

# Policy Development Committee Agenda

9/16/2020

7:30 A.M. ~ Gilford SAU Office

## Policies to Review

GBEAB – Mandatory Code of Conduct Reporting – All Employees

GBEB – Staff Conduct

GCCBC – Family and Medical Leave Act

EBCG – Communicable & Infectious Diseases

JLCG – Exclusion of Students Who Present A Hazard

EBCF – Pandemic/Epidemic Emergencies

New Hampshire School Boards Association - Sample Policy GBEAB – We do not have this policy. This policy is referenced in new policy ACAC.

9-2-2020 Policy Committee

9-2-2020 Sent to GEA

9-16-2020 Policy Committee

## MANDATORY CODE OF CONDUCT REPORTING – ALL EMPLOYEES

Category: *Recommended*

Related Policies: *GBEA, GBEB, GBEBB, JICK & JLF*

### ADOPTION NOTES –

***This text box, and all highlights within the policy should be removed prior to adoption.***

- (a) *This is a NEW POLICY to establish the district “reporting procedures” called for by Ed 510.05 (a) of the newly enacted (11/18) Code of Conduct for NH Educators, Ed. 510.01-510.05 (the “NH Code of Conduct”). Note, that NHSBA is revising its policy GBEB (Staff Conduct) to incorporate by reference as employment standards the provisions of the NH Code of Conduct (without incorporation, the NH Code of Conduct would only pertain to credentialing status by the state as opposed to standards which can be enforced by the District. Additionally, the incorporation expressed in GBEB and this GBEB, applies to all employees, designated volunteers, and third party contractors).*
- (b) **{\*\*}** *indicates a reference to another NHSBA sample policy. A district should check its own current policies and codes to assure internal consistency.*
- (c) *As with all sample policies, NHSBA recommends that each district carefully review this sample policy prior to adoption to assure suitability with the district’s own specific circumstances, organizational structures, etc., and current policies. Highlighted language or blank, underscored spaces indicate areas which Boards must change/complete to reflect local personnel titles, policy references, duty assignments etc.*

### 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.

New Hampshire School Boards Association - Sample Policy GBEAB – We do not have this policy. This policy is referenced in new policy ACAC.

9-2-2020 Policy Committee

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## MANDATORY CODE OF CONDUCT REPORTING – ALL EMPLOYEES

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/Human Resources Director *{note: the titled administrator should be the most senior level SAU administrator who is not the superintendent}*], 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 Policy have not been followed, the Credential Holder shall so notify the New Hampshire Department of Education directly.

2. **[OPTIONAL PROVISIONS – the Code of Conduct does not require the initial report to be in writing, but does require that the report “follow[] the ... school district ... reporting procedures” (510.05(a)). If the Policy requires reporting in writing, then it would be a code of conduct violation for a credential holder to fail to make the report in writing. Districts, may, however, consider that a writing requirement may discourage an initial report.]**

### **CHOOSE EITHER**

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.

### **OR**

New Hampshire School Boards Association - Sample Policy GBEAB – We do not have this policy. This policy is referenced in new policy ACAC.

9-2-2020 Policy Committee

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## MANDATORY CODE OF CONDUCT REPORTING – ALL EMPLOYEES

Covered Individuals are encouraged to make their reports in writing. Doing so will provide the Covered Individual with evidence that they have complied with the requirements of this Policy and the NH Code of Conduct (if applicable).

### 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.

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### **District Policy History:**

*First reading:* \_\_\_\_\_

*Second reading/adopted:* \_\_\_\_\_

*District revision history:*

**New Hampshire School Boards Association - Sample Policy GBEAB – We do not have this policy. This policy is referenced in new policy ACAC.  
9-2-2020 Policy Committee  
9-2-2020 Sent to GEA  
9-16-2020 Policy Committee**

## **MANDATORY CODE OF CONDUCT REPORTING – ALL EMPLOYEES**

### **Legal References:**

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

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

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***When adopting this sample or variation of the same, a district should not include the NHSBA history or NHSBA policy notes. The district should, to the extent possible, include its own adoption/revision history.***

