

Policy Development Committee Agenda

11/10/2020

7:30 A.M. ~ Gilford High School, Room 131

Policies to Review

GBED – Tobacco Products Ban Use and Possession In and On School Facilities and Grounds

IHAM – Health Education and Exemption From Instruction

IHAM-R – Health and Sex Education Exemption: Opt-Out Form

GCG – Part-Time and Substitute Professional Staff Employment

GCGAA – Per Diem Rates for Substitute Teachers

*Current GSD Policy. Revised in response to HB 511 to add "E-liquid" and "Device."
This policy is also coded in three sections, Employee GBED, Foundations ADC and student
JICG. NHSBA has now merged the three into this one version. If choosing to maintain
one, NHSBA recommends using a code of ADC.
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ADC
GBED
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TOBACCO PRODUCTS BAN USE AND POSSESSION IN AND ON SCHOOL FACILITIES AND GROUNDS

State law prohibits the use of any tobacco product, E-cigarette, or liquid nicotine in any facility or upon any grounds maintained by the District. Students and minors are further prohibited from possessing such items in or upon any facility, school vehicle, or grounds owned or maintained by the District.

A. Definitions.

"Tobacco product(s)" means any product containing tobacco including, but not limited to, cigarettes, smoking tobacco, cigars, chewing tobacco, snuff, pipe tobacco, smokeless tobacco, and smokeless cigarettes, as well as any other product or item included in RSA 126-K:2, XI as the same may be amended or replaced from time-to-time.

"Device" means any product composed of a mouthpiece, a heating element, a battery, and electronic circuits designed or used to deliver any aerosolized or vaporized substance including, but not limited to, nicotine or cannabis. Device may include, but is not limited to, hookah, e-cigarette, e-cigar, e-pipe, vape pen, e-hookah, as well as any other object or item defined in RSA 126-K:2, II-a.

"E-cigarette" means any electronic smoking device composed of a mouthpiece, a heating element, a battery, and electronic circuits **that may or may not contain nicotine or E-liquid.** ~~that simulates smoking.~~ This term shall include such devices whether they are manufactured as e-cigarettes, e-cigars, or e-pipes, or under any other product name as well as any other product or item included in RSA 126-K:2, II-a as the same may be amended or replaced from time-to-time.

"E-liquid" means any liquid, oil, or wax product containing, but not limited to, nicotine or cannabis intended for use in devices used for inhalation as well as any other substance included or defined in RSA 126-K:2, II-c.

"Liquid nicotine" means any liquid product composed either in whole or in part of pure nicotine and propylene glycol and manufactured for use with e-cigarettes, as well as any other product or item included in RSA 126-K:2, III-a as the same may be amended or replaced from time-to-time.

"Facility" is any place which is supported by public funds and which is used for the instruction of students enrolled in preschool programs and in all grades maintained by the District. This definition shall include all administrative buildings and offices and areas within facilities supportive of instruction and subject to educational administration, including, but

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not limited to, lounge areas, passageways, rest rooms, laboratories, classrooms, study areas, cafeterias, gymnasiums, maintenance rooms, and storage areas.

B. Students

No student shall purchase, attempt to purchase, possess or use any tobacco product, **device**, E-cigarette, **E-liquid**, or liquid nicotine in any facility, in any school vehicle or anywhere on school grounds maintained by the District.

Enforcement of the prohibition against students shall initially rest with building principals, or their designees, who may also report any violation to law enforcement, for possible juvenile, criminal or other proceedings as provided under state law. Additional consequences may be administered pursuant to printed student conduct rules.

C. Employees

No employee shall use any tobacco product, **device**, E-cigarette, **E-liquid**, or liquid nicotine, in any facility, in any school vehicle or anywhere on school grounds maintained by the District.

