

SUNAPEE SCHOOL DISTRICT  
Wednesday, November 1, 2023 -- 6:00PM  
SMHS Gymnasium

**Agenda**

**School Board Meeting:**

1. Call to Order
  - Roll Call
  - Pledge of Allegiance/Moment of Meditation
2. Approval of School Board Meeting Minutes:
  - Minutes of October 4, 2023 School Board Meeting
3. Agenda Review
4. School State Testing Overview Sean & Patrick
5. Public Forum: In accordance with Policy BEDH
6. School Updates
  - SCES
  - SMHS
  - Student Representative
7. Superintendent Update
8. School Board Topics
9. Policy:  
Second Reading  
ACN – Nursing Mothers Accommodation  
BEDG – Meeting Minutes  
EBCC – False Alarms, Bomb, Active Shooter and Other Such Threats  
EHAB – Data Governance and Security  
FA – Facilities Development Goals and Preparation of Capital Improvement Plan  
GBCD – Background Investigation and Criminal History Records Check  
IIJ- Book and Material Selection Policy  
JCA – Change of Class or School Assignment, Best Interests and Manifest Hardship  
JKAA – Use of Restraints and Seclusion  
KCD – Public Gifts/Donations  
  
(Blue = New Policy   -   Gold = Overhauled Policy   -   Green = Updated Policy)
10. Action Items:
  - Approve Extra Curricula Positions

SUNAPEE SCHOOL DISTRICT  
Wednesday, November 1, 2023 -- 6:00PM  
SMHS Gymnasium

11. Information Items:

- SCES Project Update
- NESDEC Enrollment Projections

12. Manifests:

AP Manifests:	2023 #9	\$131,321.71
	2023 #10	\$ 48,169.94
	2023 #11	\$ 65,580.46

Payroll Manifests:	2023 #7	\$430,456.77
	2023 #8	\$331,892.38

13. Agenda Items for Next Meeting – Board Chair

14. Request to go into non-public session for discussion of matters covered under  
RSA 91-A:3

15. Adjournment

**Sunapee School District**  
**November 1, 2023, 5:00pm**  
**Sunapee Middle High School Library**

1. Administration Presents Budget to School Board
2. Other Issues

## **Nursing Mothers Accommodations**

### **A. Statement of Purpose**

The District provides a supportive environment as to time and place for students and employees (collectively “nursing mothers”). Subject to the terms and exceptions set forth in this policy, the District will accommodate the needs of nursing mothers by providing reasonable times and suitable spaces for nursing mothers to nurse during school and work hours for one year after the birth of the child. Nursing for purposes of this policy will include expression of milk by manual or mechanical means.

No nursing mother will be discriminated against for nursing or nursing related activities as provided in this policy, and reasonable efforts will be made to assist nursing mothers in meeting their infant feeding goals while at work or school.

### **B. Accommodation Notice and Plans**

A nursing or expectant mother should contact the building school nurse or employee’s supervisor at least two weeks before the need for nursing accommodations arises. The District will endeavor to meet the break and space needs of each nursing mother. However, when ordinary accommodations (as discussed below) will create undue hardship to the operations of the school/workplace, the District will work with the nursing mother to determine whether other acceptable accommodations may be made. Such other accommodations could include such items as a change in work/class assignments, or schedules. When acceptable accommodations are unattainable, the school nurse, building principal or other administrator working with the nursing mother should consult with the District’s Superintendent

A nursing accommodation plan should be revisited upon the nursing mother’s request, or at least every three months, with adjustments made to the accommodations for breaks as nursing needs change.

### **C. Reasonable Time to Express Milk during the School Day**

Absent of undue hardship or other accommodations as established under Section B, above, a nursing mother will have a minimum of three opportunities (“nursing period”) during a work or school day, at agreed upon intervals (which should include flexibility as appropriate and practicable) for the purpose of nursing or to address other needs relating to nursing. An employee or student can use usual break and meal periods if she chooses.

A nursing mother who is an hourly will be paid during nursing periods. Nursing mothers shall not be required to “make up” time relating to the use of unpaid nursing periods.

#### **D. Suitable Private Areas for Nursing**

Nursing mothers will be provided with a private place, other than a bathroom, in each school district building in which a nursing mother spends her working or school day. The nursing area:

1. May be temporary or permanent.
2. Shall be shielded from view and free from intrusion by other persons, including without limitation other staff or students;
3. Shall be within a reasonable walk to the nursing mother's work-station or classroom unless otherwise agreed by the nursing mother;
4. Have at a minimum an electrical outlet and a chair if feasible;
5. Have a sink with running water if feasible, or be in proximity to one;
6. Have a refrigerator for breast milk storage if feasible, or be in proximity to one; and
7. Shall be cleaned regularly by District staff assigned to that duty.

#### **E. Nursing Mother Responsibilities**

Nursing mothers will:

1. Provide at least two weeks' advance notice of the need for nursing accommodations, preferably prior to their return to school following the birth of the child. This will allow school administrators the opportunity to establish a location and work out scheduling issues.
2. Maintain the nursing area by wiping down surfaces with antibacterial wipes so the area is clean for the next user.
3. Provide their own supplies as is necessary.

#### **F. Prohibited Conduct**

Any intentional act which violates a nursing mother's privacy, aims to frustrate a nursing mother's intentions to use the nursing facilities, or constitutes harassment on account of a nursing mother's needs or breastfeeding status is prohibited, and shall be treated as violation of the applicable code of conduct, with possible disciplinary consequences and may constitute sexual harassment and reported to the Title IX Coordinator.

#### ***Federal Statutes Description***

*20 U.S.C 1681, et seq Title IX of the Education Amendments of 1972*

*42 U.S.C. 2000gg Pregnant Worker Fairness Act ("PWFA")*

*42 U.S.C. 218d Pump for Nursing Mothers Act ("PUMP Act")*

1<sup>st</sup> Reading: 10/4/2023

## **MINUTES**

Under RSA 91 -A, the School Board, and each of the School Board's committees (whether standing or ad hoc, or whether deemed a sub-committee or an advisory committees) is required to keep minutes for every "meeting" as defined under 91-A:2, I. As used below, "Board" shall mean and include the district School Board, and each such board committee.

The Board will keep a record of the actions taken at Board meetings in the form of minutes. At a minimum, all minutes, public and non-public, shall include:

- The names of members participating,
- Persons appearing before the School Board (any persons other than board members who address the board or speak at the meeting);
- A brief description of each subject matter discussed;
- Identification of each member who made a first or second of any motion;
- A record of all final decisions;
- When a recorded roll call vote on a motion is required by law or called for by the Chair (or other presiding officer), a record of how each board member voted on the motion; and
- In the event that a board member objects to the subject matter discussed by the board, if the board continues the discussion above the member's objection, and upon the request of the objecting member, then - and irrespective of whether the objection/discussion occurred in public or non-public session - the public minutes shall also reflect (i) the objecting member's name, (ii) a statement that the member objected, and (iii) a" reference to the provision of RSA 91-A:3, II that was the basis for the discussion." (See RSA 91- A:2, II-a.).

Copies of the draft minutes of a meeting will be sent to the members of the Board before the meeting at which they are to be approved. The preceding sentence, however, shall not apply to minutes of nonpublic sessions when the Board has sealed such minutes by a recorded roll call vote taken in public session with 2/3 of the board members present supporting the motion. Drafts of non-public minutes will be provided to the Board either at the conclusion of the non-public session and may be approved at the time - prior to any vote to seal, or if sealed, provided to Board at the meeting at which they are to be approved.

Draft minutes of all public meetings, clearly marked as drafts, will be made available for public inspection no later than five (5) business days after each public session. Minutes for non-public sessions shall be kept as a separate document. Draft minutes for all non-public sessions, will be made available for public inspection within seventy-two (72) hours after the non-public session, unless sealed in accordance with the procedure described in the preceding paragraph.

Notes and other materials used in the preparation of the minutes must be retained until the minutes are approved or finalized.

All minutes, including draft minutes, will be kept in accordance with RSA 91-A:2 and RSA 91-A:3 and will be in the custody of the Superintendent.

Approved minutes, except those non-public session minutes which are sealed, shall be consistently posted on the District's website in a reasonably accessible location or the website shall contain a notice describing where the minutes may be reviewed and copies requested. Draft minutes will be available for inspection at the District's administrative office.

#### **Sealing Non-Public Minutes**

- a. As used in this policy, "sealed" minutes in reference to minutes of non-public sessions, means that the Board determined by 2/3 majority vote in public session that "divulgence of the information" (i.e., information in the minutes of the non-public session):
  - i. Would affect adversely the reputation of a person other than a Board member;
  - ii. Would render ineffective the action/proposed action taken in non-public session; or
  - iii. Pertains matters relating the preparation for and carrying out of all emergency functions intended to thwart a deliberate act intended to result in widespread or severe damage to property or widespread injury or loss of life (i.e., terrorism).
- b. A motion to seal, if any, should be the first item of public business after the Board exits the non-public session, and must state one of the three grounds above allowing sealing.
- c. If the minutes are not prepared/approved during the non-public sessions itself, the Board should discuss the content of the minutes prior to exiting so that any vote to seal will be an informed vote.
- d. When making or voting upon a motion to seal, the movant/Board should consider and state the duration that minutes be sealed based upon the grounds supporting the sealing. This can be done either by stating a date they sealed until, or a date by which the Board might review the minutes' status. For instance, minutes sealed because divulgence of the information would likely affect adversely the reputation of a person other than a member of the Board might be remain sealed permanently, while minutes sealed because disclosure would "render the action ineffective" should be sealed only for as long as that reason exists or is anticipated to exist. Pursuant to RSA 91-A:3, III, non-public minutes relating to discussion about lease, purchase or sale of property (91-A:3, II(d)) must be made available "as soon as practicable after the transaction has closed or the Board has decided not to proceed with the transaction."

