



COOP Policy Committee - Jun 08 2026 Agenda

Monday, June 8, 2026 at 8:00 AM

Hollis Brookline High School

	Page
A. 8:00am Call to Order	
B. 8:05am Policies Under Review	
1. EHB-R: Local Records Retention Schedule, 2nd read EHB-R (COOP) Records Retention Schedule (4).docx	2
2. IIB: Class Size, 1st read Policy IIB - Class Size.docx	10
3. JIC: Student Conduct	
C. 9:00am Policies to Review	
1. EBCA: Crisis Prevention and Emergency Response Plans Policy EBCA Crisis Prevention and Emergency Response Plans (1) (1) (1).docx - Hollis version, 1st read	12
2. JICD: Student Discipline and Due Process JICD (COOP) Student Discipline and Due Process (3).docx	14
3. JICK: Pupil Safety and Violence Prevention- Bullying JICK (COOP) Pupil Safety and Violence Prevention - Bullying (1) (AutoRecovered) (3).docx	24
4. JCA: Change of School or Assignment- Best Interests and Manifest Hardship JCA (COOP) Change of School or Assignment - Best Interests and Manifest Hardship (3).docx	40
5. Any other policies brought before the committee	
D. 10:00am Motion to Adjourn	

EHB-R LOCAL RECORDS RETENTION SCHEDULE

See Board Policy: EHB
Related Policies: EH, EHAB, JRA, and GBJ

Type of Record	Statute, Rule, or other legal authority – if none listed the retention period is a recommendation	Retention Period
Business Records		
Accident Reports:		
<ul style="list-style-type: none"> ● Employee 		Term of employment, plus 6 20 years
<ul style="list-style-type: none"> ● Student 		Age of majority, plus 6 years
Accounts Receivable	RSA 33-A:3-a	Until audited, plus 1 year
Annual Audit	RSA 33-A:3-a (10 years)	Permanent
Annual Report (District), Warrants, Annual Meeting Minutes, Budgets (District & SAU)	RSA 33-A:3-a	Permanent
Application for Federal Grants	20 U.S.C. 1232f., (three years after the completion of the activity for which the funds are used) other authorities may apply	5 years
Architectural Plans		Permanent
Asbestos Removal		Permanent
Bank Deposit Slips	RSA 33-A:3-a	6 years
Bonds and continuation certificates	RSA 33-A:3-a (expiration plus 2 years)	Permanent
Budget Worksheets		End of budget year, plus 1 year
Cash receipts, disbursement records, checks	RSA 33-A:3-a	Until Audited and at least 6 years after last entry
Child Labor Permits		1 year
Work-study	29 C.F.R. §570.37	3 years from date of enrollment
<ul style="list-style-type: none"> ● Construction Contracts, Capital projects, fixed assets that require accountability after acquired* 	RSA 33-A:3-a (Life of project/asset)	Life of contract, building, asset plus 20 years

EHB-R LOCAL RECORDS RETENTION SCHEDULE

<ul style="list-style-type: none"> Engineering Surveys 		Permanent
<ul style="list-style-type: none"> Unsuccessful bids 	RSA 33-A:3-a (Completion of project, plus one year)	Life of contract plus 3 years
Certified Educator		Permanent
COBRA Notices	42 U.S.C. 300bb-1, et. seq.(3 years) ERISA 29 U.S.C. §1027 (6 years)	6 years from date of issue
Collective Bargaining Agreements		Permanent
Correspondence for Business transactions*		Life of subject matter plus 4 years
Correspondence - General		3 years or longer when historic/useful
Correspondence Transitory	RSA 33-A:3-a	As needed for reference
Deeds		Permanent
District Meeting Minutes & Warrant		Permanent
Insurance policies	RSA 33-A:3-a	Permanent
Notes (loan documents)	RSA 33-A:3-a	Until paid, Audited, plus 3 years
Student Activities Records/Accounts	RSA 33-A:3-a (bank deposit slips and statements 6 years)	Until Audited, plus 6 years
Enrollment Reports:		
<ul style="list-style-type: none"> Fall Reports A12A (RSA 189:28) 		Permanent
<ul style="list-style-type: none"> Pupil Registers 	RSA 189:27-b	Permanent
<ul style="list-style-type: none"> Resident Pupil Membership Forms 		14 years
<ul style="list-style-type: none"> School Opening Reports 		3 years

<ul style="list-style-type: none"> Statistical Report A-3 (RSA 189:28) 		Permanent
Federal Projects Documents	Review specific project/grant program requirements. 20 U.S.C. 1232f, (three years after the completion of the activity for which the funds are used), other authorities may apply	5 years after submission of final audit report and documentation for expenditures, unless there is an ongoing audit
FICA Reports – monthly		7 years

EHB-R LOCAL RECORDS RETENTION SCHEDULE

Fixed Trip Requests/Confirmation		1 year
Fixed Assets Schedule		Permanent/as updated
Form C-2 Unemployment		6 years
Wage Report (DES 100)		6 years
Invoices*	Until Audited, plus 1 year	3 years*
MS-22 Budget Form		6 years
MS-23 Budget Form		6 years
MS-25 Budget Form		Permanent
Minutes of Board Meetings, Board Committees	RSA 91-A:2, II, RSA 33-A:3-a	Permanent
Purchase Orders*		Until Audited, plus 1 year
Request for Payment Vouchers*		Until Audited, plus 1 year
Requisitions*		Until Audited, plus 1 year
Retirement Reports – Monthly		1 year
Time Cards:		
<ul style="list-style-type: none"> ● Bus Drivers 	Lab 803.03. Notification and Records no less than 4 years	5 years
<ul style="list-style-type: none"> ● Custodial 	Lab 803.03. Notification and Records no less than 4 years	5 years
<ul style="list-style-type: none"> ● Secretarial 	Lab 803.03. Notification and Records no less than 4 years	5 years
<ul style="list-style-type: none"> ● Substitute Teachers pay slips 	Lab 803.03. Notification and Records no less than 4 years	5 years
Payroll Records	RSA 33-A:3-a Audited, plus 2 year 29 C.F.R. §1627.3 (3 years) ADEA: 29 U.S.C. §626, 29 CFR Part 1602 (2 years from job action); 29 C.F.R § 825.500 FMLA, 29 U.S.C.§2616, 3 years	6 years
Travel Reimbursements*	Until Audit, plus 1 year	3 years*
Treasurer's Receipts – canceled checks		6 years
Treasurer's Report		6 years
Vocational Education:		
<ul style="list-style-type: none"> ● AVI Forms 		1 year
<ul style="list-style-type: none"> ● Vocational Center Regional Contracts 		20 years
<ul style="list-style-type: none"> ● Federal Vocational Forms* 		6 years

EHB-R LOCAL RECORDS RETENTION SCHEDULE

Vouchers Manifests*		Until Audit, plus 1 year
Tax Forms:		
<ul style="list-style-type: none"> W-2's, 1099 * 	Keep all records of employment taxes for at least four years after filing the 4th quarter for the year. – 26 C.F.R § 31.6001-1 (e)(2)(tax advisors say 7 years)	7 years
<ul style="list-style-type: none"> W-4 Withholding Exemption Certificate 	RSA 33-A:3-a. Retirement or termination, plus 20 years	Term of Employment, plus 20 years
<ul style="list-style-type: none"> W-9 	Keep all records of employment taxes for at least four years after filing the 4th quarter for the year. – 26 C.F.R § 31.6001-1 (e)(2) (tax advisors say 7 years)	7 years
<ul style="list-style-type: none"> 941-E Quarterly Taxes 	Keep all records of employment taxes for at least four years after filing the 4th quarter for the year. – 26 C.F.R § 31.6001-1 (e)(2) (tax advisors say 7 years)	7 years
Personnel Records	RSA 33-A:3-a. Retirement or termination, plus 20 years	Term of Employment, plus 20 years
Application for employment - Successful	RSA 33-A:3-a Unsuccessful applicants: current year, plus 3 years.	Term of Employment, plus 20 years
Attendance Records:		
<ul style="list-style-type: none"> Leaves 	Family Medical Leave Act –RSA 33-A:3-a. Retirement or termination, plus 20 years	Term of Employment, plus 20 years
<ul style="list-style-type: none"> Request for Leaves 		1 year
Class Observation Forms		1 year
Criminal Record Check:		
<ul style="list-style-type: none"> No criminal record 	RSA 189:13-a (Superintendent only)	Destroy immediately after review
<ul style="list-style-type: none"> Criminal record 	RSA 189:13-a (Superintendent only)	Destroy within 30 days of receipt

Civil Rights Forms, Discrimination claims, accommodation under ADA, information used for EEO-5 report, EEO-5 report	29 C.F.R. §1602.40; 42 U.S.C. 12117; 42 U.S.C. § §§ 2000e-8-2000e-12; 42 U.S.C. § 2000ff-6; (final disposition, 2 years, 3 years)	6 years
Deferred Compensation plans	RSA 33-A:3-a	7 years

EHB-R LOCAL RECORDS RETENTION SCHEDULE

Dues Authorization	RSA 33-A:3-a. – Personnel record	Term of Employment, plus 20 years
Employment test papers with results	29 C.F.R. §1627.3	Term of Employment, plus 20 years
Evaluations	RSA 33-A:3-a. – Personnel record	Term of Employment, plus 20 years
HIPPA Documentation	RSA 33-A:3-a. – Personnel record HIPPA: 45 C.F.R. §164,316(b) & .530(j) – 6 years. HITECH 42 U.S.C. §17938	Term of Employment, plus 20 years
Labor-PELRB actions	RSA 33-A:3-a	Permanent
Labor Negotiations	RSA 33-A:3-a	Permanent
Legal Actions - lawsuits	RSA 33-A:3-a	Permanent
Medical Benefits Application	RSA 33-A:3-a. – Personnel record	Term of Employment, plus 20 years
Medical exams, Physical examinations used for personnel action	29 C.F.R. §1627.3(One year from date of personnel action) RSA 33-A:3-a. – Personnel record 29 C.F.R. §1910.1020 (term of employment plus 30 years)	Term of Employment, plus 20 years
Oaths of Office	RSA 33-A:3-a Term, plus 3 years	Permanent
Promotion, demotion, transfer, selection for training, layoff, recall, or discharge	29 C.F.R. §1627.3 (1 year from date of action) RSA 33-A:3-a. – Personnel record	Term of Employment, plus 20 years
Recruitment Documents	29 C.F.R. §1627.3	Term of Employment, plus 20 years
Re-employment Letter of Assurance	RSA 33-A:3-a. – Personnel record	Term of Employment, plus 20 years
Retirement application	RSA 33-A:3-a. – Personnel record	Term of Employment, plus 20 years