Initial responsibility for enforcement of this prohibition shall rest with building principals, or their designees. Any employee(s) who violate(s) this policy is subject to disciplinary action which may include warning, suspension or dismissal. Violations may also be referred to appropriate law enforcement and/or other appropriate agencies for criminal or other proceedings as provided under state law.

D. All other persons

No visitor, contractor, vendor or other member of the public, shall use any tobacco product, **device**, E-cigarette, **E-Liquid** or liquid nicotine in any facility, in any school vehicle, or anywhere on school grounds maintained by the District.

The building Principal(s), and where appropriate, other site supervisor (athletic director, vehicle driver, etc.), or their designee(s), shall have the initial responsibility to enforce this section, by requesting that any person who is violating this policy to immediately cease the use of tobacco products, E-cigarette or liquid nicotine. After this request is made, if any person refuses to refrain from using such products in violation of this policy, the principal, site supervisor, or designee may call contact the appropriate law enforcement agency(ies) for possible criminal or other proceedings as provided under state law.

E. Implementation and Notice - Administrative Rules and Procedures.

The Superintendent shall establish administrative rules and procedures to implement this policy. These rules and procedures may be building level and/or district-wide. Rules and procedures relating to student violations and resulting disciplinary consequences should be

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developed in consultation with building principal(s).

The Superintendent, working with the building Principal(s), shall provide annual notice to employees, students and parents of the pertinent provisions of this policy (e.g., student or staff handbook) along with applicable administrative regulations and procedures, which may include prescribed consequences for violations of this policy. Such notice should include information that violation of this Policy could lead to criminal or other such proceedings.

Signs shall be placed by the District in all buildings, facilities and school vehicles stating that the use of tobacco products is prohibited.

Legal References:

- *RSA 155:64 - 77, Indoor Smoking Act*
- *RSA 126-K:2, Definitions*

- *RSA 126-K:6, Possession and Use of Tobacco Products by Minors*
- *RSA 126-K:7, Use of Tobacco Products on Public Educational Grounds Prohibited*

(Adopted: 2/4/2019)

Current GSD policy. Suggest replacing with NHSBA sample policy IHAM to comply with RSA 186 that was revised July 2020 to add language distinguishing parental opt-out of health education based on religious reasons.

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IHAM

HEALTH EDUCATION AND EXEMPTION FROM INSTRUCTION

Consistent with Department of Education requirements, health and physical education, including instruction about parts of the body, reproduction, and related topics, will be included in the instructional program.

Instruction must be appropriate to grade level, course of study, and development of students and must occur in a systematic manner. The Superintendent will require that faculty members who present this instruction receive continuing in-service training, which includes appropriate teaching strategies and techniques.

Parents/guardians will have the right to inspect health and physical instruction materials which will be made reasonably accessible to parents/guardians and others to the extent practicable.

Parents and legal guardians shall be notified by e-mail, other written means, website/social media postings or phone call, not less than two (2) weeks in advance of use of the curriculum course material to be used for instruction of human sexuality or human sexual education, that the material is available for inspection at the school. The notice will identify and provide contact information for the member of staff or faculty whom a parent or guardian should contact to arrange an opportunity to inspect the curriculum course material.

Parents/guardians who wish to review or inspect health and physical education materials may arrange a meeting with the Principal to review the materials.

Opt-Out Procedure and Form

Parents/guardians, or students over eighteen years of age, who do not want their child to participate in a particular unit of health or sex education instruction for religious reasons or other objections, are allowed to have their child opt-out of such instruction.

Parents/guardians who wish to have their child opt-out of such instruction are required to complete the district opt-out form and state the particular unit of curriculum in which the student is not to participate. Any student who is exempted by request of the parent/guardian under this policy may be given an alternative assignment sufficient to meet state requirements for health education. The alternative assignment will be provided by the health or physical education teacher in conjunction with the Principal.

Parents/guardians who do not want their child to participate in a particular unit of health or physical education must complete a Health or Physical Education Opt-Out Form (IHAM-R).

