

Policy Development Committee Agenda

5/11/2021

7:30 A.M. ~ Gilford High School – Rm 131

Policies to Review

JICD – Student Discipline and Due Process

BGAA – Policy Development, Adoption and Review

BGA – Policy Development System

BGA-P – Policy Development Procedures

BGE – Policy Dissemination

BGC – Policy Review and Evaluation/Manual Accuracy Check

BBBE – Unexpired Term Fulfillment

BAAA – School Board Policies and Administrative Procedures

This policy was rewritten by Drummond Woodsum Law Firm and administration to comply with the new law, effective July 1, 2021. The Policy Committee suggests replacing current GSD policy JICD with this policy.

3-9-2021 Policy Committee

4-13-2021 Policy Committee

5-3-2021 School Board – first reading

5-5-2021 Sent to GEA

5-11-2021 Policy Committee – review of school board suggested changes.

6-8-2021 School Board – second reading

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STUDENT DISCIPLINE AND DUE PROCESS

At all times, students are required to conduct themselves in accordance with behavioral standards set forth in Policy JIC and all other applicable Board policies and all District or school rules. Failure to comply can lead to disciplinary consequences as set forth in this policy and applicable law.

It is essential for schools to maintain a safe and orderly environment, which supports student learning and achievement. All students are expected to conduct themselves with respect for others and in accordance with School Board policies, school rules, and applicable state and federal laws. Disciplinary action may be taken against students who violate policies, rules, or laws, and/or whose conduct directly interferes with the operations, discipline, or general welfare of the school.

Disciplinary consequences will range from a verbal warning for minor misconduct up to and including expulsion for the most serious offenses. The Gilford School District will follow the procedures set forth by state and federal law, specifically RSA 193:13 and Ed 317, in the discipline of students. The Gilford School Board does not review appeals of student disciplinary decisions unless a right to appeal is explicitly conferred by policy or by law.

Behavior that also violates the law may be referred to law enforcement authorities.

Temporary Removal from Classroom

Students may be temporarily removed from the classroom at the discretion of the classroom teacher. A student may be temporarily removed if the student refuses to follow the teacher's directions, fails to follow school policies or rules, disrupts the classroom environment, or otherwise engages in conduct that violates the Student Code of Conduct. During such removals, students will be sent to the building Principal's office or designated area.

Teacher Detention

Students may be assigned a detention at the discretion of the classroom teacher. A student may receive a detention if the student refuses to follow the teacher's directions, fails to follow school policies or rules, disrupts the classroom environment, or otherwise engages in conduct which violates the Student Code of Conduct.

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During such detentions, students will be required to remain at school during non-school hours; elementary students may serve a detention during their recess period(s). Parents will be notified at least twenty-four (24) hours prior to the detention. The length of the detention is left to the discretion of the classroom teacher and will not exceed two (2) hours. Parents will be notified by phone or email at least 24 hours before the detention takes place.

Administrative After-School Detention

Students may be assigned a detention at the discretion of the building Principal or designee. A student may receive a detention if the student refuses to follow the administrator's directions, fails to follow school policies or rules, disrupts the school environment, or otherwise engages in conduct which violates the Student Code of Conduct.

During such detentions, students will be required to remain at school during non-school hours; elementary students may serve a detention during their recess period(s). The length of the detention is left to the discretion of the administration and will not to exceed two (2) hours. Parents will be notified by phone or email at least 24 hours before the detention takes place.

In-School Suspension

Students may be assigned in-school suspension at the discretion of the building Principal or designee. During such in-school suspensions, the student will attend school but will be removed from one or more classes and placed in a restricted and supervised classroom within the building. The student will be expected to remain of good behavior and work quietly on school work while serving the in-school suspension. Parents will be notified of an in-school suspension within a reasonable timeframe but no later than 24 hours.

During such suspensions, unless otherwise stipulated in writing, a suspended student is not permitted to attend school activities, school sponsored events, or be on school property for the duration of the suspension.

