

# Policy Committee Agenda: 1/8/2020, 5:30 – 5:45pm, Rm 102 SRHS

## 1. Call to Order; Approval of Agenda

**2. Draft minutes 12/4/19 meeting:** Called to order 4:45 PM. In attendance Board members Pam Brown, Larry Heath, Pete Broderick and Superintendent Ambrose. Minutes of 11/6/19 meeting approved without changes. Policies IHBAA, IFABD, JFABE, JLF and GBEAB were agreed ready for 1<sup>st</sup> Reading at Dec. 18, 2019 Board meeting. Brown reported Mr. Dawson says revisions to policies JBAA, JBAA-R and JICK should be completed soon. Revised GDB was discussed, and agreed ready for 1<sup>st</sup> Read at Dec. 18 Board meeting. Ambrose said Ms. Kennedy will be forwarding updated K policies for next meeting. Adjourned at 5:45 pm.

## 3. Old Business

A. GDB: Non-Union Support Staff Wages and Benefits, Revised (following 1<sup>st</sup> Read 12/18 - see below)

B. IHBAA: EVALUATION REQUIREMENTS FOR CHILDREN WITH SPECIFIC LEARNING DISABILITIES, Revised (It's ready for 2<sup>nd</sup> read)

C. JFABD: EDUCATION OF HOMELESS CHILDREN AND UNACCOMPANIED YOUTH

**(at 1<sup>st</sup> Read, Fitzpatrick asks “proof of immunizations prior to enrollment” language be added). *Related news*** - “California mandates that all children be immunized prior to entering kindergarten and seventh grade, or whenever they enter a new school.... religious and personal-belief exemptions no longer permitted, medical exemptions are allowed”: <https://www.sandiegouniontribune.com/opinion/story/2019-07-05/immunizations-legislation-make-communities-schools-safer>; Texas El Paso SD drops provisional enrollment policy, now requires Measles immunizations. Exceptions for religious and personal reasons retained: <https://borderzine.com/2019/07/episd-will-require-measles-immunization-proof-before-school-begins/>

D. JFABE: EDUCATION OF CHILDREN IN FOSTER CARE, New (ready for 2<sup>nd</sup> Read motion if JFABD also approved.)

E. JLF: REPORTING CHILD ABUSE OR NEGLECT, Revised

**(Delayed - related policies JBAA, JICK etc. will also need updates)**

F. GBEAB: MANDATORY CODE OF CONDUCT REPORTING – ALL EMPLOYEES, New

**(Delayed – related policies will also need updates)**

## 5. Public comment

## 6. Adjourn

**Next Policy Meeting: Feb. 5, 2020 @ 4:45 pm in room 102, High School**

# **GDB: NON-UNION SUPPORT STAFF WAGE AND BENEFITS – Revised**

## Statement of Purpose

The purpose of this policy is to describe the wage and benefits provisions for non-union support staff.

## Statement of Policy

### 1. Wages

An hourly rate for each position shall be established annually by the school board to include custodians, maintenance personnel, all SAU office personnel and technology support personnel.

### 2. Employment Status

For purposes of supplemental compensation and fringe benefits there shall be the following categories:

1. Full time is equal to 1820 hours or 35 hours per week.
2. Part time is equal to 1040 hours or more, or greater than 20 hours per week.
3. Casual part time is less than 1040 hours, or less than 20 hours per week.

Full-time employees will be eligible for full benefits. A full-time employee hired after the start of the fiscal year will receive benefits based on a pro-ration of full benefits.

Part-time employees will be eligible for a pro-rated benefit package based on 2080 hours, or a 40-hour workweek. A part-time employee hired after the start of the fiscal year will receive benefits based on a pro-ration of one-half of benefits.

Casual part time employees will not be eligible for benefits.

An employee's first ninety (90) days of employment are on a trial basis and are considered a continuation of the employment selection process. The ninety (90) day probationary period provides the District an opportunity to observe and evaluate the capacity of the employee, which includes the employee's ability to satisfactorily perform the essential functions of his or her job; and to observe and evaluate the employee's work habits and conduct, including attendance and the employee's relationship with coworkers and superiors.

During this probationary period, the District may terminate employment immediately, with or without cause and with or without notice. Likewise, the employee may also terminate his or her employment with the District at any time, with or without notice and with or without cause.

The 90 day probationary period is not a term of employment and is not intended, nor does it, impact the at will nature of the relationship between the District and the employee.

### 3. Sick Leave

Each full-time employee shall receive 13 days of sick leave per year. Sick leave is cumulative for such employees to 120 days. Sick leave is interpreted to mean absence due to sickness of the employee or sickness in his/her immediate family (spouse, children, and/or parents living in same household) or a disability caused by or contributed to by pregnancy, miscarriage, abortion, childbirth, and recovery therefrom.

All employees who utilize no more than two sick days during a given year shall receive two day's per diem salary at the conclusion of the year.

