



SCHOOL ADMINISTRATIVE UNIT #51

23 Oneida Street, Unit 1
Pittsfield, New Hampshire 03263
Phone: (603) 435-5526 • Fax (603) 435-5331
Bryan Lane – Superintendent of Schools

PITTSFIELD SCHOOL BOARD MEETING AGENDA

5:30 PM Thursday, September 15, 2022

PMHS Media Center

Pittsfield Middle High School

Join with Google Meet: meet.google.com/ekb-odkn-dej

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. ACTION ON AMENDED AGENDA
4. APPROVAL OF MINUTES FROM September 1, 2022
5. PUBLIC INPUT
6. STUDENT REPRESENTATIVE
7. DIRECTOR OF STUDENT SERVICES

Information & Discussion

- Flex Program Overview
- Staffing

Action Items

8. SUPERINTENDENT OF SCHOOLS

Information & Discussion

- Start of school
- Budget
- Salary schedule proposal
- Tuition Study Update
- MS-25 Update

9. SCHOOL BOARD

Information & Discussion

- NHDOE FY2023 General Assurances, requirements and definitions for participation in federal programs
- 2022 Legislative Update
- Policy Review – First Reading:
 - IKAD, Changing Student Grades
 - JRB, Confidential Student Information

- AC-E Contact Information for Human Rights Officer, Title IX Coordinator and Civil Rights Agencies
- EGAD, Copyright Compliance

Action Items

- Policy Review – Second Reading:
 - JICK, Student Safety and Violence Protection
 - JEA, Compulsory Attendance Age
 - EHAA, Computer Security, E-Mail and Internet Communications
 - JLCJ, Concussions and Head Injuries
- Policy Review – Third Reading
 - JBAB, Transgender and Gender Non-Conforming Students

10. COMMITTEE ASSIGNMENTS

BUDGET COMMITTEE – SANDRA ADAMS
 DRAKE FIELD & FACILITIES – ADAM GAUTHIER
 NEGOTIATIONS –
 FOSS FAMILY SCHOLARSHIP – SARAH DUVAL

11. PLAN AGENDA FOR NEXT MEETING

12. PUBLIC INPUT

13. NON-PUBLIC SESSION - RSA 91-A 3 (a) the dismissal, promotion, or compensation of the disciplining of such employee, or the investigation of any charges against him or her, unless the employee affected (1) has a right to a meeting and (2) requests that the meeting be open, in which the request shall be granted. (b)The hiring of any public employee. (c) Matters which, if discussed in public, would likely affect the reputation of any person, other than a member of the public body itself, unless such person requests an open meeting. This exemption shall extend to any application for assistance or tax abatement or a waiver of a fee, fine, or other levy, if based on inability to pay or poverty of the applicant. - Negotiations

14. ADJOURNMENT

ADVANCE COPY, SUBJECT TO APPROVAL BY THE PITTSFIELD SCHOOL BOARD

**STATE OF NEW HAMPSHIRE
SCHOOL ADMINISTRATIVE
UNIT #51
PITTSFIELD SCHOOL BOARD**

MINUTES

Pittsfield School Board Meeting
September 1, 2022
Pittsfield Middle High School

I. CALL TO ORDER

Members Present: Adam Gauthier, Chairperson (arrived at 6:45 p.m.)
Sandra Adams, Vice Chairperson
Molly Goggin
Adam Cote
Sarah Duval

Others Present: Bryan Lane, Interim Superintendent
Derek Hamilton, PMHS Principal
Michael Wiley, PES Principal
Members of the Public

Vice Chairperson Adams opened the meeting at 5:30 p.m.

II. PLEDGE OF ALLEGIANCE

The pledge of allegiance was led by Ms. Adams

III. AGENDA REVIEW

The following items were added to the agenda:

- Share Table (Ms. Duval)
- Policy IKAD to be added to Policies First Reading for the next meeting (Ms. Adams)
- Website Updates (Ms. Adams)
- Superintendent Evaluation (Ms. Adams)
- Homecoming and Community Night Out (Ms. Adams)

IV. ACTION ON AMENDED AGENDA

On a motion made by Ms. Duval and seconded by Ms. Goggin, The Board unanimously approved the amended agenda

V. APPROVAL OF PREVIOUS MEETING MINUTES

The minutes of the August 18, 2022 meeting were considered.

Changes include: on page three, bullet C, change “study” to “student”, bullet D, correct the spelling of Diane; bullet points; bullet C, update the resignation of Brandon Balser to reflect the acceptance of his resignation as long as he remits the \$1,000.00 fee for breach of contract.

On a motion made by Ms. Goggin and seconded by Mr. Cote, The Board unanimously approved the amended minutes.

VI. PUBLIC INPUT

Diane Rider would like the e-mail she sent to the Board on August 26, 2022 regarding the revision of Policy JBAB to be included in the meeting minutes.

Ms. Rider would like the Board to address the selection process of theatrical plays by the district for overall appropriateness.

Sabrina Smith spoke on the previous meeting’s review on Policy JBAB, Transgender and Gender Non-Conforming Students, as she was unable to attend the previous meeting. Ms. Smith stated that she would like to speak on behalf of the LGBTQ+ Community to ensure that the revision of this policy will continue to protect the students that would fall under this policy.

Katie Nikas spoke as a representative of the LGBTQ+ community on Policy JBAB, to ensure that the children of the district will continue to be supported and protected through this policy after it’s reviewed and revised.

VII. PES PRINCIPAL

- A. Mr. Wiley shared that the Open House event had a great turn out.
- B. Professional Development was held on August 24th and August 25th for faculty and staff of PES.
- C. Mr. Wiley summarized the System Protocols for Behavior, System Protocols for Behavior in the Classroom and System Protocols and the Student Services Coordinator for the Board.

VIII. SUPERINTENDENT

- A. Mr. Lane provided the Board with a staffing update.
- B. Mr. Lane thanked the building principals for organizing the well-attended workshops for their staff.
- C. Mr. Lane paid his appreciation to the maintenance team once again for their hard work across the various district buildings and grounds preparing for the upcoming school year.

- D. Mr. Lane provided the Board an update on the return rate on the Free and Reduced Meal Applications.

IX. SCHOOL BOARD

- A. Ms. Adams notified that Board that the superintendent evaluation model still needs to be selected. Ms. Adams found a model from the Mattawan Consolidated School District in Michigan that she feels encompasses all areas that a superintendent should be evaluated on. The consensus of the Board was to use the Mattawan Consolidated School's model for superintendent's evaluation.
- B. Ms. Adams inquired as to the schedule for Homecoming and Community Night Out, which was determined to be scheduled for the weekend of September 30th, 2022.
- C. Ms. Adams stated that she reviewed the school level websites which needs to updated to reflect staffing changes as well as main points of contact.
- D. Ms. Duval would like to revisit the idea of the implementation of a Share Table for the students in the cafeteria.

The Board spoke about the positives as well as negatives and concerns surrounding children with allergies if such a program was to be instituted.

E. Policies – First Reading

- Policy JICK, Student Safety and Violence Protection
- Policy JEA, Compulsatory Attendance Age
- Policy EHAA, Computer Security, E-Mail and Internet Communications
- Policy JLCJ, Concussions and Head Injuries

F. Teacher Nomination for Jason Tanguay

Motion made by Ms. Goggin to approve the nomination of Jason Tanguay, as Physical Education Teacher, at a salary of \$51,328, MA+30, Step 10, to be prorated by the daily rate of \$277.44, seconded by Ms. Duval.

G. Policies – Second Reading

- Policy JBAB, Transgender and Gender Non-Conforming Students, tabled
- Policy IHAK, Character and Citizenship Education, approved as written.
- Policy IIB, Class Size, approved as written.
- Policy JLCC, Communicable Diseases, was considered, update dean of operations to principal.

X. COMMITTEE ASSIGNMENTS

- A. Budget Committee Representative – Mr. Cote
- B. Drake Field and Facilities – Mr. Gauthier
- C. Negotiating Team –
- D. Foss Family Scholarship – Sarah Duval

XI. NEXT MEETING

The next meeting of the Board is scheduled for Thursday, September 15, 2022 at 5:30 p.m. in the Pittsfield Middle High School Media Center.

XII. PUBLIC INPUT

Ms. Nikas spoke on her experience with the disciple model at the elementary school. Every child has different social and emotional needs and the way that each child should be handled in the best manner fit for each of them.

Ms. Nikas additionally spoke on her experience in changing her own identity for personal reasons and the

Ms. Rider asked Ms. Goggin if the district she works for has a similar policy on Transgender and Non-Gender Conforming Students that Pittsfield may review while we work on revising our own.

Ms. Goggin stated that her district had previously used the policy as it was handed down and revisions were made over time to it.

Clayton Wood asked about shared bathrooms vs. gender specific bathrooms for those who do not wish to share the bathroom with classmates that fall under Policy JBAB. Mr. Wood additionally voiced his concern for the lack of parental notification that is required by the policy from the school to parents.

Ms. Rider inquired as to what the labeling of the bathrooms was at the elementary school. Mr. Wiley stated that there are some single in classroom bathrooms, as well as girl, boy and single stall bathrooms available to all students at the elementary school.

Ms. Smith advocated for the rights of children in regards to this policy. New Hampshire allows children are able to make choices for their own reproductive systems in regards to birth control and such as young as twelve years old. Ms. Smith asked the Board if there were any support groups in place for children who fall under the Policy JBAB.

Ms. Nikas inquired as to how the calendar for the district was decided on for the 2022-23 school year.

XIII. ADJOURNMENT

A motion was made by Ms. Duval and seconded by Ms. Goggin to adjourn the meeting. The Board voted unanimously to adjourn the meeting at 8:32 p.m.

Respectfully submitted,

Sara Zinn
Recording Secretary

(Aug. 26, 2022 email sent to Pittsfield school board members and Supt. Bryan Lane)

I am writing to you because of the recent discussion at the school board meeting about revising the JBAB policy to meet the needs of all students and teachers in our school buildings, to create a climate that is not hostile to anyone, and to be careful to recognize parental rights as well as free speech rights of each individual.

The newly proposed changes by the US DOE to the, 1972, Title IX legislation enacted to protect women represents a federal intrusion into the local control of our school district. The NEA leadership has fully endorsed this 700 page document. Some of the things it will affect are parental rights, freedom of speech rights, and girls' sports. You have an opportunity to offer personal opinion on this by writing to the online journal, the Federal Register, before September 12th.

Federal Register :: Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance

Best regards,
Diane Rider

Pittsfield School District

To: Pittsfield School Board

From: [Charlene Vary](#)

Subject: Board Meeting – September 15, 2022

Date: September 15, 2022

ACTION

1. Flex Program Overview:

Pittsfield High School has a Flex Program in place. This is a tiered intervention support for students in critical need. The program has been in place for well over a decade. This program aims to provide a least restrictive environment and prevent out of district placements. There are students with and without diagnosed disabilities in the program.

The High School Flex Program serves students 9-12+. This is a dropout prevention, behavior management, and credit recovery program for students. Students who enter the Flex Program do so because one or more of the following are true: their social/emotional needs are significant and interfere in their ability to learn and participate in the classroom, are severely behind in credits, or have little to no adult relationships at school. Relationship building and behavior management systems are utilized as the primary means to address the student's behavioral difficulties. Online programs and alternative learning plans are utilized for accelerated credit earning. Currently there are six students in the high school Flex program who have an IEP or 504 plan.

At this time there is not a Flex program at the Elementary School or in the Middle School. In the past both schools have had Flex programs but because of staffing and budget cuts both of the programs have been eliminated.

2. Staffing

As of Monday 9/12/22 we have one position to fill at the Elementary school with another anticipated in January. The Middle School needs five paraprofessionals and the High School needs four. We continue to advertise with EdJobs and Indeed. Until we fill the positions the case managers are working directly with the students in the classroom.



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5331

Bryan Lane – Superintendent of Schools

SUPERINTENDENT’S REPORT
September 15, 2022

The first days of school have gone very well. We still have nine open positions for para-educators as well as working to find a supervisor for the middle school science classes. We are experiencing a good number of absence due to COVID 19 in both students and staff. The administration in the schools have put out a reminder to parents about our protocols for dealing with COVID cases in accordance with recommendations from the NH Department of Public Health.

I am spending a good deal of time right now working with the administration to bring forward a budget to the Board in the first week of October. We will maintain our replacement cycles that were established for furniture and technology in the upcoming budget. We also will have the second phase of five in replacing the carpeting at PES, this will be level funded. I am budget for a 6% increase in all utilities and 3% for health and dental. Adjustments to health and dental will be made at the end of October when we get the rates for the coming school year. The Principals are putting together recommendations for expenditures to me and we will bring forward a budget that comes from the staff to you.

I will be bringing to you a suggested change to the District policy for support staff. This will include a restructuring of the pay scale for all hourly employees. The goal will be to make the minimum hourly wage in the District to be \$15.00 per hour. Included will be incentives for long term employees with the expectation that annual budgeted increases will be 2.5%.

I will have the presentation for the Tuition Study meeting with community members ready for the Board to view prior to the Board meeting on October 6th. The presentation will include explanations of the financial issues at hand as well as the programmatic considerations if changes were made. Once the Board approves of the presentation, it will be put online for public viewing and consideration.

The Business Office requested and was granted an extension to submit the MS 25, which is the reconciliation of the 2021-22 school budget. A major reason for this is the practice of paying teachers through each pay period in the summer. Many school districts create a “balloon payment” in the last check in June which consolidates five pay periods into one. This allows the Business Office to close out the books earlier and then allow for the MS 25 to be completed by August 31 as required. I will be bringing the Board a proposal to present to the EAP to allow for this in the coming months.

[illegible][illegible]

New Hampshire Department of Education

FY2023

GENERAL ASSURANCES, REQUIREMENTS AND DEFINITIONS FOR PARTICIPATION IN FEDERAL PROGRAMS

Subrecipients of any Federal grant funds provided through the New Hampshire Department of Education (NHDOE) must submit a signed copy of this document to the NHDOE Bureau of Federal Compliance prior to any formula grant application being deemed to be “substantially approvable” or any discretionary grant receiving “final approval”. Once a formula grant is deemed to be in substantially approvable form, the subrecipient may begin to obligate funds which will be reimbursed upon final approval of the application by the NHDOE (34 CFR 708).

Any funds obligated by the subrecipient prior to the application being in substantially approvable form will not be reimbursable even upon final approval of the application by the NHDOE.