Short-Term Out-of-School Suspension

The building Principal or representative designated in writing by the Superintendent is authorized to suspend a student for a specific period of time, not to exceed ten (10) consecutive school days. A suspension may be imposed for:

- Behavior that is detrimental to the health, safety, or welfare of pupils or school personnel;
- or

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- Repeated and willful disregard of the reasonable rules of the school that is not remediated through imposition of the District's graduated sanctions.

A student who is subject to a short-term suspension (ten school days or fewer) is entitled to the following due process:

1. The student will meet with the building principal or assistant principal to discuss the charges and the evidence against the student. The principal or assistant principal will inform the student of the possibility of a short-term suspension.
2. The student will be given an opportunity to present his or her side of the story at this meeting.
3. The student and at least one of the student's parents/guardians will receive a written statement explaining any disciplinary action taken against the student.

Depending on the severity of the student's conduct, the building Principal or designee may also refer or recommend the student to the Superintendent for further disciplinary consequences.

During such suspensions, unless otherwise stipulated in writing, a suspended student is not permitted to attend school activities, school sponsored events, or be on school property for the duration of the suspension.

Long-Term Out-of-School Suspension

The School Board, or the Superintendent, as the School Board's designee, may extend a student's suspension for up to an additional ten (10) consecutive school days. A long-term out of-school suspension may be imposed for:

- An act of theft, destruction, or violence as defined in RSA 193-D;
- Bullying pursuant to School District Policy JICK when the student has not responded to targeted interventions and poses an ongoing threat to the safety or welfare of another student; or
- Possession of a firearm, BB gun, or paintball gun.

During such suspensions, unless otherwise stipulated in writing, a suspended student is not permitted to attend school activities, school sponsored events, or be on school property for the duration of the suspension.

A student who is subject to a long-term suspension is entitled to the following due process:

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1. Upon recommendation of a long-term suspension and prior to any hearing, there shall be a written communication to the student and at least one of the student's parents or guardians, delivered in person or by mail to the student's last known address, which states the charges and an explanation of the evidence against the student.
2. A hearing that meets the requirements of Ed 317.04(f)(3)(g).
 - a. The school officials shall present evidence in support of the charges and the student (or the student's parent/guardian) shall have an opportunity to present any defense or reply.
 - b. During the hearing, the student, parent/guardian shall have the right to examine any witnesses presented by school officials.
 - c. The hearing shall be either public or private and the choice shall be that of the student or the parent/guardian. Provided, nevertheless, that if the nature of the evidence will violate the privacy of other students or if the Superintendent or
 - d. School Board determines that substantial harm to the pupil could result from an ill-conceived decision to hold the hearing in public, then the Board reserves the right and obligation to insist upon a private hearing.
 - e. The student may, together with a parent/guardian, waive the right to a hearing and admit to the charges.
3. The student is entitled to a written decision which includes the legal and factual basis for the conclusion that the student should be suspended.
4. The written decision shall include notice to the student that the decision may be appealed. For a long term suspension issued by Superintendent, the decision must be appealed in writing to the Gilford School Board within ten days after the issuance of the decision. The School Board will hold a hearing on the appeal but has the discretion to hear evidence or to rely upon the hearing conducted by the Superintendent.
5. For a long term suspension issued by the School Board, the decision must be appealed to the New Hampshire State Board of Education within 20 days after receipt of the decision.
6. The long-term suspension shall remain in effect while an appeal is pending unless the School Board stays the suspension.

Depending on the severity of the student's conduct, the Superintendent may also refer or recommend the student to the School Board for further disciplinary consequences.

During such suspensions, unless otherwise stipulated in writing, a suspended student is not permitted to attend school activities, school sponsored events, or be on school property for the duration of the suspension.

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Expulsion

The School Board may expel a student, which permanently denies a student's attendance at school. An expulsion may be imposed for an act that poses an ongoing threat to the safety of students or school personnel and that constitutes:

- A repeated act that would permit a long term suspension;
- Any act of physical or sexual assault that would be a felony if committed by an adult; □
Any act of violence that constitutes a "violent crime" pursuant to RSA 651:5, XIII; or
- Criminal threatening that constitutes a class B felony pursuant to RSA 631:4, II(a).