School Bus Driver Drug Tests – positive results & records of administration of test	49 C.F.R. §382.401; 49 C.F.R. § 40.333	5 years
School Bus Driver Drug tests – negative & cancelled	49 C.F.R. §382.401	1 year

EHB-R LOCAL RECORDS RETENTION SCHEDULE

Separation from Employment Form/Letter	RSA 33-A:3-a. – Personnel record	Term of Employment, plus 20 years
Settlement agreements, even if in anticipation of a lawsuit	RSA 91-A:4, VI (10 years)	Permanent
Staff Development Plan	Term of Employment, plus 20 years	Term of Employment, plus 20 years
Substitute Teacher Lists		7 years
Student Records:		
Applications for Free/Reduced Lunch		6 years
Assessment Results	Ed 306.04 <u>Policy Development</u> , (h) complete and accurate records of students' attendance and scholarship be permanently kept and safely stored in a fire-resistant file, vault, or safe.	Permanent
Attendance	Ed 306.04 <u>Policy Development</u> , (h) complete and accurate records of students' attendance and scholarship be permanently kept and safely stored in a fire-resistant file, vault, or safe.	Permanent
Disciplinary Records		Term of Enrollment, plus 3 years
Early Dismissal		1 year
Emergency Information Form		1 year/as updated
Grades	Ed 306.04 <u>Policy Development</u> , (h) complete and accurate records of students' attendance and scholarship be permanently kept and safely stored in a fire-resistant file, vault, or safe.	Permanent
Health and Physical Records		Term of Enrollment, plus 3 years
Immunization Record		Term of Enrollment, plus 3 years
Log of requests for access to education records	FERPA 20 U.S.C. §1232g (b)(4)(A)	As long as the education record is retained

Medical Reports		Term of Enrollment, plus 3 years
Registration Form		Term of Enrollment, plus 3 years

EHB-R LOCAL RECORDS RETENTION SCHEDULE

Student Handbook		1 copy of each edition, Permanent
Transcripts	Ed 306.04 <u>Policy Development</u> , (h) complete and accurate records of students' attendance and scholarship be permanently kept and safely stored in a fire-resistant file, vault, or safe.	Permanent
Internal Records:		
Child Abuse Reports/Allegations		Permanent
Criminal Investigation		Permanent
Personnel Investigations		Permanent
Sexual Harassment		Permanent
Records Management, transfer to storage or disposal	RSA 33-A:3-a (summary report of what category of records, for what range of dates, was put in storage or destroyed)	Permanent
Vehicle maintenance	RSA 33-A:3-a	Life of vehicle, plus 3 years

<u>Google Accounts</u>	As approved in March 2024 by Superintendent Corey with reference to the Data Governance Plan and policy EHAB.	
Custodial and Kitchen Staff		30 days after the final day of employment
Other Support Staff (i.e. ParaEducators, Secretaries, Substitutes, Contractors, School Boards, Coaches)		1 year after the final day of employment
Professional Staff		1 year after the final day of employment
School Administrators		Archived 1 year after the final day of employment and stored for an additional 5 years
District Administrators/ Leadership		Archived 2 years after the final day of employment and stored for additional time at the discretion of the Superintendent

EHB-R LOCAL RECORDS RETENTION SCHEDULE

Graduated Students		90 days after the student's last day
Transfer Students		Disabled upon withdrawal and deleted 1 year after last day

Asterisks indicate fields that may have federal implications that will be considered by the Superintendent or designee before any action is taken.

1st Reading: September 27, 2023

2nd Reading & Adopt: November 29, 2023

1st Reading: April 8, 2026 (as amended)

2nd Reading: May 13, 2026 (as amended)



Policy: IIB

Section: Section I - Instruction

(COOP) Class Size

IIB

CLASS SIZE

Classes shall have a minimum of 12 students at the time of initial scheduling to be held for the coming school year. Classes shall have a maximum of 24 students unless specified below. If the class exceeds the specified maximum size or falls below the recommended minimum outlined in this policy, the Principal shall consult with the Superintendent. Any exceptions to these limits must be approved in advance by the Superintendent or their designee.

Course	Maximum
Band	40
Choir/Chorus	40
Computer Based Courses	Number of computers in the lab
Family and Consumer Science	16
Physical Education	30

Classes may have fewer than 12 students if one or more of the following are met:

- The class is one specifically designed to be small, i.e., remedial classes, special education classes, etc.
- The class is designed to meet state minimum standards.
- The class is a capstone course in a series, i.e., Spanish 4 in the Spanish 1-4 program.
- The class is an AP Course.

In determining the sections, the Board and the administration will consider the needs of learners, current best practices, and the demands of the programs and standards.

Preferred maximum class size for Mathematics, Science, Language Arts, Social Studies, and Foreign Languages should be targeted at 20 students.

The Superintendent will notify the School Board each school year of the projected course enrollment numbers in May and the current course enrollment numbers in October.

This policy should be reviewed and evaluated annually by the School Board.

Legal References:

NH Code of Administrative Rules, Section Ed. 306.17, Class Size

1st Reading: 9-21-2005 / Adopted 5-21-2008/Amended and Approved 4-16-2014

1st Reading of Amendment: January 21, 2015

2nd Reading of Amendment: February 18, 2015

Adopted: February 18, 2015

1st Reading: November 13, 2019 (as amended)

2nd Reading: December 11, 2019

3rd Reading: January 22, 2020

4th Reading and Adopt: February 12, 2020

1st Reading: May 13, 2026 (as amended)

Policy EBCA: Crisis Prevention and Emergency Response Plans

Category: Recommended

References: JICI, EBCH, JLCJA, EB, EBB, EBCB, EBCD, JICK, EBCC

The Board recognizes that schools are subject to a number of potentially dangerous events, such as natural disasters, industrial accidents, acts of terrorism, and other violent events. No school is immune from these events no matter the size or location. The Board is committed to the prevention of these events, to the extent possible, in the schools and at school-sponsored activities.

District-Wide Plans

The Superintendent, in coordination with school administrators and local emergency authorities, shall maintain a comprehensive District Emergency Operations Plan (“EOP”) in accordance with RSA 189:64, the Incident Command System (ICS), and the National Incident Management System (NIMS).

The District EOP shall serve as both the site-specific emergency operations plan for each school and the District-wide Crisis Prevention and Response Plan. The plan shall address, but not be limited to, acts of violence, threats, natural disasters, fire, hazardous materials, medical emergencies, sports injury emergency response, and other hazards deemed necessary by the School Board or local emergency authorities.

The Superintendent or designee shall annually review and update the District EOP in coordination with building administrators and emergency response agencies. If, after such review, the plan remains unchanged, the Superintendent/Principal shall notify the New Hampshire Department of Safety by October 15 that the plan is unchanged. If the Emergency Operations Plan is updated or revised, the Superintendent/Principal shall submit the updated plan to the Director of Homeland Security and Emergency Management of the Department of Safety by October 15.

The District Emergency Operations Plan shall not be considered a public record and shall not be available for public inspection or review, except as otherwise required by law.

All emergency response drills, including fire and all-hazard drills, shall be conducted annually in accordance with Board policy and applicable state law.

School building principals, or their designee, shall annually review their site-specific EOP and submit updated plans (or report of no changes) to the Superintendent for review by October 1st. Members of the public will not be permitted to view the EOP.

Coordination

The Superintendent will establish a relationship with local and state emergency services (e.g., police, fire, ambulance, etc.). Unless otherwise provided in a site-specific EOP, the District-wide Crisis Prevention and Response Plan or the District Communication Plan, the Superintendent, or his/her designee, will serve as the coordinator/liaison with these authorities. Additionally, the Superintendent should designate personnel to explore the availability of any training or support provided by the New Hampshire Departments of Education and/or Safety associated with risk assessment, crisis management, and other matters related to this policy.

NH Statutes

RSA 153-A:28-33

RSA 189:64

RSA 193-D

RSA 193-F

RSA 200:40-c

Description

Automated External Defibrillation

Emergency Response Plans

Safe School Zones

Pupil Safety and Violence Prevention

Emergency Plans for Sports Related Injuries

NH Dept of Ed Regulation

N.H. Code Admin. Rules Ed 306.04(b)(2) School Safety

Description1st Reading: June 3, 2026

Used the sample policy: [JICD SAMPLE](#)

No weapon or knife mention

JICD

STUDENT DISCIPLINE AND DUE PROCESS

A. Policy Statement.

This policy establishes the substantive parameters, procedures, and due process that shall apply before a student may be subject to temporary (same day) removal from classrooms or activities, restriction from activities, detentions, suspensions, and/or expulsion. Pursuant to Board policy JIC, response to misconduct, including disciplinary measures and consequences, should be designed to maximize student academic, emotional, and social success, while at the same time assuring the safety of all students, staff, and school visitors. Administration of any of the consequences described in this policy shall be consistent with the system of supports and graduated sanctions established pursuant to Policy JIC: Student Code of Conduct.

Policy JIC: Code of Conduct (Please refer to Policy JIC Student Code of Conduct)

The School Board authorizes the Superintendent to establish a Code of Conduct which will contain a system of supports and consequences designed to correct student misconduct and promote behavior within acceptable norms. The Code of Conduct will include a graduated set of age appropriate responses to misconduct and will set forth standards for short term suspensions up to five (5) school days, short term suspensions up to ten (10) school days, long-term suspensions up to 20 school days, and expulsion. Such standards will make reference to the nature and degree of disruption caused to the school environment, the threat to the health and safety of pupils and school personnel, and the isolated or repeated nature of incidents forming the basis of disciplinary action.

Commented [1]: Should we include a reference to our Code of Conduct here or since JICD references JIC so often, is that sufficient?