While there have been no significant changes notable in the last year, this FY2023 general assurances document contains a few minor differences from the FY2022 general assurances document. You are encouraged to do a side-by-side comparison of the two documents so that you thoroughly understand the requirements and deadlines to which you are agreeing.

Following your review and acceptance of these General Assurances, Requirements and Definitions for Participation in Federal Programs please sign the certification statement on the appropriate page and then initial each of the remaining pages where indicated.

Please note that the practice of the School Board authorizing the Superintendent to sign on behalf of the School Board Chair is not acceptable to the NHDOE in this case and will be considered non-responsive.

Once the document is fully executed, you may either email or mail a copy of the entire document to:

**New Hampshire Department of Education
Bureau of Federal Compliance
25 Hall Street
Concord, NH 03301
federalcompliance@doe.nh.gov**

Should you have any questions please contact Lindsey Labonville at 603-271-3837, or Jessica Lescarbeau at 603-271-3808.

General Assurances, Requirements and Definitions for Participation in Federal Programs

A. General Assurances

Assurance is hereby given by the subrecipient that, to the extent applicable:

- 1) The subrecipient has the legal authority to apply for the federal assistance, and the institutional, managerial, and financial capability (including funds sufficient to pay non-federal share of project costs, as applicable) to ensure proper planning, management, and completion of the project described in all applications submitted.
- 2) The subrecipient will give the awarding agency, the NHDOE, the Comptroller General of the United States and, if appropriate, other State Agencies, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
- 3) The subrecipient will not dispose of, modify the use of, or change the terms of the real property title or other interest in the site and facilities without permission and instructions from the awarding agency. The subrecipient will record the Federal awarding agency directives and will include a covenant in the title of real property acquired in whole or in part with Federal assistance funds to assure non-discrimination during the useful life of the project.
- 4) The subrecipient will comply with the requirements of the assistance awarding agency (2 CFR 200.1 Definitions 'Federal Awarding Agency') with regard to the drafting, review and approval of construction plans and specifications.
- 5) The subrecipient will provide and maintain competent and adequate engineering supervision at the construction site to ensure that the complete work conforms with the approved plans and specifications and will furnish progressive reports and such other information as may be required by the assistance awarding agency or State.
- 6) The subrecipient will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
- 7) The subrecipient will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
- 8) The subrecipient will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to:
 - (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin;
 - (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex;
 - (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794), which prohibits discrimination on the basis of handicaps;
 - (d) The Age Discrimination Act of 1975, as amended (42 U.S.C. §§6101-6107), which prohibits discrimination on the basis of age;

- (e) The Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse;
 - (f) The Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism;
 - (g) §§523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records;
 - (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing;
 - (i) Any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and,
 - (j) The requirements of any other nondiscrimination statute(s) which may apply to the application.
- 9) The subrecipient will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of federal or federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of federal participation in purchases.
- 10) The subrecipient will comply, as applicable, with provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with federal funds. The subrecipient further assures that no federally appropriated funds have been paid or will be paid by or on behalf of the subrecipient to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any federal grant; the entering into of any cooperative agreement; and the extension, continuation, renewal, amendment, or modification of any federal grant or cooperative agreement.
- 11) The subrecipient will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported in whole or in part with federal funds.
- 12) The subrecipient will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. §§2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported in whole or in part with federal funds.
- 13) The subrecipient will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.
- 14) The subrecipient will comply with all applicable requirements of all other federal laws, executive orders, regulations, and policies governing all program(s).
- 15) The subrecipient will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and 2 CFR 200.501, Subpart F, "Audit Requirements," as applicable.
- 16) The recipient will comply with the requirements of Section 106(g) of the Trafficking Victims Protection Act (TVPA) of 2000, as amended (22 U.S.C. 7104) which prohibits grant award recipients or a sub-recipient from (1) Engaging in severe forms of trafficking in persons during the period of time that the award is in effect (2) Procuring a commercial sex act during the period of time that the award is in effect or (3) Using forced labor in the performance of the award or subawards under the award.
- 17) The control of funds provided to a subrecipient that is a Local Education Agency under each program.

and title to property acquired with those funds, will be in a public agency, and a public agency will administer those funds and property.

- 18) Personnel funded from federal grants and their subcontractors will adhere to the prohibition from text messaging while driving an organization-owned vehicle, or while driving their own privately owned vehicle during official Grant business, or from using organization-supplied electronic equipment to text message or email while driving. Recipients must comply with these conditions under Executive Order 13513, "Federal Leadership On Reducing Text Messaging While Driving," October 1, 2009 (pursuant to provisions attached to federal grants funded by the US Department of Education).
- 19) The subrecipient assures that it will adhere to the Pro-Children Act of 2001, which states that no person shall permit smoking within any indoor facility owned or leased or contracted and utilized for the provision of routine or regular kindergarten, elementary, or secondary education or library services to children (P.L. 107-110, section 4303[a]). In addition, no person shall permit smoking within any indoor facility (or portion of such a facility) owned or leased or contracted and utilized for the provision of regular or routine health care or day care or early childhood development (Head Start) services (P.L. 107-110, Section 4303[b][1]). Any failure to comply with a prohibition in this Act shall be considered to be a violation of this Act and any person subject to such prohibition who commits such violation may be liable to the United States for a civil penalty, as determined by the Secretary of Education (P.L. 107-110, section 4303[e][1]).
- 20) The subrecipient will comply with the Stevens Amendment.
- 21) The subrecipient will submit such reports to the NHDOE and to U.S. governmental agencies as may reasonably be required to enable the NHDOE and U.S. governmental agencies to perform their duties. The subrecipient will maintain such fiscal and programmatic records, including those required under 20 U.S.C. 1234f, and will provide access to those records, as necessary, for those Departments/agencies to perform their duties.
- 22) The subrecipient will assure that expenditures reported are proper and in accordance with the terms and conditions of any project/grant funding, the official who is authorized to legally bind the agency/organization agrees to the following certification for all fiscal reports and/or vouchers requesting payment [2CFR 200.415(a)].

"By signing this General Assurances, Requirements and Definitions for Participation in Federal Programs document, I certify to the best of my knowledge and belief that the reports submitted are true, complete, and accurate, and the expenditures, disbursements and cash receipts are for the purpose and objectives set forth in the terms and conditions of the Project Award. I am aware that any false, fictitious, or fraudulent information, or the omission of any material fact, may subject me to criminal, civil or administrative penalties for fraud, false statements, false claims or otherwise."

- 23) If an LEA, the subrecipient will provide reasonable opportunities for systematic consultation with and participation of teachers, parents, and other interested agencies, organizations, and individuals, including education-related community groups and non-profit organizations, in the planning for and operation of each program.
- 24) If an LEA, the subrecipient shall assure that any application, evaluation, periodic program plan, or report relating to each program will be made readily available to parents and other members of the general public upon request.
- 25) If an LEA, the subrecipient has adopted effective procedures for acquiring and disseminating to teachers and administrators participating in each program, significant information from educational

research, demonstrations, and similar projects, and for adopting, where appropriate, promising educational practices developed through such projects. Such procedures shall ensure compliance with applicable federal laws and requirements.

- 26) The subrecipient will comply with the requirements of the Gun-Free Schools Act of 1994.
- 27) The subrecipient will submit a fully executed and accurate Single-Audit Certification form to the NHDOE not later than December 31, 2022. The worksheet will be provided to each subrecipient by the NHDOE.
- 28) The subrecipient shall comply with the restrictions of New Hampshire RSA 15:5.
- 29) The subrecipient will comply with the requirements in 2 CFR Part 180, Government-wide Debarment and Suspension (Non-procurement).
- 30) The subrecipient certifies that it will maintain a drug-free workplace and will comply with the requirements of the Drug-Free Workplace Act of 1988 and 34 CFR 84.200.
- 31) The recipient will adhere to the requirements of Title 20 USC 7197 relative to the Transfer of Disciplinary Records.
- 32) Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§4728-4763) relating to prescribed standards for merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
- 33) Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§276a to 276a-7), the Copeland Act (40 U.S.C. §276c and 18 U.S.C. §874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§327-333), regarding labor standards for federally-assisted construction sub-agreements.
- 34) Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
- 35) Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.); (f) conformity of Federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523); and, (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93-205).
- 36) Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
- 37) Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. §470), EO 11593 (identification and protection of

historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§469a-1 et seq.).

- 38) As appropriate and to the extent consistent with law, the non-Federal entity should, to the greatest extent practicable under a Federal award, provide a preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States (including but not limited to iron, aluminum, steel, cement, and other manufactured products). The requirements of this section must be included in all subawards including all contracts and purchase orders for work or products under this award (2 CFR 200.322).

B. Explanation of Grants Management Requirements

The following section elaborate on certain requirements included in legislation or regulations referred to in the "General Assurances" section. This section also explains the broad requirements that apply to federal program funds.

1. Financial Management Systems

Financial management systems, including records documenting compliance with federal statutes, regulations, and the terms and conditions of the federal award, must be sufficient to permit the preparation of reports required by general and program-specific terms and conditions; and the tracing of funds to a level of expenditures adequate to establish that such funds have been used according to the Federal statutes, regulations, and the terms and conditions of the Federal award.

Specifically, the financial management system must be able to:

- a) Identify, in its accounts, all federal awards received and expended and the federal programs under which they were received. Federal program and federal award identification must include, as applicable, the CFDA title and number, federal award identification number and year, name of the federal agency, and name of the pass-through entity, if any.
- b) Provide accurate, current, and complete disclosure of the financial results of each federal award or program.
- c) Produce records that identify adequately the source and application of funds for federally funded activities.
- d) Maintain effective control over, and accountability for, all funds, property, and other assets. The subrecipient must adequately safeguard all assets and assure that they are used solely for authorized purposes.
- e) Generate comparisons of expenditures with budget amounts for each federal award.

2. Written Policies and Procedures

The subrecipient must have written policies and procedures for:

| Policy/Procedure Name | In Accordance With | Policy | Procedure |
|---|---|---------------|------------------|
| Drug-Free Workplace Policy | 34 CFR 84.200 and the Drug-Free Workplace Act of 1988 | | N/A |
| Procurement Policy/Procedure | 2 CFR 200.317-327 | | |
| Conflict of Interest/Standard of Conduct Policy | 2 CFR 318(c)(1) | | N/A |
| Inventory Management Policy/Procedure | 2 CFR 200.313(d) | | |
| District Travel Policy | 2 CFR 200.475(b) | | N/A |

| Policy/Procedure Name | In Accordance With | Policy | Procedure |
|--|---------------------------------|--------|-----------|
| Subrecipient Monitoring Policy/Procedure (if applicable) | 2 CFR 200.332(d) | | |
| Time and Effort Policy/Procedure | 2 CFR 200.431 | | |
| Records Retention Policy/Procedure | 2 CFR 200.334 | | |
| Prohibiting the Aiding and Abetting of Sexual Abuse Policy | ESEA 8546 | | N/A |
| Allowable Cost Determination Policy | 2 CFR 200.302(b)(7) | | N/A |
| Gun Free School Act | Gun Free School Act of 1994 | | N/A |
| Cash Management | 2 CFR 200.302(b)(6) and 200.305 | | |

3. Internal Controls

The subrecipient must:

- Establish and maintain effective internal control over the federal award that provides reasonable assurance that the non-federal entity is managing the federal award in compliance with federal statutes, regulations, and the terms and conditions of the federal award. These internal controls should be in compliance with the guidance outlined in "Standards for Internal Control in the Federal Government" issued by the Comptroller General of the United States or the "Internal Control Integrated Framework", issued by the Committee of Sponsoring Organizations of the Treadway Commission (COSO).
- Comply with federal statutes, regulations, and the terms and conditions of the federal awards.
- Take prompt action when instances of noncompliance are identified, including noncompliance identified in audit findings.
- Take reasonable measures to safeguard and protect personally identifiable information and other information the federal awarding agency or pass-through entity designates as sensitive or the subrecipient considers sensitive consistent with applicable federal, state, local, and tribal laws regarding privacy and obligations of confidentiality.
- Maintain all accounts, records, and other supporting documentation pertaining to all costs incurred and revenues or other applicable credits acquired under each approved project in accordance with 2 CFR 200.334.

4. Allowable Costs

In accounting for and expending project/grant funds, the subrecipient may only charge expenditures to the project award if they are;

- in payment of obligations incurred during the approved project period;
- in conformance with the approved project;
- in compliance with all applicable statutes and regulatory provisions;
- costs that are allocable to a particular cost objective;
- spent only for reasonable and necessary costs of the program; and
- not used for general expenses required to carry out other responsibilities of the subrecipient.

5. Audits

This part is applicable for all non-federal entities as defined in 2 CFR 200, Subpart F.

- a) In the event that the subrecipient expends \$750,000 or more in federal awards in its fiscal year, the subrecipient must have a single or program-specific audit conducted in accordance with the provisions of 2 CFR 200, Subpart F. In determining the federal awards expended in its fiscal year, the subrecipient shall consider all sources of federal awards, including federal resources received from the NHDOE. The determination of amounts of federal awards expended should be in accordance with the guidelines established by 2 CFR 200, Subpart F.
- b) In connection with the audit requirements, the subrecipient shall also fulfill the requirements relative to auditee responsibilities as provided in 2 CFR 200.508.
- c) If the subrecipient expends less than \$750,000 in federal awards in its fiscal year, an audit conducted in accordance with the provisions of 2 CFR 200, Subpart F, is not required. In the event that the subrecipient expends less than \$750,000 in federal awards in its fiscal year and elects to have an audit conducted in accordance with the provisions of 2 CFR 200, Subpart F, the cost of the audit must be paid from non-federal resources (i.e., the cost of such an audit must be paid from subrecipient resources obtained from non-federal entities).

The subrecipient assures it will implement the following audit responsibilities;

- a) Procure or otherwise arrange for the audit required by this part in accordance with auditor selection regulations (2 CFR 200.509), and ensure it is properly performed and submitted no later than nine months after the close of the fiscal year in accordance with report submission regulations (2 CFR 200.512).
- b) Provide the auditor access to personnel, accounts, books, records, supporting documentation, and other information as needed so that the auditor may perform the audit required by this part.
- c) Prepare appropriate financial statements, including the schedule of expenditures of federal awards in accordance with financial statements regulations (2 CFR 200.510).
- d) Promptly follow up and take corrective action on audit findings, including preparation of a summary schedule of prior audit findings and a corrective action plan in accordance with audit findings follow-up regulations (2 CFR 200.511(b-c)).
- e) Upon request by the NHDOE Bureau of Federal Compliance (BFC), promptly submit a corrective action plan using the NHDOE template provided by the BFC for audit findings related to NHDOE funded programs.
- f) For repeat findings not resolved or only partially resolved, the subrecipient must provide an explanation for findings not resolved or only partially resolved to the BFC for findings related to all NHDOE funded programs. The BFC will review the subrecipient's submission and issue an appropriate Management Decision in accordance with 2 CFR 200.521.