A student who is subject to expulsion is entitled to the following due process:

1. Upon recommendation of an expulsion and prior to any hearing, there shall be a written notice to the student and at least one of the student's parents or guardians, delivered in person or by mail to the student's last known address, which states the date, time, and place for a hearing before the School Board. The notice shall be delivered to the student and at least one of the student's parents/guardians at least five calendar days prior to the hearing.
2. The School Board shall conduct the hearing in accordance with New Hampshire Administrative Rule Ed 317.04(f)(3)(g).
 - a. The school officials shall present evidence in support of the charges and the student (or the student's parent/guardian) shall have an opportunity to present any defense or reply.
 - b. During the hearing, the student, or the parent/guardian shall have the right to examine any witnesses presented by school officials.
 - c. The hearing shall be either public or private and the choice shall be that of the student or the parent/guardian. Provided, nevertheless, that if the nature of the evidence will violate the privacy of other students or if the Board determines that substantial harm to the pupil could result from an ill-conceived decision to hold the hearing in public, then the Board reserves the right and obligation to insist upon a private hearing.
 - d. The student may, together with a parent/guardian, waive the right to a hearing and admit to the charges.
3. Before expelling a pupil under this section the local school board or chartered public school board of trustees shall consider each of the following factors:
 - a. The student's age;

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- b. The student's disciplinary history;
 - c. Whether the student has a disability;
 - d. The seriousness of the violation or behavior committed by the student;
 - e. Whether the school district has implemented positive behavioral interventions;
 - f. Whether a lesser intervention would properly address the violation or behavior committed by the student.
4. The School Board shall issue a written decision stating whether the student is expelled and, if so, the length of the expulsion. If the decision is to expel, the decision must include the legal and factual basis for the decision including the specific statutory reference prohibiting the act for which the student is expelled.
 5. The expulsion shall run until the School Board reviews it and restores the student's permission to attend school. The written decision shall state any action that the student may take to be restored by the School Board. The decision shall also state that the student has the right to appeal the decision to the New Hampshire State Board of Education at any time while the expulsion remains in effect.

Any expulsion shall be subject to review by the School Board, if requested, 30 days prior to the start of each school year. A student seeking restoration of permission to attend school shall file a written request with the Superintendent prior to the start of each school year which details the basis for the request.

During an expulsion, unless otherwise stipulated in writing, a student is not permitted to attend school classes or activities, school sponsored events, or occasion school property.

Possession of a Firearm

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

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

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

Superintendent Authority

The School Board authorizes the Superintendent to reinstate a suspended or expelled pupil on a case-by-case basis. The Superintendent will notify the School Board of consideration of an expelled student to be reinstated.

Educational Assignments

The student's school will make all educational assignments available to the suspended student during the student's suspension. The School District will provide alternative educational services to a student whenever the student is suspended in excess of twenty (20) cumulative days within any school year. Such alternative educational services will be determined by the school Principal or Assistant Principal and shall be designed to enable the student to advance from grade to grade. No student shall be penalized academically solely by virtue of missing class due to suspension.

The School Board, in its discretion, may authorize educational services to be provided to an expelled student in an alternative setting on a case-by-case basis.

Behavior Intervention Plans

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

Students with Disabilities

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

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Code of Conduct

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

Parental Notification of Simple Assaults.

Pursuant to RSA 193-D:4, I (b), the Superintendent is directed to adopt and implement procedures requiring parents/guardians of each student involved in a simple assault **to be notified** (victim and perpetrator) **of the assault** occurring **during as part of** the school day, when such assault causes: any form of bodily injury, including bruising or discoloration, or would otherwise constitute a disciplinable offense under either District or building rules of conduct. For purposes of this policy, "simple assault" shall have the same meaning as that provided in RSA 631:2-a (a simple assault occurs when one purposefully or knowingly causes bodily injury or unprivileged physical contact to another; or recklessly causes bodily injury to another or negligently causes bodily injury to another by means of a deadly weapon).

Notice

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

The Principal of each school shall make certain that the pupil has received notice of the requirements of RSA 193:13 and RSA 193-D:1 through announced, posted, or printed school rules at the beginning of each school year. The statutory text shall be printed in the school handbook to be distributed to each student at the beginning of the school year; and shall be announced, posted, and printed at other appropriate locations and times in the elementary school, middle school and high school. Nothing herein shall prevent a school principal from printing, posting and/or announcing other rules applicable to the school.