Employees will be given a written accounting of their accumulated sick leave at the beginning of each school year. It will be assumed by the SAU office that the written account is correct if no questions are raised within thirty days. Because detailed absence forms are retained for only one year, it should be understood that the only year in question will be the previous school year.

4. Personal Leave

Personal leave for full-time employees will be at the rate of three (3) days per year, non- accumulative. Permission to take personal leave days must be approved in advance, whenever possible, by the employee’s direct supervisor. Generally speaking, personal leave will not be granted immediately before and immediately after school vacations and/or school holidays. Personal leave may only be used for reasons that can only be attended to during a normal work day. Unused personal leave shall not be cumulative.

5. Bereavement Leave

Full-time employees shall be granted a maximum of three (3) paid leave days per death in the immediate family. The employee shall be granted a maximum of three (3) paid leave days per death. Immediate family shall be interpreted as husband, wife, children, mother, father, brother, sister, step-father, step-mother, stepchildren, grandparents, grandchildren, father in-law, and mother in-law, **sister-in-law, brother-in-law**, or any other person living in the home of the employee or persons for whom the employee **is provides** support. Additional days’ bereavement leave may be granted by the Superintendent of Schools under extenuating circumstances, such days will be drawn from sick leave. Unused funeral/bereavement leave shall not be cumulative.

6. Sick Leave Upon Retirement

Upon retiring from the district after serving the district for fifteen (15) consecutive years, full- time employees will receive a portion of their accumulated sick leave as follows: Payment will be the number of accumulated days times the average daily rate times .5. The maximum number of accrued days will be 120.

7. Vacation Schedule

Vacation time shall be computed as of each employee’s anniversary date, and vacations will be granted, subject to approval by the employee’s direct supervisor, according to the following schedule:

<u>FULL-TIME EMPLOYEES</u>	<u>PART-TIME EMPLOYEES</u>
<del>1-5 years – 2 weeks</del>	<del>1-5 years – 1 week</del>
<del>6 years – 2 weeks + 1 day</del>	<del>6 years – 1 week + .5 day</del>
<del>7 years – 2 weeks + 2 days</del>	<del>7 years – 1 week + 1 day</del>
<del>8 years – 2 weeks + 3 days</del>	<del>8 years – 1 week + 1.5 days</del>
<del>9 years – 2 weeks + 4 days</del>	<del>9 years – 1 week + 2 days</del>
<del>10 years – 3 weeks</del>	<del>10 years – 1 week + 2.5 days</del>
<del>11 years – 3 weeks + 1 day</del>	<del>11 years – 1 week + 3 days</del>
<del>12 years – 3 weeks + 2 day</del>	<del>12 years – 1 week + 3.5 days</del>
<del>13 years – 3 weeks + 3 days</del>	<del>13 years – 1 week + 4 days</del>
<del>14 years – 3 weeks + 4 days</del>	<del>14 years – 1 week + 4.5 days</del>
<del>15 years – 4 weeks</del>	<del>15 years – 2 weeks</del>
<b>6 months – 1 week</b>	<b>6 months – 1 week</b>
<b>1 year – 2 weeks</b>	<b>1 year – 1 week + 1 day</b>

**[Rest of original table - Deleted]**

A pro-rata accumulation of unused vacation time will be paid to employees terminating employment. Full time employees may carry a maximum of five (5) vacation days forward with permission of the Superintendent. Those days expire within one year if not used. **The Superintendent may increase the**

amount of vacation time given to new hires at the date of hire. New hires will remain at the amount of vacation time they received at their date of hire until their years of service become congruent with the matrix. (For example, if a new hire receives three weeks' vacation time, he/she will not receive additional vacation time until he/she has been employed for six years.)

Employees who are school-year employees are not eligible for vacation time.

8. Holidays

The following will be non-working paid holidays: Labor Day, Columbus Day, Veterans' Day, Thanksgiving Recess (2), Christmas Recess (2), New Year's Day, MLK Civil Rights Day, Presidents' Day, Memorial Day, and July 4. A part-time employee will receive only those holidays that falls within his/her normal work week.

9. Health/Dental Insurance

Employees are entitled to become members of the group plan (including health and dental). The school district shall pay 90% of the district plan.

WAIVER OF HEALTH INSURANCE BENEFITS

Employees who would otherwise be eligible for district coverage, who elect insurance coverage under their spouse's plan, or another comparable insurance plan, will be eligible for compensation in lieu of the district's health insurance plan. Eligible employees will be compensated Three Hundred Dollars (\$300) per month for waiver of the benefit.

To be eligible for this benefit, the employee must meet the following criteria:

- a. Have and show proof of their health insurance coverage in a comparable plan;
- b. Sign a "Waiver of Health Insurance Benefits" form discontinuing health insurance coverage with the district.

Employees who sign a "Waiver of Health Insurance Benefits" form may re-enroll in the district's health plan at the district's annual renewal/open enrollment date, subject to the qualifications established by the provider or carrier.

Part-time employees as defined in Article 2 – Employment Status will receive 50% of the amounts listed for such insurance as they choose to elect.