6. Reports to be Submitted

Audits/Management Decisions

Copies of reporting packages for audits conducted in accordance with 2 CFR 200, Subpart F shall be submitted, by or on behalf of the recipient directly to the following:

- a) The Federal Audit Clearinghouse (FAC) in 2 CFR 200, Subpart F requires the auditee to electronically submit the data collection form described in 200.512(b) and the reporting package described in 200.512(c) to FAC at: [https://harvester.census.gov/facides/\(S\(mqamohbpj0hmyhlr45p1po1\)\)/account/login.aspx](https://harvester.census.gov/facides/(S(mqamohbpj0hmyhlr45p1po1))/account/login.aspx)

Copies of other reports or management decision letter(s) shall be submitted by or on behalf of the subrecipient directly to:

- a) **New Hampshire Department of Education
Bureau of Federal Compliance**



25 Hall Street
Concord, NH 03301

Or via email to: federalcompliance@doe.nh.gov

- b) In response to requests by a federal agency, auditees must submit a copy of any management letters issued by the auditor, 2 CFR 200.512(e).

Any other reports, management decision letters, or other information required to be submitted to the NHDOE pursuant to this agreement shall be submitted in a timely manner.

Single Audit Certification

A fully executed and accurate Single-Audit Certification form shall be submitted to the NHDOE no later than **December 31, 2022**. A copy of the form will be provided to each subrecipient by the NHDOE.

7. Debarment, Suspension, and Other Responsibility Matters

As required by Executive Orders (E.O.) 12549 and 12689, Debarment and Suspension, and implemented at 2 CFR Part 180, for prospective participants in primary covered transactions, as defined in 2 CFR 180.120, 180.125 and 180.200, no contract shall be made to parties identified on the General Services Administration's *Excluded Parties List System* as excluded from Federal Procurement or Non-procurement Programs in accordance with E.O.s 12549 and 12689, "Debarment and Suspension." This list contains the names of parties debarred, suspended, or otherwise excluded by agencies, and contractors declared ineligible under statutory or regulatory authority other than E.O. 12549. Contractors with awards that exceed the small purchase threshold shall provide the required certification regarding their exclusion status and that of their principal employees.

The federal government imposes this requirement in order to protect the public interest, and to ensure that only responsible organizations and individuals do business with the government and receive and spend government grant funds. Failure to adhere to these requirements may have serious consequences – for example, disallowance of cost, termination of project, or debarment.

To assure that this requirement is met, there are four options for obtaining satisfaction that subrecipients and contractors are not suspended, debarred, or disqualified. They are:

The subrecipient certifies that it and its principals:

- a) Are not presently debarred, suspended, proposed for debarment, and declared ineligible or voluntarily excluded from covered transactions by any federal Department or agency.
- b) Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state, or local) transaction or contract under a public transaction; violation of federal or state antitrust statutes; commission of embezzlement; theft, forgery, bribery, falsification, or destruction of records; making false statements; or receiving stolen property.
- c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (federal, state, or local) with commission of any of the offenses enumerated in this certification.
- d) Have not within a three-year period preceding this application had one or more public transactions (federal, state, or local) terminated for cause or default.

Where the subrecipient is unable to certify to any of the statements in this certification, they shall attach an explanation to this document.

8. Drug-Free Workplace (Grantees Other Than Individual)

As required by the Drug-Free Workplace Act of 1988 and implemented in 34 CFR 84.200 the subrecipient certifies that it will continue to provide a drug-free workplace by:

- a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance (34 CFR 84.610) is prohibited in the subrecipient's workplace and specifying the actions that will be taken against employees for violation of such prohibition.
- b) Establishing, as required by 34 CFR 84.215, an ongoing drug-free awareness program to inform employees about:
 - o The dangers of drug abuse in the workplace.
 - o The recipient's policy of maintaining a drug-free workplace.
 - o Any available drug counseling, rehabilitation, and employee assistance programs.
 - o The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.
- c) Requiring that each employee engaged in the performance of the project is given a copy of this statement.
- d) Notifying the employee in the statement that, as a condition of employment under the project, the employee will:
 - o Abide by the terms of the statement.
 - o Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction.
- e) Notifying the agency in writing within 5 calendar days after receiving notice of an employee's conviction of a violation of a criminal drug statute in the workplace, as required by 34 CFR 84.205(c)(2), from an employee or otherwise receiving actual notice of employee's conviction. Employers of convicted employees must provide notice, including position title to:

Director, Grants and Contracts Service
U.S. Department of Education
400 Maryland Avenue, S.W. [Room 3124, GSA – Regional Office Building No. 3]
Washington, D.C. 20202-4571

(Notice shall include the identification number[s] of each affected grant).

- f) Taking one of the following actions, as stated in 34 CFR 84.225(b), within 30 calendar days of receiving the required notice with respect to any employee who is convicted of a violation of a criminal drug statute in the workplace.
 - o Taking appropriate personnel action against such an employee, up to and including termination consistent with the requirements of the Rehabilitation Act of 1973, as amended.
 - o Requiring such employee to participate satisfactorily in drug abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health, law enforcement, or other appropriate agency.
- g) Making a good-faith effort to maintain a drug-free workplace through implementation of the requirements stated above.



9. General Education Provisions Act (GEPA) Requirements - Section 427 (Federal Requirement) Equity for Students, Teachers, and Other Program Beneficiaries

The purpose of Section 427 of GEPA is to ensure equal access to education and to promote educational excellence by ensuring equal opportunities to participate for all eligible students, teachers, and other program beneficiaries in proposed projects, and to promote the ability of such students, teachers, and beneficiaries to meet high standards. Further, when designing their projects, grant applicants must address the special needs and equity concerns that might affect the ability of students, teachers, and other program beneficiaries to participate fully in the proposed project.

Program staff within the NHDOE must ensure that information required by Section 427 of GEPA is included in each application that the Department funds. *(There may be a few cases, such as research grants, in which Section 427 may not be applicable because the projects do not have individual project beneficiaries. Contact the Government Printing Office staff should you believe a situation of this kind exists).*

The statute highlights **six types of barriers that can impede equitable access or participation: gender, race, national origin, color, disability, and age**. Based on local circumstances, the applicant can determine whether these or other barriers may prevent participants from access and participation in the federally assisted project, and how the applicant would overcome these barriers.

These descriptions may be provided in a single narrative or, if appropriate, may be described in connection with other related topics in the application. Subrecipients should be asked to state in the table of contents where this requirement is met.

NHDOE program staff members are responsible for screening each application to ensure that the requirements of this section are met before making an award. If this condition is not met, after the application has been selected for funding the program staff should contact the subrecipient to find out why this information is missing. Documentation must be in the project file indicating that this review was completed before the award was made. If an oversight occurred, the program staff may give the applicant another opportunity to satisfy this requirement, but must receive the missing information before making the award, 34 CFR 75.231.

All applicants for new awards must satisfy this provision to receive funding. Those seeking *continuation* awards do not need to submit information beyond the descriptions included in their original applications.

10. Gun Possession (Local Education Agencies (LEAs) only)

As required by Title XIV, Part F, and Section 14601 (Gun-Free Schools Act of 1994) of the Improving America's Schools Act:

The LEA assures that it shall comply with the provisions of RSA 193:13 III.

RSA 193:13, III. Any pupil who brings or possesses a firearm as defined in section 921 of Title 18 of the United States Code 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 local school board for a period of not less than 12 months.

The LEA assures that it has adopted a policy, which allows the Superintendent or Chief Administrative officer to modify the expulsion requirement on a case by case basis. RSA 193:13, IV.



The LEA assures that it shall report to the NHDOE in July of each year, a description of the circumstances surrounding any expulsions imposed under RSA 193:13, III and IV including, but not limited to:

- a) The name of the school concerned;
- b) The grade of the student disciplined;
- c) The type of firearm involved;
- d) Whether or not the expulsion was modified, and
- e) If the student was identified as Educationally Disabled.

The LEA assures that it has in effect a policy requiring referral to the criminal justice or juvenile delinquency system of any student who brings a firearm or weapon to school.

Ed 317.03 Standard for Expulsion by Local School Board.

- a) A school board which expels a pupil under RSA 193:13, II or III, shall state in writing its reasons, including the act leading to expulsion, and shall provide a procedure for review as allowed under RSA 193:13, II.
- b) School boards shall make certain that the pupil has received notice of the requirements of RSA 193-D and RSA 193:13 through announced, posted, or printed school rules.
- c) If a student is subject to expulsion and a firearm is involved, the Superintendent shall contact local law enforcement officials whenever there is any doubt concerning:
 - 1) Whether a firearm is legally licensed under RSA 159; or
 - 2) Whether the firearm is lawfully possessed, as opposed to unlawfully possessed, under the legal definitions of RSA 159.
- d) If a pupil brings or possesses a firearm in a safe school zone without written authorization from the Superintendent, the following shall apply:
 - 1) The Superintendent shall suspend the pupil for a period not to exceed 10 days, pending a hearing by the local board; and
 - 2) The school board shall hold a hearing within 10 days to determine whether the student was in violation of RSA 193:13, III and therefore is subject to expulsion.

11. Lobbying

As required by Section 1352, Title 31, of the U.S. Code, and implemented in 34 CFR Part 82, for persons entering into a grant or cooperative agreement over \$100,000, as defined in 34 CFR 82.105 and 82.110, the applicant certifies that:

- a) No federally appropriated funds have been paid or will be paid by or on behalf of the subrecipient to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any federal grant; the entering into of any cooperative agreement; and the extension, continuation, renewal, amendment, or modification of any federal grant or cooperative agreement.
- b) If any funds other than federally appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with federal grants or cooperative agreements, the subrecipient shall complete and submit Standard Form - LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- c) The subrecipient shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including subcontracts, sub-grants, contracts under grants,

and cooperative agreements) and that all sub-recipients shall certify and disclose accordingly.

New Hampshire RSA 15:5 - **Prohibited Activities.**

- I. Except as provided in paragraph II, no recipient of a grant or appropriation of state funds may use the state funds to lobby or attempt to influence legislation, participate in political activity, or contribute funds to any entity engaged in these activities.
- II. Any recipient of a grant or appropriation of state funds that wishes to engage in any of the activities prohibited in paragraph I, or contribute funds to any entity engaged in these activities, shall segregate the state funds in such a manner that such funds are physically and financially separate from any non-state funds that may be used for any of these purposes. Mere bookkeeping separation of the state funds from other moneys shall not be sufficient.

12. Subrecipient Monitoring

In addition to reviews of audits conducted in accordance with 2 CFR 200, Subpart F, subrecipient monitoring procedures may include, but not be limited to, on-site or remote visits by NHDOE staff, limited scope audits, and/or other procedures. By signing this document, the subrecipient agrees to comply and cooperate with any monitoring procedures/processes deemed appropriate by the NHDOE. In the event the NHDOE determines that a limited scope audit of the project recipient is appropriate, the subrecipient agrees to comply with any additional instructions provided by NHDOE staff to the subrecipient regarding such audit.

13. More Restrictive Conditions

Subrecipients found to be in noncompliance with program and/or fund source requirements or determined to be "high risk" shall be subject to the imposition of more restrictive conditions as determined by the NHDOE.

14. Obligations by Subrecipients

Obligations will be considered to have been incurred by subrecipients on the basis of documentary evidence of binding commitments for the acquisition of goods or property or for the performance of work, except that funds for personal services, for services performed by public utilities, for travel, and for the rental of facilities shall be considered to have been obligated at the time such services were rendered, such travel was performed, and/or when facilities are used (see 34 CFR 76.707).

15. Personnel Costs – Time Distribution

Charges to federal projects for personnel costs, whether treated as direct or indirect costs, are allowable to the extent that they satisfy the specific requirements of 2 CFR 200.430, and will be based on payrolls documented in accordance with generally accepted practices of the subrecipient and approved by a responsible official(s) of the subrecipient.

When employees work solely on a single federal award or cost objective, charges for their salaries and wages must be supported by personnel activity reports (PARs), which are periodic certifications (at least semi-annually) that the employees worked solely on that program for the period covered by the certification. These certifications must be signed by the employee or a supervisory official having firsthand knowledge of the work performed by the employee.

When employees work on multiple activities or cost objectives (e.g., more than one federal project, a federal



project and a non-federal project, an indirect cost activity and a direct cost activity, two or more indirect activities which are allocated using different allocation bases, or an unallowable activity and a direct or indirect cost activity), the distribution of their salaries or wages will be supported by personnel activity reports or equivalent documents that meet the following standards:

- a) Reflect an after-the-fact distribution of the actual activity of each employee
- b) Account for the total activity for which each employee is compensated
- c) Prepared at least monthly and must coincide with one or more pay period
- d) Signed and dated by the employee

16. Protected Prayer in Public Elementary and Secondary Schools

As required in Section 9524 of the Elementary and Secondary Education Act (ESEA) of 1965, as amended by the No Child Left Behind Act of 2001, LEAs must certify annually that they have no policy that prevents or otherwise denies participation in constitutionally protected prayer in public elementary and secondary schools.

17. Purchasing/Procurement

The non-Federal entity must have and use documented procurement procedures, consistent with the standards of this section and 2 CFR 200.317, 200.318, and 200.319 for any of the following methods of procurement used for the acquisition of property or services required under a Federal award or sub-award.

- 1. Informal procurement methods
 - a. Micro-purchases
 - b. Small purchases
- 2. Formal procurement methods
 - a. Sealed bids
 - b. Proposals
- 3. Noncompetitive procurement

18. Retention and Access to Records

Requirements related to retention and access to project/grant records, are determined by federal rules and regulations. Federal regulation 2 CFR 200.334, addresses the retention requirements for records that applies to all financial and programmatic records, supporting documents, statistical records, and all other non-Federal entity records pertinent to a Federal or Project award. If any litigation, claim, or audit is started before the expiration date of the retention period, the records must be maintained until all litigation, claims, or audit findings involving the records have been resolved and final action taken.

