

# **Policy Development Committee Agenda**

**10/13/2023**

**7:00 A.M. ~ Gilford High School Library**

## **Policies to Review**

GBCD – Background Investigation and Criminal History Record Check

IHBI – Alternative Learning Opportunities

IHBH – Extended Learning Opportunities

ACN – Nursing Mothers Accommodations

KCD – Public Gift/Donations

## BACKGROUND INVESTIGATION AND CRIMINAL HISTORY RECORDS CHECK

*Category: Priority/Required by Law*

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

**A. Definitions.** As used in this policy:

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

## BACKGROUND INVESTIGATION AND CRIMINAL HISTORY RECORDS CHECK

7. **“Volunteer”** is defined as an individual that provides services whether for classroom or other student programs or activities, chaperones, classroom volunteers, trades work, etc.
8. **“Designated Volunteer”** is any volunteer who:
  - a. Comes in direct contact with students on a predictable basis (e.g., library volunteer, overnight field trip chaperone);
  - b. Meets regularly with students (e.g., community mentor, volunteer assistant coach);
  - c. Meets with students on a one-on-one basis without the presence of a teacher or other such professional staff member; OR
  - d. Any other volunteer so designated by the School Board or Superintendent.

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

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

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

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

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

~~**B. Background Investigation.** The Superintendent will require a Background Investigation of any Applicant or Covered Person as defined in this policy. The Superintendent may assign the Background Investigation (but not the CHRC) to someone other than designee, but shall be completed prior to making a final offer of employment, approving the contract with an individual contracting directly with the District, student teacher, or a Designated Volunteer to work or serve within the District. For Covered Persons who are employed by a third party contractor or assigned as a Designated Volunteer by a volunteer agency, the Superintendent or designee may waive the Background Investigation and instead rely on suitable assurances from the contracting company or agency regarding a background investigation. The requirement for a Criminal History Records Check under paragraph D, below, however, may not be waived. All decisions regarding employment and the pre-employment process shall conform to the District’s Anti-Discrimination and Equal Opportunity policy, AC.~~

## BACKGROUND INVESTIGATION AND CRIMINAL HISTORY RECORDS CHECK

~~As part of the application process, each Applicant shall be asked if they have ever been convicted of any crime and whether there are any criminal charges pending at the time of application. The Applicant will also be directed to report any criminal charges after the application is submitted and until either hired or until notified that they will not be hired. Failure to report will be treated in the same manner as falsification of information under Section C below.~~

~~General record of completion of a Background Investigation (but not copies of the results of a CHRC) shall be retained in an employee's personnel file and retained pursuant to the District's Record Retention Schedule EHB-R.~~

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

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

**As part of the application process, each Applicant shall be asked whether he/she has ever been convicted of any crime and whether there are any criminal charges pending against him/her at the time of application. The Applicant will also be directed to report any criminal charges brought against him or her after the application is submitted and until either hired or until notified that s/he will not be hired. Failure to report will be treated in the same manner as falsification of information under Section C, below.**

**General record (e.g., checklist and or source documentation) of completion of a Background Investigation (but not copies of the results of a CHRC) shall be retained in an employee's personnel file and retained pursuant to the District's**

## BACKGROUND INVESTIGATION AND CRIMINAL HISTORY RECORDS CHECK

### Record Retention Schedule EHB-R.

- 2. Prohibition against hiring/appointment of individuals with revoked or suspended credentials.** The District will not hire any individual whose education license, certification or other credential (“credential”) issued by the Department of Education is currently revoked or suspended, unless: (1) the individual’s prospective employment would begin after the reinstatement of that individual’s credential; or, (2) the individual retains an active endorsement in one or more areas in which the individual remains eligible for employment, even though the endorsement in another area is under revocation or suspension.

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

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

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

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

**D. Criminal History Records Check.**

- 1. General.** As part of the District’s Background Investigation, each Applicant must submit to a Criminal History Records Check (“CHRC”) through the State of New Hampshire in full compliance with RSA 189:13-a. No Covered Person/Applicant shall be employed, extended

## BACKGROUND INVESTIGATION AND CRIMINAL HISTORY RECORDS CHECK

a Conditional Offer of Employment, or begin service in the District, until the Superintendent, or designee, has initiated a CHRC.

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

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

### 2. Special Provisions for Educator Candidates, Bus Drivers & Bus Monitors.

**a. Educator Candidate.** Educator Candidates who are placed in the District as a student teacher shall undergo a CHRC prior to beginning in the District. For Educator Candidates in the District under a status other than student teacher (e.g, observation, Methods Course or Practicum student), the Superintendent or designee will determine whether to require a CHRC using the same parameters included in the Designated Volunteer definition, above.