10. Life Insurance

Term life insurance policy with a policy value of twice the employee's annualized wages will be provided by the district.

11. Longevity Pay

Longevity payment at the end of each year beginning 2011-2012 will be made in accordance with the following schedule:

\$250	upon completion of 10 – 14 years of service
\$500	upon completion of 15 – 19 years of service
\$750	upon completion of 20 – 24 years of service
\$1,000	upon completion of 25 – 29 years of service
\$1,500	upon completion of 30 years of service which will continue for each additional year of service thereafter.

12. Overtime

Overtime hours will be authorized by employee's direct supervisor for emergencies and extra-curricular activities. Overtime will be paid at the rate of one and one-half the hourly rate for time worked over 40 hours per week.

13. Substitute Personnel

Substitute personnel may be employed as necessary at an hourly rate established by the school board. Substitute employees are not eligible for benefits.

14. Severance Pay

Employees shall be eligible for a severance payment upon voluntary termination of employment as follows: (1) After 10 years of service - \$1,200. (2) After 15 years of service - \$1,750.

15. Reimbursement for College Courses

Reimbursement will be made at the cost per credit, but not to exceed the prevailing rate for graduate courses at the University of New Hampshire, for the successful completion of courses with a grade of "B" or better. Employees may request reimbursement for up to two (2) courses/eight (8) credits per fiscal year. If the individual employee leaves the district within two years, he/she agrees to reimburse the district 50% of the course tuition.

16. Personnel Agreement

A written agreement for employment will be issued by June 1 detailing wage and fringe benefits for the next work year.

- Effective: July 1, 1981
- Revised: July 1, 1983
- Revised: July 1, 1984
- Revised: July 1, 1986
- Revised: November 21, 1990
- Revised: July 1, 1991
- Revised: June 5, 1996 (effective July 1, 1996)
- Revised: June 3, 1998
- Revised: April 17, 2002
- Approve: September 2004
- Revised: October 6, 2004
- Revised: November 7, 2007
- Revised: May 18, 2011 (effective July 1, 2011)
- Revised: December 18, 2013

**Revised: \_\_ \_\_\_\_, 2020**

**IHBAA: EVALUATION REQUIREMENTS FOR CHILDREN WITH SPECIFIC LEARNING DISABILITIES**  
**– REVISED**

The District will ensure that all evaluation requirements for children with learning disabilities are evaluated consistent with applicable state and federal laws and regulations. All staff, students, parents and other interested persons are directed to the New Hampshire Department of Education Special Education Policies and Procedures Manual.

**Legal References:**

*NH Code of Administrative Rules, Section Ed 1107.02(b), Evaluation Requirements for Children With Specific Learning Disabilities*  
*Appendix IHBAA-R*

New Policy: January 8, 2014

Revised: \_\_ \_\_\_\_, 2020

**Related:** See also: Policy JFABD-R1

**Legal References:**

*NH Code of Administrative Rules, Section Ed 306.04(a)(19); Homeless Students*

*RSA 193:12, Legal Residence Required*

*No Child Left Behind Act, 2002*

*McKinney-Vento Homeless Assistance Act, 42 U.S.C. 11431, et seq.*

**History:** Original: September 19, 2007. Revised: October 7, 2009. Reaffirmed: October 5, 2011. Revised: May 1, 2019.

**JFABD: EDUCATION OF HOMELESS CHILDREN AND UNACCOMPANIED YOUTH**  
**–REVISED**

***Category: Priority/Required by Law***

It is the Board's intent to remove barriers to the identification, enrollment and retention in schools of homeless children and youth. All staff shall take reasonable steps to ensure that homeless students and children are not segregated or stigmatized and that educational decisions are made in the best interests of those students.

**A. Homeless Students.**

Under the federal McKinney-Vento Homeless Assistance Act (“McKinney-Vento”), and guidance provided by the New Hampshire Department of Education (“NHDOE”), the term “homeless children and youths”

means “individuals who lack a fixed, regular and adequate nighttime residence.” Under both section 752(2) of McKinney-Vento and the NHDOE guidance\*, the term includes children and youth who are:

1. sharing the housing of other persons due to loss of housing, economic hardship or a similar reason;
2. living in motels, hotels, trailer parks or camping grounds due to lack of alternative adequate accommodations;
3. living in emergency or transitional shelters;
4. abandoned in hospitals;
5. have a primary nighttime residence that is a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings;
6. living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and
7. are migratory children who qualify as homeless because they are living in circumstances described above.

Additionally, as used in this policy, the terms “unaccompanied youth,” “school of origin,” “enrollment,” and “attendance area school” shall have the same meanings as set forth in the McKinney-Vento Homeless Assistance Act (“McKinney-Vento”) and guidance provided by the New Hampshire Department of Education (“NHDOE”). For purposes of this policy and its accompanying regulation, “homeless students” shall refer to and include “homeless children and youth” and “unaccompanied youth.”