#### **Minutes of the Non-Public Session Itself**

In addition to the information included in all minutes as described in paragraphs above, minutes of the non-public session must include "all actions" and decisions (i.e., votes, including negative votes) taken by the Board, with a record of how each member voted. If the Board does not "seal" the minutes of the non-public session, then such information must be disclosed to the public within 72 hours of the close of the meeting.

### **Sealed Minutes List**

In order to comply with RSA 91-A:3, III, the Superintendent is directed to maintain a list of all sealed minutes for non-public sessions occurring after July 1, 2021. The list (referred to as the “Sealed Minutes List”) shall include:

- a. The name of the public body (e.g., School Board, Policy Committee, etc.);
- b. The date, time and location of the public meeting (from meeting notice);
- c. The start and end times of the non-public session;
- d. The specific grounds upon which the non-public session occurred (e.g., RSA 91-A:3, II (b) and (c), etc.);
- e. The specific grounds upon which the minutes were sealed (e.g., “disclosure would render the action ineffective” or “disclosure would likely adversely affect the reputation of a non-board member,” etc.);
- f. The date the vote to seal the minutes occurred;
- g. The date, if any stated in the original motion or subsequently, on which the sealed minutes will be unsealed; the motion to seal should, when possible, state the date the minutes should be unsealed or at least reviewed by the Board or other public body; and
- h. The date, if any, of a subsequent decision to unseal the minutes.

### **Reviewing and Unsealing Previously Sealed Minutes**

Pursuant to RSA 91-A:3, IV, starting on October 3, 2023, sealed minutes must either be reviewed within each ten-year period or unsealed no later than the expiration of ten years following the date they were sealed or last reviewed. **Minutes sealed prior to October 3, 2023 must be reviewed and/or unsealed by October 3, 2033.**

The Board will review previously sealed non-public minutes within ten years of the date the minutes were first sealed, or within ten years of the last time those minutes were last reviewed by the Board. The minutes shall be unsealed by majority vote of the Board if the circumstances justifying sealing the minutes no longer apply. Minutes which are not reviewed after 10 years will be automatically unsealed. Although discussion of whether to unseal such minutes should occur in non-public session pursuant to RSA 91-A:3, II (m), any vote to unseal must occur in public session.

### **Legal References:**

*RSA 91-A:2 II, Public Records and Meetings: Meetings Open to Public*

*RSA 91-A:3 III, Public Records and Meetings: Non-Public Sessions*

*RSA 91-A:3 Non-Public Sessions*

*RSA 91-A:4 Minutes and Records Available for Public Inspection*

Approval: 11/3/2021

First Reading: 10/4/2023



**FALSE ALARMS, BOMB, ACTIVE SHOOTER and OTHER SUCH THREATS**

The Board recognizes that false alarms, and bomb, active shooter or other such violent threats, are a significant concern to schools. Whether a threat is real or a hoax, it represents a likely substantial disruption to the educational mission of the school, as well as potential danger to the safety and welfare of students, staff, and school property.

No person shall make or communicate, by any means, a threat stating the current or future presence of: a fire, an explosion, an active shooter, an explosive device, a biological or chemical substance, or other catastrophic emergency on school premises. This prohibition extends to activating any alarm on school property intended to warn of the presence of one or more such threats or conditions when the person activating the alarm knows the threat or condition is not present, or there is no reasonable basis presence of such threat or condition. Making such threats or false alarms will be deemed a violation of the applicable code of conduct, with potential disciplinary action, and will be referred to law enforcement for potential criminal prosecution.

Any such false threat or alarm will be regarded as a serious matter and will be treated accordingly. In the event a violent threat is made or alarm activated, the Building Principal/supervisor shall follow the pertinent procedures set forth in the District Crisis Prevention and Response Plan EBCA, and the school specific Emergency Operations Plan.

1. The Superintendent or his/her designee shall make a determination as to whether an immediate evacuation of school buildings is required in accordance with the District Crisis Prevention and Response Plan.
2. Simultaneously, local law enforcement authorities shall be notified.
3. An investigation of the threat should be made by local law enforcement authorities or applicable state department.
4. Any decision to re-enter the school or buildings after an evacuation will be made by the Superintendent, or designee, and only after such clearance has been given by the appropriate law enforcement agency.
5. The Superintendent or her/his designee will communicate the occurrence of any threat under this policy to the parents of any students in the affected building, whether or not a full evacuation occurred.

***Statutory Reference***

*RSA 158:9, Possession of Explosives*

*RSA 644-a, False Fire Alarms*

*RSA 644:3, False Public Alarms*

## DATA GOVERNANCE AND SECURITY

To accomplish the District's mission and comply with the law, the District must collect, create and store information. Accurately maintaining and protecting this data is important for efficient District operations, compliance with laws mandating confidentiality, and maintaining the trust of the District's stakeholders. All persons who have access to District data are required to follow state and federal law, District policies and procedures, and other rules created to protect the information.

The provisions of this policy shall supersede and take precedence over any contrary provisions of any other policy adopted prior to the date of this policy.

### **A. Definitions**

#### Confidential Data/Information

Information that the District is prohibited by law, policy, or contract from disclosing or that the District may disclose only in limited circumstances. Confidential data includes, but is not limited to, personally identifiable information regarding students and employees.

#### Critical Data/Information

Information that is determined to be essential to District operations and that must be accurately and securely maintained to avoid disruption to District operations. Critical data is not necessarily confidential.

#### Cybersecurity Incident

An occurrence that actually or potentially jeopardizes the confidentiality, integrity, or availability of an information system or the information processes, stores, or transmits, if that constitutes a violation or imminent threat of violation of security policies, security procedures, or acceptable use policies.

### **B. Data and Privacy Governance Plan - Administrative Procedures**

1. Data Governance Plan. The Superintendent, in consultation with the District Information Security Officer ("ISO"), shall update the Data and Privacy Governance Plan ("Data Governance Plan") for presentation to the Board no later than June 30 each year. The Data Governance Plan shall include:
  - a. An inventory of all software applications, digital tools, and extensions. The inventory shall include users of the applications, the provider, purpose, publisher, privacy statement, and terms of use;
  - b. A review of all software applications, digital tools, and extensions and an assurance that they meet or exceed minimum standards set by the New Hampshire Department of Education;
  - c. Policies and procedures for access to data and protection of privacy for students and staff including acceptable use policy for applications, digital tools, and extensions used on District hardware, server(s) or through the District network(s);
  - d. A response plan for any breach of information/cybersecurity incidents; see RSA 31:103-b and RSA 359-C:19-21; and
  - e. A requirement for a service provider to meet or exceed standards for data protection and privacy.

- f. A provision that students participating in career exploration or career technical education may, **with written parental consent**, register for technology platforms and services to be used as part of the student's approved program of study, which require the provision of personally identifiable information. Copies of written parental consent shall be retained as part of a student's educational record.*

The Data Governance Plan shall include standards and provisions that meet or exceed the standards set forth in the N.H. Dept. of Education's Minimum Standards for Privacy and Security of Student and Employee Data.

2. Policies and Administrative Procedures. The Superintendent, in consultation with the ISO, is directed to review, modify, and recommend (policies) create (administrative procedures), where necessary, relative to collecting, securing, and correctly disposing of District data (including, but not limited to Confidential and Critical Data/Information, and as otherwise necessary to implement this policy and the Data Governance Plan. Such policies and/or procedures may or may not be included in the annual Data Governance Plan.

### **C. Information Security Officer**

The Director of Technology is hereby designated as the District's Information Security Officer (ISO) and reports directly to the Superintendent or designee. The ISO is responsible for implementing and enforcing the District's security policies and administrative procedures applicable to digital and other electronic data, and suggesting changes to these policies, the Data Governance Plan, and procedures to better protect the confidentiality and security of District data. The ISO will work with both the District and building level administrators and Data managers (paragraph E, below) to advocate for resources, including training, to best secure the District's data.

### **D. Responsibility and Data Stewardship**

All District employees, volunteers and agents are responsible for accurately collecting, maintaining, and securing District data including, but not limited to, confidential and/or critical data/information.

### **E. Data Managers**

All District administrators are data managers for all data collected, maintained, used and disseminated under their supervision as well as data they have been assigned to manage in the District's data inventory. Data managers will monitor employee access to the information to ensure that confidential information is accessed only by employees who need the information to provide services to the District and that confidential and critical information is modified only by authorized employees. Data managers will assist the ISO in enforcing District policies and procedures regarding data management.

### **F. Confidential and Critical Information**

The District will collect, create or store confidential information only when the Superintendent or designee determines it is necessary, and in accordance with applicable law. The District will provide access to confidential information to appropriately trained District employees and volunteers only when the District determines that such access is necessary for the performance of their duties. The District will disclose confidential information only to authorized District contractors or agents who need access to the information to provide services to the District and who agree not to disclose the information to any other party except as allowed by law and authorized by the District.

District employees, contractors and agents will notify the ISO or designee immediately if there is reason to believe confidential information has been disclosed to an unauthorized person or any information has been compromised, whether intentionally or otherwise.

The Superintendent and/or the ISO shall immediately report any known or suspected cybersecurity incidents within the District's information systems, or within an information system of any vendor of the District, to the New Hampshire Cyber Integration Center of the Department of Information Technology. The Superintendent and/or the ISO shall disclose all known information and interactions.

The ISO or designee will investigate immediately and take any action necessary to secure the information, issue all required legal notices and prevent future incidents. When necessary, the Superintendent, ISO, or designee is authorized to secure resources to assist the District in promptly and appropriately addressing a security breach.