**b. Bus Drivers and Bus Monitors.** Pursuant to RSA 189:13-a, VI and RSA 189:13-b, criminal history records checks for bus drivers and bus monitors shall be processed through the New Hampshire Department of Education (“NHED”). Although NHED will conduct the CHRC, the Superintendent or designee shall require a Background Investigation in accordance with paragraph B.

**3. Results of Criminal History Records Check.** The results of the CHRC shall be delivered to the Superintendent or designee who shall be responsible for maintaining their confidentiality. The Superintendent or designee shall destroy all results and reports of any CHRC within sixty (60) days of receiving said information.

**4. Pending Charges or Convictions for Section V Offenses.** If the results of the CHRC disclose that the Applicant has either been convicted of or is charged pending disposition of a violation or attempted violation of a Section V offense, that person shall not receive an offer or final offer of employment. Additionally, the Superintendent (not the Superintendent’s designee), shall notify NHED through its Investigator or the Chief of the Governance Unit or as otherwise directed by NHED.

**5. Non-Section V Offenses and/or Past Charges of Section V Offenses.** If the results of a CHRC disclose that the Applicant has been charged (whether pending or previously concluded) with a Non-Section V Offense, or has been previously charged with a Section V Offense which the charge has been disposed of other than by a conviction, the Superintendent or designee shall take such information into account prior to hiring or assigning such Applicant. In making a determination regarding such an Applicant, the Superintendent or designee shall consider all reliable information, and assess whether, in light of the totality of the circumstances, the Applicant’s suitability for the position sought with student safety being the priority consideration. (Circumstances the Superintendent should consider, include,

## BACKGROUND INVESTIGATION AND CRIMINAL HISTORY RECORDS CHECK

but are not limited to, nature and date of the charge, information about reduced charges, age at time of charge, relationship of the nature of the charged offense to the duties of the position sought).

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

**Pursuant to regulations of the United States Dept. of Justice, and RSA 189:13-a, the Superintendent may NOT share with the Board information directly gleaned from the CHRC regarding specific criminal charges, arrests, convictions etc., but may share the fact that s/he is nominating a person whose background investigation revealed information requiring the Superintendent to apply the criteria established by the Board in the preceding paragraph. ~~ession general information about the offense/conviction but is prohibited under RSA 189:13-a from sharing the CHRC report.~~**

6. **Fees for Criminal History Records Check.** Any applicant for whom the Board requires a CHRC check, or, in the instance of third party contractors/organizations, the Covered Person's employer/organization, shall pay the actual fees and costs associated with the fingerprinting process and/or the submission or processing of the CHRC, unless otherwise determined by the Board.
  7. **Additional Criminal Records Checks.** To the extent permitted by law, the Superintendent or designee may require a CHRC of any Covered Person at any time after hire or appointment to a position within the District.
- E. Conditional Offer of Employment.** Applicants who have been selected for employment may be given a conditional offer of employment, with the final offer subject to the successful completion of the Background Investigation and CHRC, and a determination that there are no disqualifying pending charges or convictions.

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

- F. Final Offer of Employment.** No Applicant shall be extended a final offer of employment or be allowed to serve/provide services in the District if such person has charges pending or has been convicted of any Section V Offense; or where such person has been convicted of the same

## BACKGROUND INVESTIGATION AND CRIMINAL HISTORY RECORDS CHECK

conduct in another state, territory, or possession of the United States; or where such person has been convicted of the same conduct in a foreign country.

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

- G. Administrative Protocols/Procedures.** The Superintendent is authorized to establish written protocols for background investigations, and such protocols may vary depending on the nature of the position(s) (e.g., verification of academic records and achievements for certified professionals, credit checks for personnel with fiscal responsibilities). The written protocols may include additional specific disqualifying misdemeanor or felony convictions or charges (e.g., prostitution, theft, etc.) in addition to the Section V Offenses.
- H. Contractor and Vendor Provisions.** The Superintendent shall take such steps as are necessary to assure third party agreements which involve covered personnel to include a provision for such personnel to complete CHRCs and Background Investigations as required under this policy, as well as training and information relative to child sexual abuse prevention as required under RSA 189:13-a, XII and policy GBCE.
- I. Training of Superintendent/Designee.** The Superintendent or any designee shall complete such training relative to the reading and interpretation of criminal records as required by NHED.
- J. Reports of Criminal Offenses Post-Hire or Commencement of Service.** When the District receives a notification of a Covered Person being charged with or convicted of a Section V Offense or other crime which is evidence of the individual's unsuitability to continue in their role, the Superintendent shall take immediate appropriate action to remove the individual from contact with students. Employees shall be placed on paid administrative leave, if not subject to immediate discharge. The Superintendent will then take appropriate employment or other action, consistent with law and any applicable employment contract or collective bargaining agreement to address the individual's ongoing relationship with the District. If the Covered Person charged/convicted of a Section V Offense is a credential holder as defined in the New Hampshire Code of Conduct for Educators, the Superintendent shall report to the New Hampshire Department of Education pursuant to section 510.05 of the Code and Board policy GBEAB – Mandatory Code of Conduct Reporting.