Opt-Out Forms are available from either the health education teacher or the Principal or District website policy section.

Opt-out requests must be submitted annually and are valid only for the school year in which they are submitted.

In accordance with the federal Protection of Pupil Rights statute, as a School District that receives federal Department of Education funds, the Superintendent shall develop procedures to allow

Current GSD policy. Suggest replacing with NHSBA sample policy IHAM to comply with RSA 186 that was revised July 2020 to add language distinguishing parental opt-out of health education based on religious reasons.

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IHAM

parent/
guardia

n of a student to inspect any instructional material used as part of the educational curriculum for the student. The procedures will provide reasonable access to instructional material within a reasonable period of time after the request is received.

Legal References:

20 U.S.C §1232h, (c)(1)(C), Protection of Pupil Rights

RSA 186:11, IX-c & IX-e Notice to Parents/Guardian Required

NH Code of Administrative Rules, Section Ed 306.40, Health Education Program

NH Code of Administrative Rules, Section Ed 306.41, Physical Education Program

RSA 186:11, IX-b, Health and Sex Education

Appendix IHAM-R, Health or Physical Education Opt-Out Form

(Adopted: 4/20/2009)

(Revised: 5/7/2018)

New Hampshire School Boards Association Sample Policy IHAM. Suggest replacing current GSD policy IHAM with this sample to comply with RSA 186 that was revised July 2020 to add language distinguishing parental opt-out of health education based on religious reasons.
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HEALTH EDUCATION & EXEMPTION FROM INSTRUCTION

Category: *Priority/Required by Law*

Related Policy: *IGE*
Related Form: *IHAM-R*

Consistent with state law and Department of Education requirements, health and physical education, including, instruction about parts of the body, reproduction, sexuality education, human immunodeficiency virus (HIV)/acquired immunodeficiency syndrome (AIDS) and related topics, will be included in the instructional program. Sexuality education shall include instruction relative to abstinence and sexually transmitted infections.

Instruction must be appropriate to grade level, course of study, and development of students and must occur in a systematic manner. The Superintendent will require that faculty members who present this instruction receive continuing in-service training, which includes appropriate teaching strategies and techniques.

Parents and legal guardians shall be notified by e-mail, other written means, website/social media postings or phone call, not less than two (2) weeks in advance of use of the curriculum course material to be used for instruction of human sexuality or human sexual education. Such notice will be delivered via email, other direct written means, website/social media posting, or phone call. To the extent practicable, a school district shall make curriculum course materials available to parents or legal guardians for review upon request. Accordingly, the notice will identify and provide contact information for the Principal or other staff member a parent or guardian should contact to arrange an opportunity to inspect the curriculum course material.

Opt-Out Procedure and Form

Parents/guardians, or students over eighteen years of age, who do not want their child to participate in a particular unit of health or sex education instruction for religious reasons or religious objections, are allowed to have their child opt-out of such instruction. **(Note: Per RSA 186:11, IX-c, Parents/guardians have additional opt-out rights under Board policy {**}IGE.)**

Parents/guardians who do not want their child to participate in a particular unit of health or for religious reasons must complete a Health and Sex Education Exemption/Objectionable Course Material: Opt-Out Form. Opt-Out Forms are available from either the health education teacher or the Principal. Opt-out requests must be submitted annually and are valid only for the school year in which they are submitted.

Any student who is exempted by request of the parent/guardian under this policy may be given an alternative assignment sufficient to meet state requirements for health education. The alternative assignment will be provided by the health or physical education teacher in conjunction with the Principal.

In accordance with the federal Protection of Pupil Rights Amendment, as a School District that receives federal Department of Education funds, the Superintendent shall develop procedures to allow the parent/guardian of a student to inspect any instructional material used as part of the educational curriculum for the student. The procedures will provide reasonable access to instructional material within a reasonable period of time after the request is received.

