

Policies for Review - 2nd Reading

November 2, 2020

GBEAB - Mandatory Code of Conduct Reporting - All Employees

JLCG - Exclusion of Students Who Present a Hazard

GBGAA - HIV/AIDS

NHSBA - Sample Policy GBEAB – We do not have this policy. Referenced in policy ACAC.
9-2-2020 Policy Committee
9-2-2020 Sent to GEA
9-16-2020 Policy Committee
10-5-2020 School Board – first reading
10-7-2020 Sent to GEA
11-2-2020 School Board – second reading

MANDATORY CODE OF CONDUCT REPORTING – ALL EMPLOYEES

A. General.

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

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

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

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

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

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

If the person who is the subject of the alleged misconduct/violation is the Superintendent, then the Covered Individual shall report the suspected violation to the Business Administrator who is hereby granted authority to consult with the District’s attorney on the matter.

Additionally, if the Covered Individual is also a Credential Holder, he/she shall report the Superintendent’s suspected violation/misconduct directly to the N.H. Department of Education. Likewise, if a Credential Holder has made a report to the Principal and/or the Superintendent, and believes that the District’s reporting procedures as expressed in this

NHSBA - Sample Policy GBEAB – We do not have this policy. Referenced in policy ACAC.
9-2-2020 Policy Committee
9-2-2020 Sent to GEA
9-16-2020 Policy Committee
10-5-2020 School Board – first reading
10-7-2020 Sent to GEA
11-2-2020 School Board – second reading

Policy have not been followed, the Credential Holder shall so notify the New Hampshire Department of Education directly.

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

C. Self-Reporting of Certain Crimes.

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

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

D. Provisions Applicable to Principals.

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

E. Superintendent’s Report to the Department Regarding Credential Holders.

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

F. Procedures.

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

G. Dissemination.

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

Legal References:

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

New Hampshire School Boards Association - Sample Policy JLCG. We do not have this policy.

It is referenced in policy EBCG.

9-16-2020 Policy Committee

10-5-2020 School Board – first reading

10-7-2020 Sent to GEA

11-2-2020 School Board – second reading

EXCLUSION OF STUDENTS WHO PRESENT A HAZARD

A student may be excluded from school when he/she exhibits symptoms of a contagious or communicable illness, or is otherwise a hazard to him/herself or others. Determinations to exclude a child based upon a contagious or communicable illness, or other medical conditions shall be made pursuant to Board policy EBCG.

Any student or staff member found to be infected with a communicable disease that may bear risk of transmission will be excluded from school until that individual's primary care physician or other medical personnel indicating that the individual does not bear the risk of transmitting the communicable disease provided medical clearance.

Exclusions based upon hazards other than contagious or communicable disease may only occur with the approval of the Superintendent.

Parents will be notified if their child is excluded from school and provided with criteria for readmission.

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 any child with a disability as defined in Ed 1102.01(t), those laws shall govern and shall supersede this policy to the extent this policy may be inconsistent with those laws.

Legal and Other References:

RSA 186-C, Special Education

RSA 193:38, Discrimination in Public Schools

RSA 200:32, Physical Examination of Students

RSA 200:39, Exclusion from School

The Rehabilitation Act of 1973, 29 U.S.C. 705 and 794

Title II of The Americans with Disabilities Act of 1990, 42 U.S.C. 12101, et seq.

NH Dept of Ed. Rules 1102.01(t) and 1124.01

*Current GSD policy. Suggest replacing with EBCG Communicable & Infectious Diseases
9-16-2020 Policy Committee
10-5-2020 School Board – first reading
10-7-2020 Sent to GEA
11-2-2020 School Board – second reading*

HIV/AIDS

Preamble. Human Immunodeficiency Virus (HIV) progressively destroys the body's ability to fight infections and certain cancers. The term acquired immunodeficiency syndrome (AIDS) is used to mean the later stages of an HIV infection. To assist the District and infected persons, the District adopts the following policy.