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### **Legal References:**

RSA 189:13-a, School Employee and Designated School Volunteer Criminal History Records Check  
RSA 189:13-b, School Bus Driver and Transportation Monitor Criminal History Records Check  
Code of Conduct for New Hampshire Educators  
RSA 189:13-c Credentialing Applicant and Candidate Criminal History Records Check



## **BACKGROUND INVESTIGATION AND CRIMINAL HISTORY RECORDS CHECK**

**NHSBA history:** Revised – May 2022, Sept. 2021, Nov. 2020, Sept. 2017, Sept. 2016, Sept. 2010, Aug. 2007, Dec. 2004, Nov. 1999

**NHSBA revision notes, May 2022**, restructured generally – added and put definitions in front; added language reflecting 2021 SB134’s changes to 189:13-a and new section 189:13-c; added language re substitute teachers per 2022 amendment to 189:13-a, VI; and added additional policy cross-references; **September 2021**, added “designee” language in Section F to reflect 2021 amendments to RSA 189:13-a, added legal references, and revised language to clarify prohibition of employing applicant who has been charged pending disposition or convicted of a Section V offense; **November 2020**, NHSBA revised GBCD to reflect 2020 amendments to RSA 189:13-a, and more generally to improve usability.

## ALTERNATIVE LEARNING OPPORTUNITIES

### Purpose

In an effort to reduce the number of students who are at risk of not completing the requirements to graduate from high school and earn a diploma, the Board established a program for alternative learning opportunities for students to obtain a high school diploma or its equivalent. The District, through an alternative learning opportunity team which may consist of teachers, administrators, and a school counselor, are directed to identify students who may be at risk for dropping out of high school, for developing alternative learning opportunities consistent with this policy, and for facilitating alternative learning opportunities.

Alternative learning opportunities may include, but are not limited to, extended learning opportunities, independent study, private instruction, internships, HiSET, adult education classes, Job Corps, apprenticeships, online/virtual education, **NHED approved programs and initiatives** or other opportunities approved by the Principal, in conjunction with Board policies.

Alternative learning opportunities may include extended learning opportunities taken for credit or taken to supplement regular academic courses. If the alternative learning opportunity includes extended learning opportunities taken for credit, the provisions of *Policy IHBH*, will apply. The granting of credit shall be based on a student's mastery of course competencies, as defined by *Policies ILBA, Assessment of Educational Programs* and *ILBAA, High School Competency Assessments*. A certified educator in the respective subject (unless waived by the Principal) and the Principal must authorize the granting of credit for learning accomplished through extended learning opportunities. If credit is not granted, the extended learning opportunity may be used to fulfill prerequisite requirements for other courses.

### Roles and Responsibilities

Alternative learning opportunity components shall have specific instructional objectives aligned with the State minimum standards and District curriculum standards. All alternative learning opportunities will comply with applicable laws, policies, and regulations, including child labor laws and regulations governing occupational safety.

When appropriate, school counselors and/or administrators should inform students of the option of pursuing a high school diploma through the development of an alternative learning opportunity. Other District employees who believe a student may be at risk of dropping out of high school should inform the Principal or the student's school counselor of their concerns regarding the student. Student's expressing interest in pursuing such an alternative learning opportunity or program should be referred to the Principal or the school counselor. The Principal, school counselor, or Principal's designee will then discuss the alternative learning opportunity option with the student and the student's parent or guardian.

The school counselor or Principal's designee is responsible for assisting students and their parents/guardians in preparing application forms and other necessary paperwork for alternative learning opportunities. The alternative learning opportunity components will be determined through a team consisting of the student, school personnel, parent/guardian and other appropriate people based on the individual student need.

The Principal or designee and the designated team will have primary responsibility and authority for approval and implementation of alternative learning opportunities and will oversee all aspects of such programs. The Principal will be responsible for reviewing and approving alternative learning opportunities and credits awarded toward the attainment of a high school diploma or its equivalent.

Students who are minors and are approved for alternative learning opportunities must have parent/guardian permission to participate in such a program. Such permission will be granted through an agreed upon plan signed by the parent/legal guardian, Principal or designee and student. The agreed upon plan will be returned to the school counseling office before the plan starts. The District will require a signed agreement between the school, the student, the parent and a designated agent of the third-party host for remote alternative learning opportunities. The agreement will specify the roles and responsibilities of each party.