\*Note: under RSA 193:12, IV, the definition of “homeless children and youth” also includes children “awaiting foster care placement”, see RSA 193:12, IV (a). That criterion, however, was removed from McKinney-Vento in 2015 as well as NHDOE guidance documents regarding McKinney-Vento. Under both McKinney-Vento, and NHDOE guidance, children who are awaiting foster care may fall within the definition of a homeless student if they meet other criteria as set forth above. See also Policy JFABE.

Each homeless student shall have access to and shall be provided education services for which the student is eligible comparable to services provided to other students in the school, including career and technical education programs, gifted education programs, and school nutrition programs. Transportation services for homeless students shall be provided in accordance with applicable law and as generally described below.

## **B. Enrollment and School Stability.**

Enrollment of a homeless student shall be immediate even if the homeless student lacks records routinely required prior to enrollment or has missed application or enrollment deadlines (academic, immunization, etc.). The District shall make arrangements to obtain any necessary records and to have the student receive any necessary immunizations. When feasible, the District shall seek immunization through no- or low-cost health care providers. If an expense is incurred, the District shall seek reimbursement through Medicaid if possible. – **Jamie requests “proof of immunization prior to enrollment” be added here.**

If a homeless student becomes permanently housed during the school year, the student shall no longer be considered homeless and may only continue enrollment in the District for the remainder of that school year.

### **C. Homeless Liaison.**

The Superintendent shall appoint a staff member to serve as the local liaison for homeless students and their families/guardians (the “Homeless Liaison” or the “District Homeless Liaison”). The District shall provide training and other technical assistance to Homeless Liaison and other appropriate District staff regarding the District’s obligations to homeless students. Duties of the District Homeless Liaison shall be as provided in state and federal law, as well as local policies and procedures. The duties shall include, among others: procedures for identification, enrollment, transportation, dispute resolution for homeless students, as well as direct assistance shall be made in accordance with the accompanying regulation and applicable law.

Among other things, the District Homeless Liaison shall:

- a) assist in requesting the student’s records;
- b) mediate and assist with disputes concerning school enrollment and homelessness determinations;
- c) assist in making transportation arrangements;
- d) ensure that homeless students receive the educational services for which they are eligible or entitled;
- e) coordinate with other Districts, entities, institutions and agencies to help assure that homeless children and youths are identified by school personnel;
- f) ensure that unaccompanied youth and/or parents of homeless students are informed of the educational and related opportunities available to homeless students;
- g) work to assure that parents/guardians of such students are provided with opportunities to participate in the education of their children (excepting instances when court or other protective orders indicate otherwise);
- h) ensure that unaccompanied youth and/or parents of homeless students are informed of all transportation services including transportation to the school of origin;
- i) assure that notice is publicly disseminated of the educational rights of homeless children and youths;
- j) coordinate with other Districts and with local social services agencies and other agencies or programs providing services to homeless students as needed;
- k) assist any unaccompanied youth with enrollment, credit accrual, and career and college readiness decisions;
- l) work with the Superintendent or designee to monitor regulations and guidance related to this policy that may be issued by applicable state and federal agencies (e.g., DCYF, NHDOE, and the U.S. Department of Education).

### **D. Enrollment Determinations for Homeless Students.**

Enrollment determinations shall be based upon the best interests of the homeless student, with the presumption that keeping the homeless student in the school of origin is in the homeless student’s best interests, except when doing so is contrary to the request of the parent/guardian, or if applicable, unaccompanied youth.



## **E. Transportation of Homeless Students.**

Under McKinney-Vento, homeless students are entitled to transportation to their school of origin or the school where they are to be enrolled. If the homeless student is located outside of District boundaries but a determination has been made that the student shall remain in the school of origin within the District, or, if a homeless student is located within this District, but a determination had been made that the student shall remain in the school of origin outside of the District, then the two Districts shall agree on a method to apportion cost and responsibility for the student's transportation or share the cost and responsibility equally.

## **F. Dispute Resolution.**

For any decision in the enrollment process of a homeless student, including any determination whether a living situation meets the definition of homeless, if the decision is in conflict with the wishes of the homeless student's parent/guardian, or, if applicable, the unaccompanied youth, the District shall provide a written explanation, in a manner and form understandable to the student's parent, guardian or unaccompanied youth. District personnel receiving enrollment requests or information pertaining to homeless students should immediately refer those request to the District Homeless Liaison and Superintendent's office.

In the event of a dispute, the District shall immediately enroll the student in the school in which the parent/guardian or unaccompanied youth seeks to enroll, which enrollment shall continue pending resolution of the dispute. Additionally, while enrollment disputes are pending, students have the right to participate fully in school and receive all services for which they would be eligible, as the definition of enrollment includes "attending classes and participating fully in school activities."