B. Standards and Procedures Relative to Disciplinary Consequences.

1. **"Removal from the classroom"** means a student is sent to the building administration's office or other designated area during the same school day. It is within the discretion of the person in charge of the classroom or activity to remove the student. Students may be removed from the classroom at the classroom teacher's discretion if the student refuses to obey the teacher's directives, becomes disruptive, fails to abide by school or District rules, or the Code of Conduct, or otherwise impedes the educational purpose of the class.
2. **"Restriction from school activities"** means a student will attend school and classes, but will not participate in other school extracurricular activities, including such things as

competitions, field trips, and performances. A student who has been restricted from school activities may participate in practices at the discretion of the person imposing the restriction. If the restriction is immediate and outside of school hours, provision must be made to assure the student is not left unsupervised. The terms of the restriction shall be communicated to the student and the student's parent/guardian by the Principal or their designee.

3. **"Detention"** means the student's presence is required for disciplinary purposes before or after the hours when the student is assigned to be in class. Students may be assigned classroom detention at the classroom teacher's discretion, and administrative detention at the Principal's discretion, if the student refuses to obey the teacher's/employee's directives, becomes disruptive, fails to abide by classroom, school, or District rules, as outlined in the Student Handbook and/or Code of Conduct, or otherwise impedes the educational purpose of the class. Parents/guardians shall be notified at least 24 hours prior to a student serving detention outside the regular school day.

The building Principal is authorized to establish guidelines or protocol for when detention shall be served (either before school, during lunch or after school). Whether a student will serve detention, and the length of the detention, is within the discretion of the licensed educator disciplining the student or the building Principal.

- a. **"Saturday detention"** means a student serves a detention at school between 8 AM until 11:00 AM on Saturday as assigned by administration. Examples of infractions that may merit a Saturday detention include but are not limited to failure to report to regular detention, verbally aggressive, inappropriate or hostile behavior, bullying/harassment, and any other offense that requires administrative action and a consequence greater than a detention. The building Principal or their designee has the authority to assign a student to a Saturday morning detention.
4. **"In-school suspension"** means the student will attend school but will be temporarily removed from one or more classes while under supervision. An in-school suspension will not exceed ten (10) consecutive school days.
5. **"Out-of-school suspension"** means the temporary denial of a student's attendance at school for a specific period of time.
 - a. **"Short-term suspension"** means a suspension of ten (10) consecutive school days or less under. RSA 193:13, I(a).

The Superintendent or his/her written designee is authorized to suspend a student for ten (10) school days or less.

A short-term suspension may be imposed only for:

- i. Behavior that is detrimental to the health, safety, or welfare of pupils or school personnel (including, but not limited to, an act of theft, destruction or violence, as defined in RSA 193-D:1); or
- ii. Repeated and willful disregard of the reasonable rules of the school that is not remediated through imposition of the district's graduated sanctions described in Board Policy JIC: Student Code of Conduct .

Pursuant to RSA 193:13, XI(b) and Board Policy JIC Code of Conduct, a short-term suspension over 5 days must conform to the standards included in the Code of Conduct.

Due Process. Before any short-term suspension may be imposed, a student is entitled to the minimum due process (notice before meeting of the charge and explanation of evidence, notice of the possibility of suspension, opportunity for the student to respond, and a written decision explaining the disciplinary action taken). See New Hampshire Department of Education Rule Ed 317.04(e).

- b. **"Long-term suspension"** means an extension of a short-term suspension for up to ten (10) additional consecutive school days under RSA 193:13, I (b)-(c).

The Superintendent is authorized to continue the suspension and issue a long-term suspension of a pupil for a period in excess of ten (10) school days, provided that if the Superintendent issued the original short-term suspension, then the School Board must either appoint another person to continue the short-term suspension and issue the long-term suspension (in accordance with the procedures set forth in Ed 317.04 (f) and 317.04 (j), or do so itself.

A long-term suspension may only be imposed for:

- i. an act that constitutes an act of theft, destruction, or violence, as defined in RSA 193-D6;
- ii. bullying pursuant to Board policy JICK when the pupil has not responded to targeted interventions and poses an ongoing threat to the safety or welfare of another student; or
- iii. Possession of a weapon
possession of a firearm, BB gun, pellet gun, airsoft gun, paintball gun or any item that could be perceived as a gun and could disturb and/or disrupt the educational environment

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

During any suspension, and unless otherwise stipulated in writing, a student is restricted from attending school classes or activities, participating in school-sponsored events, or being present on school property for the duration of the suspension. The building principal or designee is authorized to impose additional disciplinary measures, including but not limited to reassignment, restrictions from future activities, or probationary status, in response to repeated failure to comply with the Code of Conduct or classroom expectations. Such actions may also be taken for conduct that causes a material or substantial disruption to the school or classroom environment, interferes with the rights of others, poses a threat to the health or safety of students, staff, or visitors, is otherwise deemed inappropriate, or is in violation of applicable laws.

c. **Appeal of long-term suspension.** Any long-term suspension issued other than by the School Board under this policy, is appealable to the School Board, provided the Superintendent or School Board chair receives the appeal in writing within ten (10) days after the issuance of the Superintendent's [or other person designated under B.5.b, above] hearing and written decision required under N.H. Dept. of Education Rule Ed. 317.04 (f)(3), and sub-paragraph B.5.b, above. The Board shall hold a hearing on the appeal, but will rely upon the record of the decision being appealed from. Any suspension in excess of ten (10) school days shall remain in effect while this appeal is pending unless the School Board stays the suspension while the appeal is pending. Any request to stay a long-term suspension should be included in the original appeal.

d. **Educational Assignments.** As required by RSA 193:13, V, educational assignments shall be made available to students during both short- and long-term suspensions.

e. **Alternative Educational Services.** The school shall provide alternative educational services to a suspended pupil whenever the pupil is suspended in excess of 20 cumulative days within any school year. The alternative educational services shall be designed to enable the pupil to advance from grade to grade.

f. **Re-entry Meetings and Intervention Plans.** Prior to returning to regular classes, a suspended student and parent/guardian (when available) shall meet with the building Principal or his/her designee to assist the student in smoothly returning to the school setting.

Any time a pupil is suspended more than 10 school days in any school year, upon the pupil's return to school the school district shall develop an intervention plan designed to proactively address the pupil's problematic behaviors by reviewing the problem behavior, re-teaching expectations, and identifying any necessary supports.

g. Attendance at Safe Harbor. A student may not be penalized academically solely by virtue of missing class due to suspension.

6. **"Probation"** means a student is given a conditional suspension of a penalty for a definite period of time in addition to being reprimanded. The conditional suspension will mean the student must meet the conditions and terms for the suspension of the penalty. Failure of the student to meet these conditions and terms will result in reinstatement of the penalty. Notwithstanding the assignment of probation, no imposition of the suspended consequence may be administered unless and until all of the provisions of this policy applicable to the suspended consequence (i.e., long-term suspension, expulsion, etc.) are satisfied.

7. **"Expulsion"** means the permanent denial of a pupil's attendance at school for any of the reasons listed in RSA 193:13, II.

a. **Grounds for Expulsion.** An expulsion may only be imposed for an act that poses an ongoing threat to the safety of students or school personnel AND that constitutes:

i. A repetition of an act that warranted long-term suspension under section B.6.b, above;

ii. Any act of physical or sexual assault that would be a felony if committed by an adult;

iii. Any act of violence pursuant to RSA 651:5, XIII7

iv. Criminal threatening pursuant to RSA 631:4, II(a) OR

v. For bringing or possessing a firearm as defined in Section 921 U.S.C. Title 18 within a safe school zone as prohibited under RSA 193-D:1 9 remove footnote , or under the Gun Free School Zones Act, unless such pupil has written authorization from the Superintendent.

Before expelling a pupil, the Board shall consider each of the following factors:

1. The pupil's age.
2. The pupil's disciplinary history.
3. Whether the pupil is a student with a disability.
4. The seriousness of the violation or behavior committed by the pupil.

5. Whether the school district or chartered public school has implemented positive behavioral interventions under paragraph B.6.b.ii, above.
6. Whether a lesser intervention would properly address the violation or behavior committed by the pupil.

- b. **Due Process to Be Afforded Prior to Expulsion.** Prior to any expulsion, the District will ensure that the due process standards set forth in Ed 317.04(f) through 317.04(j)10 are followed.
- c. **Duration of Expulsion.** An expulsion will run for the duration stated in the written decision or until the School Board or Superintendent restores the student's permission to attend school as provided in this policy. An expulsion relating to a firearm in a safe school zone per B.7.a.v, shall be for a period of not less than 12 months.
- d. **Educational Services.** The Superintendent is authorized, but not required, to arrange for educational services to be provided to any student residing in the District who has been expelled by the District or by any other school.

C. Modification or Reinstatement After Suspension or Expulsion.

Expelled or suspended students may request a modification of, or reinstatement from, an expulsion or suspension as provided below. Except for students establishing residency from out-of-state, requests for modification or reinstatement from expulsion/suspension shall be submitted in writing to the Superintendent no later than August 15. The request should set forth the reasons for the request, and include additional information to establish that it is in the best interest of the student and school community to modify the expulsion/suspension or to reinstate the student. Such additional information may include such things as work history, letters of reference, medical information, etc. All reinstatements shall include an Intervention Plan as described in paragraph B.5.f, above, including such conditions as the reinstating authority (Superintendent or Board) deems appropriate.

1. **Modification by Superintendent.** Subject to all other applicable laws, regulations, and Board policies, and paragraph C.3, below (relating to firearms), the Superintendent is authorized to reinstate any student who has been suspended or expelled from a school in this District, and/or enroll a student suspended or expelled from another school or district, on a case-by-case basis.
2. **Review and Reinstatement by Board.** A student may request the School Board (of the district of attendance) to review an expulsion decision prior to the start of each school year by filing a written request with the Superintendent detailing the basis of the request.

The Board will determine whether and in what manner it will consider any such request after consultation with the Superintendent.

3. **Modification of Expulsion for Firearms.** A student who has been expelled from this District or any other public or private school for bringing or possessing a firearm in a safe school zone as prohibited under RSA 193-D:1, or under the Gun Free Schools Act, may only be reinstated or enrolled if the Superintendent first determines: possession of the firearm was inadvertent and unknowing; the firearm was for sporting purposes, unloaded and the student did not intend to display the firearm to any other person while within the safe schools zone; the student is/was in the fifth or lower grade when the incident occurred; or the Superintendent determines that the firearm was not loaded, that no ammunition was reasonably available, and that the pupil had no intention to display the firearm to other students.