Students engaged in alternative learning opportunities will remain as enrolled students of their District. Alternative learning opportunities that are approved by the District become the responsibility of the District to facilitate implementation, may include associated costs and transportation.

### **Approval Process**

1. The student and his or her parent/guardian seeking an alternative learning opportunity shall meet with the school counselor or Principal to discuss alternative learning opportunity options and initiate the formation of an alternative learning opportunity team. The team, including the student and parent/guardian, will meet to design the alternative learning opportunity to enable the student to remain enrolled in school and complete educational requirements.
2. The Principal will review the paperwork and will determine whether or not to approve the alternative learning opportunity. The Principal's decision will be made within ten (10) days of receipt of the paperwork. The student and parent/guardian will be notified in writing of the decision. If additional information is requested, the information must be submitted within ten (10) days of receipt of the request.
3. It is the student's responsibility to maintain academic standing, comply with agreed upon contract and enrollment in the approved program. Any failure to complete an approved plan may jeopardize the student's ability to remain in the program and receive credit towards obtaining a high school diploma or its equivalent. The student and parent/guardian recognize that in the event the student withdraws or is removed from an approved program, the District cannot guarantee placement in an equivalent District-offered course.
4. The District reserves the right to determine the number of credits to be awarded. The course name and actual grade earned, if applicable, will be noted on the student's official transcript.

### **Evaluation Criteria**

The Principal will evaluate all applications of students wishing to participate in an alternative learning opportunity or program. At a minimum, any alternative learning opportunities must meet the following criteria:

- Provides for proper administration and supervision of the program or opportunity
- Provides that certified school personnel oversee and monitor the program
- Requirement that each extended learning opportunity, if included in the alternative learning opportunity, meets rigorous standards, including the minimum standards established by the State Board of Education and all other applicable District standards
- Includes age-appropriate academic rigor and the flexibility to incorporate the student's interests and manner of learning
- Makes provisions for unbudgeted costs
- Are developed and amended, if necessary, in consultation with the student, a school counselor, the school Principal and at least one parent/guardian of the student.

### **Appeal Process**

A student whose Alternative Learning Plan has been denied may request a meeting with the Principal. The Principal will provide the student with rationale as to why the proposal was denied. Students may resubmit alternate proposals for consideration if such proposals are made within the timelines established by this policy. All decisions made by the Principal shall be final.

### **Program Integrity**

In order to insure the integrity of the learning experience approved under this program, the student will be required periodically or upon demand to provide evidence of progress. The Principal will be responsible for certifying completion of the opportunity or program and the award of credits, consistent with the District's policies on graduation.

If a student is unable to complete the alternative learning opportunity for valid reasons, the Principal will evaluate the experience completed to date and make a determination for the award of partial credit or recommend an alternative experience. The Principal will determine the validity of such reasons on a case-by-case basis.

If a student ceases to attend or is unable to complete alternative learning opportunity for insufficient reason (lack of effort, failure to follow through, indecision, not meeting deadline of June 1<sup>st</sup> or earlier agreed upon date, etc.), the Principal may determine that the student's transcript be adjusted to reflect the experience as a failure.

In order to certify completion of curricular programs and activities based upon specific instructional objectives aligned to the standards, the Principal or designee will develop a process to monitor to document student progress.

**Legal References:**

*RSA 193:1, Duty of Parent; Compulsory Attendance by Student  
NH Code of Administrative Rules, Section Ed 306.04(a)(13), Extended Learning  
Opportunities  
NH Code of Administrative Rules, Section Ed 306.27(b)(4), Extended Learning  
Opportunities – High School*

**(Adopted: 10/5/2009)**

**(Revised: 4/7/2014, 8/5/2019)**

## EXTENDED LEARNING OPPORTUNITIES

### Purpose

Extended learning opportunities (ELO) are a means of acquiring knowledge and skills through instruction or study that is outside the traditional classroom. ELOs may include, but are not limited to, independent study, private instruction, performing groups, internships, community service, apprenticeships, online courses/remote education, **NHED approved programs** or other opportunities in conjunction with Board policies.

The purpose of ELOs is to provide educational experiences that are meaningful and relevant, and that provide students with opportunities to explore and achieve at high levels. In order to maximize these learning opportunities and provide diverse pathways for learning, this policy permits students to employ ELOs that are stimulating and intellectually challenging, and that enable students to fulfill or exceed the expectations set forth by State minimum standards and applicable Board policies.

