policy, "non-academic survey" shall include a survey, questionnaire, analysis, evaluation or any other document which seeks any information in the categories listed in sections B (as to state law) or C (as to federal law), below. However, non-academic surveys should not be deemed to include questions directed to an individual student by a school counselor, nurse or appropriate personnel under circumstances indicating such questions are reasonably necessary for such person's compliance with applicable laws or regulations, and the discharge his or her duties.
2. All non-academic surveys must have the prior approval of the Superintendent or his/her designee.
3. Non-academic surveys conducted for other agencies, organizations or individuals must have both the recommendation of the Superintendent and the approval of the School Board as to content and purpose. The results of such approved non-academic surveys must be shared with the School Board.
4. No non-academic survey requesting sexual information will be administered to any student in kindergarten through grade six unless required by federal or state law or regulation. School personnel administering any such questionnaire or survey will not disclose personally identifiable information.
5. As used below, the consent and notification provisions apply to a child's parent/legal guardian(s), unless the student is an adult or an emancipated minor who consents.

B. New Hampshire Law.

Under RSA 186:11, IX-d, prior notice and prior consent (opt-in) is required for any non-academic survey designed to elicit information about:

1. A student's social behavior;
2. family life;
3. religion;
4. politics;
5. sexual orientation;
6. sexual activity;
7. drug use;
8. or any other information not related to a student's academics.

C. Federal Law.

1. Protection of Pupil Rights Amendment. Under the federal Protection of Pupil Rights Amendment, prior written consent is required only if the non-academic survey, analysis, or evaluation or its administration is paid for or in any way uses federal funds from the federal Department of Education and reveals information concerning the following:

- a. Political affiliations;

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- b. Mental and psychological problems potentially embarrassing to the student or the family;
- c. Sexual behavior and attitudes;
- d. Illegal, anti-social, self-incriminating, and demeaning behavior;
- e. Critical appraisals of other individuals with whom respondents have close family relationships;
- f. Legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers;
- g. Religious practices, affiliations, or beliefs of the student or student's parent/guardian; or
- h. Income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program).

2. Federal Exception. Non-academic surveys which do not require consent and notice under New Hampshire law (section B) but might otherwise require notice and consent under the federal law (section C.1 above). However, the federal requirement exempts 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:

- a. College or post-secondary education recruitment, or military recruitment;
- b. Book clubs, magazines, and programs providing access to low-cost literary products;
- c. Curriculum and instructional materials used by schools;
- d. 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;
- e. The sale of products or services to raise funds for school-related or education-related activities; and
- f. Student recognition programs.

Caution: This exception only applies if the non-academic survey is otherwise exempt under New Hampshire law (section B, above).

D. Notification and Inspection.

When school personnel intend on administering a non-academic survey the school shall provide ten (10) day notice to parents/guardians. Included in the notice will be information regarding the purpose of the non-academic survey; how the survey will be administered; how it will be utilized; and the persons or entities that will have access to the results of the completed survey. Parents or guardians wishing to inspect a non-academic survey will be able to do so in the school's administrative office. Parents/guardians may refuse to give consent for their student to participate, with or without first reviewing the non-academic survey. The school will not penalize students whose parents/guardians decline to provide written consent. The school will take reasonable precautions to protect student privacy during their participation in any non-academic survey.

E. Consent Exception for Youth Risk Behavior Survey Developed by the Centers for Disease Control and Prevention.

Neither state nor federal law requires prior written consent for administration of the Youth

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Risk Behavior Survey developed by the Centers for Disease Control and Prevention. Guidance issued by the Center for Disease Control, United States Department of Health and Human Services, concludes that federal law, including the Protection of Pupil Rights Amendment, also does not require prior written consent from parents or guardians because students are not required to participate, and the survey is not paid for by the United States Department of Education.

However, New Hampshire law nonetheless requires the District to provide parents/guardians with notice at least ten (10) days before the Youth Risk Behavior Survey is administered. Parents may inspect the Youth Risk Behavior Survey at the school's administrative office. Parents or guardians may opt their student out of participating in the Youth Risk Behavior Survey by providing the Principal with written notice. District staff administering the Youth Risk Behavior Survey shall insure students understand that participation is voluntary and that students who opt-out will not be penalized.

Legal References:

20 U.S.C. § 1232h; 34 CFR Part 98, Protection of Pupil Rights Amendment
RSA 186:11, IX-d
2017 CDC YRBS Guidance Manual

NHSBA note, May 2018: Prior to the 2017 amendment to RSA 186:11, XI-d, the notice and previous "opt-out" requirements of the state law were found in NHSBA sample policy ILDA. With the 2017 amendments, the similarities between the state and federal statutes were greater than their differences, and NHSBA determined to combine the requirements into one policy. As such, we have modified sample policy ILD to identify some of remaining differences between the applicable state and federal statutes, and to reconcile the resulting overlap between former ILD and ILDA. NHSBA adoption consideration: Districts should be sure that in adopting the modified ILD they simultaneously repeal policy ILDA (or its equivalent).

NHSBA note, September 2017: The adoption of Senate Bill 43 by the Legislature in 2017 added a requirement for prior written consent from a parent or guardian before a non-academic survey can be administered. As a result, state law, RSA 186:11, IX-d, requirements are nearly identical to the requirements of the federal Protection of Pupil Rights Amendment. This update, therefore, combines sample policy ILD, Educational Questionnaires, Surveys, and Research with sample policy ILDA, Non-Educational Questionnaires, Surveys, and Research.

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EDUCATIONAL QUESTIONNAIRES, SURVEYS AND RESEARCH

Protection of Pupil Rights Amendment (written consent required)

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 (protected information survey):

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).

Parents/Guardians will receive notice and an opportunity to opt-out of:

- Any protected information survey, regardless of funding;
- Any non-emergency invasive physical exam or screening required for attendance, administered by the school or its agents, and not necessary to protect the immediate health and safety of a student. This does not apply to hearing, vision, or scoliosis screenings or any physical exam or screening permitted or required under state law; and
- Activities involving collection, disclosure, or use of personal information obtained from students for marketing or to sell or otherwise distribute the information to others.

School District Approval

No surveys will be administered without the prior approval of the Superintendent or his/her designee. (See also "School District use of data" below.

All Questionnaires, Surveys available will be for Inspection.

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 and must actively consent to participation if the survey is funded in whole or in part by US Department of Education. 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 but not later than 10 days 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

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will be able to do so by making a copy available at the school as well as posting information about the survey on the District website.

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 agencies other than the US Department of Education, must have the recommendation of the Superintendent and the approval of the School Board as to content and purpose and will, if they are a non-educational questionnaire or survey (regardless of whether they are funded in whole or in part by the US Department of Education), also be administered in accordance with Policy ILDA. The results of such approved surveys must be shared with the School Board.

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.

Notice of Policy

This policy will be included in the student handbook for each school in the District.

Cross Reference:

ILD-R – Consent and Opt-Out Forms

ILDA – Non-Educational Questionnaires, Surveys and Research

Legal References:

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