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Cross References:

Weapons on School Property, Policy JICI
Pupil Safety and Violence Prevention – Bullying, Policy JICK

Legal References:

18 U.S.C. § 921, Definition of Firearm
RSA 189:15, Regulations
RSA 193:13, Suspension & Expulsion of Pupils
RSA 651:5, XIII, Annulment of Criminal Records - Violent Crimes
RSA 631:4, II(a), Criminal Threatening
RSA 189:70, Educational Institution – Policies on Social Media
RSA Chapter 193-D, Safe School Zones
RSA Chapter 193-F, Pupil Safety and Violence Prevention
NH Code of Administrative Rules, Section Ed 306.04(a), Policy Development
NH Code of Administrative Rules, Section Ed 306.04(f), Student Discipline
NH Code of Administrative Rules, Section Ed 317, Standards and Procedures for Suspension and Expulsion of Pupils Including Procedures Assuring Due Process

POLICY DEVELOPMENT, ADOPTION AND REVIEW

BGAA

Category: Recommended

Related Policies: BAAA, BDE, BDF & BGD

The development and adoption of policies that govern the School District is one of the School Board's most important functions. Board policies establish the goals, direction and structure of the district under the authority of applicable statutes and regulations. In addition to policies required by state and federal laws and regulations, the Board adopts policies to provide direction to the Superintendent and other administrators in the management of the district, to guide the education program, and to provide clear expectations for school staff, students and parents.

Board policies are intended to provide the framework for district operations and the educational system. In general, the operational details as to how policies will be implemented are contained in administrative procedures developed by the administration. However, the Board may adopt administrative procedures concerning its own operations, or when an issue is of sufficient legal importance to warrant a Board-level procedure.

- A. Policy Committee Responsibilities and Meetings. The Board's Policy Committee with the advice and counsel of the Superintendent, is responsible for recommending policies and policy actions to the full Board for its consideration, including adopting new policies, revising existing policies and deleting obsolete policies.
- B. Policy Committee Meetings and Agendas. The Superintendent or his/her designee, in consultation with the Policy Committee Chair shall prepare all agendas for the meetings of the Policy Committee.
- C. Review of Existing Manual. The Policy Committee shall establish a schedule for reviewing existing Board policies, and forming recommendations regarding the same for the Board consistent with policy BGC.
- D. Procedures for Policy Development and Review,
 1. Individual Board members, Board standing or special committees, the Superintendent or other interested persons may submit policy suggestions, concerns, and/or drafts to the Policy Committee, in care of the Superintendent.
 2. The Superintendent or designee is responsible for notifying the Board and the Policy Committee of all policy updates and revisions provided by the New Hampshire School Boards Association. The Policy Committee will review such updates and make recommendations deemed appropriate under this policy.

POLICY DEVELOPMENT, ADOPTION AND REVIEW

3. The Policy Committee, with the assistance of the Superintendent, will review and research policy suggestions and prepare draft policies, as appropriate. The Policy Committee may delegate research and initial drafting to other Board standing committees, to District staff or others at the discretion of the Policy Committee and the Superintendent. (E.g., a policy concerning computer use may first be delegated to the Technology Committee.) If a policy is referred to a committee, staff, professional or other person for initial review/drafting, the policy shall be reviewed by the Policy Committee before submission to the full Board.
 4. The Superintendent, should seek counsel of the School Board's attorney or the New Hampshire School Boards Association when there may be a question of legality or proper legal procedure in the substance of any proposed or current board policy.
 5. The Policy Committee may also seek input from other affected persons and/or groups as appropriate.
 6. The Policy Committee will provide report to the full board [state frequency _____]. The reports will include the Policy Committee's recommendations for new policies (including full text of policies/revisions to be considered for action by the Board), as well as recommendations for repeal of existing policies. Policy Committee reports should also include any information requested by the full board, and any other information deemed appropriate by the Policy Committee,
- E. Board Actions Required to Approve, Revise or Repeal Policies. Any final action regarding the approval of a new policy, or revision or repeal of an existing policy, requires a majority vote of a quorum of the board at a public meeting.
1. Policy Committee reports shall be placed on the agenda of a regular Board meeting and will be made part of the agenda package for that meeting.
 2. All new policies, and/or revisions to existing board policies are subject to a "first reading" by the full board to occur at a regular board meeting. (There is no requirement that proposed policies/revisions be read aloud at the meeting, although either a majority of the Board or the Chair may determine that actual reading is appropriate).
 3. The Board will allow opportunity for public comment on policy proposals per Board policy {**} as follows: _____] [NOTE: this section should reflect the existing public comment practice/procedure/policy of school board. E.g., some boards do not allow public comment at all, some have a specific slot in the agenda dedicated to public comment, some allow it as agenda