### **1. Notification of Appeal Process.**

If the District seeks to place a homeless child in a school other than the school of origin or the school requested by the parent, or the District has determined that the living situation does not qualify as homeless ("eligibility decision"), the District shall inform the parent or the unaccompanied youth of the right to appeal. The District shall provide the parent or unaccompanied youth with written notice including:

- a. A succinct explanation of the child's placement/eligibility decision and contact information for the District Homeless Liaison, as well as the NHDOE State Coordinator for Education of Homeless Children and Youth;
- b. Notification of the parent's right to appeal(s);
- c. Notification of the right to enroll in the school of choice pending resolution of the dispute;
- d. A description of the dispute resolution process including a petition/appeal form that can be returned to the school to initiate the process and timelines; and
- e. A summary of the McKinney-Vento Act.

While the Superintendent or Homeless Liaison may prepare and make available forms for the process, use of such forms is not required to initiate the appeal process.

## **2. Appeal to the District Homeless Liaison – Level I.**

- a. If the parent or unaccompanied youth disagrees with the District’s placement decision, he/she/they may appeal by filing a written request for dispute resolution/appeal (“appeal”) with the school, the District Homeless Liaison, or Superintendent. The request for dispute resolution should be submitted within fifteen business days of receiving notification of the District’s placement.
- b. If the appeal/request for dispute resolution is submitted to the school or Superintendent, it will be immediately forwarded to the Homeless Liaison.
- c. The District Homeless Liaison must log the complaint including a brief description of the situation and reason for the dispute and the date and time of the appeal was filed. Upon receipt, the District Homeless Liaison will forward a copy of the appeal document to the Superintendent.
- d. Within five business days of the receiving the appeal, the Homeless Liaison must provide the parent or unaccompanied youth with a written decision and notification of the parent’s right to further appeal, with a copy to the Superintendent. At this time, the Homeless Liaison will also provide to the parent or unaccompanied youth an “appeals package” consisting of a copy of the written decision, a copy of the original appeal document, and copies of any additional materials provided to the Homeless Liaison by the parent or unaccompanied youth.

## **3. Appeal to the Superintendent – Level II.**

The parent or unaccompanied youth may appeal the Level I decision to the Superintendent or the Superintendent’s designee, using the appeals package provided at Level I.

- a. The Superintendent/designee will arrange for a personal conference to be held with the parent or unaccompanied youth within five business days of receiving the Level I appeals package. (Upon the request of the parent or unaccompanied youth, this conference may be held telephonically).
- b. Within five business days of the conference with the parent or unaccompanied youth, the Superintendent/designee will provide that individual with a written decision with supporting evidence and notification of their right to appeal to NHDOE.
- c. The Superintendent/designee shall provide a copy of the Superintendent’s decision to the District’s Homeless Liaison, as well as the NHDOE State Coordinator for Education of Homeless Children and Youth.

## **G. Records.**

The District shall maintain copies of all written decisions, appeals and notifications concerning eligibility or enrollment requests made under this policy for the same period as it does for Title I records.

## **Legal References:**

*20 U.S.C. 1232g (Family Educational Rights and Privacy Act – “FERPA”)*

20 U.S.C. 1701-1758 (Equal Educational Opportunities Act of 1974 – “EEOA”)

20 U.S.C. 6313(c)(3) (reservation of Title I funding for homeless children and youths)

42 U.S.C. §11431 and §11432 (McKinney-Vento Homeless Assistance Act – Education for Homeless Children and Youth)

*Plyler v. Doe*, 457 U.S. 202 (1982)

RSA 193:12, Legal Residence Required

NH Code of Administrative Rules, Section Ed 306.04(a)(19), Homeless Students

**Legal References Disclaimer:** *These references are not intended to be considered part of this policy, nor should they be taken as a comprehensive statement of the legal basis for the Board to enact this policy, nor as a complete recitation of related legal authority. Instead, they are provided as additional resources for those interested in the subject matter of the policy.*

## **JFABE: EDUCATION OF CHILDREN IN FOSTER CARE** **– NEW**

### **Category: Recommended**

It is the Board's intent to remove barriers to the identification, enrollment and retention in school of children who are in foster care. All staff shall take reasonable steps to ensure that children in foster care are not segregated or stigmatized and that educational decisions are made in the best interests of those students.

#### **A. Definition.**

Under guidance issued jointly by NHDOE and the N.H. Department of Health and Human Services, and for the purposes of this Policy, “foster care” shall mean “24 hour substitute care for children placed away from their parents or guardians for whom the child welfare agency has placement and care responsibility. This includes children in foster family homes, shelters, relative foster homes, group homes and residential facilities, regardless of whether the foster care facility is licensed or whether payments are made by the state.” To the extent required under applicable law, a child in foster care under this policy also includes children whom an appropriate child welfare agency indicates are awaiting a foster care placement. (Note: children awaiting foster care may also qualify as homeless under policy JFABD.)

The District shall coordinate with other districts and with local child welfare agencies and other agencies or programs providing services to students in foster care as needed. The coordination requirements apply to both situations (i) when a student who is a resident of the District is placed in foster care in another district, or (ii) when a student residing in another district is placed foster care in a home within this District.