As a part of this investigation, the ISO or designee will promptly determine the likelihood that any information part of a cybersecurity incident has been or will be misused. If the determination is that the misuse of information has occurred or is reasonably likely to occur, or if a determination cannot be made, the ISO will notify the affected individuals as soon as possible, consistent with the notification requirements under RSA 359-C:20.

Likewise, the District will take steps to ensure that critical information is secure and is not inappropriately altered, deleted, destroyed or rendered inaccessible. Access to critical information will only be provided to authorized individuals in a manner that keeps the information secure.

All District staff, volunteers, contractors, and agents who are granted access to critical or confidential information/data are required to keep the information secure and are prohibited from disclosing or assisting in the unauthorized disclosure of such confidential or critical data/information. All individuals using confidential and critical data/information will strictly observe all administrative procedures, policies, and other protections put into place by the District including, but not limited to, maintaining information in locked rooms or drawers, limiting access to electronic files, updating and maintaining the confidentiality of password protections, encrypting and redacting information, and disposing of information no longer needed in a confidential and secure manner.

#### **G. Using Online Services and Applications**

District staff members are encouraged to research and utilize online services or applications to engage students and further the District's education mission. District employees, however, are prohibited from installing or using applications, programs or other software, or online system/website, that either stores, collects, or shares confidential or critical data/information, until the ISO approves the vendor and the software or service used. Before approving the use or purchase of any such software or online service, the ISO or designee shall verify that it meets the requirements of the law, Board policy, and the Data Governance Plan, and that it appropriately protects confidential and critical data/information. This prior approval is also required whether or not the software or online service is obtained or used without charge.

Notwithstanding the prohibition on the use of applications, etc. that store, collect or share personally identifiable information concerning a student ("PII"), students participating in career exploration or career technical education may, **with written parental consent**, register for technology platforms and services to be used as part of the student's approved program of study, even if said platforms and services require the collection, storage and sharing of the student's PII. Use of these platforms and services is subject to the conditions set forth in B.1(f), above, and related provisions of the Data Governance Plan. The written parental consent forms shall be retained as student records.

## **H. Training**

The ISO will provide appropriate training to employees who have access to confidential or critical information to prevent unauthorized disclosures or breaches in security. All school employees will receive annual training in the confidentiality of student records, and the requirements of this policy and related procedures and rules.

## **I. Data Retention and Deletion**

The ISO or designee shall establish a retention schedule for the regular archiving and deletion of data stored on District technology resources. The retention schedule should comply with, and be incorporated into the data/record retention schedule established under Board policy EHB and administrative procedure EHB-R], including but not limited to, provisions relating to Litigation and Right to Know holds as described in Board policy EHB.

## **J. Consequences**

Employees who fail to follow the law, or District policies or procedures, regarding data governance and security (including failing to report) may be disciplined, up to and including termination. Volunteers may be excluded from providing services to the District. The District will end business relationships with any contractor who fails to follow the law, District policies or procedures, or the confidentiality provisions of any contract. In addition, the District reserves the right to seek all other legal remedies, including criminal and civil action and seeking discipline of an employee's teaching certificate.

The District may suspend all access to data or use of District technology resources pending an investigation. Violations may result in temporary, long-term, or permanent suspension of user privileges. The District will cooperate with law enforcement in investigating any unlawful actions. The Superintendent or designee has the authority to sign any criminal complaint on behalf of the District.

Any attempted violation of District policies, procedures, or other rules will result in the same consequences, regardless of the success of the attempt.

Approval: 11/2/2022

1<sup>st</sup> Reading: 10/4/2023

**FACILITIES DEVELOPMENT GOALS & PREPARATION OF CAPITAL IMPROVEMENT PLAN**

As the Board seeks to incorporate the most appropriate and cost-effective risk management techniques for loss prevention and control, and to overcome deficiencies in its physical plant, it will strive to provide new and remodeled facilities that will offer the best possible physical environment for learning and teaching. The Board specifically recognizes the need and importance of regular and substantial capital maintenance, renovation, improvement and expansion consistent with realistic fiscal constraints.

**A. Facility Considerations, Goals and Objectives**

In establishing specific facility plans, the Board will use the following considerations, goals and objectives among others:

1. Facilities, including buildings, ground, and playing fields, that will accommodate organization and instructional patterns that support the district's educational philosophy and instructional goals.
2. Meeting all safety requirements through the remodeling and renovation of older structures.
3. Providing building renovations to meet requirements on the availability of public school facilities to handicapped persons whenever possible.
4. Building designs, construction, and renovations that will lend themselves to low maintenance costs and the conservation of energy.
5. Facilities that will also lend themselves to utilization by the community in ways consistent with the overall goals of the district.
6. Keeping the community informed about the condition of district facilities as well as the perceived needs in the areas of capital improvement expansion and acquisition.

Decisions pertaining to education specifications of new buildings and those undergoing extensive remodeling will be developed with the input of teachers, students, parents, and the community.

**B. Capital Improvement Program**

The School Board Capital Improvement Committee, Superintendent and Director of Facilities will prepare and update a long-range capital improvement program, to be reviewed at least every 2 years, that identifies District school facility goals, provides projected expenditures, and outlines procedures and guidelines to be followed to accomplish Board and District goals. This program will be provided to the Department of Education pursuant to RSA 198:15-a, so that the state can project funds needed for building projects occurring in the District and elsewhere.

***Statutory Reference:***

*RSA 198:15-a, Grant for School Construction*

## BACKGROUND INVESTIGATION & CRIMINAL HISTORY RECORDS CHECK

To help assure the safety of District students, it is the policy of the Sunapee School Board that before any person is employed by the School District, or are otherwise placed into positions whereby they have frequent close contact with - or supervision of - students, that the administration conduct proper investigation into such person's background, including, without limitation, a criminal history records check under RSA 189: 13-a — 189:13-c.

### A. Definitions, as used in this policy:

1. "Applicant" shall mean and include an applicant for employment or any person seeking to serve in any position falling within the term "Covered Person" as defined below, who is selected by the District for further consideration for such position.
2. Background investigation" means an investigation into the past employment and other background of an Applicant with the intent of determining whether:
  - a. The applicant/covered person is qualified for the position for which he/she has applied, will/would be assigned, or will/would perform, and
  - b. The applicant has been found guilty of any criminal activity or conduct that would make him/her ineligible or unsuitable for employment or service in the district.
3. "Conditional offer of employment" means an offer of employment extended to a selected Applicant subject to a successful completed criminal history record check (defined below) which is satisfactory to the SAU or school district.
4. "Contractor" means a private business or agency or an employee or employees of the contractor which contracts with a SAU, school district, or charter school to provide services including but not limited to:
  - a. cafeteria workers,
  - b. school bus drivers,
  - c. custodial personnel,
  - d. any other direct service or services to students of the district or charter school.
5. "Covered Person" shall mean every employee, stipend position (e.g., coach, trainer, drama coach, etc.), candidate, designated volunteer (whether direct or through a volunteer organization), or any other service where the contractor or employees of the contractor provide services directly to students of the District, or any applicant/person seeking to serve in any of those positions. NOTE: Only those volunteers who meet the definition of "Designated Volunteer" below are considered "Covered Employees".
6. "Criminal History Records Check" or "CHRC" means a criminal history records inquiry under RSA 189: 13-a — 13-c, conducted by the New Hampshire State Police through its records and through the Federal Bureau of Investigation



7. “Designated Volunteer” is any volunteer who:
- a. Comes in direct contact with students on a predictable basis (e.g., library volunteer,
  - b. [overnight] field trip chaperone;
  - c. Meets regularly with students (e.g., community mentor, volunteer assistant coach);
  - d. Meets with students on a one-on-one basis [without the presence of a teacher or
  - e. other such professional staff member]; OR
  - f. Any other volunteer so designated by the Superintendent.

The administrative supervisor for the applicable activity or program (e.g., building principal, athletic director), shall have the responsibility of determining whether a volunteer position is a “Designated Volunteer”, subject to any additional rules or procedures established by the Superintendent.

8. “Educator Candidate” means a student at an institution of higher education in New Hampshire who has been selected to participate in a K-12 educator preparation program (RSA 189: 13-c, I(b)). This definition includes both Educator Candidates who are placed as student teachers in the district, and those who might be in the District for a different purpose (e.g., Methods, etc.).
9. “Section V Offense(s)” are those criminal offenses listed in RSA 189: 13-a, V, as that list may be amended by the Legislature from time to time. The current of offenses may be accessed at:  
<http://www.gencourt.state.nh.us/rsa/html/XV/189/189-13-a.htm>

“Non-Section V Offenses” are all other crimes offenses, whether felonies or misdemeanors.

10. “Designee” shall mean, a person designated by the Superintendent to receive and inspect results of the Criminal History Records Check. Under RSA 189: 13-a, II, the Designee for purposes of CHRC may only be an assistant superintendent, head of human resources, the personnel director, the business administrator or the finance director.

## **Background Investigation and Restrictions on Hiring or Appointing Individuals with Revoked or Suspended Credentials.**

### **B. Background Investigation**

The Superintendent will require a Background Investigation of any Applicant or Covered Person as defined in this policy, including but not limited to reviewing the most recent NHED List of Revoked & Suspended Credentials. The Superintendent may assign the Background Investigation (but not the CHRC) to someone other than Designee, but shall be completed prior to making a final offer of employment, approving the contract with an individual contracting directly with the District, student teacher, or a Designated Volunteer to work or serve within the District. For Covered Persons who are employed by a third-party contractor or assigned as a Designated Volunteer by a volunteer agency, the Superintendent or Designee may waive the Background Investigation and instead rely on suitable assurances from the contracting company or agency regarding a background investigation. The requirement for a Criminal History Records Check under paragraph E, however, may not be waived.