ELOs may be taken for credit or may be taken to supplement regular academic courses. ELOs may also be used to fulfill prerequisite requirements for advanced classes. The granting of credit shall be based on a student's mastery of course competencies, as defined by *Policies ILBA*, *Assessment of Educational Programs* and *ILBAA, High School Competency Assessments*. Certified Teachers must authorize the granting of credit for learning accomplished through ELOs.

### Roles and Responsibilities

The school counseling office oversees ELOs. All ELOs must meet or exceed the proficiencies and skills identified by the New Hampshire State Board of Education, applicable rules and regulations of the Department of Education, and all applicable Board policies. All programs of study proposed through this program shall have specific objectives aligned with the State minimum standards and District curriculum standards. All ELOs will comply with applicable laws and regulations, including child labor laws, policies and regulations governing occupational safety.

Students wishing to pursue an ELO under these guidelines must first present their proposal to their school counselor.

The Principal or designee will have primary responsibility and authority for ensuring the implementation of ELOs and all aspects of such programs. The Principal or designee will determine who will be responsible for approving student eligibility and such approval will include a consideration of the overall benefits, costs, advantages and disadvantages to both the student and the district.

The Principal or designee will review and determine credits that will be awarded for ELOs toward the attainment of a high school diploma. Parents/guardians and/or students may appeal decisions rendered by the Principal within the provisions below (see Appeal Process).

Students approved for an ELO must have parental/guardian permission to participate in such a

program. Such permission will be granted through an application signed by the parent/legal guardian and returned to the school counselor or ~~College and Career Readiness Coordinator~~ before beginning the program.

All ELOs not initiated and designed by the District shall be the financial responsibility of the students or their parent/legal guardian. Students electing independent study, college coursework, internships, or other ELOs that are held off the high school campus will be responsible for providing their own transportation to and from the off-campus site. However, the District may provide transportation if feasible.

Students who have a financial or transportation need that would prevent such participation, may request school assistance through their school counselor. Such requests may be granted if District resources are available and at the discretion of the Principal. The Principal or a school counselor will assist students in seeking alternative means of financial or transportation assistance if so needed.

Students approved for off-campus ELOs are responsible for their personal safety and well-being. ELOs at off-campus sites will require a signed agreement among the school, the student, and a designated agent of the third-party host. The agreement should specify the roles and responsibilities of each party.

### **Application Process**

1. The application is to be completed by the student/parent/guardian seeking approval for the ELO.
2. The application should be completed and submitted at least ten (10) days prior to the beginning of the proposed program. However, the School Board recognizes that short-term notice opportunities may present themselves to students from time to time. As such, the Principal or designee may grant waivers to the ten (10) day submission requirement at their discretion, provided all other application criteria are satisfied. Such waivers will be granted on a case-by-case basis. All required information must be attached to the application and submitted to the student's school counselor.
3. The application will be reviewed by appropriate District staff and administration and a decision will be made within ten (10) days of receipt of the application. The student will be notified in writing of the status of the application. If additional information is requested, the information must be submitted within one week of receipt of the request.
4. It is the student's responsibility to maintain academic standing and enrollment in the approved program. Any failure to complete an approved program may jeopardize the student's ability to earn credit for the course. The student and parent/guardian recognize that in the event the student withdraws from an approved program, the District cannot guarantee placement in an equivalent District-offered course.
5. The District reserves the right to determine the number of credits to be awarded. Any credits earned may be calculated towards the overall Grade Point Average (please

see Program of Studies). The course name and actual grade earned will be noted on the student's official transcript. Credit for the course will be recognized when an official record of the final grade has been submitted to the Principal or designee. However, class rank and grade point average will be calculated at the end of each trimester.

6. Credit may be earned through alternative methods outside of regular classroom-based instruction offered by the District schools area schools. Awarding of credits to be applied toward high school graduation will be determined by the High School Principal, and will be granted only if the request fulfills the following:

The request is submitted with a plan to achieve competency that meets or exceeds the rigorous academic standards required by the school for students enrolled in a credit course offered by the school.

- The plan includes clear expectations for performance.
- The plan includes clearly defined methods and expectations for assessment.
- If a student ceases to attend or is unable to complete extended learning opportunity for insufficient reason (lack of effort, failure to follow through, indecision, not meeting deadline of June 1<sup>st</sup> or earlier agreed upon date, etc.), the Principal may determine that the student's transcript be adjusted to reflect the experience as a failure.

7. The Program of Studies defines proficiency for different types of ELOs. ELO credits and grades will be recorded on the student's transcript and will be used to compute Class Ranking and Grade Point Averages. They will be used to determine eligibility for co-curricular and to determine a student's status as full time.