**NHSBA history:** New policy – July 2019.

**NHSBA note, July 2019** NHSBA has also revised its sample policy GBEB (Staff Conduct) to incorporate by reference as employment standards the provisions of the NH Code of Conduct (without incorporation, the NH Code of Conduct would only pertain to credentialing status by the state as opposed to standards which can be enforced by the District. Additionally, the incorporation expressed in GBEB and this GBEAB, applies to all employees, designated volunteers, and third-party contractors.

w/p-update/2019 Spring/ /GBEAB Code of Conduct Reporting

**DISCLAIMER:** This sample policy is copyrighted to the New Hampshire School Boards Association and is intended for the sole and exclusive use of NHSBA Policy Service Subscribers. This sample is provided for general information only and as a resource to assist subscribing Districts with policy development. **School Districts and boards of education should consult with legal counsel and revise all sample policies and regulations to address local facts and circumstances prior to adoption.** NHSBA continually makes revisions based on school Districts' needs and local, state and federal laws, regulations and court decisions, and other relevant education activity.

*Current GSD policy. Suggest updating with NHSBA sample policy.*  
*9-2-2020 Policy Committee*  
*9-2-2020 Sent to GEA*  
*9-16-2020 Policy Committee*

### **STAFF CONDUCT**

All employees have the responsibility to make themselves familiar with, and abide by, the laws of the State of New Hampshire as they affect their work, the policies and decisions of the Board, and the administrative regulations designed to implement them.

All employees shall be expected to carry out their assigned duties, support and enforce Board policies and administrative regulations, submit required reports, protect District property, oversight of students and contribute to the education and development of the District's students.

All Employees shall obey the rules and decisions of their supervisors.

**(Adopted: 9/07/2010)**

## STAFF CONDUCT

Category: *Recommended*

Related Policies: *GBEA, GBEAB & GBEBB*

### **ADOPTION NOTES –**

***This text box, and all highlights within the policy should be removed prior to adoption.***

- (a) *This policy has been revised to (a) include the discipline language that formerly appeared in sample policy GBEA (Staff Ethics); and (b) incorporate as employment standards the newly enacted (11/18) Code of Conduct for NH Educators, Ed. 510.01-510.05 (without incorporation, the state Code of Conduct would only pertain to credentialing status by the state as opposed to standards which can be enforced by the District).*
- (b) **{\*\*}** *indicates a reference to another NHSBA sample policy. A district should check its own current policies and codes to assure internal consistency.*
- (c) *As with all sample policies, NHSBA recommends that each district carefully review this sample policy prior to adoption to assure suitability with the district's own specific circumstances, organizational structures, etc., and current policies. Highlighted language or blank, underscored spaces indicate areas which Boards must change/complete to reflect local personnel titles, policy references, duty assignments etc.*
- (d) *Withdrawn and earlier versions of revised policies should be maintained separately as permanent records of the District. Some districts maintain a "Repealed/Revised" section within their manuals.*

### **A. General Provisions.**

All employees have the responsibility to make themselves familiar with, and abide by, the laws of the State of New Hampshire as they affect their work, all policies and decisions of the Board, and the administrative regulations and directives designed to implement them.

All employees shall be expected to carry out their assigned duties, support and enforce Board policies and administrative regulations, submit required reports, protect District property, oversight of students and contribute to the education and development of the District's students.

Employees are advised that failure to abide by this and other school board policies can lead to disciplinary action, up to and including dismissal, and can result in non-renewal. Any action taken regarding an employee's employment with the District will be consistent with all rules, laws, and collective bargaining agreements, if applicable.

### **B. Adoption and Incorporation of Standards of Code of Conduct for New Hampshire Educators.**

**New Hampshire School Boards Association - Sample Policy GBEB. Suggest replacing current GSD policy with this sample policy.**

**9-2-2020 Policy Committee**

**9-2-2020 Sent to GEA**

**9-16-2020 Policy Committee**

## **STAFF CONDUCT**

The Board incorporates by reference, and adopts as independent standards of conduct relative to employment in the District, the provisions of the New Hampshire Code of Conduct for New Hampshire Educators (Ed 510.01-510.05) (the “NH Code of Conduct”), as the same may be amended by the State from time to time. The District reserves the right to take employment action against any employee based upon the District's interpretation of the provisions of the NH Code of Conduct and the District’s independent assessment of whether an employee has violated said provisions. The District’s interpretation, assessment and/or action thereon, are independent of any interpretation by the New Hampshire Department of Education (“DOE”) with respect to those standards, and irrespective of any investigation by or action taken by the DOE relative to a District employee’s conduct.