Additionally, the School Board may enroll a student expelled from a school outside of New Hampshire for a violation of the Gun Free Schools Act upon the student establishing residency.

D. Appeals to State Board of Education.

Any decision by the Board (i) to expel a student, (ii) not to reinstate a student upon request, or (iii) enroll a student from another state who had been expelled for a violation of the Gun Free Schools Act, may be appealed to the State Board of Education at any time that the expulsion remains in effect, subject to the rules of the State Board of Education.

E. Subcommittee of Board.

For purposes of sections **B.5** and **B.7** of this policy, "Board" or "School Board" may either be a quorum of the full Board, or a subcommittee of the Board duly authorized by the School Board.

F. Superintendent and Principal Designees.

Except where otherwise stated in this policy, the Superintendent may delegate any authority s/he has under this policy, and a Principal may delegate any authority s/he has under this policy, to other appropriate personnel.

G. Disciplinary Removal of Students with Disabilities.

If a student is disabled under the Individuals with Disabilities Act (IDEA), the New Hampshire RSA 186-C, Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act, or any other law providing special rights to disabled students, those laws shall govern and shall supersede these local policies to the extent these local policies are inconsistent with those laws.

Accordingly, any suspension or expulsion of a child with a disability as defined in Ed 1102.01(t) shall be in accordance with Ed 1124.01.

H. Notice and Dissemination.

This policy shall be made available to families, students and staff as provided in Board Policy JIC.

I. Conflict in Law or State Regulation.

If any provision of this policy shall conflict with State or Federal law, or regulation of the New Hampshire Department of Education, then such law or regulation shall apply, and the remainder of the policy shall be read and interpreted to be consistent with the law or regulation. School administrators and families are strongly encouraged to review the links for pertinent statutes and laws as referenced in this policy.

Can we delete everything below in red...?

J. Possession of a Firearm

Pursuant to RSA 193:13, IV, any student who brings or possesses a firearm (as defined in 18 U.S.C. § 921) in a safe school zone, as defined in RSA 193-D:1 without written authorization from the Superintendent or designee shall be expelled from school by the Board for a period of not less than 12 months.

Pursuant to RSA 193:13, VI, a student who is expelled from school in another state under the provisions of the Gun Free School Zones Act of 1994 shall not be eligible to enroll in the Hollis Brookline Cooperative School District during such expulsion. If the out of state expulsion is for an indefinite period of time, the student may petition the School Board for enrollment upon establishing residency.

As provided in RSA 193:13, VII, both of the above expulsions may be modified by the Superintendent upon review of the specific case in accordance with other applicable law. The expelled student must submit a written application to the Superintendent requesting modification of the expulsion, and the student will be required to submit sufficient evidence in the form of letters, work history, or other documents that it is in the school's best interest and the student's best interest to allow a modification.

REPEAT FROM ABOVE UNDER LONG TERM SUSPENSION

K. Alternative Educational Services

The school district will provide alternative educational services to a student whenever the student is suspended in excess of twenty (20) cumulative days within any school year. Such alternative

educational services will be determined by the school Principal or Assistant Principal and shall be designed to enable the student to advance from grade to grade.

No student shall be penalized academically solely by virtue of missing class due to suspension.

REPEAT FROM ABOVE UNDER LONG TERM SUSPENSION

L. Behavior Intervention Plans

The student's school will develop an intervention plan for any student who has been suspended more than ten (10) cumulative school days in any school year. The intervention plan will be designed to proactively address the student's problematic behaviors.

REPEAT FROM ABOVE UNDER LONG TERM SUSPENSION

M. Sub-committee of Board

For purposes of sections IV and V of this policy, "Board" or "School Board" may either be a quorum of the full Board, or a subcommittee of the Board duly authorized by the School Board.

REPEAT FROM ABOVE

O. Disciplinary Removal of Students with Disabilities

Discipline of students with identified or suspected disabilities will be in accordance with the Individuals with Disabilities Education Act of 2004, New Hampshire State Law on Special Education (RSA 186-C), New Hampshire Standards for the Education of Children with Disabilities (Ed 1100), and Section 504 of the Rehabilitation Act of 1973.

REPEAT FROM ABOVE UNDER LONG TERM SUSPENSION

P. Notice and Dissemination

This policy and school rules which inform the student body of the content of RSA 193:13 shall be printed in the student handbook and made available on the District's website to students, parents, and guardians at the beginning of the school year. The Principal or their designee shall also inform the student body concerning this policy and school rules which address the content of RSA 193:13 through appropriate means, which may include posting and announcements.

Legal References:

RSA 189:15, Regulations

RSA 193:13, Suspension & Expulsion of Pupils

RSA Chapter 193-D, Safe Schools Zones

RSA 193-F, Pupil Safety and Violence Prevention

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

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

*NH Code of Administrative Rules, Section Ed 317.04, Suspension and Expulsion of Pupils
Assuring Due Process Disciplinary Procedures*

In re Keelin B., 162 N.H. 38, 27 A.3d 689 (2011)

See Appendix: [JICD-R](#)

1st Reading: May 19, 2021
2nd Reading: September 15, 2021 (as amended)
3rd Reading: October 20, 2021 (as amended)
Adopted: October 20, 2021
1st Reading: January 15, 2025 (as amended)

PUPIL SAFETY AND VIOLENCE PREVENTION - BULLYING

Category: Priority/Required by Law

See also [JBAA](#), [JIC](#), [JICD](#), [IHBA](#)

- A. **Purpose and Intent:** The Brookline School District is committed to providing a safe and respectful learning environment for all students. Through education, prevention, and consistent enforcement, we aim to eliminate bullying and promote positive peer relationships for all of our students.
1. Prohibition of Bullying or Cyberbullying of a Student - RSA 193-F:4, II(a): This policy is intended to comply with and implement RSA 193-F. Bullying, in any form—whether physical, verbal, social, or cyber—is strictly prohibited and will not be tolerated. This policy defines bullying and related conduct, and establishes clear procedures for reporting, investigating, and responding to incidents.
 2. Protection of all School Aged Children - RSA 193-F:4, II(c): This policy shall apply to all students and school-aged persons on school district grounds and participating in school district functions, whether or not such school-aged person is a student within the District and regardless of their status under the law. District staff will coordinate with staff from other districts, if an allegation of bullying involves a student who is not a resident of the District.

Prohibition of Retaliation and False Accusations - RSA 193-F:4, II(b): This policy prohibits retaliation or false threats-accusations against a victim, witness, or anyone else who, in good faith, provides information about an act of bullying or cyberbullying. An unsubstantiated allegation of bullying, without more, will not constitute a false accusation against an alleged perpetrator.

I. B. Definitions (RSA 193-F:3)

1. Bullying: Bullying is hereby defined as a single significant incident or a pattern of incidents involving a written, verbal, or electronic communication, or a physical act or gesture, or any combination thereof, directed at another pupil which:
 - a. Physically harms a pupil or damages the pupil's property;
 - b. Causes emotional distress to a pupil;
 - c. Interferes with a pupil's educational opportunities;
 - d. Creates a hostile educational environment; or
 - e. Substantially disrupts the orderly operation of the school. ~~;-orand~~
 - f. ~~Either Oeeurs-occurs~~ on, is delivered to, school property or a school-sponsored activity or event on or off school property; or
 - g. ~~Oeeurs-occurs~~ off of school property or outside a school-sponsored activity or event, if the conduct interferes with a student's educational opportunities or substantially disrupts the orderly

operations of the school or any school-sponsored activity or event.

Bullying shall also include actions motivated by an imbalance of power based on a pupil's actual or perceived personal characteristics, behaviors, or beliefs, or motivated by the pupil's association with another person and based on the other person's characteristics, behaviors, or beliefs.

Commented [GG1]: RSA 193-F:3, I(b) does not include "also", the inclusion of "also" arguably makes this definition broader than the statutory one

As used throughout this or other Board policies, and unless the context indicates otherwise, the term "bullying" as used in this policy will include cyberbullying.

2. ~~"Cyberbullying:" Cyberbullying~~ is defined as any conduct defined as "bullying" in this policy that is undertaken through the use of electronic devices. For purposes of this policy, any references to the term bullying shall include cyberbullying.
3. ~~"Electronic devices:" Electronic devices include, but are not limited to, telephones, cellular phones, computers, pagers, electronic mail, instant messaging, text messaging, and websites. includes, but is not limited to, telephones, cellular or smartphones, computers, pagers, or any other device which is used for or~~ can transmit: voice calls or messages; electronic mail; text/instant or other verbal messaging; images or videos; and websites.
4. ~~School property. School property means all real property and all physical plant and equipment used for school purposes, including public or private school buses or vans and any school sponsored activity.~~

Any reference in this policy to "parent" shall include parents or legal guardians.

Any reference in this policy to "Superintendent" or "Principal" shall include their designee.

4. "Parent" means a person who has legal custody of a minor child as a natural or adoptive parent, as a legal guardian, or who is functioning in a parental role if the actual parent or guardian is absent from the child's daily life. Additionally, "parent" may include students who have been emancipated, either by age or legal process. The term "parent", shall not, however, include a parent as to whom the parent-child relationship has been terminated by judicial decree or voluntary relinquishment.
5. "Perpetrator" means a student who engages in bullying or cyberbullying.
6. "Principal" shall mean and include the building Principal or other senior building administrator of a school, as well as any qualified person appointed by the Principal to carry out all or some Principal functions as described in this policy. References to "Principal" throughout this policy refer to the Principal or designee.
7. "Retaliation" means and includes such conduct as intimidation, threats, coercion, harassment, or discrimination in response to (or in an effort to prevent) a victim, alleged victim, witness or other person, who in good faith provides information about an act or conduct that the person providing the information believes is bullying or cyberbullying.
8. "School property" means all real property and all physical plant and equipment used for school purposes, including public or private school buses or vans.
9. "Staff" means and includes all district, school or SAU employees, designated volunteers (as defined in Board policy GBCD), or other volunteers who are regularly on school property, or who have significant contact with students, and any employees of a company under contract to the District or SAU and who have significant contact with students.

10. "Student" shall have the same meaning as "pupil" as used in RSA 193-F and this or any other Board policy.
11. "Superintendent" means the Superintendent (Senior Education Official) or other person designated by the Superintendent to carry out all or some Superintendent functions as described in this policy. References to "Superintendent" throughout this policy refer to the Superintendent or designee.
12. "Victim" means a student against whom bullying or cyberbullying has been perpetrated.