POLICY DEVELOPMENT, ADOPTION AND REVIEW

items come up. NHSBA recommended practice is to allow comment on agenda items, but how that is managed is a matter for each board. A board could provide special time for public comment as to policies on the agenda, but apply the same or similar restrictions (e.g., 3 minutes, 20 minutes total, etc.).]

4. Any changes agreed upon or requested by the board during the first reading shall be made by the *[Superintendent OR Policy Committee OR _____]* prior to the second reading.
5. At the next Board meeting (or a later meeting if so agreed by the Board), the policy shall be placed on the agenda for a second (or additional) reading, and action. Amendments may be made and acted upon at that meeting, or may be referred for further revision, etc..
6. Prior to final approval by the Board, each policy will be titled, dated, and *[coded consistent with the classification system used by the New Hampshire School Boards Association.] OR {if the district does not use the NHSBA/NEPN code system} [include a reference to the appropriate policy code assigned by the New Hampshire School Board's Association to allow for tracking updates.]*
7. Board action regarding the adoption, revision or repeal of policies will be included in the minutes of the meeting at which the official action is taken.
8. Approved policies become effective immediately unless the motion to approve the policy, or the policy itself, includes a specific implementation date.

F. Suspension of Policy Process.

1. The Board may adopt, amend, or repeal written policies at any meeting by a majority vote of Board members in attendance, provided that public notice of the proposed action was given at least *[days? weeks? at a previous Board meeting?]* and that each Board member was notified of the proposed action. For purposes of notification, a meeting agenda delivered to each Board member is deemed sufficient if it identifies the policy to be acted upon.
2. On matters of unusual or unexpected urgency, the Board may waive the second meeting limitation and take immediate action to adopt a new policy or revise an existing policy.

G. Policy Dissemination, Records and Manual Updates.

*NHSBA sample policy. This is a new policy that is intended to merge and clarify subject matter from BGA, BGA-P and BGE.
5-11-2021 Policy Committee*

POLICY DEVELOPMENT, ADOPTION AND REVIEW

1. All Board policies, and any written administrative rules and regulations implementing such policies constitute governmental records and are subject to the provisions of RSA 91-A.
2. Notice of new, revised and deleted policies should be provided to affected groups (i.e., school staff, students, parents) and posted on the district website and by other such appropriate means determined by the Superintendent.
3. The Superintendent shall retain as government records copies of all policies deleted from the Board policy manual.
4. An up-to-date policy manual shall be maintained on the District's website with a hard copy, in the Superintendent's Office [and *{if applicable}* in each school building] The Superintendent shall also assure that all hard copies of the District's policy manual are recalled annually and updated as appropriate.

NHSBA history: New policy – November 2020

NHSBA notes, November 2020 - This new sample policy BGAA was created after inquiries from multiple districts. It is intended to merge and clarify subject matter from 5 current NHSBA policies (BG, BGA, BGB, BGC and BGE.) As such, Boards intending to adopt this alternate policy BGAA should take care to withdraw those five policies, and to further review other related policies (e.g., BDE, BDF, and BGD), and make such modifications so as to clarify, and minimize redundancies and/or contradictions.

w/p-update/2020-U3 Fall/BGAA - Policy Development 2020-U3 (3)

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POLICY DEVELOPMENT SYSTEM

The school board shall reserve to itself the function of providing policy and procedure manuals for the discretionary action of those to whom it delegates authority. These guides for discretionary action shall constitute the policies governing the operation of the school system. They shall be recorded in writing.