New Hampshire School Boards Association Sample Policy IHAM. Suggest replacing current GSD policy IHAM with this sample to comply with RSA 186 that was revised July 2020 to add language distinguishing parental opt-out of health education based on religious reasons.
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HEALTH EDUCATION & EXEMPTION FROM INSTRUCTION

District Policy History:

First reading: _____
Second reading/adopted: _____

District revision history:

Legal References:

20 U.S.C §1232h, (c)(1)(C), Protection of Pupil Rights
RSA 186:11, IX, Instruction as to Intoxicants and Sexually Transmitted Diseases
RSA 186:11, IX-b, Health and Sex Education
RSA 186:11, IX-c, Objectionable Course Material
RSA 186:11, IX-e Notice to Parents/Guardian Required
NH Code of Administrative Rules, Section Ed 306.40, Health Education Program
NH Code of Administrative Rules, Section Ed 306.41, Physical Education Program

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

When adopting this sample or variation of the same, a district should not include the NHSBA history or NHSBA policy notes appearing below. The district should, to the extent possible, include its own adoption/revision history, as well as the legal references and disclaimer as indicated above.

NHSBA history: Revised – July 2020, September 2017; New policy – September 2008

NHSBA revision notes, June 2020, amendments intended to (1) more directly connect requirements for education about sexually transmitted diseases (previously found in policy IHAMC/GBGAA/JLCCA) into health education provisions, (2) adding language distinguishing parental opt-out of health education based upon religious reasons (RSA 186:11, IX-b) from opt-out process for other “objectionable course material” as spelled out in policy IGE, and (3) clarifying the inspection right/process; **September 2017,** added language to reflect enactment of RSA 186:11, IX-c and its requirements of notice and rights of inspection of materials regarding human sexuality/sexual education (see September 2017 update for additional information).

w/p-update/2020/spring//IHAM - Health Education & Exemption (d1) 2020-U1

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NHSBA sample policy. We do not have this policy.
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IHAM-R

HEALTH AND SEX EDUCATION EXEMPTION: OPT-OUT FORM

I, _____ (parent/guardian) request that my child, _____ be excused from participating in certain units of health or sex education instruction based on religious objections.

I request that the District waive the class attendance of my child in a class or courses on:

- Comprehensive sex education, including in grades 6-12, instruction on the prevention, transmission, and spread of AIDS.
- Family life instruction, including in grades 6-12, instruction on the prevention, transmission, and spread of AIDS.
- Instruction on diseases.
- Recognizing and avoiding sexual abuse.
- Instruction on donor programs for organ/tissue, blood donor, and transplantation.

Please identify the grade level, class, and building. _____

I understand that I am requesting the school to excuse my child from certain units of curriculum that are required by state law. I further understand that in lieu of receiving instruction in this unit of health education, my child may be required to receive alternative learning in health education that is sufficient to enable my child to meet state requirements for health education. I further understand that this opt-out exemption is only valid for the school year in which it is signed and subsequent waivers may be necessary.

Parent/Guardian Signature

Administrator Signature

Date Received _____

For reference only

PARENTAL OBJECTIONS TO SPECIFIC COURSE MATERIAL

The Board recognizes that there may be specific course materials which some parents/guardians find objectionable.

Parents and legal guardians shall be notified by e-mail, course syllabus, other written means, website/social media posting, or phone call not less than two (2) weeks in advance of use of the curriculum course material to be used for instruction of human sexuality or human sexual education, that the material is available for inspection at the school. The notice will identify and provide contact information for the member of staff or faculty a parent or guardian should contact to arrange an opportunity to inspect the curriculum course material. For further information on health education course material, see Board Policy IHAM.

In the event a parent/guardian finds specific course material objectionable, the parent/guardian may notify the building principal of the specific material to which they object and request that the student receive alternative instruction, sufficient to enable the child to meet state requirements for education in the particular subject area. This notification and request shall be in writing.