### **C. Prohibition against hiring/appointment of individuals with revoked or suspended credentials**

The District will not hire any individual whose education license, certification or other credential (“credential”) issued by the Department of Education is currently revoked or suspended, unless:



(1) the individual's prospective employment would begin after the reinstatement of that individual's credential; or, (2) the individual retains an active endorsement in one or more areas in which the individual remains eligible for employment, even though the endorsement in another area is under revocation or suspension.

No person whose credential issued by the Department of Education has been revoked or is under current suspension, may be appointed as, or serve as, a volunteer for any district service or activity, designated or otherwise.

In the instance of a person with no current endorsement, the suspension or revocation would preclude hiring or appointing that person to any position within the district. This means, for example, that a former science teacher whose credentials are revoked may not be appointed as a volunteer soccer coach.

Notwithstanding the prohibitions and limitations imposed by this paragraph, educators whose credentials have been revoked or are currently suspended, retain all the rights afforded members of the public to enter onto school grounds and attend school events in accordance with applicable laws and School Board policies. Similarly, such individuals who are parents or guardians of district students shall maintain all the rights afforded all parents and guardians under law and School Board policies – but may not serve in volunteer positions.

#### **D. False Information**

The falsification or omission of any information on a job application, during the pendency of the application, or in a job interview, including, but not limited to, information concerning criminal convictions or pending criminal charges, shall be grounds for disqualification from consideration for employment, withdrawal of any offer of employment, or immediate discharge from employment.

#### **E. Criminal History Records Check**

1. General. As part of the District's Background Investigation, each Applicant must submit to a Criminal History Records Check ("CHRC") through the State of New Hampshire in full compliance with RSA 189: 13-a. No Covered Person/Applicant shall be employed, extended a Conditional Offer of Employment, or begin service in the District, until the Superintendent, or his/her designee, has initiated a CHRC.

The Applicant shall provide the District with a criminal history records release form as provided by the New Hampshire State Police along with a full set of fingerprints taken by a qualified law enforcement agency according to RSA 189: 13-a, II.

Refusal to provide the required criminal history records release form (with fingerprints) and any other required releases to authorize the CHRC will result in immediate disqualification of the Applicant/Covered Person and will not be considered for the position.

2. Special Provisions for Educator Candidates, Bus Drivers & Bus Monitors
  - a. Educator Candidate. Educator Candidates who are placed in the District as a student teacher shall undergo a CHRC prior to beginning in the District. For Educator Candidates in the District under a status other than student teacher (e.g., observation, Methods Course or Practicum student), the Superintendent or Designee will determine whether to require a CHRC using the same parameters included in the Designated Volunteer definition.

- b. **Bus Drivers and Bus Monitors.** Pursuant to RSA 189: 13-a, VI and RSA 189: 1 3-b, criminal history records checks for bus drivers and bus monitors shall be processed through the New Hampshire Department of Education (“NHED”). Although NHED will conduct the CHRC, the Superintendent or designee shall require a Background Investigation in accordance with paragraph B.
- 3. **Results of Criminal History Records Check.** The results of the CHRC shall be delivered to the Superintendent or designee who shall be responsible for maintaining their confidentiality. The Superintendent or Designee shall destroy all results and reports of any CHRC within sixty (60) days of receiving said information
- 4. **Pending Charges or Convictions for Section V Offenses.** If the results of the CHRC disclose that the Applicant has either been convicted of or is charged pending disposition of a violation or attempted violation of a Section V offense, that person shall not receive an offer or final offer of employment. Additionally, the Superintendent (not the Superintendent’s Designee), shall notify NHED through its Investigator or the Chief of the Governance Unit or as otherwise directed by NHED.
- 5. **Non-Section V Offenses and/or Past Charges of Section V Offenses.** If the results of a CHRC disclose that the Applicant has been charged (whether pending or previously concluded) with a Non-Section V Offense, or has been previously charged with a Section V Offense which the charge has been disposed of other than by a conviction, the Superintendent or Designee shall take such information into account prior to hiring or assigning such Applicant. In making a determination regarding such an Applicant, the Superintendent or Designee shall consider all reliable information, and assess whether, in light of the totality of the circumstances, the Applicant’s suitability for the position sought with student safety being the priority consideration. (Circumstances the Superintendent should consider, include, but are not limited to, nature and date of the charge, information about reduced charges, age at time of charge, relationship of the nature of the charged offense to the duties of the position sought).

If the Superintendent chooses to nominate, appoint or assign an Applicant who has a history of conviction or pending charges of a Non-Section V Offense, or of past concluded charges of Section V Offenses that did not result in a conviction, then the final hiring decision or appointment of another Covered Person must be approved by the School Board. The Superintendent may share to the Board in non-public session general information about the offense/conviction but is prohibited under RSA 189: 13-a from sharing the CHRC report.

- 6. **Fees for Criminal History Records Check.** Any applicant for whom the Board requires a CHRC check, or, in the instance of third party contractors/organizations, the Covered Person’s employer/organization, shall pay the actual fees and costs associated with the fingerprinting process and/or the submission or processing of the CHRC, unless otherwise determined by the Board.
- 7. **Additional Criminal Records Checks.** To the extent permitted by law, the Superintendent or Designee may require a CHRC of any Covered Person at any time after hire or appointment to a position within the District.

**F. Conditional Offer of Employment**

Applicants who have been selected for employment may be given a conditional offer of employment, with the final offer subject to the successful completion of the Background Investigation and CHRC, and a determination that there are no disqualifying pending charges or convictions.

Any Applicant who is offered conditional employment, by way of individual contract or other type of letter of employment, will have clearly stated in such contract or letter of employment that his/her employment or approval to work within the District is entirely conditioned upon the results of a CHRC and Background Investigation being satisfactory to the District.

**G. Final Offer of Employment**

No Applicant shall be extended a final offer of employment or be allowed to serve/provide services in the District if such person has charges pending or has been convicted of any Section V Offense; or where such person has been convicted of the same conduct in another state, territory, or possession of the United States; or where such person has been convicted of the same conduct in a foreign country.

An Applicant may only be extended a final offer of employment or final approval to work/serve within the District's schools upon the satisfactory completion and results of CHRC and Background Investigation.

**H. Administrative Protocols/Procedures**

The Superintendent is authorized to establish protocols for background investigations, and such protocols may vary depending on the nature of the position(s) (e.g., verification of academic records and achievements for certified professionals, credit checks for personnel with fiscal responsibilities). The written protocols may include additional specific disqualifying misdemeanor or felony convictions or charges (e.g., prostitution, theft, etc.) in addition to the Section V Offenses.

**I. Contractor and Vendor Provisions**

The Superintendent shall take such steps as are necessary to assure third party agreements which involve covered personnel to include a provision for such personnel to complete CHRCs and Background Investigations as required under this policy, as well as training and information relative to child sexual abuse prevention as required under RSA 189:13-a, XII.

**J. Training of Superintendent/Designee**

The Superintendent or any Designee shall complete such training relative to the reading and interpretation of criminal records as required by NHED.

**K. Reports of Criminal Offenses Post-Hire or Commencement of Service**

When the District receives a notification of a Covered Person being charged with or convicted of a Section V Offense or other crime which is evidence of the individual's unsuitability to continue in their role, the Superintendent shall take immediate appropriate action to remove the individual from contact with students. Employees shall be placed on paid administrative leave, if not subject to immediate discharge. The Superintendent will then take appropriate employment or other action, consistent with law and any applicable employment contract or collective bargaining agreement to address the individual's ongoing relationship with the District. If the Covered Person charged/convicted of a Section V Offense is a credential holder as defined in the New Hampshire Code of Conduct for Educators, the Superintendent shall report to the New Hampshire Department of Education pursuant to section 510.05 of the Code of Conduct.

***Legal References:***

*RSA 1 89: 13-a, School Employee and Designated School Volunteer Criminal History Records Check*

*RSA 1 89: 13-b, School Bus Driver and Transportation Monitor Criminal History Records*

*Check Code of Conduct for New Hampshire Educators*

Approval: 8/24/2022

1<sup>st</sup> Reading: 10/4/2023

## BOOK AND MATERIAL SELECTION POLICY

The Sunapee School Board is legally responsible for all matters relating to the operation of the Sunapee schools. The responsibility for the selection of instructional materials is delegated to the professionally trained personnel employed by the school system.

### Objectives

The primary objective of a school library or resource center is to implement, enrich and support the educational program of the school. Needs of the individual school based on knowledge of the curriculum, teacher and student needs, and of the existing collection are given first consideration.

### Criteria for Selection

1. Books and other instructional materials shall be selected on the basis of:
  - a. overall purpose
  - b. timeliness or permanence
  - c. importance of subject matter
  - d. quality of the writing/production
  - e. readability and popular appeal
  - f. authoritativeness
  - g. reputation of the publisher/producer
  - h. reputation and significance of the author/artist composer/producer
  - i. format and price
2. Consideration shall be given to:
  - a. needs of the individual school based on knowledge of the curriculum and requests from administrators and teachers
  - b. needs of the individual student based on knowledge of children and youth and requests of parents and students
  - c. provision of materials of high artistic quality
  - d. provision of materials with superior format
  - e. choosing materials for values of interest and the enlightenment of all students of the community.

A book shall not be excluded because of the race, nationality or the political or religious views of the writer.

  - f. providing materials presenting all points of view concerning international, national, and local problems and issues of our times; books or other materials of sound factual authority shall not be prescribed or removed from library shelves because of partisan or doctrinal disapproval.
3. Controversial materials
  - a. Religion--factual, unbiased material which represents all major religions should be included in the library collection.
  - b. Ideologies--the library should make available basic factual information on the level of its reading public, on any ideology or philosophy which exerts strong force, either favorably or unfavorably in government, current events, politics, education, or any other phase of life.