### **C. 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 party.

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#### **District Policy History:**

*First reading:* \_\_\_\_\_

*Second reading/adopted:* \_\_\_\_\_

#### ***District revision history:***

#### **Legal References:**

*N.H. Dept. of Education Administrative Rule – Ed 303.01*

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

*NH Code of Administrative Rules, Section Ed 511, Denial, Suspension or Revocation of Certified Personnel*

*N.H. Dept of Education, Code of Ethics for NH Educators*

*RSA 189:13, Dismissal of Teacher*

*RSA 189:14-a, Failure to be Renominated or Reelected*

*RSA 189:14-d, Termination of Employment*

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

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**New Hampshire School Boards Association - Sample Policy GBEB. Suggest replacing current GSD policy with this sample policy.**

**9-2-2020 Policy Committee**

**9-2-2020 Sent to GEA**

**9-16-2020 Policy Committee**

## **STAFF CONDUCT**

**NHSBA history:** Revised – July 2019; New Policy - August 2006

**NHSBA note, July 2019:** NHSBA revised policy GBEB, along with the related policies GBE, GBEA, and GBEBB, for better internal consistency relative to conduct, and to include provisions aligning with the New Hampshire Code of Ethics and Code of Conduct for Educators, passed in November 2018.

w/p-update/2019 Spring/ /GBEB Employee Conduct 2019-7 (d)

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*Current GSD Policy. This policy needs to be updated due to a change in RSA 189:73, which expanded FMLA benefits to employees by reducing the number of required annual hours to qualify from 1250 to 900, and also removed the threshold number of employees (formerly 50).*

*9-16-2020 Policy Committee*

## **FAMILY AND MEDICAL LEAVE ACT**

Consistent with the federal Family and Medical Leave Act of 1993, the School District recognizes that eligible employees have access to unpaid family and medical leave for up to twelve (12) weeks during any twelve (12) month period. The intent of this policy is to summarize the Act as it applies to eligible employees of the School District. Employees should consult regulations that implement the Act for more specific definitions and criteria for use. It is not the intent of this Policy to provide additional or different provisions than those specified in the Act and its implementing regulations.

To be eligible for family or medical leave, an employee must have been employed for at least twelve (12) months, have worked at least 1,250 hours during the prior twelve months, and be employed at a work-site where at least 50 employees are employed by the District within a 75-mile radius of that work-site.

Family leave shall be provided when a son or daughter is born to the employee or when one is placed with the employee for adoption or foster care. Medical leave shall be provided for the serious health condition of the employee, or in order for the employee to take care of a spouse, child, or parent who has a serious health condition rendering him/her unable to perform the functions of his/her job.

The District requires, an employee to use accrued paid vacation and sick leave for purposes of family leave or medical leave.

The employee shall notify the District of his/her request for leave, if foreseeable, at least thirty (30) days prior to the date when the leave is to begin. If such leave is not foreseeable, then the employee shall give such notice as is practical. The District shall require a certification from a health care provider if medical leave is requested and once again prior to an employee returning from medical leave. When an employee returns following a leave, he/she must be returned to the same or equivalent position of employment. The Superintendent, or his/her designee, may reassign a teacher consistent with the teacher's agreement, to a different grade level, building, or other assignment, consistent with the employee's certification.

The District shall post a notice prepared or approved by the Secretary of Labor stating the pertinent provisions of the Family and Medical Leave Act, including information concerning the enforcement of the Act.

The user of this policy is also directed to the applicable provisions of any Collective Bargaining Agreements in the district.

### **Legal Reference:**

*29 U.S.C. section 2611, et seq. Family and Medical Leave Act of 1993 (Pub. L. 103-3)  
RSA 189:73, Family and Medical Leave Coverage*