### **Evaluation Criteria**

At a minimum, all ELOs must meet the following criteria:

- Provides for administration and supervision of the program
- Provides that certified school personnel oversee and monitor the program
- Requirement that each ELO meets rigorous standards, including the minimum standards established by the State Board of Education and all other applicable District curriculum standards

### **Appeal Process**

A student whose ELO has been denied may request a meeting with the Principal. The Principal will provide the student with rationale as to why the proposal was denied. Students may resubmit alternate proposals for consideration if such proposals are made within the timelines established by this policy. All decisions made by the Principal shall be final.



### **Program Integrity**

In order to insure the integrity of the ELO, the student may be required periodically or upon demand to provide evidence of progress and attendance. The Principal will be responsible for certifying course completion and the award of credits consistent with the District's policies on graduation.

If a student is unable to complete the ELO for valid reasons, the Principal or designee, and a content certified educator will evaluate the experience completed to date and make a determination and recommend an alternative experience.

If a student ceases to attend or is unable to complete the ELO for inadequate reason (lack of effort, failure to follow through, indecision, etc.), the Principal may determine that the student's transcript be adjusted to reflect the experience as a failure.

In order to certify completion of co-curricular programs and activities based upon specific instructional objectives aligned to the standards, the school will develop an appropriate process to monitor and document student progress and program completion.

It shall be incumbent upon the students or their parent/legal guardian to request that copies of the student's official transcript be sent from the former school.

#### **Legal References:**

*NH Code of Administrative Rules, Section Ed 306.04(a)(13), Extended Learning Opportunities*

*NH Code of Administrative Rules, Section Ed 306.26(f), Extended Learning Opportunities – Middle School*

*NH Code of Administrative Rules, Section Ed 306.27(b)(4), Extended Learning Opportunities – High School*

**(Adopted: 8/5/2019)**

**(Revised: 9/12/2022)**

**Nursing Mothers Accommodations Policy ACN**

**Category: Priority (Required by Law)**

- a. *Adoption Note – Effective for 2023, both the state and federal legislatures (respectively, HB 358 and the Pump for Nursing Mothers (“PUMP”) Act) passed laws mandating – with limited exceptions - accommodations in the workplace for employees who are nursing. Both statutes only apply to employees. However, students who are nursing are protected from discrimination under other statutes like Title IX and RSA193:38, such that denying reasonable accommodation is discriminatory and exposes a district liability. As such, districts with high schools or other schools anticipating the possibility of students who have such needs may wish to adopt a singular policy for both students and employees. Districts without the likelihood of such students, or which choose not to include students in the policy, should make the necessary adjustments to the language of this sample. (The adjustments should only require removal of reference to students in section A and to the two references to the school nurse, all of which are highlighted.)*

**NHSBA history: New policy, September 2023**

**NHSBA revision notes, September 2023,** New sample policy is intended to reflect the requirements of HB358 (RSA 275:78-83 and the federal Pump for Nursing Mothers (“PUMP”) Act, both of which mandate certain accommodations for nursing mothers. Additionally, the federal Pregnant Worker Fairness Act ("PWFA") also provides non-discrimination protections for pregnancy related conditions which include post-delivery (e.g., nursing). The PWFA, however, does not include specific provisions relating to nursing, and the provisions of this sample will meet the PWFA's requirements.) While the provisions from HB358 largely parallel some of the requirements of the PUMP, there are some very significant distinctions. Important distinctions include: the PUMP Act does not require employers to adopt a policy concerning expression of milk; while, HB358 does; the PUMP Act implicitly includes breastfeeding, while HB358 explicitly excludes it and only addresses expression of milk by "manual or mechanical means;" the PUMP Act provides an undue hardship exception for employers with less than 50 employees, while HB358 does not give a prerequisite number of employees for the undue hardship exception. As to the differences in the statute, it is important to note that in many respects the PUMP Act will take priority over the provisions of HB358, especially with respect to the limitations on the hardship exception for districts with more than 50 employees. For a more thorough discussion of the differences and similarities of the two laws, please see the 2023 Legislative Summary entry for HB358.



#### A. Statement of Purpose.

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

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

#### B. Accommodation Notice and Plans.

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

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

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

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

A nursing mother who is an hourly employee<sup>[iv]</sup> [delete endnote] [CHOOSE ONE OF TWO OPTIONS] [OPTION 1] will not be paid during nursing periods unless either (a) the nursing period falls during a regular paid break (e.g., a paid lunch), or she is not completely relieved of duties during the nursing break. [OR OPTION 2] will be paid during nursing periods. Nursing mothers shall not be required to “make up” time relating to the use of unpaid nursing periods.