I. General Principles:

(A) HIV is not spread by casual, everyday contact. Therefore, absent a serious secondary infection that may be transmitted to others or a significant health problem that restricts the infected person's ability to attend School, a student who is infected with HIV or AIDS shall attend the School and classroom to which he or she would be assigned, and shall receive the rights, privileges and services to which he or she would be entitled if not infected, free of physical and verbal harassment.

(B) There shall be no discrimination in employment against a person infected with HIV or AIDS based solely upon said infection. No District employee shall be terminated, non-renewed, demoted, suspended, transferred or subjected to adverse action based solely upon his/her infection with HIV or AIDS, or the perception that he or she is so infected. However, the District may take whatever action is appropriate as to an employee who, despite reasonable accommodation, is unable to perform his/her duties due to an illness, including an illness related to HIV or AIDS.

(C) The School District shall provide a sanitary environment and shall establish procedures for handling bodily fluids, pursuant to Section V.

(D) The District shall administer a program of education about HIV or AIDS for students, their families, and School District employees to ensure that they are informed about the following:

- (1) The nature and effects of HIV including current information about how it is transmitted and prevented in ways that are scientifically, legally, and educationally sound;
- (2) District policies and procedures relating to employees and students with diseases such as HIV or AIDS;
- (3) Resources within the School District and elsewhere for obtaining additional information or assistance; and
- (4) Procedures to prevent the spread of communicable diseases at School.

II. Evaluation of Infected Students and Staff

(A) HIV is not transmitted casually. Accordingly, infection with HIV or AIDS is not, by itself, sufficient reason to remove a student or staff member from the School. When the Superintendent has been notified that a student or staff member is infected with

AIDS, the Superintendent shall act appropriately to ensure the safety of persons in the School setting and to plan to support the infected person.

(B) When the District learns that a student is infected with HIV or AIDS, the appropriate procedures under State and Federal Law with regard to evaluation and educational programming shall be followed if the student is or may be educationally handicapped.

(C) (1) When notified that an employee is infected with HIV or AIDS, the Superintendent shall determine whether the infected person has a significant health problem that will restrict his/her ability to work and shall determine whether the infected person has a secondary infection (e.g., tuberculosis) that poses a medically recognized risk of transmission of disease. The Superintendent shall make this determination by consulting with the infected person's physician and the infected person.

The Superintendent also may consult with public health officials and other persons, subject to the confidentiality provisions in this policy. The Superintendent shall consider methods in which the School District may anticipate and meet the needs of persons infected with HIV or AIDS.

(2) Absent a secondary infection, which creates a medically recognized risk of transmission of disease, or a significant health problem that restricts the infected person's ability to work, the Superintendent shall not alter the job assignment of the infected person. However, the Superintendent shall periodically review the case with the persons described in Section II(C) (1).

(3) If the Superintendent determines that a secondary infection poses a medically recognized risk of transmission of disease in the School setting or that a significant health problem restricts the infected person's ability to work, the Superintendent shall consult with the persons described in Section II(C) (1). After said consultation, the Superintendent shall, if necessary, develop an individually tailored plan to accommodate the staff member if possible. Additional persons may be consulted if necessary for gaining additional information, but the infected person must approve of the notification of any additional persons who are informed of the infected person's identity. The Superintendent may consult with legal counsel to ensure that any official action is consistent with state and federal law. If an individually tailored plan is necessary, said plan should be medically, legally, educationally and ethically sound.

(D) Infected students who are aggrieved by the education plan determinations may appeal said determinations pursuant to state and federal special education law if the infected student is eligible for or claims that he is eligible for special education or special education and related services. Infected persons who do not claim that they are eligible for special education or special education and related services, but who are aggrieved by the Superintendent's determinations, may appeal said determinations to the Board.

(E) Confidentiality shall be observed throughout the foregoing process.