II. Statement Prohibiting Bullying or Cyberbullying of a Pupil (RSA [193-F:4](#), II(a))

The Board is committed to providing all pupils a safe and secure school environment. This policy is intended to comply with RSA 193-F. Conduct constituting bullying and/or cyberbullying will not be tolerated and is hereby prohibited.

Further, in accordance with RSA 193-F:4, the District reserves the right to address bullying and, if necessary, impose discipline for bullying that:

- (1) ~~Occurs on, or is delivered to, school property or a school-sponsored activity or event on or off school property; or~~
- (2) ~~Occurs off of school property or outside of a school-sponsored activity or event, if the conduct interferes with a pupil's educational opportunities or substantially disrupts the orderly operations of the school or school-sponsored activity or event.~~

The Superintendent of Schools is responsible for ensuring that this policy is implemented.

III. Statement prohibiting retaliation or false accusations (RSA [193-F:4](#), II(b))

False Reporting

~~A student found to have wrongfully and intentionally accused another of bullying may face discipline or other consequences, ranging from positive behavioral interventions up to and including suspension or expulsion.~~

~~A school employee found to have wrongfully and intentionally accused a student of bullying shall face discipline or other consequences to be determined in accordance with applicable law, District policies, procedures and collective bargaining agreements.~~

Reprisal or Retaliation

~~The District will discipline and take appropriate action against any student, teacher, administrator, volunteer, or other employee who retaliates against any person who makes a good faith report of alleged bullying or against any person who testifies, assists, or participates in a proceeding or hearing relating to such bullying.~~

- ~~1. The consequences and appropriate remedial action for a student, teacher, administrator, volunteer, or other employee who engages in reprisal or retaliation shall be determined by the Principal after consideration of the nature, severity and circumstances of the act, in accordance with law, Board policies and any applicable collective bargaining agreements.~~
- ~~2. Any student found to have engaged in reprisal or retaliation in violation of this policy shall be subject to measures up to, and including, suspension and expulsion.~~
- ~~3. Any teacher, administrator, volunteer, or other employee found to have engaged in reprisal or retaliation in violation of this policy shall be subject to discipline up to, and including, termination of employment.~~
- ~~4. Any school volunteer found to have engaged in reprisal or retaliation in violation of this policy shall be subject to measures up to, and including, exclusion from school grounds.~~

Process to Protect Pupils from Retaliation

If the alleged victim or any witness expresses to the Principal or other staff member that they believe they may be retaliated against, the Principal shall develop a process or plan to protect that student from possible retaliation.

Each process or plan may be developed on a case-by-case basis. Suggestions include, but are not limited to, re-arranging student class schedules to minimize their contact, stern warnings to alleged perpetrators, temporary removal of privileges, or other means necessary to protect against possible retaliation.

IV. Protection of all Pupils (RSA 193-F:4, II(c))

This policy shall apply to all pupils and school-aged persons on school district grounds and participating in school district functions, regardless of whether or not such pupil or school-aged person is a student within the District.

V. Disciplinary Consequences for Violations of This Policy (RSA 193-F:4, II(d))

The district reserves the right to impose disciplinary measures against any student who commits an act of bullying, falsely accuses another student of bullying, or who retaliates against any student or witness who provides information about an act of bullying.

In addition to imposing discipline under such circumstances, the board encourages the administration and school district staff to seek alternatives to traditional discipline, including but not limited to early intervention measures, alternative dispute resolution, conflict resolution and other similar measures.

VI. Distribution and Notice of This Policy (RSA 193-F:4, II(e))

Staff and Volunteers

All staff will be made aware and provided access to a copy of this policy annually. The Superintendent may determine the method of providing the policy (employee handbook, hard copy, electronically, etc.)

The Superintendent will ensure that all school employees and volunteers receive annual training on bullying and related district's policies.

Students

All students will be made aware and provided access to a copy of this policy annually. The Superintendent may determine the method of providing the policy (student handbook, mailing, hard copy, electronically etc.)

Students will participate in an annual education program which sets out expectations for student behavior and emphasizes an understanding of harassment, intimidation, and bullying of students, the District's prohibition of such conduct and the reasons why the conduct is destructive, unacceptable, and will lead to discipline. Students shall also be informed of the consequences of bullying conduct toward their peers.

The Superintendent, in consultation with staff, may incorporate student anti-bullying training and education into the district's curriculum, but shall not be required to do so.

Parents

All parents will be made aware and provided access to a copy of this policy annually. The Superintendent may determine the method of providing the policy (parent handbook, mailing, hard copy, electronically, etc.). Parents will be informed of the process and the means for students to report bullying acts toward them or other students. They will also be told that to help prevent bullying at school they should:

1. Encourage their children to report bullying when it occurs and to cooperate fully with school personnel in identifying and resolving incidents
2. Take advantage of opportunities to talk to their children about bullying;

3. Inform a member of the school staff immediately if they think their child is being bullied or is bullying other students;

Additional Notice and School District Programs

The Board may, from time to time, host or schedule public forums in which it will address the anti-bullying policy, discuss bullying in the schools, and consult with a variety of individuals including teachers, administrators, guidance counselors, school psychologists and other interested persons.

VII. Procedure for Reporting Bullying (RSA 193-F:4, II(f))

At each school, the Principal shall be responsible for receiving complaints of alleged violations of this policy.

Student Reporting

1. Any student who believes they have been the victim of bullying should report the alleged acts immediately to the Principal or if the student is more comfortable reporting the alleged act to a person other than the Principal, the student may tell any school district employee or volunteer about the alleged bullying.
2. Any school employee or volunteers who witnesses, receives a report of, or has knowledge or belief that bullying may have occurred shall inform the Principal as soon as possible, but no later than the end of that school day.
3. The Principal may develop a system or method for receiving anonymous reports of bullying. Although students, parents, volunteers and visitors may report anonymously, formal disciplinary action may not be based solely on an anonymous report. Independent verification of the anonymous report shall be necessary in order for any disciplinary action to be applied.
4. The administration may develop student reporting forms to assist students and staff in filing such reports. An investigation shall still proceed even if a student is reluctant to fill out the designated form and chooses not to do so.
5. Upon receipt of a report of bullying, the Principal shall commence an investigation consistent with the provisions of Section XI of this policy.

Staff Reporting

1. An important duty of the staff is to report acts or behavior that they witness that appears to constitute bullying.
2. All district employees and volunteers shall encourage students to tell them about acts that may constitute bullying.
3. Any school employee or volunteer who witnesses, receives a report of, or has knowledge or belief that bullying may have occurred shall inform the Principal as soon as possible and within 48 hours.
4. Upon receipt of a report of bullying, the Principal shall commence an investigation consistent with the provisions of Section XI of this policy.

VIII. Procedure for Internal Reporting Requirements (RSA 193-F:4, II(g))

In order to satisfy the reporting requirements of RSA 193-F:6, the Principal shall be responsible for completing all New Hampshire Department of Education forms and reporting documents of substantiated incidents of bullying. Said forms shall be completed within 10 school days of any substantiated incident. Upon completion of such forms, the Principal shall retain a copy for themselves and shall forward one copy to the Superintendent and may forward one copy to the local authority. The Superintendent shall maintain said forms in a safe and secure location.

IX. Notifying Parents of Alleged Bullying (RSA 193-F:4, II(h))

The Principal shall report to the parents of a student who has been reported as a victim of bullying and to the parents of a student who has been reported as a perpetrator of bullying within 48 hours of receiving the report. Such notification may be made by telephone, writing or personal conference. The date, time, method, and location (if applicable) of such notification and communication shall be noted in the report. All notifications shall be consistent with the student privacy rights under the applicable provisions of the Family Educational Rights and Privacy Act of 1974 (FERPA).

X. Waiver of Notification Requirement (RSA 193-F:4, II(i))

The Superintendent may, within a 48 hour time period, grant the Principal a waiver from the requirement that the parents of the alleged victim and the alleged perpetrator be notified of the filing of a report. A waiver may only be granted if the Superintendent deems such a waiver to be in the best interest of the victim or perpetrator. Any waiver granted shall be in writing.

XI. Investigative Procedures (RSA 193-F:4, II(j))

1. Upon receipt of a report of bullying, the Principal shall, within 5 school days, initiate an investigation into the alleged act. If the Principal is directly and personally involved with a complaint or is closely related to a party to the complaint, then the Superintendent shall direct another district employee to conduct the investigation.
2. The investigation may include documented interviews with the alleged victim, alleged perpetrator and any witnesses. All interviews shall be conducted consistent with the developmental needs of the students in mind and shall be confidential.
3. If the alleged bullying was in whole or in part cyberbullying, the Principal may ask students and/or parents to provide the District with printed or electronic copies of e-mails, text messages, website pages, or other similar electronic communications.
4. Consistent with applicable law, the District will not require or request that a student disclose or provide to the District the student's user name, password, or other authenticating information to a student's personal social media account. However, the District may request to a student or a student's parent/guardian that the student voluntarily shared printed or electronic copies of specific information from a student's personal social media account if such information is relevant to an ongoing District investigation.
5. A maximum of 10 school days shall be the limit for the initial filing of incidents and completion of the investigative procedural steps.
6. Factors the Principal or other investigator may consider during the course of the investigation, including but not limited to:
 - Description of incident, including the nature of the behavior;
 - How often the conduct occurred;
 - Whether there were past incidents or past continuing patterns of behavior;
 - The characteristics of parties involved, (name, grade, age, etc.);
 - The identity and number of individuals who participated in bullying behavior;
 - Where the alleged incident(s) occurred;
 - Whether the conduct adversely affected the student's education or educational environment;
 - Whether the alleged victim felt or perceived an imbalance of power as a result of the reported incident; and
 - The date, time and method in which parents or legal guardians of all parties involved were contacted.

~~7. The Principal shall complete the investigation within 10 school days of receiving the initial report. If the Principal needs more than 10 school days to complete the investigation, the Superintendent may grant an extension of up to 7 school days. In the event such extension is granted, the Principal shall notify in writing all parties involved of the granting of the extension.~~

~~8. 7. A determination of whether a particular action or incident constitutes a violation of this policy shall be based on all facts and surrounding circumstances. If the determination is that there has been a substantiated incidence of bullying, the Principal shall include recommended remedial steps necessary to stop the bullying within in a written final report submitted to the Superintendent.~~

~~9. 8. Students who are found to have violated this policy may face discipline in accordance with other applicable board policies, up to and including suspension. Students facing discipline will be afforded all due process required by law.~~

XII. Response to Remediate Substantiated Instances of Bullying (RSA 193-F:4, II(k))

Consequences and appropriate remedial actions for a student or staff member who commits one or more acts of bullying or retaliation may range from positive behavioral interventions up to and including suspension or expulsion of students and dismissal from employment for staff members.