- c. Sex and profanity--Materials presenting accents on sex should be subjected to a stem test of literary merit and reality, taking into consideration the reading public. The fact of sexual incidents or profanity appearing should not automatically disqualify a book. The decision should be made on the basis of whether the book presents life in its true proportions, whether circumstances are realistically dealt with, and whether the book is of literary value. Factual material of an educational nature on the level of the reading public should be included in the school collection.
- d. Science--Medical and scientific knowledge should be made available without any biased selection of facts.

#### 4. Third-Party Digital Content Providers

In order to expand access to educational materials and focus on meeting the objectives outlined in this policy, content from digital content providers will be included in the collection. This content includes material such as scholarly articles in research databases, nonfiction and fiction books, audiobooks, and video. Entering into a contract with a content provider will be governed by the aforementioned Criteria for Selection. Such agreements include recognition that some materials will be managed directly by the provider as part of a broad package of educational content offered to elementary and secondary schools. In any agreement, the library agrees to the content provider's collection development practices.

#### **Challenged Materials**

If a complaint is made, the procedures will be as follows:

1. Criticisms of books or other instructional materials in the library or classroom should be submitted in writing to the Principal. A form for the criticism is available in the School Office.
2. Allegations thus submitted will be considered by a committee of three appointed by the principal. The challenged book or material will be judged by the committee within thirty (30) days as to its conformity to the above stated principles.
3. The books or materials involved will be suspended pending a decision in writing by the above committee. A copy of the committee's report will be made available to all concerned.
4. Appeals from this decision may be made through the Superintendent to the School Board.
5. In the event an individual wishes to challenge the inclusion of a particular resource made available by one of the school district's digital content providers, the procedures outlined above will be followed. If the challenge concerns a particular resource made available by the New Hampshire Downloadable Books (NHDB) Consortium, the individual will be directed to the Consortium's Collection Development Policy and the NHDB Consortium Request for Reconsideration of Digital Materials form.
6. All decisions concerning content made available by the school district will be effective for one year from the time of the decision.

## **CHANGE OF CLASS OR SCHOOL ASSIGNMENT, BEST INTERESTS AND MANIFEST HARDSHIP**

The Superintendent is charged with assigning students of the District to schools and classes consistent with Board policies and procedures. New Hampshire RSA 193:3 recognizes that there are limited instances when the class or school to which a student might be assigned under a district's ordinary assignment policies and procedures, might not be in that student's best interests, or other factors might exist under which create a manifest educational hardship upon the student such that a change (referred to in this policy as "reassignment") in the student's class or school assignment is warranted. The Board has adopted this policy consistent with RSA 193:3 and to provide procedures for parents/guardians to follow when they believe a reassignment is appropriate.

### **A. Best Interest Re-Assignment — Determination by Superintendent**

Consistent with RSA 193:3, I, and subject to the provisions below, the Superintendent is authorized to reassign a student residing in the District to another class within the school, to another public school or public academy in another district, or approved private school. Authorization granted to the Superintendent to make reassignments under this policy applies only after application is made by the parent/guardian of the student or with the parent/guardian's consent, and upon a finding by the Superintendent that reassignment is in the student's best interests, after taking into consideration the student's academic, physical, personal, or social needs.

This policy, however, does not limit the Superintendent's discretion to make other in-District assignments consistent with applicable Board policies and administrative rules.

#### **1. Procedure:**

- a. In order to initiate consideration of a reassignment based upon the child's best interests, the parent/guardian shall submit to the Superintendent a written request stating why and/or how the child's best interests warrant reassignment. In order to facilitate a determination, such application may also include any additional information described in 4 below. The written request should be mailed or delivered to the SAU office or emailed to the Superintendent at the email address provided on the District's website.
- b. Upon such request, the Superintendent shall schedule a meeting (the "reassignment Meeting") with the parent/guardian, to be held within 10 days of receiving the request.
- c. Prior to or at the reassignment meeting, the parent/guardian shall make a specific request that the student be re-assigned to another class/grade within the same school, or approved private school within the district or to a public school, public academy, or approved private school in another district.
- d. At the reassignment meeting, the parent/guardian may present documents, witnesses, or other relevant evidence supporting the parent's belief that reassignment is in the best interest of the student.
- e. The Superintendent may present such information as he or she deems appropriate.
- f. In determining whether reassignment is in the student's best interest the Superintendent shall consider the student's academic, physical, personal, or social needs.

## **2. Finding Reassignment Is or Is Not in Best Interest**

- a. Within five school days of the reassignment meeting, the Superintendent shall deliver to the parent/guardian a written determination as to whether or not reassignment is in the child's best interest. Delivery of the written determination should be done in a manner to produce evidence of the delivery (e.g., courier, email, fax).
- b. If the Superintendent finds it is in the best of the interest of the student to change the student's school or assignment, the Superintendent shall initiate:

A change of assignment within the student's current assigned school;

The student's transfer to another public school, public academy, or approved private school within the district of residence; or

The student's transfer to a public school, public academy, or approved private school in another district.

- c. If the Superintendent does not find that it is in the best interest of the student to change the student's school or assignment, the parent/guardian may request a hearing before the School Board to determine if the student is experiencing a manifest educational hardship are provided in Section B of this policy.

## **3. Tuition Determination**

If a student is to be reassigned to another school district or approved school as a result of a best interest determination, the Superintendent shall work with the Superintendent or administrator of the receiving school district/approved school to establish a tuition rate for such student, Pursuant to RSA 193:3, I(g), if the Superintendent has made a finding that it is in the best interest of the student to be reassigned, then the School Board shall approve the tuition payment consistent with the Board's ordinary manifest approval procedures. If the student is reassigned to an approved private school as a result of a best interest determination, that school may charge tuition to the parent/guardian. The Superintendent shall consult with counsel regarding tuition obligations in such an instance.

Any such Agreement shall be subject to approval by the school board on behalf of the School District and shall be at the sole Discretion of the School Board with due consideration given to the fiscal impact of such approval of the District, and shall not be granted if, in the opinion of the School Board, there are other viable public school options for reassignment.

## **4. Transportation:**

Transportation for a student reassigned to a school in another district under this Section A (best interest) shall be the responsibility of the parent/guardian.

## **5. Tuition for Students Reassigned by Other Districts Pursuant to RSA 193:3.I**

It is the general policy of the Board that the tuition amount to be charged to another district for any student reassigned by that district to a school within this District under the best interest standard of 193:3, I, shall be the lesser of the tuition charged for non-residential students under Board policy JFAB or as computed under the formula set out in RSA 193:4. The Superintendent, however, is authorized to reduce the tuition amount below those thresholds or for other good cause shown (e.g., reciprocal assignments between the two districts).



## **6. Other In-District Assignments**

Nothing in this policy is intended to limit authority otherwise extended to the Superintendent to make assignments or reassignments according to the policies, regulations, and ordinary practices of the District.

### **B. Manifest Educational Hardship —Determination by School Board and Appeal to State Board**

If, after following the procedure outlined in Section A of this policy, the Superintendent did not find that it was in the best interest of the student to reassign the student as requested by the student's parent/guardian, then the parent/guardian may request a hearing before the School Board to determine if the student is experiencing a manifest educational hardship.

- 1. "Manifest Educational Hardship" Defined.** As provided in RSA 193:3, II (a), "manifest educational hardship" means that a student has a documented hardship in his or her current educational placement; and that such hardship has a detrimental or negative impact on the student's academic achievement or growth, physical safety, or social and emotional wellbeing. Such hardship must be so severe, pervasive, or persistent that it interferes with or limits the ability of the student to receive an education.
- 2. Procedure for Determination of Manifest Educational Hardship**
  - a. Within thirty 30 days after receipt of the Superintendent's written determination described that reassignment is not in a student's best interest as described in paragraph A.2.C, above, the parent/guardian requesting a manifest educational hardship hearing shall submit a written application to the Superintendent detailing the specific reasons why they believe that the current assignment constitutes a manifest educational hardship.
  - b. The Superintendent shall duly notify the school board that the parent/guardian has requested a manifest educational hardship hearing, upon which the school board shall schedule a hearing to be held no more than 15 days after the request has been received by the Superintendent. The Board shall provide at least two full days' notice of the hearing. The Board will conduct the hearing in non-public session, unless the parent/guardian requests the hearing be held in public session, subject to RSA 91 -AB, II(c).
  - c. Prior to or at such hearing, the parent/guardian shall provide to the Superintendent a specific request in writing that the student attend an approved private school in the District, or] attend a public school, public academy, or approved private school in another school district. The Superintendent shall provide such request to the School Board at the hearing. Although not required, the parent/guardian may include this request as part of the original hearing request.
  - d. At such hearing, the parent/guardian may present documents, witnesses, or other relevant evidence supporting their belief that the student is experiencing a manifest educational hardship. The Superintendent may present such information as he or she may deem appropriate to assist the School Board in reaching its decision. The parties (or their appointed designee) shall have the right to examine all evidence and witnesses. The formal rules of evidence shall not apply. The Superintendent will assure the means for the Board to establish an adequate record of the hearing.

- e. The parent/guardian shall have the burden of establishing the presence of a manifest educational hardship by clear and convincing evidence, which means that the evidence is highly and substantially more likely to be true than untrue, and the Board must be convinced that the contention is highly probable.
- f. The Board will render its decision in writing within seven (7) days after the hearing and will forward its written decision to the parent/guardian via means producing proof of delivery (e.g., courier, email, etc.). The decision will conform to the requirements of NH Department of Education Rule Ed 320(c)-(e).