**(Adopted: 8/23/2010)**

## COMMUNICABLE & INFECTIOUS DISEASES

Category: *Recommended*

Related Policies: *EBCF, GBGA, IHAM, JLCA, JLCB & JLCG*

### **ADOPTION NOTES –**

***This text box, and all highlights within the policy should be removed prior to adoption.***

- (a) *Sample policy ALA is a new policy intended to address responses to a broad class of communicable diseases, and replaces former identical sample policies JLCA/GBGA/IHAMC, which addressed only HIV/AIDS. This policy will overlap but extend further than current sample EBCF which is more specific to larger scale pandemic/epidemic emergencies.*
- (b) *General – As with all sample policies, NHSBA recommends that each district carefully review this sample prior to adoption to assure suitability with the district’s own specific circumstances, internal coding system, current policies, and organizational structures. Highlighted language or blank, underscored spaces indicate areas which Boards must change/complete to reflect local personnel titles, policy references, duty assignments etc.*
- (c) *{\*\*} indicates a reference to another NHSBA sample policy. A district should check its own current policies and codes to assure internal consistency.*

### **A. POLICY:**

Students and employees of the District are expected to attend the schools of the district without being infected with serious communicable diseases. Nonetheless, the Board recognizes that staff, students, volunteers and others may come in contact with bloodborne pathogens, viruses and other communicable diseases during the school day or school sponsored activities, or may carry those pathogens, viruses and diseases unknowingly into the school community. The Board adopts this policy as a means to minimize risk and respond to these health concerns while respecting the rights of all students and employees, including those who are so infected.

As described in Board policy **{\*\*}**JLCG, RSA 200:39 permits the exclusion from school of students who exhibit symptoms of contagion, or are a hazard to him/herself or others. As provided in this policy, determinations as to inclusion or exclusion of students or employees with communicable diseases from school will take into account the educational implications for the student and others with whom he or she comes into contact, recommendations from the New Hampshire Department of Health and Human Services (“NHDHHS”), the New Hampshire Department of Education, and the United States Public Health Services Centers for Disease Control (“CDC”). Diseases which will implicate this policy, include, but are not necessarily limited to, HSV related diseases such as Chickenpox, Shingles, Hepatitis B, and Infectious Mononucleosis, Acquired Immune Deficiency Syndrome (AIDS), Cytomegalovirus (CMV), or Herpes Simplex Virus (HSV), and other diseases which are from time-to-time identified by public health agencies such as the CDC and NHDHHS.

#### **1. Students.**

## COMMUNICABLE & INFECTIOUS DISEASES

It is the policy of the District that students with communicable diseases should not be excluded from attending school in their regular classrooms so long as their attendance results in a situation where the risk of transmission of illness to students or employees of the School District, or hazard to themselves, is negligible. All decisions regarding inclusion or exclusion shall be made consistent with this section and the procedures set forth in section B of this policy.

### 2. Employees.

It is the policy of the School Board that employees (which for the purposes of this policy will include individual consultants/contractors, and volunteers) with communicable diseases not be excluded from attending to their customary employment and duties so long as they are physically able to perform tasks assigned to them and so long as their employment results in a situation where the risk of transmission of illness to students or other employees of the District, or hazard to themselves, is negligible.

### 3. Special Circumstances and Conditions.

The School Board recognizes that some students or employees, because of age, disability or other special conditions, may pose greater risks for the transmission of communicable diseases than other persons infected with the same illness. Examples include children who display biting behavior and students and employees who are unable to control their body fluids or have uncovered wounds. These conditions need to be taken into account and considered in assessing the risk of transmission of the disease and the resulting effect upon the educational program of the student or employment of the employee.

In the instance of diseases causing suppressed immunity, attendance may be denied to a child with suppressed immunity in order to protect the welfare of the child with suppressed immunity when others in the school have an infectious disease which, although not normally life threatening, could be life threatening to the child with suppressed immunity.

## B. PROCEDURES WHEN COMMUNICABLE DISEASE IS SUSPECTED:

1. **Reporting.** School District employees, including contracted individuals and/or agencies who are performing contracted responsibilities for the School District, and who become aware of a communicable disease or other potentially serious health problem regarding themselves, or of students or other employees, unless prohibited by statutory confidentiality, they will report it to the school nurse, or building Principal/designee.
2. **Response.** The health risk to others in the school district environment from the presence of a student or employee with a communicable disease shall be determined on a case-by-case basis. In all cases in which the school nurse, or other person designated by the Superintendent, becomes aware that a student or employee of the School District has contracted a communicable disease of the kind in section A of this policy, s/he will take the following steps:

## COMMUNICABLE & INFECTIOUS DISEASES

- a. The parent/guardian(s) of a student will be contacted in order to discuss the situation and determine whatever facts are available; the same information will be communicated promptly among the Superintendent/designee, school nurse and Principal/designee.
- b. Upon receiving written consent from the parent(s) or guardian of a student or, in the case of an employee, the employee or his/her health care agent (i.e., adult to whom authority to make health care decisions is delegated under an advance directive meeting the requirements of RSA 137-J:20), the school nurse/Superintendent's designee will attempt to confer with the treating physician, if any, in order to determine any significant medical facts concerning the diagnosis of the disease or factors affecting the possible transmission of the disease.
- c. Notify and consult with the health care professionals knowledgeable about the particular disease. Following such consultation, the school nurse, Superintendent or his/her designee, shall determine the immediate, short-term action to be taken relative to educational placement of the student or work assignment for the employee.
- d. When a communicable disease of the kind identified in section A of this policy is suspected or confirmed in an individual, the school nurse shall consult with the Superintendent or designee and appropriate public health officials, to determine whether a student or employee shall be excluded from school or from attending to their customary employment, and whether additional measures are required to protect other members of the school population. Factors specific to individuals, such as biting behaviors, lack of control of body fluids, existence of uncovered wounds or other medically identifiable conditions may also be considered. Recommendations regarding the least restrictive educational placement for a student or continued attendance at work for an employee may be sought on a case by case basis.

In addition to the information obtained in steps a-c, decisions to exclude shall consider criteria from NHDHHS Bureau of Infectious Disease included in its publication "*When Children Should be Excluded or Dismissed from a Childcare Setting*", or the American Academy of Pediatrics' "*Red Book: Report of the Committee on Infectious Diseases*", or other general or specific guidance from the NHDHHS or the United States Centers for Disease Control.

- i. Decisions regarding students. Unless the school nurse is unavailable, the ultimate decision to exclude a child from school under this Policy due to a contagious or communicable illness shall be made by the school nurse after consulting with the Superintendent/designee and Principal/designee.

## COMMUNICABLE & INFECTIOUS DISEASES

If the school nurse is unavailable, a decision to exclude shall be made by the Superintendent/designee.

If the student is a student with an IEP, 504 plan, or other such individualized learning plan, then decisions regarding alternative settings shall be made according to the applicable laws, regulations and policies.

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 s/he is eligible for special education or special education and related services. Excluded students 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.

- ii. Decisions regarding employees. Determinations regarding exclusion or reassignment of employees shall be made by the Superintendent/designee. Absent significant risk to the employee or risk of transmission to students or other employees, the Superintendent shall not alter the job assignment of the infected person. Volunteers are subject to any directives issued by the administration, as are contractors and consultants, subject to the terms of their respective agreements.

If the Superintendent/designee, after taking the steps above, determines that there is 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, or presents a substantial hazard to the employee, the Superintendent/designee 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/designee 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.

- iii. Testing, Social Distancing and Other Extraordinary Measures. Some infectious diseases, viruses, etc., may be so dangerous and or the risk of casual transmission so great, that effective response will require broader measures. Based upon specific recommendations of local, state and/or federal health authorities, the Superintendent is authorized to implement such additional, extraordinary emergency measures as may be necessary

## COMMUNICABLE & INFECTIOUS DISEASES

and appropriate to address the health risk: e.g., school closure, population exclusion (stay-at-home type instructions), mandatory screenings, mandatory use of personal protective equipment (PPE's), social distancing orders, administrative leaves or temporary adjustments in duties. These provisions are intended to complement, not replace any provisions of Board policy <sup>{\*\*}</sup>*Pandemic/Epidemic Emergencies*. Such measures should be taken with prior notice to the Board, if practicable, or as soon as possible thereafter. The Board Chair may determine that the circumstances, or the measures implemented by the Superintendent, warrant a special or an emergency meeting of the School Board.

### 3. Practices to Minimize Contamination in Schools.

Good hygiene practices as recommended by local, county and state health authorities are to be followed at all times when handling blood or other body fluids of any student or employee. Parents and employees are not generally required to advise the school if their child has a communicable disease. (Some exception may exist under specific legislation or Executive/emergency orders, in which, such legislation or Executive orders shall supersede this policy to the extent necessary to remove any conflict.) Because the District may not rely on self-reporting, it is appropriate to adopt procedures for the handling of body fluids from any child or employee. This also eliminates the need to notify all maintenance, transportation and building personnel if the District becomes aware of a student or employee with communicable diseases. It is recommended the following procedures be used on a routine basis when blood or any other body fluids including vomitus and fecal or urinary incontinence are involved.