Consequences for a student who commits an act of bullying or retaliation shall be varied and graded according to the nature of the behavior, the developmental age of the student, and the student's history of problem behaviors and performance. Remedial measures shall be designed to correct the problem behavior, prevent another occurrence of the problem, protect and provide support for the victim, and take corrective action for documented systematic problems related to bullying.

Examples of consequences may include, but are not limited to:

- ~~Admonishment~~
- ~~Temporary removal from classroom~~
- ~~Deprivation of privileges~~
- ~~Classroom or administrative detention~~
- ~~Referral to disciplinarian~~
- ~~In-school suspension~~
- ~~Out-of-school suspension~~
- ~~Expulsion~~

Examples of remedial measures may include, but are not limited to:

- ~~Restitution~~
- ~~Mediation~~
- ~~Peer support group~~
- ~~Corrective instruction or other relevant learning experience~~
- ~~Behavior assessment~~
- ~~Student counseling~~
- ~~Parent conferences~~

In support of this policy, the Board promotes preventative educational measures to create greater awareness of aggressive behavior, including bullying. The Board encourages the Superintendent to work collaboratively with

all staff members to develop responses other than traditional discipline as a way to remediate substantiated instances of bullying.

XIII. Reporting of Substantiated Incidents to the Superintendent (RSA 193-F:4, II(l))

The Principal shall forward all substantiated reports of bullying to the Superintendent upon completion of the Principal's investigation.

XIV. Communication with Parents upon Completion of Investigation (RSA 193-F:4, II(m))

1. Within two school days of completing an investigation, the Principal will notify the students involved in person of their findings and the result of the investigation.
2. The Principal will notify via telephone the parents of the alleged victim and alleged perpetrator of the results of the investigation. The Principal will also send a letter to the parents within 24 hours again notifying them of the results of the investigation.
3. If the parents request, the Principal shall schedule a meeting with them to further explain their findings and reasons for their actions.
4. In accordance with the Family Educational Rights and Privacy Act and other law concerning student privacy, the District will not disclose educational records of students including the discipline and remedial action assigned to those students to the parents of other students involved in a bullying incident.

XV. Appeal

1. For non-disciplinary remedial actions where no other review procedures govern, the parents of the pupils involved in the bullying shall have the right to appeal the Principal's decision to the Superintendent in writing within ten (10) calendar days. Upon receipt of the appeal, the Superintendent shall review the Principal's decision and issue a written decision within ten (10) school days. If the aggrieved party is still not satisfied with the outcome, the aggrieved party may file a written request for review by the School Board within ten (10) calendar days of the Superintendent's decision. The School Board will adhere to all applicable New Hampshire Department of Education administrative rules.

An aggrieved parent/guardian has the right to appeal the final decision of the local School Board to the State Board within thirty (30) calendar days of receipt of the written decision of the local School Board in accordance with RSA 541-A and State of New Hampshire Department of Education Regulations set forth in ED 200. The State Board may waive the thirty-day requirement for good cause shown, including, but not limited to, illness, accident, or death of a family member.

2. The procedures under RSA 193:13, Ed 317, and District policies establish the due process and appeal rights for students disciplined for acts of bullying.
3. The School Board or its designee will inform parents of any appeal rights they may have to the New Hampshire State Board of Education.

XVI. School Officials (RSA 193-F:4, II(n))

The Superintendent of schools is responsible for ensuring that this policy is implemented. In order to facilitate the implementation of this policy, the Superintendent may establish further administrative rules or regulations.

XVII. Capture of Audio Recordings on School Buses

Pursuant to RSA 570-A:2, notice is hereby given that the Board authorizes audio recordings to be made in conjunction with video recordings of the interior of school buses while students are being transported to and from school or school activities. The Superintendent shall ensure that there is a sign informing the occupants of school buses that such recordings are occurring.

XIII. Use of Video or Audio Recordings in Student Discipline Matters

Commented [AM2]: If you engage in audio recordings on school buses, this section must be in this policy and should not be deleted.

Commented [AM3]: This section does not need to be in this policy, as long as it is contained in another district policy.

The District reserves the right to use audio and/or video recording devices on District property (including school buses) to ensure the health, safety and welfare of all staff, students and visitors. Placement and location of such devices will be established in accordance with the provisions of Policies EEAA, EEAE and ECAF.

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

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

- C. Retaliation - RSA 193-F:4, II(b).** Retaliation or false accusations related to bullying or cyberbullying shall be deemed a violation of this policy, and students engaging in retaliation or making false accusations may be subject to disciplinary action. Upon receiving any report of bullying or cyberbullying, the Principal will immediately assess the need to develop a plan or take steps to protect the alleged victim or any witnesses against retaliation. The same assessment shall be made at any point upon a report of retaliation or false accusations made during or after a bullying/cyberbullying investigation.

Reports of retaliation or false accusations relating to a bullying/cyberbullying report may be made in the same manner as for reports of bullying/cyberbullying as provided in this policy.

Investigations, and responses (i.e., interventions, supportive measures, disciplinary consequences) to reports of retaliation or false accusations may be made as provided in the same manner as provided in the applicable sections below for reports or incidents of bullying/cyberbullying, or in accordance with procedures and provisions set forth in the student handbook

- D. Procedures for Reporting Bullying, Cyberbullying, Retaliation or False Accusations - RSA 193-F:4, II(f).** At each school, the Principal is responsible for receiving reports or complaints of bullying or cyberbullying.

1. Student Reporting: Any student who believes he or she has been the victim of bullying/cyberbullying, retaliation, or false accusations should report the alleged acts immediately to the Principal, or to a school district employee or volunteer that the student feels more comfortable making the report.
2. Staff Reporting: Any school employee or volunteer who receives a report of, witnesses, or has knowledge or belief that bullying/cyberbullying or retaliation may have occurred, shall inform the Principal as soon as possible, but no later than the end of that school day.
3. Parent Reporting: Parents and other adults are also encouraged to report any concerns about possible bullying/cyberbullying or retaliation of students to the Principal.
4. Report Forms: The administration may develop student reporting forms to assist students and staff in filing such reports. An investigation shall still proceed even if a student is reluctant to fill out the designated form and chooses not to do so.
5. Anonymous Reports: The Principal may develop a system or method for receiving anonymous reports of bullying within the building. Although students, parents, volunteers and visitors may report anonymously, an investigation based upon such reports may by necessity be incomplete. More significantly, formal disciplinary action may not be based solely on an anonymous report, and, likewise, other remedial or supportive measures may require some form of evidentiary

verification.

E. Actions Upon Receipt of Report of Bullying or Cyberbullying

1. Receipt of Report: Upon receipt of a report of bullying, the Principal shall commence an investigation consistent with the provisions of Section F of this policy and shall assess:
 - a. the need for a plan to protect students against retaliation.
 - b. whether the conduct may be construed as illegal discrimination or harassment related to a protected class as set forth in Board policy AC (if so, the Principal shall confer with the District staff member(s) charged with handling such discrimination or harassment to determine how to proceed (e.g., parallel or combined investigations)); and
 - c. whether such conduct constitutes a safe schools violation requiring a report pursuant to RSA 193-D:4 and Ed 317.05.

2. Parental Notice of Bullying Report — RSA 193-F:4, II(h). Within 48 hours of receiving a report of bullying, the Principal will notify the parents of any student reported as a victim of bullying, as well as the parents of any student who has been reported as a perpetrator of bullying. Such notification may be made by telephone, writing or personal conference. The date, time, method, and location (if applicable) of such notification and communication shall be included in the investigative report. Notifications shall be consistent with the applicable provisions of the Family Educational Rights and Privacy Act of 1974 (FERPA) relative to the student privacy rights of each student indicated in the report.

The Principal may request of the Superintendent ~~designee~~ a waiver of the parental notification requirement, which may be granted only if the Superintendent deems such a waiver to be in the best interest of either the alleged victim or alleged perpetrator. ~~If the waiver is granted, it shall be documented in writing. Details of any request for a waiver and any grant of such request will be included in the investigative report.~~

- 2.3. Bullying Across School Districts — RSA 193-F:4, I(j). In cases of bullying and/or cyberbullying across multiple school districts, the Principal shall commence an investigation and contact the other involved school district(s) to collaborate investigation efforts. In cases of bullying and/or cyberbullying across multiple states, the Principal shall also inform the New Hampshire attorney general's office.

F. Investigative Procedures - RSA 193-F:4, II(j)

1. Upon receipt of a report of bullying, the Principal shall, within 5 school days, initiate an investigation into the alleged act. If the Principal is directly and personally involved with a complaint or is closely related to a party to the complaint, then the Superintendent shall direct another district employee to conduct the investigation.

2. The investigation should include documented interviews with the alleged victim, alleged perpetrator and any witnesses. All interviews shall be conducted privately, and shall be confidential to the extent permitted by law. Each individual will be interviewed separately and at no time will the alleged victim and perpetrator be interviewed together during the investigation.

Commented [AM4]: The statute requires that the waiver be granted in writing, but does not require that the waiver be included in the investigation report, and including it in the report may be contrary to the purpose of the waiver.

3. The investigation should include review of any available surveillance recordings subject to the provisions of applicable Board policies.

4. If the alleged bullying was in whole or in part cyberbullying, the Principal may ask students and/or parents to provide the District with printed copies of the e-mails, text messages, website pages, or other similar electronic communications, consistent with Board policy JIH and RSA 189:706, RSA 189:70, II(d). The Principal may not, however, ~~require or request a student take any of the following actions:~~

- i. Require or request a student or prospective student to disclose or to provide access to a personal social media account through the student's or prospective student's user name, password, or other means of authentication that provides access;
- ii. Require or request a student or prospective student to access a personal social media account in the presence of any employee of the educational institution in a manner that enables the employee to observe the contents of the personal social media account;
- iii. Compel a student or prospective student to add anyone to his or her list of contacts associated with a personal social media account or require, request, suggest, or cause a student or prospective student to change the privacy settings associated with a personal social media account;
- iv. Take or threaten to take any action against a student or prospective student to discipline or prohibit such student or prospective student from participation in curricular or co-curricular activities for refusal to disclose information or to take the above actions. ~~to disclose or to provide access to a personal social media account through the student's user credentials.~~

4. RSA 189:70, I(a)-(d). The Principal may, however, monitor the usage of the District's computer network. In addition, the Principal may take any of the above listed actions if the social media account was created or provided by the District, if the student was provided advance notice that the account may be monitored at any time by District employees. RSA 189:70, III.