The Superintendent is responsible for providing any required assurances to applicable state and federal agencies that the District is complying with applicable requirements related to ensuring the educational stability of children in foster care; and for reasonably monitoring compliance with such assurances.

#### **B. District Point of Contact with Child Welfare Agencies.**

The Superintendent shall designate a staff member to serve as the District’s point of contact (the “Foster Care POC”) between the New Hampshire Division of Children, Youth and Families (“DCYF”), NHDOE, other districts, and other child welfare agencies. The main duty of the Foster Care POC is to facilitate the prompt and

appropriate placement, transfer, and enrollment of students in foster care, pursuant to applicable state and federal statutes, regulations and guidance. Additionally, the Foster Care POC shall work with the Superintendent or designee to monitor regulations and guidance related to this policy that may be issued by applicable state and federal agencies (e.g., DCYF, NHDOE, and the U.S. Department of Education).

The District shall provide training opportunities and other technical assistance to the Foster Care POC and other appropriate district staff regarding the District's obligations to students in foster care.

**C. Best Interest Enrollment Determinations, Disputes and Enrollment.**

Generally, a student in foster care will remain in his/her school of origin, unless there is a determination that it is not in the student's best interest. The Foster Care POC shall assist DCYF or any other child welfare agency to make a "best interest determination" education decision, particularly the determination of whether or not it is in the best interest of the student in foster care to remain in his/her school of origin or to enroll in a new school. Unless local procedures are established in accordance with state and federal law, the District will use the model procedures prepared jointly by the NHDOE and DCYF.

If the determination is that the best interests of a child is not to remain in the school of origin, and instead placed within a new school within this District, the child in foster care shall be immediately enrolled in the new school ("receiving school"), even if any documents or records otherwise required for enrollment are not immediately available.

If there are disputes regarding a determination regarding the best interest determination for a child in foster care, it is expected that DCYF and the separate school districts, both sending and receiving, will work collaboratively at the local level to resolve the issue. Should there be no resolution, RSA 193.12, V-b, requires the Department of Health and Human Services to request in writing that the two Superintendents involved resolve the dispute. If the residency dispute remains unresolved after 10 days after such request, the Department of Health and Human Services shall request that the Commissioner of the Department of Education determine the residence of the child for purposes of school enrollment.

If a school within the District is a receiving school, such receiving school shall accept the student's certified coursework as if it had been completed at the receiving school. To the extent such coursework is not aligned with the curriculum, the awarded credit may be elective, but it must be counted toward required credits for advancement or graduation.

**D. Transportation.**

When the District is notified that a student in foster care needs, or may need, transportation to a District school, the Foster Care POC will take steps to establish an individualized plan that addresses transportation to maintain the student in his/her school of origin will be arranged, provided and funded for the duration of time that the student in foster care is attending his/her school of origin.

In establishing such a plan, the Foster Care POC and other district staff shall follow any existing transportation procedures, systems-level plan or agreement that the District, acting in collaboration with DCYF and/or other departments of human services, has adopted or otherwise expressly agreed to implement for the cost-effective transportation of the student. Out of District transportation of children in foster care shall be provided in accordance with DCYF's or other child welfare agency's authority to use child welfare funding for school of origin transportation.

If there are disputes regarding the provision or funding of transportation, the school district foster care point of contact and child welfare agency representative will contact their respective Supervisor and Superintendent of

the school to resolve the dispute. To the extent feasible and appropriate, the school districts involved should ensure that a child remains in his or her school of origin while the disputes are being resolved to minimize disruptions and reduce school transitions.

*Related Policies: EEA, JFA, JFAA, & JFABD.*

Policy History:

Adopted: \_\_\_\_\_

Legal References:

- 20 U.S.C. 1232g (Family Educational Rights and Privacy Act – “FERPA”)
- 20 U.S.C. 1701-1758 (Equal Educational Opportunities Act of 1974 – “EEOA”)
- 20 U.S.C. 6311 (g)(1)(E) and 6312(c)(5) (provisions in ESSA regarding obligations to students in foster care)
- 42 U.S.C. 671 (a)(10) and 675 (1)(G) (child welfare agency requirements related to supporting normalcy for children in foster care and ensuring educational stability of children in foster care)
- 42 U.S.C. §11431 and §11432 (McKinney-Vento Homeless Assistance Act – Education for Homeless Children and Youth)
- Public Law 110-351, The Fostering Connections to Success and Increasing Adoptions Act of 2008
- 34 C.F.R. 200.30 (f)(1)(iii) (ESSA’s definition of “foster care”)
- Plyler v. Doe, 457 U.S. 202 (1982)
- RSA 193:12, Legal Residence Required
- “N.H. Guidance on ESSA and Foster Care to Ensure that the Educational Needs of Children and Youth in Foster Care are Being Addressed”, January 2017, NHDOE and NHDHHS