The building Principal and the parent must mutually agree to the alternative instruction. The alternative instruction agreed upon must meet state minimum standards.

School District staff will make reasonable efforts, within the scope of existing time, schedules, resources and other duties, to accommodate alternative instruction for the student. Alternative instruction may be provided by the school, through approved independent study, or through other method agreed to by the parent/guardian and the building principal. Any cost associated with the alternative instruction shall be borne by the parent.

Parents who wish for particular instructional material be reviewed for appropriateness may submit a request for review in accordance with Board Policy KEC.

In accordance with the federal Protection of Pupil Rights statute, as a School District that receives federal Department of Education funds, the Superintendent shall develop procedures to allow parent/guardian of a student to inspect any instructional material used as part of the educational curriculum for the student. The procedures will provide reasonable access to instructional material within a reasonable period of time after the request is received.

Legal References:

RSA 186:11, IX-c & IX-e State Board of Education; Duties.
20 U.S.C §1232h, (c)(1)(C), Protection of pupil rights

(Adopted: 4/2/2018)

PART-TIME AND SUBSTITUTE PROFESSIONAL STAFF EMPLOYMENT

The Superintendent shall maintain a list of qualified substitute teachers who may be called on to replace regular teachers who are absent. Such a list shall be filed with the principal of each school.

~~Insofar as possible, the Principal or designee~~ **The Absence Management system** will call teachers on the substitute list for the grades and/or subjects for which they are listed. A teacher whose name does not appear on the substitute list may not be employed in the District except when specifically approved by the Superintendent. Principals will be responsible for seeing that the work of the substitute is as effective as possible and will provide him/her with a planned instructional program. The Superintendent, in conjunction with the **Assistant** Principals, will conduct an annual orientation of substitute teachers prior to opening of school.

SUBSTITUTES PAY

The rate of pay for a substitute shall be set by the School Board and be subject to periodic review.

REGULATIONS CONCERNING SUBSTITUTES

1. Substitutes must hold a high school diploma or have experience at the college level, or some experience working with children.
2. College undergraduates may be assigned to the substitute list for GES and GMS. Student teachers assigned in Gilford classrooms may substitute only in the classroom of their supervising teacher.
3. A student teacher who is substituting will be paid at the regular rate.
4. Substitute teachers must complete a criminal record check, which will be paid for by the Gilford School District.

Legal References:

RSA 189:13-a, School Employee and Volunteer Background Investigations

(Adopted: 4/4/2011)

(Revised: 5/6/2013, 11/4/2019)

PER DIEM RATES FOR SUBSTITUTE TEACHERS

The following guidelines will be utilized in the calculation of substitute teacher wage/benefits.

<u>TERM</u>	<u>PER DIEM RATE</u>
Up to ten (10) days in same assignment or any number of days in various assignments	1) District substitute Rate: \$75.00 2) Licensed Nurse substitute Rate: Bachelor entry level per diem.
Long Term Substitute: 11-89 consecutive days in same assignment	1) Entry level annual salary divided by 186, to be effective on the 11 th consecutive day
Permanent Substitute: 90 Consecutive days or more in the same assignment	1. Actual annual salary that would be earned by the substituting teacher in a contract assignment divided by 186. 2. Five sick days 3. Listed benefits should be consistent with the negotiated agreement. (Pro rate 1/2 time.)

If at the time of the assignment, it is known that it will be eleven (11) days or longer, the higher applicable rate may be paid as of the first day. Given unusual circumstances, modifications may be made at the discretion of the superintendent of schools.

Additional Information

Certified teachers will be hired as “long term substitutes” or “permanent substitutes.” In cases where teachers are not certified, the school district shall request “permission to employ” from the N.H. DOE

Long term and permanent substitutes will receive a letter of understanding regarding their responsibilities.

(Adopted: 9/01/92)
(Revised 3/13/00, 5/3/2010, 10/6/2014, 11/4/2019)

(Ref. 4263)