**3. Finding of Manifest Educational Hardship**

If the School Board finds that the student has a manifest educational hardship, the School Board shall grant the parent's or guardian's request to reassign the student to an approved private school in the District, or to a public school, public academy, or approved private school in another district.

**4. Finding that Manifest Educational Hardship Was Not Established — Appeal to the New Hampshire State Board of Education**

If the School Board finds that the parent/guardian has not met their burden of proof, the parent/guardian may appeal the local Board decision to the New Hampshire State Board of Education ("SBOE"), within thirty (30) days of receipt of the Board's written decision in accordance with NH Dept. of Ed, Rule Ed; 204.01 (g). If a parent/guardian believes that denial of a re-assignment under this policy upon the child's disability, the parent/guardian may appeal to the SBOE or file a complaint with the N.H. Human Rights Commission under RSA 354-A:28.

**5. Tuition for Students Reassigned Upon Finding of Manifest Educational Hardship**

If, after a finding of a manifest educational hardship - by either the School Board or the State Board - a student of the District is assigned to attend school in another district, or a student from another district is assigned to a school in this District, the district in which the student resides shall pay tuition to the district to which the child is re-assigned.

Such tuition shall be computed according to RSA 193:4. The school board of the district in which the student resides shall approve the tuition payment consistent with its ordinary manifest approval process.

**6. Transportation:**

Transportation for a student reassigned to schools in another district under this section B (manifest educational hardship) shall be the responsibility of the parent/guardian.

**C. Admission Requirements**

Students reassigned under this Policy shall meet the admission requirements of the school to which the student is to be reassigned.

**D. Statutory Reassignment Limit**

The total reassignments or transfer made under this policy in any one school year will not exceed one (1) percent of the average daily membership in residence of a school district, or five (5) percent of the average daily membership in residence of any single school, whichever is greater, unless the School Board votes to exceed this limit.

**E. Count of Reassigned Pupils, Tuition Payment and Rate and Transportation**

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

**F. Notice to the Department of Education**

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

**G. Special Education Placements**

A placement made relative to a student's special education needs and services shall not be deemed a change of school assignment for purposes of this section.

***Legal References:***

*Ed RSA 193:3, III, Change of School Assignment*

*RSA 193: 14-a, Change of School Assignment; Duties of State Board of Education N.H*

*Dept. of Education Administrative Rule Ed. 320 [Pending revision]*

Approval: 3/8/2023  
Previous Approval: 11/3/2021

1<sup>st</sup> Reading: 10/4/2023

## Use of Restraints and Seclusion

**Definitions.** For the purposes of this policy,

1. **“Restraint”** means bodily physical restriction, mechanical devices, or any device that immobilizes a person or restricts the freedom of movement of the torso, head, arms, or legs. It includes mechanical restraint, physical restraint, and medication restraint used to control behavior in an emergency or any involuntary medication. It is limited to actions taken by persons who are school or facility staff members, contractors, or otherwise under the control or direction of a school or facility.
  - a. **“Medication restraint”** occurs when a child is given medication involuntarily for the purpose of immediate control of the child’s behavior.
  - b. **“Mechanical restraint”** occurs when a physical device or devices are used to restrict the movement of a child or the movement or normal function of a portion of his or her body.
  - c. **“Physical restraint”** occurs when a manual method is used to restrict a child’s freedom of movement or normal access to his or her body.
  - d. **“Prone restraint”** is a prohibited physical restraint technique which occurs when a child is intentionally placed face-down on the floor or another surface, and the child’s physical movement is limited to keep the child in a prone position. For the purpose of this definition, physical restraint that involves the temporary controlling of an individual in a prone position while transitioning to an alternative, safer form of restraint is not considered to be a prohibited form of physical restraint.
  - e. **Exceptions to definition of restraint.** The term “restraint” DOES NOT, however, include:
    - i. Brief touching or holding to calm, comfort, encourage, or guide a child, so long as limitation of freedom of movement of the child does not occur.
    - ii. The temporary holding of the hand, wrist, arm, shoulder, or back for the purpose of inducing a child to stand, if necessary, and then walk to a safe location, so long as the child is in an upright position and moving toward a safe location.
    - iii. Physical devices, such as orthopedically prescribed appliances, surgical dressings and bandages, and supportive body bands, or other physical holding when necessary for routine physical examinations and tests or for orthopedic, surgical, and other similar medical treatment purposes, or when used to provide support for the achievement of functional body position or proper balance or to protect a person from falling out of bed, or to permit a child to participate in activities without the risk of physical harm.
    - iv. The use of seat belts, safety belts, or similar passenger restraints during the transportation of a child in a motor vehicle.

- v. The use of force by a person to defend himself or herself or a third person from what the actor reasonably believes to be the imminent use of unlawful force by a child, when the actor uses a degree of such force which he or she reasonably believes to be necessary for such purpose and the actor does not immobilize a child or restrict the freedom of movement of the torso, head, arms, or legs of any child.
- 2. **“Dangerous Restraint Technique”** are prohibited forms of restraint and/or behavior techniques that include:
  - a. Prone restraint, or any other physical restraint or containment technique that:
    - i. Obstructs a child’s respiratory airway or impairs the child’s breathing or respiratory capacity or restricts the movement required for normal breathing;
    - ii. Places pressure or weight on, or causes the compression of, the chest, lungs, sternum, diaphragm, back, or abdomen of a child;
    - iii. Obstructs the circulation of blood;
    - iv. Involves pushing on or into the child’s mouth, nose, eyes, or any part of the face or involves covering the face or body with anything, including soft objects such as pillows, blankets, or washcloths; or
    - v. Endangers a child’s life or significantly exacerbates a child’s medical condition.
  - b. The intentional infliction of pain, including the use of pain inducement to obtain compliance.
  - c. The intentional release of noxious, toxic, caustic, or otherwise unpleasant substances near a child for the purpose of controlling or modifying the behavior of or punishing the child.
  - d. Any technique that unnecessarily subjects the child to ridicule, humiliation, or emotional trauma.
  - e. Other forms of physical and medical restraint shall be administered in such a way so as to prevent or minimize physical harm. During the administration of restraint, the physical status of the child, including skin temperature, color, and respiration, shall be continuously monitored. The child shall be released from restraint immediately if they demonstrate signs of one or more of the following: difficulty breathing; choking; vomiting; bleeding; fainting; unconsciousness; discoloration; swelling at points of restraint; cold extremities, or similar manifestations.
- 3. **“Seclusion”** means: the involuntary confinement of a child alone in any room or area from which the child is unable to exit, either due to physical manipulation by a person, a lock, or other mechanical device or barrier, or from which the child reasonably believes they are not

fee to leave; or, the involuntary confinement of a child to a room or area, separate from their peers, with one or more adults who are using their physical presence to prevent egress.

The term “seclusion” DOES NOT, however, include: the voluntary separation of a child from a stressful environment for the purpose of allowing the child to regain self-control, when such separation is to an area which a child is able to leave; circumstances in which there is no physical barrier, and the child is physically able to leave; or involuntary confinement of a child to a room or area with an adult who is actively engaging in a therapeutic intervention. A circumstance may be considered seclusion even if a window or other device for visual observation is present, if the other elements of this definition are satisfied.

**C. Training Required.** Under RSA 126-U:5, II, the restraint may only be used/implemented by trained school staff, while 126-U:5-a, II applies the same limitation to the use of seclusion. The Superintendent shall ensure that:

1. each school building has staff who have been appropriately trained in the proper and safe implementation of seclusion or restraint techniques;
2. each school building has staff who have been appropriately trained and are authorized to assess the mental, emotional, and physical well-being of a student relative to a period of restraint that exceeds 30 minutes in conditions described in \_\_\_\_\_, below; and
3. all employees, designated volunteers and other persons who are required to have criminal history background checks under Board policy GBCD receive general training in the requirements and prohibitions of this policy, as well as basic de-escalation procedures. Personnel who have only received such general training are not authorized to use restraint or seclusion upon any student.

**D. Procedures for Managing the Behavior of Students.** General procedures for managing student behavior are found in Board policies, and student handbooks. Behavior of individual students may be addressed in applicable individualized educational plans, 504 plans, behavior intervention plans, or other such individualized documents. The Superintendent is authorized to establish additional procedures for managing student behavior and to implement this Policy as needed. Such procedures shall be consistent with all Board policies and all applicable laws or regulations. The Superintendent is further authorized to establish any other procedures necessary to implement this policy and/or any other legal requirements.

**E. Provisions Governing the Circumstances in Which – and Conditions by Which Forms of Restraint May and May Not Be Used.**

**1. Authorized Use of Restraint.**

- a. General.
  - i. Restraint may only be used by trained personnel using extreme caution when all other interventions have failed or have been deemed inappropriate.

- ii. The determination of whether the use of restraint is justified in a specific instance must be made with consideration of all relevant circumstances, including whether continued acts of violence by a child to inflict damage to property will create a substantial risk of serious bodily harm to the child or others.
  - iii. Restraint may only be used to ensure the immediate physical safety of any person when there is a substantial and imminent risk of serious bodily harm to the student or others.
  - iv. Restraint shall never be used either explicitly or implicitly as punishment for the behavior of a child.
  - v. Restraint will not be imposed for longer than is necessary to protect the student or others from the substantial and imminent risk of serious bodily harm.
  - vi. Restraint will be discontinued immediately if a child demonstrates signs of one or more of the following: difficulty breathing; choking; vomiting; bleeding; fainting; unconsciousness; discoloration; swelling at points of restraint; cold extremities, or similar manifestations.
- b. **Restraint Periods Exceeding 15 Minutes.** Pursuant to RSA 126-U:11, no period of restraint of a student may exceed 15 minutes without the approval of a supervisory employee designated by the Superintendent or Principal to provide such approval.