III. Confidentiality

(A) The identity of a student or staff member who is infected with HIV or AIDS may be disclosed to those persons who determine whether the infected person has a secondary infection that poses a medically recognized risk of transmission of disease in the School setting or whether a significant health problem will restrict the infected person's ability to work or attend class. These persons include:

(1) The Superintendent or a person designated by the Superintendent to be responsible for the determination, or, in the case of a student who is identified as educationally handicapped or who is claimed or believed to be educationally handicapped, the special services team.

(2) The physician of the infected person.

(3) Public health officials, to the extent that their knowledge of the infected person's identity is necessary.

(B) The persons listed in Section III (A) (1) - (2) and the infected person (or his/her parents or guardians) shall determine whether additional persons to know the identity of an infected person. The identity of an infected person shall not be disclosed to persons who are not listed in Section III (A) without the consent of the infected person, or the infected person's parents or guardians. The persons to whom the infected person's identity may be disclosed with the aforementioned consent include the School nurse, the School Principal or other persons necessary to protect the health of the infected person or to evaluate and monitor the case.

(C) All staff members who know the identity of persons infected with HIV or AIDS shall treat said information as confidential. No information will be divulged directly or indirectly to any individuals or groups, except as noted in Section III (A) - (B). All medical information and written documentation of discussions, telephone conversations, proceedings, and meetings concerning the HIV or AIDS infection shall be maintained in a locked file. Access to said file shall be granted only to those persons who have the written consent of the infect person or his/her parents or guardians. The names of infected persons shall not be used in documents, except when essential. No document containing the name or other information that reveals the identity of an infected person may be shared with any person for any purposes without the consent of the infected person or the infected person's parents or guardians. Any School staff member who violates the confidentiality provisions of Section III shall be subject to discipline. Test results and medical records shall be disclosed only with the consent of the infected person (or that person's parent if he is a minor), pursuant to a subpoena or order of a court or administrative agency, or otherwise in accordance with law.

IV. Testing

Mandatory testing for communicable diseases that are not spread by casual, everyday contact (e.g., HIV or AIDS) shall not be a condition for School entry or attendance, or for employment or continued employment.

V. Control of Infections

- (A) HIV cannot penetrate unbroken skin, and there is no evidence that HIV has been transmitted through contact with vomit, nasal discharge, saliva, urine, or feces. However, said body fluids commonly transmit infections such as Hepatitis, colds and flu. Accordingly, direct skin contact with body fluids should be avoided whenever possible.
- (B) Staff members shall follow the universal precautions in handling body fluids in the Schools.
- (C) The District shall cooperate with local, state and federal health agencies in controlling infections.
- (D) If a person in a school setting has been exposed to blood-to-blood contact, the district should counsel the person to seek medical testing and attention.

VI. Health Education

The Board recognizes that HIV/AIDS education should be integrated into the health and family life curriculum, but may also be applied to other curriculum areas.

The District's HIV/AIDS education program must address, at a minimum, the nature, transmission, prevention, and effects of the disease. The program shall be provided in a sequential manner in all grades, taking into consideration the age and maturity of the pupils and the subject matter of the course.

Development of the program should take into account the instructional needs of all pupils in the District and be scientifically, legally, and educationally sound.

The Superintendent shall ensure that the information presented as a part of the HIV/AIDS program is articulated in such a way that transition from grade to grade in the elementary Schools and from elementary to secondary approaches to the material will be appropriate for all pupils.

The Superintendent shall ensure that all staff involved in teaching the HIV/AIDS education program are properly certified and adequately prepared to teach the material. As necessary, appropriate staff training shall be provided. All employees shall have training in Universal Precautions.

Legal References:

RSA 186:11, IX, Instruction as to Intoxicants and Venereal Disease

RSA 186:11, IX-a, AIDS Instructional Material

RSA 189:1-a, Duty to Provide Education

RSA 186-C, Special Education

RSA 193:1, Duty of Parent; Compulsory Attendance by Pupil

RSA 193:3, Change of School or Assignment, Manifest Educational Hardship or Best Interest, Excusing Attendance

National Association of State Boards of Education, Someone at School Has AIDS, 2001
www.aids.gov/basic/index.html

(Adopted: 8/23/2010)