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## **JLF: REPORTING CHILD ABUSE OR NEGLECT** **– REVISED**

### **A. Statutorily Mandated Reporting – All Persons.**

**Under New Hampshire law (RSA 169-C:29), every person who has “reason to suspect” that a child has been abused or neglected is required to report that suspicion to DCYF (Division of Children, Youth and Families of the New Hampshire Department of Health and Human Services) or directly to the police. Under RSA 169-C:30, the initial report “shall be made immediately via telephone or otherwise.”**

The requirement to report is not dependent on whether there is proof of the abuse or neglect, nor is it dependent upon whether the information suggests the abuse or neglect is continuing or happened in the past. Any doubt regarding whether to report should be resolved in favor of reporting. Failure to report may be subject to criminal prosecution, while a report made in good faith is entitled to both civil and criminal immunity. Additionally, a “credential holder”, as defined in New Hampshire Department of Education Rule 501.02(h), who fails to report suspected abuse or neglect risk having action taken by the New Hampshire Department of Education against his/her credential. See N.H. Code of Conduct for Educators, Ed. 510.05 (e).

The report should contain:

- a. the name and address of the child suspected of being abused or neglected,
- b. the person responsible for the child's welfare,
- c. the specific information indicating neglect/abuse or the nature and extent of the child's injuries (including any evidence of previous injuries),
- d. the identity of the person or persons suspected of being responsible for such neglect or abuse; and
- e. any other information that might be helpful in establishing neglect or abuse.

To report child abuse or neglect to **DCYF, call 24/7 (800) 894-5533** (in-state) or (603) 271-6562. **In cases of current emergency or imminent danger, call 911.**

**B. Additional provisions relating to school employees, volunteers and contracted service providers.**

Each school employee, designated volunteer or contracted service provider having reason to suspect that a child is being or has been abused or neglected must also immediately report his/her suspicions to the building Principal or other building supervisor. This initial report may be made orally, but must be supplemented with a written report as soon as practicable after the initial report, but in no event longer than one calendar day.

1. Request for Assistance in Making Initial Report.

The initial report to the Principal/building supervisor may be made prior to the report to DCYF/law enforcement, but only if:

- (a) the initial report is made for the purpose of seeking assistance in making the mandated report to DCYF/law enforcement, **and**
- (b) reporting to the Principal, etc. will not cause any undue delay (measured in minutes) of the required report to DCYF/law enforcement.

When receiving a request for assistance in making a report, the Principal or other person receiving the request is without authority to assess whether the report should be made, nor shall he/she attempt in any way to dissuade the person from making the legally mandated report. Once the Principal/building supervisor receives the information, the law would impose a reporting requirement upon both the original reporter and the Principal.

2. Principal’s Action upon Receiving Report.

Upon receiving the report/request from the employee, volunteer or any other person, the Principal/building supervisor shall immediately assure that DCYF/law enforcement is or has been notified, and then notify the Superintendent that such a report to DCYF has been made.

A written report shall be made by the Principal to the Superintendent within twenty-four (24) hours, with a copy provided to DCYF if requested. The report shall include all of the information included in the initial oral report, as well as any other information requested by the Superintendent, law enforcement or DCYF.

### 3. Requirements for Reporting of Other Acts.

Employees/contract providers are also reminded of the requirements to report any act of “theft, destruction, or violence” as defined under RSA 193-D:4, I (a), incidents of “bullying” per Board Policy JICK, and hazing under RSA 671:7. See also Board Policy GBEB. A single act may simultaneously constitute abuse, bullying, hazing, and/or an act of theft, destruction or violence.

### C. Signage and Notification.

The Superintendent is directed to assure that the Principal or administrator of each school shall post a sign within the school that is readily visible to students, in the form provided by the, 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. Additionally, information pertaining to the requirements of section A of this policy shall be included in each student handbook or placed on the district's website.

### D. Training Required.

The Superintendent shall assure that all District employees, designated volunteers and contracted service providers receive training (in-person or online) upon beginning service with the District, with annual refreshers thereafter, on the mandatory reporting requirements, including how to identify suspected child abuse or neglect.

#### History:

New: March 5, 2014. Revised: Feb 6, 2019

Revised: \_\_ \_\_\_\_, 2020

#### Legal References:

*NH Code of Administrative Rules, Ed 306.04(a)(10), Reporting of Suspected Abuse or Neglect*  
*NH Code of Administrative Rules, Code of Conduct for NH Educators, Ed 510.05(e), Duty to Report*  
*RSA 169-C, Child Protection Act*  
*RSA 169-C:29-39, Reporting Law*  
*RSA 189:72, Child Abuse or Neglect Information*  
*RSA 193-D:4, Safe School Zones, Written Report Required*

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## **GBEAB: MANDATORY CODE OF CONDUCT REPORTING – ALL EMPLOYEES** **– NEW**

### **A. General.**

The Code of Conduct for New Hampshire Educators, sections 510.01- 510.05 of the N.H. Dept. of Education Administrative Rules (the “NH Code of Conduct”) imposes various reporting requirements upon each “Credential Holder” as that term is defined by N.H. Dept. of Ed. Administrative Rule 501.02 (h). The reporting requirements include, among others:

1. reporting any “suspected violation of the code of conduct” (see NH Code of Conduct at Ed 510.05 (a)); and
2. self-reporting within five (5) days any arrest for violations of crimes enumerated in RSA 189:13-a, V (“Section V Offenses”) (see NH Code of Conduct, at Ed 510.01 (b)(2)).