- a. Gloves should be worn when cleaning up any body fluids.
- b. Spills should be cleaned up, the affected area washed with soap and water and disinfected with bleach (one part bleach to ten parts water), or another disinfectant.
- c. All disposable materials, including gloves and diapers, should be discarded into a plastic bag before discarding in a conventional trash system. The mop should also be disinfected with the bleach solution described in B above.
- d. Toys and other personal non-disposable items should be cleaned with soap and water followed by disinfection with the bleach solution before passing to another person. A normal laundry cycle is adequate for other non-disposable items.
- e. Persons involved in the clean-up should wash their hands afterward.

Additional precautions may be recommended or required in certain instances (e.g., social distancing, masks, etc.).

## COMMUNICABLE & INFECTIOUS DISEASES

### 4. Confidentiality and Data Privacy.

Public concern regarding communicable diseases is neither an excuse nor defense for the violation of data privacy rights of students or employees who have or are rumored to have such illnesses.

- A. Personally identifiable health information regarding students is private data and is not to be disseminated to the public or to staff without the strict observance of student privacy rights.
- B. Personally identifiable health data and information regarding employees is private data and may not be released to the public nor to fellow employees without strict observance of privacy rights of public employees.
- C. Parents of other children attending the school, or other school employees, may only be notified of a possible exposure to a communicable disease to the extent permitted, or required, under applicable law, regulations or Executive order. In general, such information will not identify the particular student or employee who has the disease.
- D. Any District employee who violates the confidentiality provisions of this policy shall be subject to discipline. A confidentiality breached by an independent contractor/consultant, could result in termination of the contract for cause.

### 5. Staff and Student Education.

The School Board recognizes that the education of its residents, staff, and students regarding the risks involved in the spread of infectious diseases in the school setting will help to minimize the risk of transmission to other students and employees while protecting the rights of infected students and employees.

- A. All school district employees should receive instruction regarding appropriate hygienic practices for use in school settings, precautions to be employed where contagious diseases may be encountered and community resources for referral and information.
- B. Any information provided as part of a student's instruction pertaining to sexually transmitted diseases shall comply with Board policy **\*\***IHAM.

### 6. Implementation.

The Superintendent is authorized to implement this policy through and procedures, or administrative directives which s/he deems necessary or appropriate.

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#### **District Policy History:**

First reading: \_\_\_\_\_

Second reading/adopted: \_\_\_\_\_



## COMMUNICABLE & INFECTIOUS DISEASES

### ***District revision history:***

### **Legal References:**

*RSA 189:1-a, Duty to Provide Education*

*RSA 189:31, Removal of Teacher*

*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*

*RSA 200:32, Physical Examination of Student*

*RSA 200:36, Medical Examination of School Personnel*

*RSA 200:39, Exclusion from School*

*NHDHHS Bureau of Infectious Disease's: "When Children Should be Excluded or Dismissed from a Childcare Setting," may be found at:*

*<https://www.dhhs.nh.gov/dphs/cdcs/documents/childrendismissed.pdf>*

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

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

**NHSBA history:** New policy – July 2020

**NHSBA revision notes, July 2020,** Sample policy EBCG replaces former identical sample policies JLCAA/GBGAA/IHAMC, which addressed only HIV/AIDS. The new policy is intended to apply to communicable diseases generally. This policy will overlap but extend further than current sample EBCF which is more specific to larger scale pandemic/epidemic emergencies.

w/p-update/2020/spring//JLCA Communicable & Infectious Diseases (d1) 2020-U1

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## EXCLUSION OF STUDENTS WHO PRESENT A HAZARD

Category: *Recommended*

Related Policy: *EBCG*

### REVISION/ADOPTION NOTES –

***This text box, and all highlights within the policy should be removed prior to adoption.***

- (a) *General – As with all sample policies, NHSBA recommends that each district carefully review this sample prior to adoption to assure suitability with the district’s own specific circumstances, internal coding system, current policies, and organizational structures. Highlighted language or blank, underscored spaces indicate areas which Boards must change/complete to reflect local personnel titles, policy references, duty assignments etc.*
- (b) *{\*\*} indicates a reference to another NHSBA sample policy. A district should check its own current policies and codes to assure internal consistency.*
- (c) *Withdrawn and earlier versions of revised policies should be maintained separately as part of the permanent records of the District.*

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.