However, no period of restraint of a student may exceed 30 minutes unless an assessment of the mental, emotional, and physical well-being of the student is conducted by an employee trained and authorized to make such assessments.

Such assessments shall be repeated at least every 30 minutes during the period of restraint. Each such assessment shall be documented in writing and such records shall be retained by as part of the Written Notification required in section G.1.c below.

2. **Prohibition of Certain Forms of Restraint.** The use of any dangerous restraint technique as defined in Section A, above, is prohibited. Additionally, medical and mechanical restraints are prohibited except that limited mechanical restraint may be used in transportation as described in and subject to the conditions set forth in paragraph 3 below.
3. **Limited Use of Mechanical Restraints During Transportation.** Pursuant to RSA 126-U6, the use of Mechanical Restraints is generally prohibited. However, RSA 126- U:12 allows the use of mechanical restraint during transportation when case-specific circumstances dictate that such methods are necessary.

Whenever a student is transported to a location outside the school, the Superintendent or designee will ensure that all reasonable and appropriate measures consistent with public safety are made to transport or escort the student in a manner which:

- a. Prevents physical and psychological trauma;
- b. Respects the privacy of the child; and
- c. Represents the least restrictive means necessary for the safety of the child.

Whenever a student is transported using mechanical restraints, the Superintendent or designee will document in writing the reasons for the use of the mechanical restraints as described in Section G.3 below.

4. **Reporting and Notification.** Any occurrence or incident or occurrence in which restraint is used shall be followed by reports and notification as described in Section G below.

## **F. Use of Seclusion.**

### **1. Circumstances in Which - and Conditions by Which - Seclusion May and May Not Be Used.**

- a. Seclusion may only be used by personnel trained in the proper use of seclusion as provided in Section C above.
- b. Seclusion may only be used when a student's behavior poses a substantial and imminent risk of physical harm to the student or others and may only continue until that danger has dissipated.
- c. Seclusion shall only be used after other approaches to the control of behavior have been attempted and been unsuccessful or are reasonably concluded to be unlikely to succeed based on the history of actual attempts to control the behavior of a particular child.
- d. Seclusion will not be used explicitly or implicitly as a form of punishment or discipline for the behavior of a student.
- e. Seclusion shall not be used in a manner that unnecessarily subjects the child to the risk of ridicule, humiliation, or emotional or physical harm.

### **2. Conditions of Seclusion.** When seclusion is permitted under this policy,

- a. it may only be imposed in rooms which:
  - i. Are of a size which is appropriate for the chronological and developmental age, size, and behavior of the children placed in them.
  - ii. Have a ceiling height that is comparable to the ceiling height of the other rooms in the building in which they are located.
  - iii. Are equipped with heating, cooling, ventilation, and lighting systems that are comparable to the systems that are in use in the other rooms of the building in which they are located.
  - iv. Are free of any object that poses a danger to the children being placed in the rooms.
  - v. Have doors which are either not equipped with locks or are equipped with devices that automatically disengage the lock in case of an emergency. For the purposes of this subparagraph, an "emergency" includes, but is not limited to:
    - A. The need to provide direct and immediate medical attention to a child;
    - B. Fire;
    - C. The need to remove a child to a safe location during a building lockdown; or
    - D. Other critical situations that may require immediate removal of a child from seclusion to a safe location.



- b. Each use of seclusion shall be directly and continuously visually and auditorily monitored by a person trained in the safe use of seclusion (e.g., in person, window with accommodation for sound, video with audio feed).

**3. Required Use of Co-Regulators.** When seclusion is used, the Principal, or when he or she is not immediately available, her/his designee or the then supervising employee, shall designate a co-regulator to monitor the child and develop a plan to help the child manage their state of regulation and their return to a less restrictive setting. The co-regulator shall check the child at regular intervals not to exceed 30 minutes between any one interval. The co-regulator shall be selected and designated in the following order of preference:

- a. A trusted adult selected by the child.
- b. A clinician or counselor trained in trauma informed practices.
- c. A staff member known to have a positive relationship with the child.
- d. A staff member who was NOT involved in the incident that led to seclusion.

**4. Reporting and notification.** Any occurrence or incident in which seclusion is used shall be documented and followed with reports and notification as described in Section G below. Multiple incidents of seclusion/restraint may be present within a single occurrence, and should be individually described within the reports and notifications.

#### **G. Reporting, Notification and Record Keeping Requirements.**

1. **Restraint and Seclusion.** Whenever restraint or seclusion has been used on a child, the following shall apply:
  - a. Immediate verbal report to Principal, designee or then current supervising employee: Immediately after the occurrence of seclusion or restraint and any threat to safety is no longer imminent, the employee who uses seclusion or restraint shall provide verbal notice to the Principal, principal's designee or other supervising employee on duty.
  - b. Initial Notification to Parent/Guardian: Upon receipt of a report of the use of seclusion or restraint, and unless prohibited by court order, the Principal, principal's designee or other supervising employee who received the immediate verbal report described in Paragraph G.1.a, s/he shall make reasonable efforts to contact the child's parent or guardian as soon as is practicable, but in no later than the time of the return of the child to the parent/guardian or the end of the business day, whichever is earlier. The form of notice shall be in the manner calculated to give the parent/guardian actual notice of the incident at the earliest possible time.
  - c. Written Notification to Superintendent: Within five business days of the use of seclusion or restraint, the employee who used seclusion or restraint on a child, will, with the assistance of the Principal or other employee who received the immediate verbal report (or if the employee is not available, the Principal or other recipient of the immediate report) will submit written notification on the form provided by the New Hampshire Departments of Education and Health and Human Services (the "DOE/DHHS form") to the Superintendent. In the absence of the availability of the DOE/DHHS form, the submission shall nonetheless be in writing and include all of the information required under RSA 126-U:7, II. The DOE/DHHS form or other writing used will be referred to as the Written Notification.

If the use of restraint on a child exceeded 30 minutes, the Written Notification shall also include information pertaining to the assessments described in Section E.1,b above.

- d. Written Information to Parent/Guardian: Unless prohibited by court order, within 2 business days of receipt of the Written Notification, the Superintendent/designee shall send by USPS first class mail, or transmit by electronic means, to the child's parent/guardian all of the information included in the Written Notification or the Written Notification itself.
- e. Final Investigation and Report: The Superintendent or Superintendent's designee shall review and investigate each incident of seclusion or restraint for a determination as to whether the use complied with this policy, RSA 126- U and Ed 1201-1203. After the completion of a reasonable review/investigation, the Superintendent or her/his designee, shall follow the Written Notification with a Final Report of the incident. The Final Report should include findings and conclusions, the documentary and other physical evidence (or summary of oral evidence), and a description of actions taken in response to those findings and conclusions.

**2. Additional Reporting Required for Injury or Death of a Child Subject to Restraint or Seclusion.**

In cases involving serious injury or death to a child subject to restraint or seclusion in a school, the Principal/Superintendent designee shall, in addition to the reports and notifications described above, and in accordance with the provisions of RSA 126-U:7, notify the Commissioner of the Department of Education, the New Hampshire Attorney General, general, and the New Hampshire Disability Rights Center using the contact information provided by the Department of Education. Such notice shall include the Official/Written Notification required in Section G.c, above.

**3. Additional Documentation Regarding Use of Mechanical Restraint.** Whenever a child is transported using mechanical restraints, the person(s) completing the Official Report Form/written notification described in G.1.c, above, shall include the reasons for the use of mechanical restraints. Such documentation shall be treated and retained as a notification of restraint under RSA 126-U:7.

**4. Documentation for Other Intentional Physical Contact Between Employee and Student.** The following shall apply whenever there is an instance where a school employee has intentional physical contact with a student in response to a student's aggressive misconduct or disruptive behavior.

- a. Notice to parents: the Principal, designee or other supervising employee will make reasonable efforts to promptly notify the student's parent or guardian. Such notification shall be made no later the time of the return of the child to the parent/guardian or the end of the business day, whichever is earlier. The form of notice shall be in the manner calculated to give the parent/guardian actual notice of the incident at the earliest possible time.
- b. Physical Contact Written Description: Unless the incident is subject to the notice and reporting requirements of Section G.1 above, the Principal shall prepare a written description of the incident ("Physical Contact Written Description") of the incident within five (5) business days of the occurrence/incident. The Physical Contact Written Description will include:
  - i. The date and time of the incident.
  - ii. A brief description of the actions of the child before, during, and after the occurrence.
  - iii. The names of the persons involved in the occurrence.

- iv. A brief description of the actions of the facility or school employees involved before, during, and after the occurrence.
- v. A description of any injuries sustained by, and any medical care administered to, the child, employees, or others before, during, or after the incident.

**2. Circumstances when Reporting/Notification is not Required.** The notification, reporting and record keeping requirements included in this Section G are not required in the following circumstances:

- a. When a child is escorted from an area by way of holding of the hand, wrist, arm, shoulder, or back to induce the child to walk to a safe location. If, however, the child is actively combative, assaultive, or causes self-injury while being escorted, then the notification requirements described above are applicable.
- b. When actions are taken such as separating children from each other, inducing a child to stand, or otherwise physically preparing a child to be escorted.
- c. When the contact with the child is incidental or minor, such as for the purpose of gaining a misbehaving child's attention. However, blocking of a blow, forcible release from a grasp, or other significant and intentional physical contact with a disruptive or assaultive child shall be subject to the notification and reporting requirements described above.

**3. Retention of Records.** All reports, notifications and other records created pursuant to this Section, or Sections H,I,orJ, shall be retained [the term of the student's enrollment plus three years, unless:

- a. the student is or was a student with an individualized educational program, in which case, the records shall be retained and destroyed in accordance with paragraph B.1 of Board policy EHB; or
- b. a longer period is required pursuant to instruction by the Department of Education or the Department of Health and Human Services.