Access to records of the subrecipient and the expiration of the right of access is found at 2 CFR 200.337 (a) and (c), which states:

- a) Records of non-Federal entities. The Federal awarding agency, Inspectors General, the Comptroller General of the United States, and the pass-through entity, or any of their authorized representatives [including but not limited to the NHDOE] must have the right of access to any documents, papers, or other records of non-Federal entity which are pertinent to the Federal award, in order to make audits, examinations, excerpts, and transcripts. The right also includes timely and reasonable access to the non-Federal entity's personnel for the purpose of interview and discussion related to such documents.
- d) Expiration of right of access. The rights of access in this section are not limited to the required retention period but last as long as the records are retained.



19. The Stevens Amendment

All federally funded projects must comply with the Stevens Amendment of the Department of Defense Appropriation Act, found in Section 8136, which provides:

When issuing statements, press releases, requests for proposals, bid solicitations, and other documents describing projects or programs funded in whole or in part with federal money, all grantees receiving federal funds, including but not limited to state and local governments, shall clearly state (1) the percentage of the total cost of the program or project which will be financed with federal money, (2) the dollar amount of federal funds for the project or program, and (3) the percentage and dollar amount of the total costs of the project or program that will be funded by non-governmental sources.

20. Transfer of Disciplinary Records

Title 20 USC 7197 requires that the State have a procedure to assure that a student's disciplinary records, with respect to suspensions and expulsions, are transferred by the project recipient to any public or private elementary or secondary school where the student is required or chooses to enroll. In New Hampshire, that assurance is statutory and found at RSA 193-D:8.

The relevant portions of the federal and state law appear below.

- a) **Disciplinary Records** - In accordance with the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. 1232g), not later than 2 years after the date of enactment of this part, each State receiving Federal funds under this Act shall provide an assurance to the Secretary that the State has a procedure in place to facilitate the transfer of disciplinary records, with respect to a suspension or expulsion, by local educational agencies to any private or public elementary school or secondary school for any student who is enrolled or seeks, intends, or is instructed to enroll, on a full- or part-time basis, in the school.
- b) **193-D:8 Transfer Records; Notice** – All elementary and secondary educational institutions, including academies, private schools, and public schools, shall upon request of the parent, pupil, or former pupil, furnish a complete school record for the pupil transferring into a new school system. Such record shall include, but not be limited to, records relating to any incidents involving suspension or expulsion, or delinquent or criminal acts, or any incident reports in which the pupil was charged with any act of theft, destruction, or violence in a safe school zone.

C. Definitions (2 CFR 200.1)

- 1) **Audit finding** - *Audit finding* means deficiencies which the auditor is required by 2 CFR 200.516 (a) to report in the schedule of findings and questioned costs.
- 2) **Management decision** - *Management decision* means the Federal awarding agency's or pass-through entity's written determination, provided to the auditee, of the adequacy of the auditee's proposed corrective actions to address the findings, based on its evaluation of the audit findings and proposed corrective actions.
- 3) **Pass-through entity** - *Pass-through entity (PTE)* means a non-Federal entity that provides a subaward to a subrecipient to carry out part of a Federal program.
- 4) **Period of performance** - *Period of performance* means the total estimate time interval between the start of an initial Federal award and the planned end date, which may include one or more



funded portions, or budget periods. Identification of the Period of Performance in the Federal award per 2 CFR 200.211(b)(5) does not commit the awarding agency to fund the award beyond the currently approved budget period.

- 5) **Subaward** - *Subaward* means an award provided by a pass-through entity to a subrecipient for the subrecipient to carry out part of a Federal award received by the pass-through entity. It does not include payments to a contractor or payments to an individual that is a beneficiary of a Federal program. A subaward may be provided through any form of legal agreement, including an agreement that the pass-through entity considers a contract.
- 6) **Subrecipient** - *Subrecipient* mean an entity, usually but not limited to non-Federal entities, that receives a subaward from a pass-through entity to carry out part of a Federal award; but does not include an individual that is a beneficiary of such award. A subrecipient may also be a recipient of other Federal awards directly from a Federal awarding agency.

CERTIFICATION

Instructions: The Superintendent, or other Qualifying Administrator, if the School District or School Administrative Unit (SAU) does not have a Superintendent, (*See* RSA 194-C:5, II) **must** consult with the School Board for the School District/SAU by informing said School Board about the District's/SAU's participation in Federal Programs and the terms and conditions of the General Assurances, Requirements and Definitions for Participation in Federal Programs. The Superintendent or other Qualifying Administrator and the Chair of the School Board **must** sign this certification page (and initial the remaining pages) as described below and return it to the NHDOE. **No payment for project/grant awards will be made by the NHDOE without a fully executed copy of this General Assurances, Requirements and Definitions for Participation in Federal Programs on file.** For further information, contact the NHDOE Bureau of Federal Compliance.

Superintendent or other Qualifying Administrator Certification:

We the undersigned acknowledge that [a] person is guilty of a violation of R.S.A. § 641:3 if [h]e or she makes a written or electronic false statement which he or she does not believe to be true, on or pursuant to a form bearing a notification authorized by law to the effect that false statements made therein are punishable; or (b) With a purpose to deceive a public servant in the performance of his or her official function, he or she: (1) Makes any written or electronic false statement which he or she does not believe to be true; or (2) Knowingly creates a false impression in a written application for any pecuniary or other benefit by omitting information necessary to prevent statements therein from being misleading; or (3) Submits or invites reliance on any writing which he or she knows to be lacking in authenticity; or (4) Submits or invites reliance on any sample, specimen, map, boundary mark, or other object which he or she knows to be false.

Accordingly, I, the undersigned official legally authorized to bind the named School District/SAU hereby apply for participation in federally funded education programs on behalf of the School District/SAU named below. I certify, to the best of my knowledge, that the below School District/SAU will adhere to and comply with these General Assurances, Requirements and Definitions for Participation in Federal Programs (pages 1 through 17 inclusive). I further certify, as is evidenced by the Minutes of the School Board Meeting held on _____, _____, that I have informed the members of the School Board of the federal funds the District/SAU will be receiving and of these General Assurances, Requirements and Definitions for the Participation in Federal Programs for the District's/SAU's participation in said programs.

SAU Number: 51 District or SAU Name: Pittsfield

Bryan K. Lane
Typed Name of Superintendent
or other Qualifying Administrator

[Signature]
Signature

8/22/22
Date

School Board Certification:

I, the undersigned official representing the School Board, acknowledge that the Superintendent, or other Qualifying Administrator, as identified above, has consulted with all members of the School Board, in furtherance of the School Board's obligations, including those enumerated in RSA 189:1-a, and pursuant to the School Board's oversight of federal funds the District will be receiving and of the General Assurances, Requirements and Definitions for Participation in Federal Programs in said programs.

Adam Baithier
Typed Name of School Board
Chair (on behalf of the School Board)

[Signature]
Signature

9/1/2022
Date

Please email or mail a copy of the entire document to:

**New Hampshire Department of Education
Bureau of Federal Compliance
25 Hall Street
Concord, NH 03301
federalcompliance@doe.nh.gov**



SOULE, LESLIE, KIDDER,
SAYWARD & LOUGHMAN PLLC

2022 LEGISLATIVE UPDATE

This memorandum summarizes what we believe to be the most significant 2022 New Hampshire Legislation impacting the operation of districts. As always, please do not hesitate to reach out to us with any questions or concerns regarding the new legislation.

2022 LEGISLATIVE UPDATE

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I. Personnel

Licensing of Speech-Language Specialists (Chapter 21)

Effective June 17, 2022, RSA 326-F:3 was amended to provide that speech-language specialists in public schools, chartered public schools, and state-approved public schools must be licensed by the Board of Speech-Language Pathology instead of the Department of Education as of July 1, 2022. Any person practicing speech-language pathology as a speech-language specialist certified by the Department of Education shall be eligible to continue to practice provided the person practices continuously in a public school, chartered public school, or state-approved school for children with disabilities. Additionally, RSA 189:14-e, RSA 326-F:2, I(a), and RSA 326-F:3-a are repealed as of the effective date.

Human Trafficking Disqualifying for Teaching Credential (Chapter 36)

Effective July 2, 2022, RSA 189:13-c, V was amended to include human trafficking on the list of disqualifying crimes for obtaining a teaching credential.

Discrimination Based Upon an Individual Declining to Participate in the State Vaccine Registry Prohibited (Chapter 74)

Effective July 19, 2022, RSA 144-C:20-f, X was amended to include new entities who are prohibited from discriminating solely based on a person's decision not to participate in the state vaccine registry. Schools are now among the entities listed in the statute.

Optional Allowances in the Retirement System (Chapter 76)

Effective July 19, 2022, RSA 100-A:13 was amended to change the eligibility requirements within the retirement system for an optional allowance. The optional allowance can be selected by any member who has reached retirement age or any retiree within 120 days of the individual's original notice of retirement, and does not include any future benefit adjustments carried out by the retirement system relative to a beneficiary's monthly annuity.

Criminal Background Checks for Substitute Teachers (Chapter 170)

Effective August 6, 2022, RSA 189:13-a, VI was amended to provide that substitute teachers who have undergone a criminal history check for an SAU do not need an additional criminal history records check if working in a school within the same SAU

unless the Superintendent or policies of the other district require it. Criminal history records checks for substitute teachers within the same SAU are valid for a period of three years.

Penalty for Employer Noncompliance with the Retirement System (Chapter 191)

Effective August 16, 2022, RSA 100-A:16, VIII provides a penalty to any employer who fails to provide, within 30 days of a written request, any information required for the proper administration of the retirement system. This includes but is not limited to termination forms, other information necessary to process a member's retirement application, information relating to service credit purchases, and information necessary to perform employer audits and process record corrections. The penalty imposed for noncompliance is \$200 per day.

Prior to a penalty being assessed, the retirement board must notify the employer in writing of the noncompliance. The board must state the reasons for the finding of noncompliance and request the employer to explain to the board in writing within 30 days of the notification how the noncompliance occurred. Upon expiration of the 30-day period, the board may impose all or only a portion of the penalty. This can be dispensed with upon a showing that the employer did not willfully, intentionally, through gross negligence, or through a pattern of negligence, fail to provide the information.

Committee to Study Centralized Criminal History Checks in Education (Chapter 198)

Effective June 17, 2022, Chapter 198 establishes a committee to study the feasibility of creating centralized criminal history checks for education. The committee shall be comprised of four members of the House of Representative (one of which must be serving on the Education Committee) and one member of the Senate (appointed by the President of the Senate). The committee will investigate the following issues:

1. Which professions often serve multiple schools;
2. The degree of mobility within the education-related professions subject to a criminal history records check;
3. The availability of other background clearance procedures, such as from a professional regulatory board;
4. Any restrictions on sharing the results of criminal history records checks; and
5. Any other questions which would encourage or mitigate against having the Department of Education maintain such a registry of pre-cleared professionals.

The committee shall report its findings no later than November 1, 2023.

Rulemaking for Checking Applicants in the NASDTEC Database (Chapter 222)

Effective August 16, 2022, RSA 21-N:9, II(s) was amended to require rulemaking by the Department of Education relative to conducting a check of educational personnel applicants using the National Association of State Directors of Teacher Education and Certification (NASDTEC) database. The statute requires the Department of Education to establish a secure system for checking such applicants in the NASDTEC database using the applicant's social security number.

This statute is applicable to applicants seeking employment as teachers, paraprofessionals, administrators, educational specialists, instructional specialists, school bus drivers, transportation monitors, and other educators necessary to address educational needs as determined by the New Hampshire Board of Education.

Persons Charged or Convicted of Certain Crimes Cannot Obtain Employment in Public Schools or Obtain a Teaching Credential (Chapter 259)

Effective January 1, 2023, RSA 189:13-a, V and RSA 189:13-c, V were amended to provide that a felony violation of RSA 318-B:2 for possession of a controlled drug with intent to sell within the last ten years and first-degree assault are added to the list of disqualifying crimes for the purposes of employment in a public school and for obtaining a teaching credential.

Vaccine Requirements Prohibited (Chapter 263)

Effective June 24, 2022, RSA 9-G:1 provides that the state of New Hampshire is prohibited from requiring any business to require vaccinations of customers or employees. Additionally, the state of New Hampshire may not require or check for documentation certifying vaccination or immunity status.

National Guard Deployment (Chapter 310)

Effective August 30, 2022, RSA 110-C:1, II is amended to provide that the employment protections for persons called to active duty as a member of the National Guard now apply to National Guard members of other States.

II. Finance

Noncompliance with Municipal Audit (Chapter 127)

Effective May 27, 2022, RSA 21-J:15, II-IV were amended to update the guidelines concerning noncompliance with municipal audit requirements. The Department of Revenue Administration must be notified of a completed audit. This statute allows the Commissioner to impose a daily fine for failure to comply with this audit requirement by the due date.

Determination of Adequate Education Grants (Chapter 175)

Effective July 1, 2022, several changes were made to the adequate education grant statutes. RSA 198:38 was amended to create and incorporate a definition for average daily membership in residence “ADMR”. The statute further was amended to use ADMR as a requirement for adequate education grants pursuant to RSA 198:40-a.

ADMR means the average daily membership in residence, and is defined in RSA 189:1-d, IV. The definition includes pupils in kindergarten through grade 12, in the determination year. ADMR shall only include pupils who are legal residents of New Hampshire pursuant to RSA 193:12 and educated at the expense of the district, which may include public academies or out-of-district placements. For the purpose of calculating funding for municipalities, the ADMR must not include pupils attending chartered public schools. Students attending a charter conversion school approved by the school district in which the student resides are included.

For the purpose of calculating ADMR, each pupil who is home educated in compliance with RSA 193-A, and who is enrolled in a school board approved public high school academic course, shall count as an additional 0.15 student for each such academic course taken in a public high school. The Department of Education shall only make grant payments for these students to the extent of available appropriations. “Public high school” shall have the same meaning as “high school” as defined in RSA 194:23.

Extraordinary Need Grants (Chapter 318)

Effective July 1, 2022, RSA 198:40-f provides that each year, the Commissioner of Education shall calculate an extraordinary need grant for municipalities with an equalized valuation per pupil eligible to receive free or reduced-price meals at a valuation of less than \$6,000,000.