5. ~~Factors the~~The Principal or other investigator ~~may shall~~ consider all relevant facts and circumstances during the course of the investigation, including but not limited to:

- a. Description of incident, including the nature of the behavior;
- b. How often the conduct occurred;
- c. Whether there were past incidents or past continuing patterns of behavior;
- d. The characteristics of parties involved, (name, grade, age, etc.);
- e. The identity and number of individuals who participated in bullying behavior;
- f. Where the alleged incident(s) occurred;
- g. Whether the conduct adversely affected any student's education or educational environment;
- h. Whether the conduct physically harmed the alleged victim;
- i. Whether the conduct damaged the alleged victim's property;

g-j. Whether the conduct caused emotional distress to a pupil;

h-k. Whether the alleged victim felt or perceived an conduct was motivated by an imbalance of power based on the pupil's actual or perceived personal characteristics, behaviors, or beliefs, and/or motivated by the pupil's association with another person and based on the other person's characteristics, behaviors, or beliefs. imbalance or power as a result of the reported incident;

i-l. Whether the conduct violated any District or school policies or rules; and

j-m. The date, time and method by which parents or legal guardians of all parties involved were first contacted.

6. The Principal shall complete the investigation within 10 school days of receiving the initial report. If the Principal needs more than 10 school days to complete the investigation, the Superintendent may grant an extension of up to 7 school days. In the event such extension is granted, the Principal shall notify in writing all parties involved of the granting of the extension.

Without limiting what might constitute sufficient cause for an extension under this paragraph, the Superintendent may consider the interests of the victim or alleged perpetrator related to any investigation into some or all of the same alleged conduct which other investigation includes procedures and timelines mandated by a regulation or statute other than RSA 193-F (e.g., Title IX, criminal investigations, etc.). Before waiving the time requirement on account of such other investigation, the Superintendent should confer with counsel and or the District's Title IX Officer.

G. Completion of Investigation and Report

1. Investigative Determination and Report: Whether a particular action or incident constitutes bullying/cyberbullying, retaliation or other violation of this policy – requires review and consideration of available evidence of all facts and surrounding circumstances. The investigative determination along with a summary of the investigation, shall be included in a comprehensive report. If the determination is that the bullying allegation is substantiated, the report shall include provisions describing any disciplinary consequences, interventions, supportive measures or other assistance for the victim or perpetrator, and, when indicated, any steps appropriate to protect all students from retaliation of any kind. The report may also include policy, training or other recommendations for preventing future bullying conduct within the school. -
2. Communication with Students and Parents Upon Completion of Investigation - RSA 193-F:4, II(m).
 - a. The Principal will meet promptly with each student (alleged victim and alleged perpetrator) directly involved in the incident(s) and communicate the general investigative determination as to whether the allegations of bullying/cyberbullying were substantiated, and any initial consequences or interventions appropriate to the determination.
 - b. Within 10 school days of the completion of the investigation, the Principal will notify the parents of the alleged victim and of the alleged perpetrator of the outcome of the

Commented [GG5]: Reworded as the statutory reference to an imbalance of power refers to the perpetrator's motivation, not the victim's subjective experience

investigation and regarding the school's remedies and assistance, within the boundaries of applicable state and federal law. The initial communication may be in writing, in person or by telephone, but if verbally, the Principal will also send a letter confirming earlier determination to the parents within 2 school days confirming the earlier notification.

- c. If the parents request, the Principal shall schedule a meeting with them to further explain the investigative determination.
 - d. In accordance with the Family Educational Rights and Privacy Act and other laws concerning student privacy, the District will not disclose educational records of students, including the discipline and remedial action assigned to those students and the parents of other students involved in a bullying incident.
3. Appeals: A parent aggrieved by the investigative determination of the Principal may appeal the determination in accordance with the standards and procedures set forth for Level II and Level III appeals in Board policy ACA.
4. Additional Reporting Requirements.
- a. Reporting Substantiated Incidents - RSA 193-F:4, II(l): The Principal shall forward all substantiated reports of bullying to the Superintendent upon completion of the Principal's investigation.
 - b. Department of Education Reports - RSA 193-F:4, II(g): The Principal shall be responsible for completing such reports/forms as required by the New Hampshire Department of Education (NHED) for all substantiated incidents of bullying. Irrespective of the time/date a form/report is due to be filed with NHED, the report/form or the information required for the report/form shall be completed/compiled within 10 school days following an investigative finding of a substantiated bullying/cyberbullying report. The Principal or designee shall retain a copy and shall forward one copy to the Superintendent. Hard copies are not necessary if the digital form/data is retained and accessible to both the building administration and SAU.
 - c. Reporting to NH Department of Education - RSA 193-F:6, I. The Superintendent shall annually report the District's substantiated incidents of bullying to the New Hampshire Department of Education. Pursuant to FERPA, such reports shall not contain any personally identifiable information pertaining to any student.

H. Substantiated Instances of Bullying/Cyberbullying, or Retaliation or False Accusations: Interventions, Remedial Measures and Disciplinary Consequences — RSA 193-F:4, II(k).

While students who have been found to have committed an act of bullying/cyberbullying, or engaged in retaliation or made a false accusation, can face disciplinary consequences, the Board encourages the administration and school district staff to explore alternative or additional measures and interventions to address the substantiated instances of bullying/cyberbullying, and prevent their reoccurrence.

1. Interventions and Other Remedial Measures: Examples of interventions and remedial measures include, but are not limited to:
 - a. Restitution,

- b. Parent conferences,
- c. Student counseling,
- d. Behavior assessment,
- e. Corrective instruction or other relevant learning experience,
- f. Peer support group, and
- g. Mediation (but only after the investigation has been completed).

Interventions and other remedial measures shall be designed to correct the problem behavior, prevent another occurrence of the problem, protect and provide support for the victim, and take corrective action for documented systematic problems related to bullying.

A finding that an allegation of bullying/cyberbullying or, retaliation, or a false accusation is unsubstantiated does not preclude the District from implementing interventions and other remedial measures, when appropriate to do so.

~~2.—Disciplinary Consequences - RSA 193-F:4, II(d)- Disciplinary consequences for students shall be consistent with District policies and the student handbook for the conduct that constituted bullying/cyberbullying violated this policy. Disciplinary consequences should be varied according to specific circumstances such as: the nature of the behavior, the developmental age of the student, the student’s prior disciplinary history, performance. Students will be afforded any due process applicable to the level of consequences as provided in Board policy JICD, RSA 193:13 and Ed 317.~~

~~Consequences and appropriate remedial actions for a staff member who commits one or more acts of bullying/cyberbullying or retaliation may range from up to and including dismissal from employment for staff members, with additional reports, if appropriate, in accordance with the Code of Conduct for New Hampshire Educators.~~

~~2.~~

I. Dissemination of Policy and Bullying Prevention Education - RSA 193-F:4, II(e) and 193-F:5.

1. Staff and Volunteers: All staff will be provided with a copy of this policy annually. The Superintendent may determine the method of providing the policy (employee handbook, hard copy, website, workshops, etc.). The Superintendent will ensure that all school employees and volunteers receive annual training on bullying and related Board policies, consistent with RSA 193-F:5.
2. Students: All students will be provided with a copy of this policy annually. The Superintendent may determine the method of providing the policy (student handbook, mailing, hard copy, website, etc.).

Each year, all students will participate in programming that includes anti-bullying/cyberbullying materials presented in age-appropriate language. The materials and information should, among other things, describe expectations for student behavior, emphasize an understanding of what bullying/cyberbullying, harassment and intimidation is and looks like, the District’s prohibition of such conduct and the reasons why the conduct is destructive, unacceptable, and how and when

Commented [AM6]: I recommend removing this and having staff “bullying” be handled as a personnel matter - RSA 193-F pertains to bullying by students, and this policy adopts the definition of “perpetrator” contained in the statute (“a pupil who engages in bullying”).

the conduct can lead to disciplinary consequences.

The Superintendent, in consultation with staff, will, to the extent reasonably possible, integrate student anti-bullying training and education into the district's curriculum, behavior programs and other violence prevention efforts.

3. Parents: The Superintendent will ensure that all parents are annually provided with a copy of this policy or informed in writing where a copy of the policy may be located on the District and/or school's website. Student/family handbooks will include information of the District/school's anti-bullying program, as well as the means for students to report bullying acts either experienced or witnessed, and how parents, themselves, may inform/report to the school when they believe their child is being bullied or is bullying other students and encourage their children to report bullying when it occurs.
4. Additional Notice and School District Programs: The Board may, from time to time, host or schedule public forums in which it will address this anti-bullying policy, discuss bullying in the schools, and consult with a variety of individuals, including teachers, administrators, guidance counselors, school psychologists and other interested persons.

J. Summary of School Officials' Duties to Implement Policy - RSA 193-F:4, II(n)

The Superintendent, as the person charged with supervision of all employees of the District, is responsible for the implementation of this policy and the provisions of RSA 193-F. The School Principal(s) are expected and required by statute to implement this policy within their respective school buildings and ensure the procedures are followed.

Consistent with this Policy, the Principal(s) shall receive reports of alleged bullying or retaliation, investigate the alleged conduct, and communicate with the parties involved (including their parents) consistent with privacy laws, and communicate/report to the Superintendent. The Superintendent shall oversee the Principal(s) in their duties relative to this policy and shall ensure each school is compliant with this policy. Additionally, the Superintendent, will receive reports of substantiated incidents, review waivers and time extension requests, and communicate with the Principal(s), the School Board, and the NH Department of Education, all as provided in this policy.