The formulation and adoption of these written policies shall constitute the basic method by which the school board shall exercise its leadership in the operation of the school system. The study and evaluation of reports concerning the execution of written policies shall constitute the basic method by which the school board shall govern the operation of the school system.

The formal adoption of policies shall be recorded in the minutes of the school board. Only those written statements so adopted and so recorded shall be regarded as official board policy.

Procedure for Policy Adoption:

- A) Recommendations for board consideration of policies may come from board members, the administration, employees of the school district or other individuals and/or groups.

New policies or proposed policy revisions shall be reviewed by the leadership team prior to submission to the board for first reading.

- B) The superintendent shall, based on the recommendations in (A) above, develop policies for board consideration and submit to the board for a first reading of such policy.
- C) Following the first reading by the board, the proposed policies shall be submitted for review to the Gilford Education Association. Policies in Section K (Community) shall also be submitted to the president of each of the parent/teacher organizations (PTO) for consideration and comments by the groups.
- D) Following review by the Gilford Education Association, and, where appropriate, PTO's, the policies shall be resubmitted to the leadership team for review.
- E) Policies will be forwarded to the board for adoption in their original form. Comments of all reviewing parties will be submitted to the board along with the policies.

(Adopted: 8/3/87)

(Revised: 9/12/94, 4/4/05, 6/6/05)

(Ref. 8300)

POLICY DEVELOPMENT PROCEDURES

Procedure for Policy Adoption:

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New policies or proposed policy revisions shall be reviewed by the Administrative Cabinet prior to submission to the board for first reading.

- B) The superintendent shall, based on the recommendations in (A) above, develop policies for board consideration and submit to the board for a first reading of such policy.
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(Adopted: 8/3/87)

(Revised: 9/12/94, 6/6/05)

*Current GSD policy. NHSBA suggests withdrawing this policy and adopting sample policy BGAA to clarify and minimize redundancies and/or contradictions.
5-11-2021 Policy Committee*

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POLICY DISSEMINATION

The policy manual is a public document. The Superintendent is directed to establish and maintain an orderly plan for preserving and making accessible the policies adopted by the Board and the administrative rules and regulations needed to put them into effect.

Accessibility is to extend at least to all employees of the school system, to members of the Board, and to persons in the community insofar as conveniently possible. Manuals will be available for inspection at the Superintendent's office.

All policy manuals shall remain the property of the School Board and shall be considered as "on loan" to anyone, or any organization, in whose possession they might be at any time. They are subject to recall at any time deemed necessary by the administrative head of the School District.

The Superintendent is responsible for ensuring an annual update of all manuals.

Legal References:

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

(Adopted: 9/12/94)

(Revised: 4/4/05, 6/6/05, 2/2/2015)

NHSBA sample policy. We do not have this policy. It is referred to in sample policy BGAA. 5-11-2021 Policy Committee

POLICY REVIEW AND EVALUATION/MANUAL ACCURACY CHECK

BGC

Category Recommended

In an effort to keep its written policies up-to-date so that they may be used consistently as a basis for Board action and administrative decision, the Board will review its policies on a continuing basis.

The Board will evaluate how the policies have been executed by the school staff and weigh the results. It will rely on the school staff, students, and the community for providing evidence of the effect of the policies which it has adopted.

The Superintendent is given the continuing responsibility of calling to the Board's attention all policies that are out of date or appear to need revision for other reasons.

The Board directs the Superintendent to recall all policy and regulations manuals annually for purposes of administrative updating and Board review.

Reviewed: February 2004
Revised: July, 1998

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NHSBA sample policy. We do not have this policy.
5-11-221 Policy Committee

UNEXPIRED TERM FULFILLMENT

BBBE

Category: Optional

Vacancies on the school board will be filled in accordance with the provisions of RSA 197:26. Appointees will serve until the next School District annual meeting.

For Cooperative School Boards:

Vacancies on the Cooperative School Board will be filled in accordance with the provisions of RSA 671:33. Appointees will serve until the next Cooperative School District election.