By way of District Policy GBEB, the Board has adopted the provisions of the NH Code of Conduct as employment rules and standards applicable to all employees and consultant/independent contractor, irrespective of whether or not such persons are Credential Holders. Consequently, each District employee designated volunteer, or contracted service provider (collectively referred to in this policy as a “Covered Individual”), is required to report certain acts, incidents and misconduct as provided in this policy.

Reports under this Policy are in addition to other reports as may be mandated by law or other policies (e.g., abuse or neglect of children, required by RSA 169-C:29 and Policy JLF; acts of “theft, destruction, or violence” as defined under RSA 193-D:4, I (a), incidents of “bullying” per Board Policy JICK, and hazing under RSA 671:7).

### **B. Reports by Covered Individuals of Suspected Misconduct or Violations.**

1. Any Covered Individual having reason to suspect that any other district or SAU employee, designated volunteer, or third party consultant/contractor has violated any provision of the NH Code of Conduct, and or District Policy GBED, whether on or off duty, shall report the same to such Covered Individual’s building principal, or to the Superintendent.

If the person who is the subject of the alleged misconduct/violation is the Superintendent, then the Covered Individual shall report the suspected violation to the Business Administrator and School Board Chair, who is hereby granted authority to consult with the District’s attorney on the matter. Additionally, if the Covered Individual is also a Credential Holder, he/she shall report the Superintendent’s suspected violation/misconduct directly to the N.H. Department of Education. Likewise, if a Credential Holder has made a report to the Principal and/or the Superintendent, and believes that the District’s reporting procedures as expressed in this Policy have not been followed, the Credential Holder shall so notify the New Hampshire Department of Education directly.

2. Any initial report made relative to A.1 or A.2 above, may be made orally in the first instance, but must be supplemented with a written report as soon as practicable after the initial report, but in no event longer than two business days. Upon request of the Covered Individual, the recipient of the report shall provide a copy of said report to the Covered Individual with a signed “received” annotation, such that the Covered Individual may document his/her State mandated obligation to report.

### **C. Self-Reporting of Certain Crimes.**



Self-reports of the Section V Offenses as described in A.2 above, shall be made in the same manner as reports under B, above. Because the list of Section V Offences is subject to change by the N.H. Legislature, employees, etc. who are arrested for any reason should promptly review the then statute, which may be found online at:

<http://www.gencourt.state.nh.us/rsa/html/XV/189/189-13-a.htm>

**D. Provisions Applicable to Principals.**

Upon receiving a report of suspected violation of GBEB or the NH Code of Conduct, or otherwise has knowledge of a violation, the Principal or any other administrator shall immediately report the same to the Superintendent. If the Superintendent is the subject of report, then the Principal's report shall be made in the same manner as described in B.2, above.

**E. Superintendent's Report to the Department Regarding Credential Holders.**

The Superintendent shall report misconduct by Credential Holders to the N.H. Department of Education in accordance with section 510.05 (c) of the NH Code of Conduct.

**F. Procedures.**

The Superintendent may establish such administrative procedures, forms, etc. as he/she may deem necessary or appropriate to implement this policy.

**G. Dissemination.**

The content or a copy of this policy should be included in every employee/staff member handbook, and/or otherwise provided annually to each employee, designated volunteer, and contracted consultant.

Related Policies: GBEA, GBEB, GBEBB, JICK & JLF

History:

Adopted: \_\_\_\_\_. 2020

Legal References:

*N.H. Dept. of Education Administrative Rule – Ed 510.01- 510.05, Code of Conduct for NH Educators*

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Jodi would like policy JLF updated, and Tom would like new policy GBEAB approved. The problem is - we can't proceed with these, because each of these policies has several "related polices" which are lacking in our manual, or, need simultaneous updating.

Here are the "related policies" that need attention.

For **JLF - REPORTING CHILD ABUSE OR NEGLECT:**

**JICK** (Bullying policy, which then links to **JBAA / GBAA** - Sexual Harassment)

**JICD**

IHBA

**IJOC** (which links to **GBCD, GBCD-R, ABA, IJOC-R**)

For GBEAB - MANDATORY CODE OF CONDUCT REPORTING – ALL EMPLOYEES:

**JICK** (again)

**JLF** (shown above)

GBEA (we lack this – ref'ed in new policy GBEAB)

GBEB (we lack this – ref'ed in new policy GBEAB)

**The BOLDED** ones above are REQUIRED (priority). Non-bolded are recommended by NHSBA - and "referenced" in their drafts.

Let me know how you'd like to proceed with these clusters.

Pam