K. Immunity and Liability – RSA 193-F:7 & 9

Under 193-F:7, employees, volunteers, students, parents and any other person covered by this policy will be immune from civil liability for **good faith** conduct arising from or pertaining to the reporting, investigation, findings, recommended response, or implementation of a recommended response under this policy or RSA 193-F. (Note – civil liability could arise, (including for attorney fees) in the event of gross negligence or willful misconduct for violations of this policy.)

Legal References:

~~[RSA 187:70, Educational Institution Policies on Social Media](#)~~

[RSA 193-F:3, Pupil Safety and Violence Prevention Act](#)

~~[RSA 187:70, Educational Institution Policies on Social Media](#)~~

RSA [570-A:2](#), Capture of Audio Recordings on School Buses Allowed

NH Code of Administrative Rules, Section Ed 306.04(~~ab~~)(~~87~~), Student Harassment

1st Reading: September 15, 2010
2nd Reading: November 17, 2010
Adopted: November 17, 2010

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2nd Reading: January 22, 2020
Adopted: February 12, 2020

See Also *JFAA, JFAB & JG*

CHANGE OF SCHOOL OR ASSIGNMENT – BEST INTERESTS AND MANIFEST HARDSHIP

The Superintendent or their designee 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~~ is 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. Under specified conditions and procedures as set forth below, reassignment may be made to another public school, public academy or "approved private school" within or outside the District.

Commented [AM1]: The reference to "class" is not required - a classroom reassignment can occur without going through this process.

As used in this policy, "approved private school" means a school that has been approved by the State Board of Education as a nonpublic school and contracted by the school board to provide a student or students with the opportunity to acquire an adequate education (see RSA 193:3, VII). ~~The term also includes schools that the Board has "approved as a school tuition program." (See NH Dept. of Education Rule Ed 307.01(a).~~

A. Best Interest Re-Assignment - Determination by Superintendent or their designee.

Consistent with RSA 193:3, I, and subject to the provisions below, the Superintendent or their designee 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, or to another~~ public school, public academy, or approved private school in another district.

Authorization granted to the Superintendent or their designee 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 or their designee 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 or their designee's discretion to make other in-District assignments consistent with applicable Board policies and administrative rules.

~~1. Procedure for Best Interest Assignments to a School/ Academy Within the District
a. Request for Change of Assignment Within District: In order to initiate consideration of a reassignment within the current school district based upon the child's best interests, the parent/guardian shall submit to the Superintendent or their designee 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 or their designee at the email address provided on the District's website. The parent/guardian is encouraged, but not required, to provide information as to how the child's interests are served by the change in assignment.~~

Commented [AM2]: This section is only necessary when you have more than one school available that covers the same grade range, within the same district. This does not apply in the Coop.

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b. Upon such request, the Superintendent or their designee 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 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 or their designee may present such information as he or she deems appropriate.

-
f. In determining whether reassignment is in the student's best interest the Superintendent or their designee shall consider the student's academic, physical, personal, or social needs.

NOTE: The request by the parent should be delivered to the Superintendent no later than July 1. Requests following that date will require a meeting with the Superintendent and may require the parent/guardian to provide relevant evidence supporting the parent/guardian's belief that it is in the best interest of the student to change the current assignment.

b. **Reassignment Determination:** In determining whether to grant a request to change a student's current assignment within the current school or to another public school/academy or approved private school within the District, the Superintendent will only consider whether the school has the ability to accommodate the student based upon "existing school capacity." For purposes of determining existing school capacity, the Superintendent will consider the District's Board policy IIB, the Enrollment Projections for that school year, and shall consult with the Assistant Superintendent of Student Services for special considerations relating to the student's educational program.

If the Superintendent determines that the requested school within the District does not have the ability/capacity to accommodate the student and therefore denies the request, the Superintendent will give written notice to the parent/guardian with the reason the request was denied. The parent/guardian is encouraged to provide a supplemental written statement to the Superintendent with any additional information that the parent/guardian believes is relevant to the initial request. The Superintendent will review the additional information and inform the parent/guardian of the decision within 5 school days.

If the Superintendent grants the request to change the student's school or assignment, the Superintendent shall initiate the student's transfer within the current school, or to the other school/academy within the District.

If the Superintendent does not find that it is in the best interest and does not approve the request 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 as provided in Section B of this policy.

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

- a. Within five school days of the reassignment meeting, the Superintendent or their designee 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 or their designee finds it is in the best of the interest of the student to change the student's school or assignment, the Superintendent or their designee shall initiate:
 - i. A change of assignment within the student's current assigned school;
 - ii. The student's transfer to another public school, public academy, or approved private school within the district of residence which can reasonably meet the student's educational needs; or
 - iii. The student's transfer to a public school, public academy, or approved private school in another district which can reasonably meet the student's educational needs.
- e. If the Superintendent or their designee 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 as provided in Section B of this policy.

2. Procedures for Best Interest ~~Assignments~~ Reassignments to a School Outside the District.

A change in assignment to a school/academy outside of the District under this section requires 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.

- a. Change of Assignment Request. In order to initiate consideration of a reassignment to a public school, a public academy or approved private school outside of the District ("school outside the district") 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 the change. To facilitate a determination, such application should also include any additional information described in paragraph **Ab.1**iii below. The written request should be mailed or hand-delivered to the SAU office or emailed to the Superintendent at the email address provided on the District's website.
- b. Reassignment Meeting and Review of Request.
 - i. Upon receiving a request to change assignment to a school outside the District, the Superintendent will schedule a meeting (the "reassignment meeting") with the parent/guardian, to be held within 10 days of receiving the written request.

- ii. Prior to or at the reassignment meeting, the parent/guardian shall make a specific request that the student be re-assigned to a specific school outside the District.
 - iii. At the reassignment meeting, the parent/guardian may present documents, witnesses, or other relevant evidence supporting the parent/guardian's belief that reassignment is in the best interest of the student.
 - iv. The Superintendent may present such information as he or she deems appropriate.
 - v. In determining whether reassignment is in the student's best interest, the Superintendent shall consider the student's academic, physical, personal, or social needs.
- c. Determination Whether Reassignment is in Best Interest

Within five school days of the reassignment meeting, the Superintendent shall deliver to the parent/guardian a written determination explaining 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).

- i. *Finding that Change is in Student's Best Interest:* 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 the process to implement the student's transfer to a school outside the district. This shall (requires agreement of the other school/district).
- ii. *No Finding that Change is in Student's Best Interest:* 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 as provided in Section B of this policy. The Superintendent shall assure that the reassignment approval is placed on the agenda for the next regularly scheduled Board meeting, or at a meeting convened for the purpose of acting on the request for a manifest educational hardship reassignment.

3.2. 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 or their designee shall work with the Superintendent or their designee 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 or their designee 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 or may enter into an agreement for payment of tuition with the school district in which the student resides. The Superintendent or their designee 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.

The Superintendent or their designee shall assure that the reassignment approval is placed on the agenda for the next regularly scheduled Board meeting.

- a. Public School or Academy Outside the District: If a student is to be reassigned to a public school or academy in another school district following a best interest determination, the Superintendent shall work with the Superintendent or senior education official of the receiving school district/academy 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; such approval shall be consistent with the Board's ordinary manifest approval procedures.
- b. Approved Private School Either Outside of the District: If the student is reassigned to an approved private school under this policy, that school may charge tuition to the parent/guardian or may enter into an agreement for payment of tuition District in which the student resides. 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.
- c. 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).

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. Transportation within the District will be consistent with the transportation policies of the District for the public, charter, and private schools located within the District.

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 or their designee, 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).

5. **Annual Review of Decision:** A reassignment on the basis of best interest of the student shall be limited to no longer than the end of the ensuing school year, and shall be subject to review by the Superintendent prior to any subsequent school year to determine that the reassignment remains in the best interest of the student, with the understanding that the Superintendent may, at his/her discretion waive the review when he/she deems such to be appropriate.

~~5.6.~~

~~6.7.~~ **Review/Appeal of Decision:** The decision of the Superintendent relative to best interest reassignments shall be final and any appeal shall be limited to the process set forth in Section B, below.

~~6. Other In-District Assignments. Nothing in this policy is intended to limit authority otherwise extended to the Superintendent or their designee to make assignments or reassignments according to the policies, regulations, and ordinary practices of the District.~~

~~a. Review/Appeal of Decision. The decision of the Superintendent shall be final and any appeal shall be limited to the process set forth in Section B, below.~~

~~b. Annual Review of Decision. A reassignment on the basis of best interest of the student shall be limited to no longer than the end of the ensuing school year, and shall be subject to review by the Superintendent prior to any subsequent school year to determine that the reassignment remains in the best interest of the student, with the understanding that the Superintendent may, at their discretion waive the review when they deem such to be appropriate.~~

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 or their designee 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 their 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 well-being. 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 or their designee'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 or their designee detailing the specific reasons why they believe that the current assignment constitutes a manifest educational hardship.
 - b. The Superintendent or their designee 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 or their designee. 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-A:3, II(c).
 - c. Prior to or at such hearing, the parent/guardian shall provide to the Superintendent or their designee a specific request in writing that the student attend a public school, public academy, or approved private school in another school district which can reasonably meet the student's educational needs. The Superintendent or their designee 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 or their designee 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 or their designee 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 Dept. of Education Rule [RSA 193:3, II and Ed 32017\(e\)-\(e\)](#).
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 a public school, public academy, or approved private school in another district which can reasonably meet the student's educational needs.
 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). It is within the state board's discretion to decide whether or not to accept the appeal. RSA 193:3, III(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 reassigned.

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 ~~District-Parent~~ unless otherwise ordered by the SBOE.
7. **Annual Review of Manifest Hardship Determination:** A reassignment on the basis of manifest educational hardship shall be limited to no longer than the end of the ensuing school year and shall be subject to review by the School Board prior to any subsequent school year to determine that the manifest educational hardship still exists, with the understanding that the Board may, at its discretion, waive the review when it deems such to be appropriate

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.~~

Pursuant to RSA 193:3, III-a(d), the total reassignments or transfers 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 or their designee 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, ~~HH~~-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. 31720 [Pending revision]

1st Reading: November 3, 2005
Adopted: May 21, 2008

1st Reading: January 19, 2022 (as amended)
2nd Reading: February 16, 2022
3rd Reading: February 16, 2022 (Waived)
Adopted: February 16, 2022

1st Reading: June 19, 2024 (as amended)
2nd Reading: August 21, 2024
3rd Reading: September 18, 2024
Adopted: September 18, 2024