The extraordinary grants are calculated as follows and distributed pursuant to RSA 198:41:

- (a) A municipality with an equalized valuation per pupil eligible to receive a free or reduced priced meal of \$1,000,000 or less shall receive \$650 per pupil eligible to receive a free or reduced-price meal in the municipality's ADMR.
- (b) A municipality with an equalized valuation per pupil eligible to receive a free or reduced price meal between \$1,000,001 and \$5,999,999 shall receive a grant equal to \$0.00013 for each dollar of difference between its equalized valuation per pupil eligible to receive a free or reduced-price meal and \$6,000,000, per pupil eligible to receive a free or reduced-price meal in the municipality's ADMR.

An eligible district must provide a plan to the Department of Education outlining how the district intends to use the grant award funds to improve the educational achievement and growth of students. There must additionally be an accountability component designed to generate data which measures student academic achievement and growth of knowledge and skills in reading and language arts and/or mathematics. It must also provide a plan as to what grade levels at which funds will be used.

III. Students

Notice to a Chartered Public School of an IEP Meeting (Chapter 24)

Effective June 17, 2022, the introductory paragraph of RSA 194-B:11, III(b) was amended to provide that a resident district must provide prior notice of all IEP meetings to a representative of the chartered public school. At the meeting, the IEP team shall determine how to ensure a free and appropriate education in accordance with the child's IEP.

Removal of Notarization Requirement for Exemptions from School Vaccine Mandates (Chapter 55)

Effective July 19, 2022, RSA 141-C:20-c, II was amended to remove the requirement that a parent's request for a religious exemption to immunizations required for school attendance must be notarized.

Parental Consent Required for Medical and Dental Treatments of Children in School (Chapter 110)

Effective July 26, 2022, RSA 125-A:5 was amended to require that any school-based oral health program must have explicit written consent of the child's parent or legal guardian. Additionally effective July 26, 2022, RSA 200:27-a requires explicit written consent of a

parent or legal guardian for a child to participate in a program that provides medical or dental care in a school setting.

Education Requirements for Physical Education, Wellness, and Personal Finance (Chapter 112)

Effective July 26, 2022, RSA 189:10 was repealed and reenacted to require school boards to ensure that health education, physical education regarding the importance of exercise, and personal finance literacy are part of the school curriculum. Required topics include: physiology, hygiene, health and interpersonal relationships, physical education, and wellness, as they relate to the effects of alcohol and other drugs, prevention of sexual violence, child abuse as established in the definition of “abused child” under RSA 169-C:3, II, human immunodeficiency virus (HIV)/acquired immunodeficiency syndrome (AIDS), and sexually transmitted diseases.

The school board must ensure that personal finance literacy instruction is designed to prepare students for success in making financial decisions. Personal finance literacy skills may be embedded in an existing course or grade level program of studies.

The Department of Education must survey schools biennially to ensure compliance with this statute.

Civics Instruction in Schools (Chapter 116)

Effective July 1, 2023, RSA 189:11, II was amended to require districts to provide education to students regarding civics, government, and citizenship. Students must pass a local competency exam and the 2020 United States Citizenship and Immigration exam as a condition of graduation. Schools are required to provide accommodations based on a student’s IEP. A passing score on the United States Citizenship and Immigration exam is a score of 70 percent correct or better on the 128-question exam.

By June 30 of each year, each district shall submit the results of the United States Citizenship and Immigration Services test to the Department of Education.

Requirements for Home Education Students and Participation in Co-Curricular Activities (Chapter 131)

Effective August 31, 2022, RSA 193:1-c was amended to require districts to adopt a policy for private-school or home educated students to participate in curricular and cocurricular programs within the districts.

Additionally, effective June 2, 2022, RSA 193-A:5 was amended to provide that a parent who previously notified the resident district’s superintendent of a home education

program must also notify that resident district's superintendent when the student has moved from the district. The previous requirement that a parent needs to provide written notification of the termination of a home education program to the resident district's superintendent was eliminated. Now, a parent must provide notice to the commissioner, resident district superintendent, or nonpublic school principal within 15 days of termination.

The statute also amended the parent's reporting and evaluation requirements.

Special Education and 504 Students Voter Registration (Chapter 209)

Effective August 16, 2022, RSA 186-C:8-a provides that for IEP and Section 504 plans of students who are 17 years old or older or will be during the academic year, the team must discuss voter registration as appropriate, community living/citizenship training as a goal to be included in the IEP or Section 504 plan and must, if appropriate, include when and how voter registration will be accomplished.

Raising the Age of a Child with Disabilities (Chapters 230 and 264)

Effective June 17, 2022, RSA 186-C:2 was amended to change the definition of a "child with disability" to now include persons up to 21 years of age until their 22nd birthday. During the 2022-2023 school year, the New Hampshire Department of Education shall reimburse districts for the special education costs for students over the age of 21 until their 22nd birthday. To receive reimbursement the district must have depleted all its available IDEA funds for FY22 and all available IDEA American Rescue Plan Act funds.

Requirements for an Adequate Public Education (Chapter 273)

Effective August 23, 2022, RSA 193-E:2-a, I was repealed and reenacted to revise the requirements of the content of an adequate public education. The following content areas were added to the substantive educational content for an adequate education:

- (1) Civics, government economics, geography, history, Holocaust and genocide education as part of social studies;
- (2) Wellness education;
- (3) Technology applications as a part of engineering and technologies;
- (4) Personal finance literacy (2023-2024 school year).

Teachers shall use academic and "applied instruction" to teach the required learning areas. Districts are required to integrate computer use, digital literacy, "logic" and "rhetoric" skills into the learning areas.

“Applied learning” means an educational approach whereby students have the opportunity to directly engage in learning activities using knowledge and skills.

“Logic” means a reasoning skill that better enables a student to analyze problems in learning areas such as mathematics and to develop problem solutions; to better understand the principle of cause and effect; and to develop critical thinking skills to better identify fact from unverified information or data.

“Rhetoric” means the skill of speaking and writing as a means of communication or persuasion.

Military-Connected Students Act (Chapter 310)

Effective August 30, 2022, RSA 110-E is adopted and RSA 193:12, III-a is amended to provide that beginning with the 2023-2024 school year, public schools, upon request of a parent, shall provide a “military-connected student” access to licensed counseling services and information regarding existing federal and state military support services and any other service, agency, or resources necessary to support or assist the student. The Department of Education shall provide districts informational materials on the resources.

A “military-connected student” shall mean a student who is a dependent of a current or former member of:

1. The United States military serving in the Army, Navy, Air Force, Marine Corps, Space Force, or Coast Guard on active-duty;
2. New Hampshire National Guard; or
3. A reserve force of the United States military; or
4. A member of a military or reserve force under the above paragraphs who was killed in the line of duty.

The amendment also adds a new definition in RSA 193:12, III-a of legal resident for school attendance. Specifically, a military-connected student is considered a resident of the district if the parent is transferred or is pending transfer to a military installation within the state while on active-duty pursuant to an official military order. The district must accept applications by electronic means for enrollment, including enrollment in a specific school or program within the school unit, and course registration for military-connected students.

The parent is required to provide proof of residence in the district within 10 days after the published arrival date provided on official documentation. A parent may use any of the following addresses:

1. A temporary on-base billeting facility.
2. A purchased or leased home or apartment.

3. Federal government or public-private venture off-base military housing.

A district of residence shall not prohibit the transfer of a pupil who is the child of an active-duty military parent to a school in any district, if the district to which the parent of the pupil applies approves the application for transfer.

Special Education in Chartered Public Schools (Chapter 313)

Effective July 1, 2023, RSA 194-B:5, VIII requires chartered public schools to enter into a memorandum of understanding (MOU) with the resident district of students with disabilities. The MOU must include how the chartered public school and district will cooperate with each other per RSA 194-B:11, III(c), and how the district proposes to provide special education services and supports to students with disabilities within the chartered public school to ensure a free appropriate public education and adherence to state and federal special education laws, rules, and regulations. The MOU may also include where the services will be provided and whether the district will provide the services directly, or through a contract with the chartered public school or outside provider.

The Department of Education will develop and provide chartered public schools and districts with a model MOU.

Prior to the start of each school year, the chartered public school and districts must review the MOU to ensure compliance with state law, federal law, and the student's IEP.

Advocate for Special Education (Chapter 316)

Effective July 31, 2022, RSA 186-C:36-40 were enacted to create the independent office of the Advocate for Special Education. Duties of the office of the Advocate for Special Education include:

1. Serving as a resource for disability related information and referrals to available programs and services for families of children with disabilities.
2. Serving as a source of information and referral regarding state and federal laws and regulations governing special education.
3. Having the discretion to ensure all IEP documents, 504 plans, related supports and services to students with disabilities are properly documented and implemented, and the goals and objectives are being met, and that appropriate related supports and services are being provided.
4. Having authority to inquire of, investigate, and review all documents from any school, district, or special education department in this state. The Advocate shall have access to all IEP documents, 504 plans, related supports and services, treatment plans, progress reports, and report cards of all students with disabilities.

5. Having the discretion to review all documents relating to IEP documents, 504 plans, related supports and services being provided to students throughout the state, and ensure that proper documentation is being maintained by all schools and districts.
6. Tracking metrics of the type of disagreements or complaints between a parent, guardian, or caretaker of the student with disabilities and the district; the types of suspect disabilities, which may uncover an unmet need in the education system; and the types of interventions and supports required by a segment of children.
7. Ensuring protections and safeguards are provided to school staff.
8. Implementing measures to track and monitor district achievement, success, and challenges in the implementation of IEPs, 504 plans, and related supports and services.
9. Establishing minimum compliance measures to ensure that copies of all relevant documents which are discussed at any family meeting involving a student receiving services pursuant to this chapter are given to the student's family at least 5 days in advance of any scheduled meeting at which these documents are to be discussed.
10. Investigating any retaliatory act alleged or committed by any administrator, school district, state department, or other agency with the appropriate referrals to judicial departments or agencies for action, and any and all complaints filed by a parent, guardian, or caretaker of student with disabilities.

All records or files of the Advocate shall be readily available to any parent, guardian, or caretaker of a student with disabilities to inspect and/or copy for purposes of any agency or judicial proceeding.

The Advocate is also required to develop with the Department of Education a meeting evaluation form to be provided to parents, guardians, and caretakers of students with disabilities after every meeting with representatives from the school regarding a student with disabilities. The Department shall make this form available on its website.

The meeting evaluation form shall be designed to allow parents, guardians, and caretakers of students with disabilities to provide feedback on their experience, understanding, and level of satisfaction with the processes involving IEPs, 504 plans, and related supports and services. The meeting evaluation form shall also include sample or suggested questions that parents, guardians, and caretakers may ask during this process. Schools shall ensure that any parents, guardians, and caretakers of students with disabilities are given meeting evaluation forms in a language understood by the person receiving the form.

Persons receiving the meeting evaluation forms shall be encouraged to return those forms to the issuing school within 10 days upon receipt and may provide a copy of the meeting evaluation form to the Advocate. Copies of the completed meeting evaluation forms shall be retained in the student's file, and shall also be distributed to the school's special education team chair or department head, as applicable, and to the district's director of special education. Schools shall review the forms and shall respond appropriately, if

necessary. Meeting evaluation forms are not public records under RSA 91-A, the Right-to-Know Law.

The meeting evaluation forms shall ask:

- a) Whether documents received by the family related to special education services were given in a timely manner;
- b) The quality of the student's special education team interaction with the parents;
- c) The family's level of confidence in the school or district's explanation, development, and implementation of the IEP, 504 plan, or related supports and services;
- d) The family's level of confidence in the collaboration with their student's team members;
- e) The family's satisfaction level that their voices were heard and that the family's concerns were recognized by the district; and
- f) The family's level of confidence that there are avenues to address any concerns or complaints the family may have in the future regarding their student.

Each district is required to provide written notification which shall be distributed to the family at the time a student with disabilities is referred to special education, in conjunction with the meeting evaluation form

Unified Co-Curricular Activities (Chapter 334)

Effective September 1, 2022, RSA 21-N:4, XI provides that the Department of Education with \$50,000 to distribute to districts to fund first-year operational expenses of equipment and/or uniforms for unified co-curricular activities. Each grant is no more than \$4,000 per program. If the \$50,000 is not used for first-year programs, the remaining funds can be distributed to districts with existing programs to replace existing equipment and/or uniforms.

Jason Dickey Suicide Prevention Act (Chapter 344)

Effective July 30, 2022, RSA 193-J:2-a provides that each district and chartered public school with students in grades 6 through 12 that issues student identification cards must include on one side of the card the National Suicide Prevention Lifeline telephone number. The new law applies to cards issued for the first time or replacement cards. Annually and prior to the start of each school year, the school must certify to the school board that the National Suicide Prevention Lifeline contact information on the card is accurate and up-to-date.

IV. School Boards

Student School Board Members (Chapter 195)

Effective January 1, 2023, RSA 189:1-c is amended to require one student member on the school board from each public high school within the district. This amendment updates the requirement from allowing student members on the school board to mandating one student member from each public high school.

Public Comment Period (Chapter 333)

Effective September 6, 2022, RSA 189:74 requires that the State Board of Education and local school boards provide for a public comment period of at least 30 minutes at their meetings. Members of the public cannot be required to pre-register as a condition of participation. However, school boards may request that individuals register in advance of the meeting. School boards may create reasonable restrictions provided they are applied equally including time limits for each speaker. School boards may also reasonably restrict public comments that disclose student personally identifiable information, personally identifiable information related to teachers, or other confidential or privileged information.

The public comment requirement does not apply to emergency meetings under RSA 91-A:2, II or when the sole purpose of the meeting is to enter non-public session under RSA 91-A:3.

V. Right-to-Know Law

Establishing Right-to-Know Law Ombudsman (Chapter 250)

Effective June 24, 2022, RSA 91-A:7 was amended to create the Office of the Right-to-Know Law Ombudsman. An aggrieved person by a violation of the Right-to-Know Law may file a complaint with the Ombudsman. The filing fee is \$25.00. The public body or agency has 20 days to answer the complaint. The Ombudsman has the ability to compel interviews with parties, determine if a hearing is needed, issue written findings, and order any remedies in RSA 91-A:8. The Ombudsman's ruling can be appealed to Superior Court.

VI. Miscellaneous

Contract Carriers (Chapter 66)

Effective July 19, 2022, RSA 189:6-e, II was amended to allow contract carriers to transport special education students to transition services regardless of the distance, as long as the transition services are approved by the district.