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

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

1. May be temporary or permanent.
2. Shall be shielded from view and free from intrusion by other persons, including without limitation other staff or students;

3. Shall be within a reasonable walk to the nursing mother's work-station or classroom unless otherwise agreed by the nursing mother;
4. Have at a minimum an electrical outlet and a chair if feasible;
5. [items 5 is optional, delete/modify as desired] Will have a District provided, hospital grade lactation pump for shared use;
6. Have a sink with running water if feasible, or be in proximity to one;
7. Have a refrigerator for breast milk storage if feasible, or be in proximity to one; and
8. Shall be cleaned regularly by District staff assigned to that duty.

E. Nursing Mother Responsibilities.

Nursing mothers will:

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

F. Prohibited conduct.

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

G. Dissemination of policy.

This policy shall be printed or summarized in applicable employee and student handbook. For employees, if the handbook is not provided at the time of hire, then the District will provide a copy of this policy at the time of hire.

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<sup>ii</sup> [Delete endnote] The minimum period under both the FLSA and HB358 is one year.

<sup>iii</sup> [Delete endnote] The federal PUMP Act only allows hardship exceptions for employers with fewer than 50 employees. Accordingly, while smaller employers are entitled to an exception under the federal law, larger (50+) employers are not. However, the federal statute is more flexible than the state statute relative to the specific spaces and breaks required. Additionally, the state statute specifically allows parties to agree to different specific accommodations than are described in the statute. Accordingly, both statutes allow variances. If the mother and the District can't agree, then the human rights officer, superintendent and possibly the district's attorney should be consulted.

<sup>iiii</sup> [Delete endnote] As noted in section B and endnote ii, the undue hardship exemption is only available to employers with less than 50 employees. Accordingly, districts with more than 50 should not include the bracketed language.

<sup>iv</sup> [Delete endnote] Employers are not required to pay for nursing periods unless (a) the employee is not free from all duties during that period, or (b) the nursing period falls within an otherwise paid

break (e.g., paid lunch). Note, this provision may implicate provisions of applicable collective bargaining agreements.

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## **Federal Statutes**

20 U.S.C 1681, et seq

42 U.S.C. 2000gg

42 U.S.C. 218d

## **Description**

[Title IX of the Education Amendments of 1972](#)

[Pregnant Worker Fairness Act \("PWFA"\)](#)

[Pump for Nursing Mothers Act \("PUMP Act"\)](#)

*Current GSD Policy for review. 2023 passage of HB207, amended RSA 198:20-b, an increased the amount from 5,000 to \$20,000 of unanticipated revenue a school board may accept without the need for 7 day notice and public hearing.  
10-13-2023 Policy Committee*

## **ACCEPTING DONATIONS/GIFTS**

The Gilford School Board wishes to encourage appropriate acts of generosity on the part of citizens or groups of citizens in the community. However, to insure the proper handling of such gifts and to discourage unwarranted solicitation of such gifts by members of the staff, the following procedures are established for the receipt of gifts:

Procedures:

- A. No member of the staff will solicit gifts for any purpose without receiving authorization from the School Board or its agents.
- B. Acceptance of all gifts (material or other) over fair market value of \$2,000 must receive the approval of the Gilford School Board or its authorized agents. Proper acknowledgement of their receipt will be made by the School Board
- C. Pursuant to RSA 198:20-b, III, gifts in the amount of \$5,000 or more shall require the Board to hold a public hearing regarding any action to be taken with the gift. Notice of the time, place, and subject of such hearing shall be published in a newspaper of general circulation in the relevant municipality at least 7 days before the meeting is held.
- D. Equipment contributed to the schools becomes the property of the District and is subject to the same controls and regulations that govern the use of other school owned property.
- E. Contributions of equipment or services that may involve major costs for Installation and/or maintenance, or initial or continuing financial commitments from school funds shall be presented by the superintendent's office for School Board consideration and approval.
- F. Donations of a commercial nature require the prior approval of the School Board.
- G. In lieu of specific instructions, the School Board shall determine the use of a money gift, grant, or bequest.
- H. In instances where the Superintendent or his designee questions the appropriateness or usefulness of an offered gift, the gift may be declined or the matter may be referred to the school board.
- I. The School Board welcomes gifts of books and other materials to school libraries provided that they meet the same standards of selection as those applied to the purchase of the library materials.

*Current GSD Policy for review. 2023 passage of HB207, amended RSA 198:20-b, an increased the amount from 5,000 to \$20,000 of unanticipated revenue a school board may accept without the need for 7 day notice and public hearing.  
10-13-2023 Policy Committee*

- J. The School District may dispose of gifts at their discretion (for example, if the book is out of date or in poor physical condition).
- K. The School Board wishes to recognize the generosity of those who give to the school and at the same time wishes to preserve the esthetics of the schools as well as to preserve the freedom from overt commercialism in the schools.