NHSBA Note, September 2012: RSA 671:33 was amended, effective August 2012. The amendments change the manner in which vacancies on cooperative school boards are filled. This sample policy reflects those changes. The manner in which "traditional" school boards fill vacancies under RSA 197:26 remains unchanged.

Legal Reference:

RSA 197:26, School Meetings & Officers: Vacancies

RSA 671:33, School District Elections: Vacancies

Revised: September 2012

Revised: July, 1998, November 1999, February 2004, August 2006

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*NHSBA sample policy. We do not have this policy.
5-11-2021 Policy Committee*

SCHOOL BOARD POLICIES AND ADMINISTRATIVE PROCEDURES

BAAA

Category R

GENERALLY

The policies of the Board are intended to establish the general and overall rules within which day-to-day operations of the School District are to be governed. Procedures for carrying out and implementing the broad policies of the Board on a day-to-day basis are to be fashioned and adopted by the administration, under the direction of the Superintendent. As applicable, members of the District community are expected to comply with both Board policy and administrative procedures, subject to the limitations and exceptions set forth herein. However, the failure of the Board or the Administration to comply with policy shall not invalidate any lawful action taken.

CONTENTS OF BOARD POLICY AND ADMINISTRATIVE PROCEDURE

The policies of the Board shall be composed of (1) the policies contained in this Policy Manual; (2) the contents of administrative job descriptions adopted by the Board; (3) all formal Student Handbooks; and (4) all formal Employee Handbooks.

Administrative procedure is not part of Board policy and may be altered by the administration without Board action. Administrative procedure, however, may not conflict with Board policy.

LIMITATIONS OF POLICY

Neither the policies of the Board nor the procedures of the administration are intended, nor shall they be construed, to supersede or preempt any applicable laws, whether constitutional, statutory, regulatory, or common in origin. Consequently, all Board policies and administrative procedures shall be given both an interpretation and application which is lawful. The Board shall have the final interpretation of its policies and the administration shall have the final interpretation of its procedures.

As the Board policies and administrative procedures are limited by legal constraints, so too are the rights of those to whom the Board policies and administrative procedures apply. Neither the policies of the Board nor the procedures of the administration are intended to expand the rights of individuals beyond those established by law or to give to any individual a cause of action not independently established in law. Enforcement of Board policy shall rest exclusively with the Board, and enforcement of administrative procedures shall rest exclusively with the administration.

Board policy and administrative procedure shall not preempt, create, supplant, expand or restrict the rights or liabilities of students, employee, taxpayers, or others within the School District beyond those that are established in law and are not intended to restrict or limit students,

employees, or other members of the School District community from pursuing any claims or defenses available under law.

Exceptions

Exceptions to any policy or the application of any policy may be made if requested or recommended in accordance with the following procedures:

- a. Any person may request an exception to any Board policy or the application of same by submitting a letter to the Superintendent. The request shall identify: (1) the name, address and telephone number of the person making the request; (2) the policy for which the exception is being requested; (3) the action that the requesting individual desires, and (4) the rationale supporting the need for an exception.
- b. The Superintendent or his/her designee, shall conduct a sufficient investigation of any request for an exception so as to be able to formulate a recommendation for the Board. Among the factors to be evaluated are the relevant facts related to the request, the rationale of both the policy and the request for the exception; and the disposition of prior requests for exceptions to the same or similar policies.
- c. Following the Superintendent's investigation, the Superintendent may place the request for exception on the agenda and shall report to the Board the circumstances surrounding the request and his/her recommended disposition. The person requesting the exception shall be notified in advance of this agenda item, and shall be given a reasonable opportunity to address the Board before the Board determines whether to grant the request for an exception.
- d. The Board shall have final and exclusive authority to determine whether to grant any request for an exception and shall be the sole judge of whether the rationale for the exception is sufficient, taking into consideration the recommendation of the Superintendent. Moreover, the granting of exceptions in the same or similar cases shall not constitute binding precedent or practice inasmuch as the prior grant of an exception may establish that the granting of an exception is ill-advised.
- e. Exceptions to administrative procedure shall be made in accordance with the procedures established by the Superintendent.

Reviewed: February 2004

New policy: October, 1999

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