Water Bottle Filling Stations and Limiting Lead in Drinking Water (Chapters 149 and 325)

Effective September 5, 2022, RSA 200:11-b requires that all newly constructed public schools and existing public-school buildings that undergo substantial renovation must include water bottle filling stations that meet the requirements in RSA 200:11-b, II and III. All schools must also allow students to bring water bottles to school that are made of a material that is not easily breakable, have lids to prevent spills, and are filled exclusively with water. School boards may adopt a disciplinary policy regarding the misuse of water bottles by students or employees.

Effective July 8, 2022, RSA 458:17-a was repealed and reenacted to provide that public schools, private schools, and licensed childcare facilities must take steps to limit to lead in drinking water by installing and providing water bottle filling stations by January 4, 2023, or by testing drinking water outlets for lead and remediating the lead as specified in the statute.

Teacher Loan Forgiveness and Committee on Teacher Shortages (Chapter 150)

Effective June 7, 2022, RSA 189:25 was amended to define eligibility for federal student loan forgiveness programs targeted at teachers. For purposes of eligibility for state or federal student loan forgiveness programs for teachers, grades 7 through 12 teachers are considered “secondary school teachers”.

Additionally, a committee is established to study New Hampshire teacher shortages and recruitment incentives. The members of the committee shall be as follows:

- (a) Three members of the House of Representatives, appointed by the Speaker of the House of Representatives.
- (b) Two members of the Senate, appointed by the President of the Senate.

The duties of the committee include:

1. Studying New Hampshire teacher shortages since 2018 and expected retirements through 2026.
2. Identifying strategies for attracting more qualified candidates into the profession to fill shortage areas with particular attention to attracting underrepresented minorities and filling positions in rural districts and districts with lower performance outcomes.
3. Evaluating recruitment incentives used in other states, such as loan forgiveness, housing assistance, tuition reimbursements, and scholarships to help fill shortages and consider how such incentives might be offered and funded in New Hampshire, such as upon initial licensure and employment in the state.
4. Identifying strategies for retaining currently licensed and practicing teachers.

The committee shall report its findings and any recommendations for proposed legislation to the Speaker of the House of Representatives, the President of the Senate, the Chairs of the Education Committee in both the House of Representatives and Senate, the House Clerk, the Senate Clerk, the Governor, and the State Library on or before November 1, 2023.

School Operations Plans (Chapter 187)

Effective June 17, 2022, RSA 189:64 was repealed and reenacted. The new statute requires schools to develop site-specific school emergency operation plans and to submit these plans to the Director of Homeland Security as well as Emergency Management within the Department of Safety no later than October 15 of each year. The plan shall address hazards including but not limited to acts of violence, biological incidents, civil unrest, cyber incidents, drought, earthquakes, extreme temperatures, floods, hurricane/severe storm, internal and external hazardous materials releases, medical emergencies, structural fire, threats, tornadoes, wildfire, winter storm, or any other hazard deemed necessary by school officials and local emergency authorities.

The Director of Homeland Security and Emergency Management shall assist school districts upon request. Additionally, for just cause, districts may be granted a 30-day extension toward the completion of their plan.

Reporting of Cybersecurity Incidents (Chapter 190)

Effective August 16, 2022, RSA 31:103-b was amended to require the governing body, chief administrative officer, or designee of any political subdivision, who knows of or suspects a cybersecurity incident within the political subdivision's information systems, or within any vendor acting as an agent of the political subdivision, to immediately report such incident upon discovery, and to disclose all known information and interactions to the New Hampshire Cyber Integration Center of the Department of Information Technology. "Cybersecurity incident" is defined as "an occurrence that actually or potentially jeopardizes the confidentiality, integrity, or availability of an information system or the information processes, stores, or transmits, of that constitutes a violation or imminent threat of violation of security policies, security procedures, or acceptable use policies."

Prohibition on Enforcement of Federal Gun Laws (Chapter 258)

Effective June 24, 2022, RSA 159-E prohibits the state of New Hampshire, a political subdivision of the State, or any person acting under the color of state, county, or municipal law from using any personnel or financial resources to enforce, administer, or cooperate with any law, act, rule, order, or regulation of the United States Government or Executive Order of the President of the United States that is inconsistent with any law of the State regarding the regulation of firearms, ammunition, magazines or the ammunition feeding devices, firearm components, firearms supplies, or knives.

It is unclear how RSA 159-E impacts enforcement of the Gun-Free School Zones Act which prohibits any person from possessing a firearm on school property. Students are prohibited by RSA 193:13, IV from possessing guns on school property. Therefore, the new statute does not prevent the district from prohibiting students from possessing guns on school property. The Attorney General will be issuing guidance on the new statute. It is expected that the new guidance will reflect the Attorney General's statements that calling the police does not violate the statute and complying with federal law does not violate the statute

Career and Technical Centers (Chapter 272)

RSA 188-E:1-a; RSA 188-E:2, V-a; RSA 188-E:5; RSA 188-E:5, VII and XIII provide that once the Department of Education adopts rules, each regional career and technical center agreement (RCTEA) must be renewed every four years. The RCTEA is required to include a calendar conformity agreement to comply with RSA 188-E:5, VII(a) and (b) by aligning the school calendars of sending schools with the school calendars of CTE programs at the receiving school and to minimize schedule conflicts. RCTEAs should address schedule alignment needs such as disruptions due to differing start/stop times, unscheduled school closures or events, and daily class start/stop times. RCTEAs are

encouraged to align teacher in-service days to allow joint ventures in teacher professional development and other educational initiatives. There may not be more than 10 instructional days following Labor Day through the last student day of the school calendar year on which one or more of the school calendars of the districts within the RCTEA are not aligned. The requirements apply when CTE regions overlap, or students attend programs in more than one CTE.

Performance Audit of the Education Freedom Account Program (Chapter 297)

Effective October 1, 2023, Chapter 297 requires the audit division of the legislative budget assistant to complete a performance audit of the Department of Education, education freedom account program. The audit shall include:

1. Initial and continued eligibility of participants.
2. Controls for determining qualifying expenditures.
3. Identification and recovery of ineligible disbursements.
4. Procedures and controls for transferring funds to the scholarship organization.
5. Procedures and controls for the phase-out grants.
6. Public reporting of participation, student outcomes, and expenditures.
7. Demographics of qualifying applicants by 2020-2021 municipality and state of residence, grade level, and type and location of educational program, and their 2021-2022 municipality of residence, grade level, and type and location of educational program.

The final report shall be submitted to the legislative performance audit oversight committee, the fiscal committee, and the legislative oversight committee.

Education Freedom Account Program Administrator (Chapter 309)

Effective July 1, 2022, RSA 21-N:7-a was enacted to establish the position of education freedom account administrator in the Department of Education, Division of Education Analytics and Resources. The duties of this position include:

1. Coordinating and providing technical assistance to students, parents, and the scholarship organizations that are responsible for administering the education freedom accounts (EFAs).
2. Contracting with scholarship organizations, subject to the approval of the Governor and Executive Council.
3. Implementing policies and procedures at the Department related to the education freedom account program.
4. Serving as a resource for administrators, educators, families, scholarship organizations, and policymakers across the state.

Personal Privacy Protection Act (Chapter 336)

Effective January 1, 2023, RSA 91-C will provide that public agencies and public bodies shall not disclose or release any list, record, register, registry, roll, roster, or other compilation of data of any kind that directly or indirectly identifies a person as a member, supporter, volunteer, or donor of financial or nonfinancial support, to any entity exempt from federal income tax under Section 501(c) of the Internal Revenue Code. Public agencies and bodies are also prohibited from requesting such information. Exceptions to this prohibition include information that was voluntarily released by the individual or tax-exempt entity to the Attorney General or public, and information required for federal or state grants.

The terms “volunteer” and “supporter” do not include the members of the governing board, officers, directors, registered agents, or incorporators of entities exempt from federal income tax under section 501(c) of the Internal Revenue Code. The term “member” shall not include members of charitable corporations with specific corporate authority as set forth in the articles of agreement or bylaws, and pursuant to RSA 292.

A person alleging a violation of RSA 91-C may bring a civil action for injunctive relief, damages, or both. Damages awarded may include a sum of money not less than \$2,500 to compensate for injury or loss caused by each violation of this chapter; or for an intentional violation of this chapter, a sum of money not to exceed \$7,500. The court can also in its discretion award costs of litigation.

IKAD

Pittsfield School District

CHANGING STUDENT GRADES

Every teacher shall maintain an evaluation record for each student in the teacher's respective classes. Parents / guardians of a student, or the student him / herself if the student is eighteen years of age or older, may request to have the student's grade changed only for grades on final exams or grades at the end of a marking period.

Final grades can only be changed for the following reasons:

1. A miscalculation of evaluation / test scores;
2. A technical error in assigning a particular grade or score;
3. The teacher agrees to allow the student to revise work on competencies;

Administrators will not change the final grade assigned by the teacher without first notifying the teacher. Additionally, the superintendent is charged with promulgating administrative rules to be followed when a request for a change in grade is made.

Reading: January 7, 2010
Adopted: January 21, 2010
Amended: November 20, 2014
Reviewed: October 4, 2018

Pittsfield School District

CONFIDENTIAL STUDENT INFORMATION

It is the policy of the district to respect the privacy and/or confidentiality of all students and staff within the district. It the policy of the district that personally identifiable information should only be viewed or received by district employees who have a legitimate educational or business interest or purpose in viewing or receiving private and/or confidential information.

Confidential Information. As part of the job performance of the district, employees may produce and receive information that must be kept confidential. Confidential information includes information obtained during the course of employment relating to the conduct of school district internal affairs. It shall also include information relating to students that is otherwise protected by applicable state and federal privacy laws. School district employees shall not disclose nor transmit such confidential information concerning students or others, or confidential internal information and shall use extreme care to protect against negligent or inadvertent disclosure of such information.

Upon termination of employment or involvement in such internal affairs, or at any time that the district requests, all memoranda, notes, records, reports, lists, and other documents containing, describing, or relating to confidential information, together with all copies of the same, obtained by school district employees or entrusted to them during the course of their employment, shall be surrendered to the district at the time of such termination or request.

Observations. During the course of carrying out activities as an employee or volunteer of the district, an individual may make certain observations that may disclose personally identifiable information about a student. These observations may indicate the nature of disabilities and/or accommodations that are made in response to such disabilities. These observations, by their very nature, may result in the employee or volunteer receiving information in which they neither have a legitimate educational interest nor a “need to know.” To the degree that such observations disclose personally identifiable information, the employee or volunteer in question making such observations must respect the privacy and confidentiality of the student involved and not disclose such information in violation of this policy.

Violations. The dissemination of personally identifiable information by employees or volunteers to individuals who have neither a legitimate educational interest nor a “need to know” is prohibited. Employees and volunteers are not to disclose such information to individuals not affiliated with the district without specific written authorization from the district administrators and the affected student/parent.

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Volunteers who violate this policy may have their services terminated. District employees who violate this policy may face discipline up to and including termination, in accordance with applicable law, Board policies, and/or collective bargaining agreements.

Adopted: July 16, 2015
Reviewed: January 3, 2019

Pittsfield School District

**CONTACT INFORMATION FOR HUMAN RIGHTS OFFICER, TITLE IX
COORDINATOR, SECTION 504 COORDINATOR, AND CIVIL RIGHTS
AGENCIES**

Human Rights Officer: Jessica Bickford, Director of Student Services
Pittsfield Middle High School
23 Oneida St.
Pittsfield, NH 03263
435-6701
jbickford@pittsfieldnhschools.org

Title IX Coordinator: Jessica Bickford, Director of Student Services
Pittsfield Middle High School
23 Oneida St.
Pittsfield NH 03263
435-6701
jbickford@pittsfieldnhschools.org

Section 504 Coordinator: Jessica Bickford, Director of Student Services
Pittsfield Middle High School
23 Oneida St.
Pittsfield, NH 03263
435-6701
jbickford@pittsfieldnhschools.org

U.S. Department of Education, Office of Civil Rights
5 Post Office Square, 8th Floor
Boston, MA 02109-3921
617-289-0111
OCR.Boston@ed.gov

U.S. Department of Agriculture, Office of Civil Rights
FAS Civil Rights Staff
1400 Independence Avenue, SW, Room 4069-S
Washington, DC 20250-1008
Phone: (202) 720-7233

New Hampshire Human Rights Commission
2 Industrial Park Dr.
Concord, NH 03301
271-2767

humanrights@nh.gov

New Hampshire Department of Justice, Civil Rights Unit
Department of Justice
33 Capitol St.
Concord, NH 03301
271-1181
attorneygeneral@doj.nh.gov

New Hampshire Department of Education, Commissioner of Education
Office of the Commissioner
101 Pleasant St.
Concord, NH 03301
271-3144
Frank.Edelblut@edu.nh.gov

Adopted: February 20, 2020

EGAD

Pittsfield School District

COPYRIGHT COMPLIANCE

The district recognizes that federal law makes it illegal to duplicate copyrighted materials without authorization of the holder of the copyright, except for certain exempted purposes. Severe penalties may be imposed for unauthorized copying or using audio, visual, or printed materials and computer software, unless the copying or using conforms to the “fair use” doctrine.

Under the “fair use” doctrine, unauthorized reproduction of copyrighted materials is permissible for such purposes as criticism, comment, news reporting, teaching, scholarship, or research.

While the district encourages its staff to enrich the learning programs by making proper use of supplementary materials, it is the responsibility of the district staff to abide by the district’s copying procedures and obey the requirements of the law. Under no circumstances shall it be necessary for district staff to violate copyright requirements in order to perform their duties properly. The district cannot be responsible for any violations of copyright law by its staff.

Any staff member who is uncertain as to whether reproducing or using copyrighted materials complies with the district’s procedures or is permissible under the law should contact the dean of operations. The dean of operations will assist staff in obtaining proper authorization to copy or use protected materials when such authorization is required.

| | |
|-----------|-------------------|
| Reading: | February 18, 2010 |
| Adopted: | April 22, 2010 |
| Amended: | May 22, 2015 |
| Reviewed: | May 3, 2018 |

Pittsfield School District

PUPIL SAFETY AND VIOLENCE PREVENTION (BULLYING)

I. Definitions (RSA 193-F:3)

Bullying. Bullying is hereby defined as a single significant incident or a pattern of incidents involving a written, verbal, or electronic communication, or a physical act or gesture, or any combination thereof, directed at another pupil which:

- 1) Physically harms a pupil or damages the pupil's property,
- 2) Causes emotional distress to a pupil,
- 3) Interferes with a pupil's educational opportunities,
- 4) Creates a hostile educational environment, or
- 5) Substantially disrupts the orderly operation of the school.