This balance may be achieved with the recognition to be forms of acknowledgment that recognizes the donor and date of the contribution. These small symbols of recognition may be placed in the school at the discretion of the school or at the home or business of the donor. The School Board reserves the right to accept or reject any plaque placed at school, based on the stated criteria of esthetics and commercialism.

**Legal References:**

*RSA 198:20-b, III*

**(Adopted: 6/21/99)**

**(Revised: 3/05, 8/17/2015, 5/2/2016)**

**(Reaffirmed: 4/2/2018)**

**Public Gifts/Donations**

**KCD**

**Category: Recommended**

- a. **Adoption note:** *While this notation was added with the 2023 revisions, it applies equally to the pre-2023 versions as well.* This sample policy allows the District to accept gifts - which generally will fall into the classification of "unanticipated revenue" and are therefore subject to the provisions of RSA 198:20-b. Under that statute, the board may accept gifts of money if the legislative body of a district (i.e., the annual meeting - or, in some cities, the city council/alderboard, etc.), approves a warrant article authorizing the school board to accept AND expend unanticipated revenue. However, such a vote has occurred, the only way money may be accepted and expended is through a warrant approved by the legislative body. This policy presumes that the district has approved such an article. If a board has questions about whether it has that authority/approved such an article, it should consult with the Dept of Revenue Administration, or the DOE, or its own annual meeting records.
- b. **Adoption note:** *Many districts have gift/unanticipated revenue policies structured differently than this sample, policies which were likely prepared in consultation with legal or financial advisors. There is no requirement that a board adopt this sample. Boards with differently structured gift/unanticipated revenue policies may want to review the dollar amounts in their policies and determine whether such amounts should be modified to reflect the increase in the amounts that the board may accept without notice and hearing.*
- c. **General –** *As with all sample policies, NHSBA recommends that each district carefully review this sample prior to adoption/revision to assure suitability with the district's own specific circumstances, internal coding system, current policies, and organizational structures.*

**NHSBA history: Revised** - Sept. 2023, Sept. 2017, Feb. 2008, March 2005

**NHSBA revision notes, September 2023,** sample was revised principally to reflect 2023 passage of HB207, which amended RSA 198:20-b, and increased the amount from \$5,000 to \$20,000 of unanticipated revenue a school board may accept without the need for 7 day notice and public hearing. Additional revisions made included: (1) change the classification from optional to recommended, (2) increasing amount Superintendent may accept from \$500 to \$2,500 (this amount is not one set by statute, but rather policy, so the board can allow any amount here up to \$19,999), and (3) language added to better coordinate the sample with the sample DFGA relative to crowdfunding efforts. **See also adoption notes a and b, above.** **September 2017:** Sample was revised to include and clarify the treatment of small "gifts" by staff and to provide that pre-approval is required for soliciting gifts that will be made to the District, including use of web sites like [donorchoose.org](http://donorchoose.org).





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

Individuals or groups contemplating presenting a gift to a school or the District shall be encouraged to discuss in advance with the Building Principal or the Superintendent what gifts are appropriate and needed.

The Board reserves the right to refuse any gift that does not contribute to the achievement of the District's goals, or in which the ownership of the gift would tend to deplete the resources of the District. In determining whether a gift will be accepted, consideration shall be given to District Policies, School District goals and objectives (with particular emphasis on the goal of providing equal educational opportunities to all students) and adherence to basic principles outlined in the regulation that accompanies this policy.

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

Any gift accepted shall become the property of the district, may not be returned without the approval of the Board, and is subject to the same controls and regulations as are other properties of the District. The Board shall be responsible for the maintenance of any gift it accepts.

At the time of acceptance of the gift, there will be a definite understanding with regard to the use of the gift, including whether it is intended for the use of one particular school or all schools in the District. The Board will make every effort to honor the intent of the donor in its use of the gift, but reserves the right to utilize any gift it accepts in the best interest of the educational program of the District. In no case shall acceptance of a gift be considered to be an endorsement by the Board of a commercial product, business enterprise or institution of learning.

It is the responsibility of the Superintendent or designee to process the appropriate forms to update the District's inventory and to notify the donor of acceptance or rejection of a gift.

Voluntary contributions by District employees of supplies or other minor items of personal property to be used in classrooms or school programs with an aggregate value over the school year of less than \$250 are permitted without further approval or documentation. Receipt of voluntary contributions being made by District employees with a value of \$250 or more must be approved as required in this policy for gifts from individuals not employed by the District.

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**NH Statutes**

RSA 189:70

RSA 198:20-b

**Description**

[Educational Institution Policies on Social Media](#)

[Appropriation for Unanticipated Funds Made Available During Year](#)