**G. Mandatory Reporting of Violations by Others.** Any school employee who has reason to believe that the action of another may constitute a violation of this policy, or the provisions of RSA 126-U, must report the suspected violation to the Principal or Superintendent in accordance with the reporting procedures of Board policy GBEAB. The conduct giving rise to the suspected violation may well likely require reporting under Board policies JLF - Reporting Child Abuse or Neglect.

**H. Complaints of Violation of RSA 126-U.** Any individual may file a complaint with the Superintendent's office alleging a violation of this policy or RSA 126-U. The complainant should be encouraged to file the complaint in writing with the information listed in paragraph 1 below, but if declined, the Superintendent/designee should promptly prepare a written summary of the complaint with such information as could be obtained from the complainant. The complaint should be made as soon as possible after the incident. (Note that under Ed 1203.02, complaints to the New Hampshire Department of Education made more than twelve months after an incident will be dismissed by the Department.)

1) Complaint Contents. The written complaint or complaint summary should include:

- (a) The complainant's name, unless the complaint refuses;
- (b) The date or approximate date of the alleged incident;
- (c) The location of the alleged incident;
- (d) The name of the child or children subject to the alleged restraint or seclusion, if known;

- (e) The name of the school personnel alleged to have restrained or secluded the child, if known;
- (f) A description of the alleged restraint or seclusion; and
- (g) The date of complaint.

- 2) **Investigation and Resolution of Complaint.** The complaint or grievance will be investigated by the Superintendent, or another person designated by the Superintendent. The Complainant should be contacted no later than 5 business days (excluding school year vacations) following the date of the complaint.

In most cases, investigation of the complaint should be completed within 20 days following receipt of the complaint. If the Superintendent is not personally conducting the investigation, however, the extension of time must first be approved by the Superintendent. When extra time is required, the reasons for the extension should be included in the final investigative report.

A written investigative report of the findings and conclusions (whether the complaint is founded or unfounded) should be completed within five days of completion of the investigation. In addition to findings and conclusions, the investigative report must include the documentation of the evidence (or summary of oral evidence) relied upon.

The Superintendent will contact the complainant within 5 days after the report is completed to discuss the completion of the investigation. The amount of information provided is dependent on the nature of the complainant and the legal privacy of the concerned parties. If the complainant is the parent or guardian of the child concerned, the Superintendent may allow the parent/guardian access to the written report in the same manner as any other student record.

The Superintendent shall take such actions as are appropriate in light of the investigative report, including, without limitation, any mandatory or discretionary reports to outside agencies, employee discipline, ordering further investigation, training, etc.

Any further review of the original complaint or investigative report will be in accordance with other established processes, e.g., grievance processes within applicable collective bargaining agreements, Board policies relating to complaints such as found in KL.

The written complaint/complaint summary, the investigative report, evidence and other documents concerning the complaint shall be retained in accordance with Ed 1202.02(e).

- I. **Review of IEP or 504 Plan Following the Use of Restraint or Seclusion.** Pursuant to RSA 126-U:14, upon information that restraint or seclusion has been used for the first time upon a child with a disability as defined in RSA 186-C:2, I or a child who is receiving services under Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. section 701, and its implementing regulations, the school shall review the individual educational program and/or Section 504 plan and make such adjustments as are indicated to eliminate or reduce the future use of restraint or seclusion.

If there have been multiple instances of restraint or seclusion of a child with a disability since the last IEP/504 plan review, an additional review shall occur at the request of the parent or guardian of the child.

- J. Prohibition Against Retaliation or Harassment.** No person shall subject any individual to harassment or retaliation for filing, in good faith, a report under this policy, RSA 126-U, or Department of Education Rules Ed 1200. Dissemination of Policy. A copy of this policy shall be provided to the parent, guardian, or legal representative of each full or part-time student upon enrollment, and annually thereafter printed in each student handbook. Additionally, the policy will be included on each school's website and/or the online School Board Policy Manual available to the general public.
- K. Dissemination of Policy.** A copy of this policy shall be provided to the parent, guardian, or legal representative of each full or part-time student upon enrollment, and annually thereafter printed in each student handbook. Additionally, the policy will be included on each school's website and/or the online School Board Policy Manual available to the general public.

***Statutory Reference***

*RSA 126-U Limiting the Use of Child Restraint Practices*

*RSA 169-C:29-39 Reporting Law*

*RSA 186-C Special Education*

*NH Dept of Ed Regulation Description*

*N.H. Code of Admin. Rules Chapter 1200 Restraint and Seclusion for Children*

*Section 504, 29 U.S.C. 701, et. seq. Section 504 of The Rehabilitation Act of 1973*

1<sup>st</sup> Reading: 10/4/2023

## **PUBLIC GIFTS AND NAMING TO THE SCHOOLS**

Gifts from organizations, community groups and/or individuals, which will benefit the Sunapee School District (SSI) shall be encouraged. A gift shall be defined as money, real or personal property and personal services provided without consideration.

### Acceptance of Gifts/Donations

Any gift presented to the Sunapee School District must be accompanied by a letter to the Superintendent from the donor identifying the subject and purpose of the gift and any restriction that may apply for official action or recognition of the Sunapee School Board (SSB). All gifts shall be accepted in the name of the district and become property of the district, but may be designated for use in a particular school or department. The board will officially acknowledge the gifts at a board meeting and thank the donors in writing.

The Superintendent may accept gifts subject to the terms of this policy in the amount of \$2,500 or less. The Superintendent will advise the Board in advance of acceptance if possible, or if after acceptance, at the next regularly scheduled Board meeting. Gifts in excess of \$2,500 may only be accepted by the Board. Additionally, pursuant to RSA 198:20-b, III, gifts in the amount of \$20,000 or more shall require the Board to hold a public hearing regarding any action to be taken with the gift. For gifts of less than \$20,000, the Board will post notice of the gift in the agenda of the next regularly scheduled Board meeting and will include notice in the minutes of the meeting in which the gift is discussed. The acceptance of all gifts will be made in public session.

When considering acceptance, the SSB shall use at least the following criteria:

- a. Is the purpose consistent with the mission and goals of the SSD.
- b. Will it involve significant costs for installation or maintenance, or initial and continuing financial commitments from school funds.
- c. Will it place restrictions on the school program.
- d. Will it be inappropriate or harmful to students.
- e. Will it imply endorsement of any business or product.
- f. Will it be in conflict with any provision of SSB policy or applicable state and federal law.

Individuals, groups, or businesses contemplating a gift to a school or the district shall be encouraged to discuss in advance with the Superintendent and/or Principal what gifts are appropriate and needed.

Any gift accepted shall become the property of the SSD and are subject to the same controls and regulations that govern the use of all district-owned property.

SSB shall be responsible for the maintenance of any gift it accepts. Only items identified by the district for legitimate use in the school program shall be accepted. The board is under no obligation to replace a gift if it is destroyed, lost, stolen or becomes worn out. Costs for the maintenance and/or installation must be considered prior to acceptance of any gift. If installation is required, the gift shall be installed under the supervision of district personnel.

At the time of acceptance of the gift, there will be a definite understanding with regard to the use of the gift including whether it is intended for the use at one particular school or all schools in the district. The SSB will make every effort to honor the intent of the donor in its use of the gift.

### **Naming**

Naming of the district's facilities, including buildings, gymnasiums, fields, classrooms and or any other area on school property is the sole responsibility of the Sunapee School Board. In general, there are two ways property owned by the district will be named after an individual, organization or company:

#### Significant Donation

Where naming rights are to be offered or implemented as a component of a fund raising drive or donation for the construction or enhancement of a facility, the board has established specific criteria as a financial percent (51%) must be raised or donated of a major project whose total cost exceeds \$200,000. All requests should be directed to the Superintendent.

#### Extraordinary Contribution

Special requests to name buildings or other facilities in honor of people who have demonstrated extraordinary accomplishment for the betterment of the district's education program or alumni who have distinguished themselves in a similar fashion. The contribution may be long term service to the district that had a significant impact on the success and/or well-being of students.

The person or organization being honored by naming of a facility must represent the ideals and values of the district. The board reserves the right to decline any donation. Facilities will not be named for persons who are currently employed by the district or active in its operations or those who currently hold any public office. All requests should be directed to the Superintendent.

The district has the exclusive discretion to determine whether to pursue, accept or decline an opportunity to name facilities. The factors to be considered by the district include, but are not limited to:

- The extent to which a naming opportunity limits or restrains the district's discretion or its ability to pursue other opportunities:
- The duration of the arrangement or agreement and the district's ability/discretion to terminate the arrangement/agreement:
- The extent to which the naming opportunity imposes any obligation on the district, either presently or in the future, financial or otherwise and whether the opportunity is subject to conditions acceptable to the district:
- The extent to which the naming opportunity constitutes a conflict of interest or creates the appearance of or potential for a conflict of interest:
- The extent to which the naming opportunity affects the appearance of district property or disrupts the operation of the district, and
- The extent to which the naming opportunity interjects advertising or commercialism into the schools or classrooms.

The district is interested in naming opportunities that reflect positively on the district. The district will not accept naming opportunities from individuals or organizations that would negatively represent or portray public education, are inconsistent with other district policies or with any applicable law, are related to tobacco, illegal drugs, alcohol or weapons, have products/services that are incompatible with a child's well-being or negatively impact school programs and services or are otherwise objectionable as determined by the district in its exclusive discretion. The district reserves the right to alter the naming if at any time the naming has been determined to not represent the district values and beliefs.

Approval: 4/9/2014

1<sup>st</sup> Reading: 10/4/2023