Bullying shall also include actions motivated by an imbalance of power based on a pupil's actual or perceived personal characteristics, behaviors, or beliefs, or motivated by the pupil's association with another person and based on the other person's characteristics, behaviors, or beliefs.

Cyberbullying. Cyberbullying is defined as any conduct defined as "bullying" in this policy that is undertaken through the use of electronic devices. For purposes of this policy, any references to the term "bullying" shall include "cyberbullying."

Electronic Devices. Electronic devices include, but are not limited to, telephones, cellular phones, computers, pagers, electronic mail, instant messaging, text messaging, and websites.

School Property. School property means all real property and all physical plant and equipment used for school purposes, including public or private school buses or vans.

Any reference in this policy to "parent" shall include parents or legal guardians.

II. Statement Prohibiting Bullying or Cyberbullying of a Pupil (RSA 193-F:4, II(a))

The Board is committed to providing all pupils with a safe and secure school environment. This policy is intended to comply with RSA 193-F. Conduct constituting bullying and/or cyberbullying will not be tolerated and is hereby prohibited.

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Further, in accordance with RSA 193-F:4, the district reserves the right to address bullying and, if necessary, impose discipline for bullying that:

- 1) Occurs on, or is delivered to, school property or a school-sponsored activity or event on or off school property, or
- 2) Occurs off of school property or outside of a school-sponsored activity or event if the conduct interferes with a pupil's educational opportunities or substantially disrupts the orderly operations of the school or school-sponsored activity or event.

The superintendent of schools is responsible for ensuring that this policy is implemented.

III. Statement Prohibiting Retaliation or False Accusations (RSA 193-F:4, II(b))

False Reporting. A student found to have wrongfully and intentionally accused another of bullying may face discipline or other consequences, ranging from positive behavioral interventions up to and including suspension or expulsion.

A school employee found to have wrongfully and intentionally accused a student of bullying shall face discipline or other consequences to be determined in accordance with applicable law, district policies, established procedures, and collective bargaining agreements.

Reprisal or Retaliation. The district will discipline and take appropriate action against any student, teacher, administrator, volunteer, or other employee who retaliates against any person who makes a good faith report of alleged bullying or against any person who testifies, assists, or participates in a proceeding or hearing relating to such bullying.

- 1) The consequences and appropriate remedial action for a student, teacher, school administrator, or school volunteer who engages in reprisal or retaliation shall be determined by the dean of operations after consideration of the nature, severity, and circumstances of the act, in accordance with law, Board policies, and any applicable collective bargaining agreements.
- 2) Any student found to have engaged in reprisal or retaliation in violation of this policy shall be subject to measures up to and including suspension and expulsion.
- 3) Any teacher or school administrator found to have engaged in reprisal or retaliation in violation of this policy shall be subject to discipline up to and including termination of employment.

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- 4) Any school volunteer found to have engaged in reprisal or retaliation in violation of this policy shall be subject to measure up to and including exclusion from school grounds.

Process to Protect Pupils from Retaliation. If the alleged victim or any witness expresses to the dean of operations or other staff member that he/she believes that he/she may be retaliated against the dean of operations shall develop a process or plan to protect that student from possible retaliation.

Each process or plan may be developed on a case-by-case basis. Suggestions include, but are not limited to, re-arranging student class schedules to minimize their contact, stern warnings to alleged perpetrators, temporary removal of privileges, or other means necessary to protect against possible retaliation.

IV. Protection of All Pupils (RSA 193-F:4, II(c))

This policy shall apply to all pupils and school-aged persons on school district grounds and participating in school district functions, regardless of whether or not such pupil or school-aged person is a student within the district.

V. Disciplinary Consequences for Violations of This Policy (RSA 193-F:4, II(d))

The district reserves the right to impose disciplinary measures against any student who commits an act of bullying, falsely accuses another student of bullying, or who retaliates against any student or witness who provides information about an act of bullying.

In addition to imposing discipline under such circumstances, the Board encourages the administration and school district staff to seek alternatives to traditional discipline, including but not limited to early intervention measures, alternative dispute resolution, conflict resolution, and other similar measures.

VI. Distribution and Notice of This Policy (RSA 193-F:4, II(c))

Staff and Volunteers. All staff will be provided with a copy of this policy annually. The superintendent may determine the method of providing the policy (employee handbook, hard copy, etc.).

The superintendent will ensure that all school employees and volunteers receive annual training on bullying and related district policies.

Students. All students will be provided with a copy of this policy annually. The superintendent may determine the method of providing the policy (student handbook, mailing, hard copy, etc.).

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Students will participate in an annual education program which sets out expectations for student behavior and emphasizes an understanding of harassment, intimidation, and bullying of students, the district's prohibition of such conduct, and the reasons why the conduct is destructive, unacceptable, and will lead to discipline. Students shall also be informed of the consequences of bullying conduct toward their peers.

The superintendent, in consultation with staff, may incorporate student anti-bullying training and education into the district's curriculum, but shall not be required to do so.

Parents. All parents will be provided with a copy of this policy annually. The superintendent may determine the method of providing the policy (parent handbook, mailing, etc.). Parents will be informed of the program and the means for students to report bullying acts toward them or other students. They will also be told that to help prevent bullying at school, they should encourage their children to:

- 1) Report bullying when it occurs,
- 2) Take advantage of opportunities to talk to their children about bullying,
- 3) Inform the school immediately if they think their child is being bullied or is bullying other students,
- 4) Cooperate fully with school personnel in identifying and resolving incidents.

Additional Notice and School District Programs. The Board may, from time to time, host or schedule public forums in which it will address the anti-bullying policy, discuss bullying in the schools, and consult with a variety of individuals including teachers, administrators, counselors, school psychologists, and other interested persons.

VII. Procedure for Reporting Bullying (RSA 193-F:4, II(f))

Student Reporting.

- 1) Any student who believes that he or she has been the victim of bullying should report the alleged acts immediately to the dean of operations. If the student is more comfortable reporting the alleged act to a person other than the dean of operations, the student may report to any school district employee or volunteer.
- 2) Any school employee or volunteer who witnesses, receives a report of, or has knowledge or belief that bullying may have occurred shall inform the dean of operations as soon as possible, but no later than the end of that school day.

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- 3) The dean of operations may develop a system or method for receiving anonymous reports of bullying. Although students, parents, volunteers, and visitors may report anonymously, formal disciplinary action may not be based solely on an anonymous report. Independent verification of the anonymous report shall be necessary in order for any disciplinary action to be applied.
- 4) The administration may develop student reporting forms to assist students and staff in filing such reports. An investigation shall still proceed even if a student is reluctant to fill out the designated form and chooses not to do so.
- 5) Upon receipt of a report of bullying, the dean of operations shall commence an investigation consistent with the provisions of Section XI of this policy.

Staff Reporting

- 1) An important duty of the staff is to report acts or behavior that they witness that appears to constitute bullying.
- 2) All district employees and volunteers shall encourage students to tell them about acts that may constitute bullying. For young students, staff members may provide direct assistance to the student.
- 3) Any school employee or volunteer who witnesses, receives a report of, or has knowledge or belief that bullying may have occurred shall inform the dean of operations as soon as possible, but no later than the end of that school day.
- 4) Upon receipt of a report of bullying, the dean of operations shall commence an investigation consistent with the provisions of Section XI of this policy.

VIII. Procedure for Internal Reporting Requirements (RSA 193-F:4, II(g))

In order to satisfy the reporting requirements of RSA 193-F:6, the dean of operations or designee shall be responsible for completing all New Hampshire Department of Education forms and reporting documents of substantiated incidents of bullying. Said forms shall be completed within ten school days of any substantiated incident. Upon completion of such forms, the dean of operations or designee shall retain a copy for him/herself and shall forward one copy to the superintendent of schools. The superintendent of schools shall maintain said forms in a safe and secure location.

IX. Notifying Parents of Alleged Bullying (RSA 193-F:4, II(h))

The dean of operations shall report to the parents of a student who has been reported as a victim of bullying and to parents of a student who has been reported as a perpetrator of bullying within forty-eight hours of receiving the report. Such

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notification may be made by telephone, writing, or personal conference. The date, time, method, and location (if applicable) of such notification and communication shall be noted in the report. All notifications shall be consistent with student privacy rights under the applicable provisions of the Family Educational Rights and Privacy Act of 1974 (FERPA).

X. Waiver of Notification Requirement (RSA 193-F:4, II(i))

The superintendent of schools may, within a forty-eight hour time period, grant the dean of operations a waiver from the requirement that parents of the alleged victim and the alleged perpetrator be notified of the filing of the report. A waiver may only be granted if the superintendent deems such a waiver to be in the best interest of the victim or perpetrator. Any waiver granted shall be in writing.

XI. Investigation Procedures (RSA 193-F:4, II(j))

- 1) Upon receipt of a report of bullying, the dean of operations shall, within five school days, initiate an investigation into the alleged act. If the dean of operations is directly and personally involved with a complaint or is closely related to a party to the complaint, then the superintendent shall direct another district employee to conduct the investigation.
- 2) The investigation may include documented interviews with the alleged victim, alleged perpetrator, and any witnesses. All interviews shall be conducted privately, separately, and shall be confidential. Each individual will be interviewed separately and at no time will the alleged victim and perpetrator be interviewed together during the investigation.
- 3) If the alleged bullying was in whole or in part cyberbullying, the dean of operations may ask students and/or parents to provide the district with printed copies of e-mails, text messages, website pages, or other similar electronic communications.
- 4) A maximum of ten school days shall be the limit for the initial filing of incidents and completion of the investigative procedural steps.
- 5) Factors that the dean of operations or other investigator may consider during the course of the investigation include, but are not limited to:
 - Description of the incident, including the nature of the behavior;
 - How often the conduct occurred;
 - Whether there were past incidents or past continuing patterns of behavior;

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- The characteristics of parties involved (name, grade, age, etc.);
 - The identify and number of individuals who participated in bullying behavior;
 - Where the alleged incident occurred;
 - Whether the conduct adversely affected the student's education or educational environment;
 - Whether the alleged victim felt or perceived an imbalance of power as a result of the reported incident, and
 - The date, time, and method in which parents or legal guardians of all parties involved were contacted.
- 6) The dean of operations shall complete the investigation within ten school days of receiving the initial report. If the dean of operations needs more than ten school days to complete the investigation, the superintendent may grant an extension of up to seven school days. In the event that such extension is granted, the dean of operations shall notify in writing all parties involved of the granting of the extension.
- 7) Whether a particular action or incident constitutes a violation of this policy shall require a determination based on all facts and surrounding circumstances and shall include recommended remedial steps necessary to stop the bullying and a written final report to the superintendent.
- 8) Students who are found to have violated this policy may face discipline in accordance with other applicable Board policies, up to and including suspension. Students facing disciplinary action will be afforded all due process required by law.
- 9) Consistent with applicable law, the district will not require or request that a student disclose or provide to the district the student's user name, password, or other authenticating information to a student's personal social media account. However, the district may request to a student or a student's parent/guardian that the student voluntarily share printed copies of specific information from a student's personal social media account if such information is relevant to an ongoing district investigation.

XII. Response to Remediate Substantiated Instances of Bullying (RSA 193-F:4, II(k))

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Consequences and appropriate remedial actions for a student or staff member who commits one or more acts of bullying or retaliation may range from positive behavioral interventions up to and including suspension or expulsion of students and dismissal from employment for staff members.

Consequences for a student who commits an act of bullying or retaliation shall be varied and graded according to the nature of the behavior, the developmental age of the student, and the student's history of problem behaviors and performance. Remedial measures shall be designed to correct the problem behavior, prevent another occurrence of the problem, protect and provide support for the victim, and take corrective action for documented systematic problems related to bullying.

Examples of consequences may include, but are not limited to:

- Admonishment;
- Temporary removal from classroom;
- Deprivation of privileges;
- Classroom or administrative detention;
- Referral to student support center;
- In-school suspension;
- Out-of-school suspension;
- Expulsion.

Examples of remedial measures may include, but are not limited to:

- Restitution;
- Mediation;
- Peer support group;
- Corrective instruction or other relevant learning experiences;
- Behavior assessment;
- Student counseling;

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- Parent conferences.

In support of this policy, the Board promotes preventative educational measures to create greater awareness of aggressive behavior, including bullying. The Board encourages the superintendent and dean of operations to work collaboratively with all staff members to develop responses other than traditional discipline as a way to remediate substantiated instances of bullying.

XIII. Reporting of Substantiated Incidents to the Superintendent (RSA 193-F:4,II(1))

The dean of operations shall forward all substantiated reports of bullying to the superintendent upon completion of the dean's investigation.

XIV. Communications with Parents Upon Completion of Investigation (RSA 193-F:4, II(m))

- 1) Within two school days of completing an investigation, the dean of operations will notify the students involved in person of his/her findings and the result of the investigation.
- 2) The dean of operations will notify, either in person or via telephone, the parents of the alleged victim and alleged perpetrator of the results of the investigation. The dean of operations will also send a letter to the parents within twenty-four hours, again notifying them of the results of the investigation.
- 3) If the parents request, the dean of operations shall schedule a meeting with them to further review his/her findings and reasons for his/her actions.
- 4) In accordance with the Family Educational Rights and Privacy Act (FERPA) and other law concerning student privacy, the district will not disclose educational records of students, including the discipline and remedial action assigned to students, to other students and parents of other students involved in a bullying incident.

XV. Appeals

A parent or guardian who is aggrieved by the investigative determination letter of the dean of operations or his/her designee may appeal the determination to the superintendent for review. The appeal shall be in writing addressed to the superintendent, shall state the reason why the appealing party is aggrieved, and the nature of the relief they seek. The superintendent shall not be required to re-investigate the matter and shall conduct such review as he/she deems appropriate under the circumstances.

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It is in the best interests of students, families, and the district that these matters be promptly resolved. Therefore, any such appeal to the superintendent shall be made within ten calendar days of the parent/guardian's receipt of the investigative determination letter of the principal or his/her designee. The superintendent shall issue his/her decision in writing.