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.

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### **District Policy History:**

First reading: \_\_\_\_\_

Second reading/adopted: \_\_\_\_\_

### **District revision history:**

**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**

## **EXCLUSION OF STUDENTS WHO PRESENT A HAZARD**

### **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*

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

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**NHSBA history:** Revised – June 2020; New policy – February 2007

**NHSBA revision notes, June 2020,** NHSBA revised JLCG as part of a health policy overhaul with assistance from the NH School Nurses Association. Substantial revisions include more closely tracking the language of RSA 200:39, and re-directing exclusions based upon communicable/contagious diseases to new policy EBCG.

w/p-update/2020/spring//JLCG - Exclusion of Students (d1) 2020-U1

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

**9-16-2020 Policy Committee**

## **PANDEMIC/EPIDEMIC EMERGENCIES**

(Download policy)

### **Category O**

The Board recognizes that a pandemic/epidemic is a serious threat that stands to affect students, staff, and the community as a whole. The Board establishes this policy in the event the town/municipality and/or school district is affected by a pandemic or epidemic. At all times the health, safety and welfare of the students shall be the first priority. The District shall follow the advice and recommendations in the State of New Hampshire's Influenza Pandemic Public Health Preparedness & Response Plan, as prepared by the Dept. of Health & Human Services.

### **Planning and Coordination**

Planning for a pandemic requires a multi-faceted effort, and school preparedness should include input from a team of individuals to address their specific areas of expertise.

The Superintendent shall designate one or more employees to serve as a liaison between the school district and local and State health officials. This designee is responsible for communicating with health officials to identify local hazards, determine what crisis plans exist in the school district and community, and to establish procedures to account for student well being and safety during such a crisis. The designee shall work with local health officials to coordinate their pandemic/epidemic plans with that of the school district. The Board encourages the designee to become a member of the Health Alert Network through the New Hampshire Department of Health & Human Services.

The principal and/or school nurse or other designee shall develop a curriculum component to health classes that is designed to teach students about preventing or limiting the spread of communicable diseases.

With fiscal concerns in mind, the district may purchase and store supplies necessary for an epidemic/pandemic response, including but not limited to disinfectant products, face masks, water, examination gloves, and other supplies as recommended by the school nurse.

The Superintendent shall develop procedures and plans for the transportation of students in the event students are released from school early.

### **Response**

In the event anyone within the school is discovered or suspected to have a communicable disease that may result in transmission to other students, faculty, or staff, that person shall be immediately isolated pending further medical examination. The New Hampshire Communicable Disease Control Section of the Department of Health and Human Services shall be notified immediately.

### **Infection Control**

Any student or staff member found to be infected with a communicable disease that may bears 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 provide medical clearance.

Students with excessive absences due to a communicable disease may be given a reprieve from other Board policies relative to excessive student absences. Efforts will be made by the staff to determine what, if any, schoolwork the student can complete while absent.

Staff members who are forced to miss excessive days of work shall first use any leave entitled to them through the Family and Medical Leave Act and/or accrued sick leave. If a staff member has still not received medical clearance to resume his/her work duties, absences in excess of a staff member's allotted leave will not affect the employees right to continued employment.

### **Continuance of Education**

The Superintendent will develop a plan of alternate means of educating students in the event of prolonged school closings and/or extended absences. Such a plan may include providing students with assignments via mail, local access cable television, or the school district's website.

The Superintendent is authorized to amend the traditional class schedule and schedule of days. Such a plan may include extending the school day, having school days held on Saturdays, the use of previously scheduled vacation days, and/or extend the school year beyond the previously established end of school year.

### **Legal References:**

*Influenza Pandemic Public Health Preparedness & Response Plan, New Hampshire Department of Health & Human Services, Updated March 2, 2006, [www.dhhs.nh.gov/DHHS/CDCS/LIBRARY/Policy-Guideline/dphs-influenza-plan.htm](http://www.dhhs.nh.gov/DHHS/CDCS/LIBRARY/Policy-Guideline/dphs-influenza-plan.htm)*

Revised: February 2007

New Policy: August 2006

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