If the parent or guardian is aggrieved by the decision of the superintendent, they may appeal the decision to the School Board within ten calendar days of the date of the parent/ guardian's receipt of the superintendent's decision. An appeal to the superintendent shall be a prerequisite to any appeal to the School Board. The appeal to the School Board shall be in writing, addressed to the School Board Chair in care of the superintendent, shall state the reason why the appealing party is aggrieved, and the nature of the relief they seek.

An aggrieved parent/guardian has the right to appeal the final decision of the local School Board to the State Board within thirty calendar days of receipt of the written decision of the local School Board in accordance with RSA 541-A and the State of New Hampshire Department of Education regulation set forth in ED 200. The State Board may waive the thirty-day requirement for good cause shown including, but not limited to, illness, accident, or death of a family member.

XVI. School Officials (RSA 193-F:4, II(n))

The superintendent of schools is responsible for ensuring that this policy is implemented. In order to facilitate the implementation of this policy, the superintendent may designate roles to other school employees as he/she may decide.

XVII. Capture of Audio Recordings on School Buses

Pursuant to RSA 570-A:2, notice is hereby given that the Board authorizes audio recordings to be made in conjunction with video recordings of the interior of school buses while students are being transported to and from school or school activities. The superintendent shall ensure the posting of notice in buses informing the occupants of school buses that such recordings may be occurring.

XVIII. Use of Video or Audio Recordings in Student Discipline Matters

The district reserves the right to use audio and/or video recording devices on district property (including school buses, which may not be district property but are provided through contractual arrangement) to ensure the health, safety, and welfare of all staff, students, and visitors. Placement and location of such devices will be established in accordance with the provisions of Policies EEAA, EEAE, and EDAF.

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In the event that an audio or video recording is used as part of a student discipline proceeding, such video may become part of a student's educational record. If an audio or video recording does become part of a student's educational record, the provisions of Policy JRA shall apply.

The superintendent is authorized to contact the district's attorney for a full legal opinion in the event of such an occurrence.

| | |
|-----------|------------------|
| Reading: | May 7, 2009 |
| Adopted: | May 21, 2009 |
| Reading: | July 22, 2010 |
| Amended: | December 9, 2010 |
| Amended: | April 2, 2015 |
| Amended: | October 1, 2015 |
| Reviewed: | December 6, 2018 |

JEA

Pittsfield School District

COMPULSORY ATTENDANCE AGE

Compulsory attendance shall be required of all children in accordance with RSA 193:1.

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|-----------|-------------------|
| Adopted: | March 1, 1980 |
| Reading: | August 23, 2010 |
| Amended: | September 9, 2010 |
| Reviewed: | January 8, 2015 |
| Reviewed: | November 1, 2018 |

Pittsfield School District

COMPUTER SECURITY, E-MAIL, AND INTERNET COMMUNICATIONS

The district establishes this policy with regard to access and disclosure of electronic data composed, stored, sent, or received by employees using the district's computer system. This policy is designed to protect the safety and security of the district's computer systems, including e-mail and Internet use.

The district intends to enforce the rules set forth below and reserves the right to change these rules at any time.

1. The computer hardware system, software, and e-mail system are owned by the district, and all messages or data composed, stored, sent, or received using the system are and remain the private property of the district. They are not the property of the employee.
2. The computer and e-mail system is to be used for business purposes only. Personal business is unauthorized and should not be conducted on the system.
3. The electronic mail system may not be used to solicit or proselytize for commercial ventures, religious or political causes, outside organizations, or other non-job related solicitations.
4. The district prohibits discriminatory, harassing, or offensive materials in any form of media. Among those which are considered offensive are any messages which contain sexual implications, racial slurs, gender-specific comments, or any other comments that offensively address someone's age, sexual orientation, religious or political beliefs.
5. The electronic mail system shall not be used to send (upload) or receive (download) copyrighted materials, trade secrets, proprietary financial information, or similar materials without prior authorization.
6. The district reserves, and intends to exercise without prior notice, the right to read, review, audit, intercept, access, or disclose any and all information on an employee's computer system or messages created, received, or sent over the electronic mail system for any purpose, even if coded or passworded.
7. The confidentiality of any message or data should not be assumed. Even when a message is erased, it is still possible to retrieve and read that message. The use of passwords for security does not guarantee confidentiality, or that the district will not retrieve it. All passwords must be disclosed to the IT manager.

8. Any communications created, sent, or retrieved using e-mail may be read by individuals other than the intended recipient.
9. Notwithstanding the district's right to retrieve and monitor any e-mail messages, such messages should not be treated as confidential by other employees and accessed only by the intended recipient. Employees are not authorized to retrieve or read any e-mail that is not sent to them. Any exception to this policy must receive prior approval by the superintendent of schools.
10. Any employee who violates this policy or uses the computer system or electronic mail system for improper purposes shall be subject to discipline up to and including discharge.
11. The district has the authority to terminate or limit access to any program at any time.
12. Personal disks or other data storage units cannot be used on the district system unless pre-authorized by the IT manager.
13. The district will take all necessary measures to maintain student privacy relative to the district's website, online information, and storage of student personally identifiable information as required by federal and state law.

Adopted: October 1, 2015

Reviewed: May 3, 2018

Pittsfield School District

CONCUSSIONS AND HEAD INJURIES

The School Board recognizes that concussions and head injuries are commonly reported injuries in children and adolescents who participate in sports and other recreational activities. The Board acknowledges that the risk of catastrophic injuries or death is significant when a concussion or head injury is not properly evaluated or managed. The Board recognizes that the majority of concussions will occur in “contact” or “collision” sports. However, in order to ensure the safety of all District student-athletes, this policy will apply to all competitive athletic activities as identified by the administration.

Consistent with the National Federation of High Schools (NFHS) and the New Hampshire Interscholastic Athletic Association (NHIAA), the district will utilize recommended guidelines, procedures, and other pertinent information to inform and educate coaches, youth athletes, and parents/guardians of the nature and risk of concussions or head injuries, including the dangers associated with continuing to play after a concussion or head injury.

Annually, the District will distribute a head injury and concussion information sheet to all parents/guardians of student-athletes in competitive sport activities prior to the student-athlete’s initial practice or competition.

For purposes of this policy, "head injury" means injuries to the scalp, skull, or brain caused by trauma, and shall include a concussion which is the most common type of sports-related brain injury.

All coaches, including volunteers, will complete training as recommended and/or provided by NHIAA, the New Hampshire Department of Education, and/or other pertinent organizations. Additionally, all coaches of competitive sport activities will comply with NHIAA recommended procedures for the management of head injuries and concussions.

Athletic Director or Administrator in Charge of Athletic Duties.

Updating: Each spring, the athletic director or designee shall review any changes that have been made in procedures required for concussion and head injury management or other serious injury by consulting with the NHIAA and other pertinent sources of such information. If there are any updated procedures, they will be adopted and used for the upcoming school year.

Identified Sports: Identified sports include all NHIAA-sanctioned activities, including cheer/dance squads, and any other District-sponsored sports or activities as determined by the District.

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Coach Training: All coaches shall undergo training in head injury and concussion management at least once every two years by one of the following means: (1) through viewing the NHIAA sport-specific rules clinic; or (2) through viewing the NHIAA concussion clinic found on the Montana High School Association (MHSA) Sports Medicine page at www.mhsa.org.

Parent Information Sheet: On a yearly basis, a concussion and head information sheet shall be distributed to the student-athlete and the athlete's parent/guardian prior to the student-athlete's initial practice or competition. This information sheet may be incorporated into the parent permission sheet that allows students to participate in extracurricular athletics.

Coach's Responsibility: A student-athlete who is suspected of sustaining a concussion or head injury or other serious injury in a practice or game shall be immediately removed from play.

Administrative Responsibilities: The superintendent or his/her designee will keep abreast of changes in standards regarding concussion, explore staff professional development programs relative to concussions, and will explore other areas of education, training, and programs.

Removal from Play and Protocol for Return to Play

Any coach, official, licensed athletic trainer, or health care provider who suspects that a student-athlete has sustained a concussion or head injury in a practice or game shall immediately remove the student-athlete from play. A student-athlete who has been removed from play shall not return to play on the same day or until he/she is evaluated by a health care provider and receives medical clearance and written authorization from that health care provider to return to play. The student-athlete shall also present written permission from a parent/guardian to return to play.

The District may limit a student-athlete's participation as determined by the student's treating health care provider.

Concussion Awareness and Education.

To the extent possible, the Board encourages the administration to implement concussion awareness and education into the district's physical education and/or health education curriculum. The administrative decision will take into account all relevant considerations, including time, resources, access to materials, and other pertinent factors.

Academic Issues in Concussed Students

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In the event a student is concussed, regardless of whether the concussion was a result of a school-related or non-school-related activity, District staff should be mindful that the

concussion may affect the student's ability to learn. In the event a student has a concussion, that student's teachers will be notified. Teachers should report to the school nurse if the student appears to have any difficulty with academic tasks that the teacher believes may be related to the concussion. The school nurse will notify the student's parents/guardians and treating physician. Administrators and district staff will work to establish a protocol and course of action to ensure the student is able to maintain his/her academic responsibilities while recovering from the concussion.

Section 504 of the Rehabilitation Act of 1973 accommodations may be developed in accordance with applicable law and Board policies.

Adopted: September 13, 2012
Reviewed: May 7, 2015
Amended: January 3, 2019

Pittsfield School District

TRANSGENDER AND GENDER NON-CONFORMING STUDENTS

I. Purpose

District policy requires that all programs, activities, and employment practices be free from discrimination based on sex, sexual orientation, or gender identity. This policy is designed in keeping with these mandates to create a safe learning environment for all students and to ensure that every student has equal access to all school programs and activities.

This policy sets out guidelines for schools and district staff to address the needs of transgender and gender non-conforming students and clarifies how state law should be implemented in situations where questions may arise about how to protect the legal rights or safety of such students.

This policy does not anticipate every situation that might occur with respect to transgender or gender nonconforming students, and the needs of each transgender or gender non-conforming student must be addressed on a case-by-case basis. In all cases, the goal is to ensure the safety, comfort, and healthy development of the transgender or gender non-conforming student while maximizing the student's social integration and minimizing stigmatization of the student.

II. Definitions

The definitions provided here are not intended to label students but rather are intended to assist in understanding this policy and the legal obligations of district staff. Students might or might not use these terms to describe themselves.

"Gender identity" is a person's deeply held sense or psychological knowledge of their own gender, regardless of the gender they were assigned at birth. Everyone has a gender identity.

"Transgender" describes people whose gender identity is different from their gender assigned at birth.

"Gender expression" refers to the way a person expresses gender, such as clothing, hairstyles, activities, or mannerisms.

"Gender non-conforming" describes people whose gender expression differs from stereotypical expectations, such as "feminine" boys, "masculine" girls, and those who are perceived as androgynous.

III. Guidance

- A. Privacy. The Board recognizes a student's right to keep private one's transgender status or gender non-conforming presentation at school. Information about a student's transgender status, legal name, or gender assigned at birth also may constitute confidential information.

School personnel should not disclose information that may reveal a student's transgender status or gender non-conforming presentation to others, including parents and other school personnel, unless legally required to do so or unless the student has authorized such disclosure. Transgender and gender non-conforming students have the right to discuss and express their gender identity and expression openly and to decide when, with whom, and how much to share private information.

When contacting the parent or guardian of a transgender or gender non-conforming student, school personnel should use the student's legal name and the pronoun corresponding to the student's gender assigned at birth unless the student, parent, or guardian has specified otherwise.

- B. Official Records. The district is required to maintain a mandatory permanent pupil record ("official record") that includes a student's legal name and legal gender. However, the district is not required to use a student's legal name and gender on other school records or documents.

The district will change a student's official record to reflect a change in legal name or legal gender upon receipt of documentation that such change has been made pursuant to a court order. In situations where school staff is required by law to use or to report a transgender student's legal name or gender, such as for purposes of standardized testing, school staff shall adopt practices to avoid inadvertent disclosure of such confidential information.

- C. Names / Pronouns. A student has the right to be addressed by a name or pronoun that corresponds to the student's gender identity. A court-ordered name or gender change is not required, and the student need not change his or her official records. The intentional or persistent refusal to respect a student's gender identity (for example, intentionally referring to a student by a name or pronoun that does not correspond to the student's gender identity) is a violation of this policy.
- D. Gender-Segregated Activities. To the extent possible, schools should reduce or eliminate the practice of segregating students by gender. In situations where students are segregated by gender, such as for health education classes, students should be included in the group that corresponds to their gender identity.

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- E. Restroom Accessibility. Students shall have access to the restroom that corresponds to their gender identity consistently asserted at school. Any student who has a need or desire for increased privacy, regardless of the underlying reason, should be provided access to a single stall restroom, but no student shall be required to use such a restroom.
- F. Locker Room Accessibility. The use of locker rooms by transgender students shall be assessed on a case-by-case basis with the goals of maximizing the student's social integration and equal opportunity to participate in physical education classes and sports, ensuring the student's safety and comfort, and minimizing stigmatization of the student. In most cases, transgender students should have access to the locker room that corresponds to their gender identity consistently asserted at school.

Any student who has a need or desire for increased privacy, regardless of the underlying reason, should be provided with a reasonable alternative changing area such as a curtain, a physical education instructor's office in the gym, or a health office restroom), or with a separate changing schedule (e.g., using the locker room that corresponds to their gender identity before or after other students). Any alternative arrangement should be provided in a way that protects the student's ability to keep his or her transgender status confidential. In no case shall a transgender student be required to use a locker room that conflicts with the student's gender identity.

- G. Physical Education Classes and Intramural Sports. Transgender and gender non-conforming students shall be permitted to participate in physical education classes and intramural sports in a manner consistent with their gender identity.
- H. Interscholastic Competitive Sports Teams. Transgender and gender non-conforming students shall be permitted to participate in interscholastic athletics in a manner consistent with their gender identity.
- I. Dress Codes. Transgender and gender non-conforming students have the right to dress in a manner consistent with their gender identity or gender expression. In general, schools may not adopt dress codes that restrict students' clothing or appearance on the basis of gender.
- J. Discrimination / Harassment. It is the responsibility of each school and the district to ensure that transgender and gender non-conforming students have a safe school environment. This includes ensuring that any incident of discrimination, harassment, or violence is given immediate attention, including investigating the incident, taking appropriate corrective action, and providing students and staff with appropriate resources.

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Complaints alleging discrimination or harassment based on a person's actual or perceived transgender status or gender non-conformity are to be handled in the same manner as other discrimination or harassment complaints.

Adopted: November 1, 2018