

Policy Development Committee Agenda

11/16/2022

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

Policies to Review

JH – Attendance, Absenteeism and Truancy

IHBG - Home Education Instruction

JJJ – Access to Public School Programs by Nonpublic, Charter School and Home Educated Pupils

IHBG-R – Participation in Public School, Activities by Home Educated, Charter and Nonpublic Pupils

JJJ-R – Administrative Regulations for Access to Public School Programs by Nonpublic, Charter School and Home Educated Pupils

ATTENDANCE, ABSENTEEISM AND TRUANCY

Absences

The Board requires that school-aged children enrolled in the District attend school in accordance with all applicable state laws and Board policies. The educational program offered by the District is predicated upon the presence of the student and requires continuity of instruction and classroom participation in order for students to achieve academic standards and consistent educational progress.

Attendance shall be required of all students enrolled in the District during the days and hours that school is in session, except that the Principal may excuse a student for temporary absences when receiving satisfactory evidence of conditions or reasons that may reasonably cause the student's absence.

The Board considers the following to be excused absences:

1. Illness
2. Recovery from an accident
3. Required court attendance
4. Medical and dental appointments
5. Death in the immediate family
6. Observation or celebration of a bona fide religious holiday
7. Such other good cause as may be acceptable to the Principal or permitted by law

Any absence that has not been excused for any of these reasons will be considered an unexcused absence.

In the event of an illness, parents must call the school and inform the District of the student's illness and absence. For other absences, parents must provide written notice or a written excuse that states one of these reasons for non-attendance. The Principal may require parents to provide additional documentation in support of their written notice, including but not limited to doctor's notes, court documents, obituaries, or other documents supporting the claimed reason for non-attendance.

If parents wish for their child to be absent for a reason not listed above, the parent must provide a written explanation of the reason for such absence, including why the student will be absent and for how long the student will be absent. The Principal will make a determination as to whether the stated reason for the student's absence constitutes good cause and will notify the parents in writing of his/her decision. If the Principal determines that good cause does not exist, the parents may request a conference with the Principal to again explain the reasons for non-attendance. The Principal may then reconsider his/her initial determination. However, at this juncture, the Principal's decision shall be final.

On the occasion that school is cancelled due to inclement weather or other emergency, families

will be notified via the Emergency Electronic Notification System. This notification may include information about students receiving internet instruction or other extended learning time in lieu of attending school for the day. Failure to comply with these assignment expectations will result in the student being recorded as absent for that day. Students will have two days to meet expectations.

Family Vacations/Educational Opportunities

Generally, absences other than for illness during the school year are discouraged. The school Principal or his/her designee may, however, grant special approval of absence for family vacations, provided written approval is given in advance. Parents are asked to write a note to their child's principal at least two weeks before the trip. This advance planning will allow the teacher, parents and the student to collaborate on an appropriate plan of action regarding homework completion.

Truancy

Truancy is defined as any unexcused absence from class or school. Any absence that has not been excused for any of the reasons listed above will be considered an unexcused absence.

Ten half-days of unexcused absence during a school year constitute habitual truancy.

A half-day absence is defined as a student missing more than two hours of instructional time and less than three and one-half hours of instructional time.

Any absence of more than three and one-half hours of instructional time shall be considered a full-day absence.

The Principal or Assistant Principal is hereby designated as the District employee responsible for overseeing truancy issues.

Intervention Process to Address Truancy

The Principal shall ensure that the administrative guidelines on attendance properly address the matter of truancy by including a process that identifies students who are habitually truant, as defined above.

When the Principal identifies a student who is habitually truant or who is in danger of becoming habitually truant, he/she shall commence an intervention with the student, the student's parents, and other staff members as may be deemed necessary. The intervention shall include processes including, but not limited to:

1. Investigates the cause(s) of the student's truant behavior;
2. Considers, when appropriate, modification of his/her educational program to meet particular needs that may be causing the truancy;
3. Involves the parents in the development of a plan designed to reduce the truancy;
4. Seeks alternative disciplinary measures, but still retains the right to impose discipline in accordance with the District's policies and administrative guidelines on student discipline.

Parental Involvement in Truancy Intervention

When a student reaches habitual truancy status or is in danger of reaching habitual truancy status, the Principal will send the student's parent a letter which includes:

1. A statement that the student has become or is in danger of becoming habitually truant;
2. A statement of the parent's responsibility to ensure that the student attends school; and
3. A request for a meeting between the parents and the Principal to discuss the student's truancy and to develop a plan for reducing the student's truancy.

Parental Notification of Truancy Policy

The Superintendent shall also ensure that this policy is included in or referenced in the student handbook and is available electronically.

Legal References:

RSA 189:34, Appointment

RSA 189:35-a, Truancy Defined

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

RSA 193:7 Penalty

RSA 193:8, Notice Requirements

RSA 193:16 Bylaws as to Nonattendance

NH Code of Administrative Rules, Section Ed 306.04 (a)(1), Attendance and Absenteeism

NH Code of Administrative Rules, Section Ed 306.04 (c), Policy Relative to Attendance and Absenteeism

(Adopted: 2/7/2011)

(Reaffirmed: 6/2/2014, 12/5/2017)

HOME EDUCATION INSTRUCTION & ACCESS TO CURRICULAR AND CO-CURRICULAR PROGRAMS

Home Education is an alternative to compulsory attendance at a public or private school and is an individualized form of instruction in accordance with New Hampshire RSA 193-A and Department of Education Rule Part 315 (Ed 315). Parents or guardians may establish a home education program for any child, including one who is an "educationally disabled child" as defined under RSA 186-C:2, I, whether or not such child is previously enrolled in a school of the District. When and how parents/guardians determine to commence a home education program, and other choices the parents/guardians make determine whether and the extent to which the District will have responsibilities relative to the home educated child(ren). This policy is intended to help District personnel and home education families within the District understand those responsibilities based upon the family's choices. Nothing in this policy, however, should be understood to infringe upon the parent's/guardian's right under the applicable statutes or Department of Education rules.

A. Parent/Guardian Selection of a Participating Agency.

1. Selection of a Participating Agency.

One of the most significant decisions the parents/guardians make relative to a home education program is the selection of a "participating agency" for home education program notification and support. This decision will also largely govern the District's obligations during the home education program.

The parent/guardian decides which participating agency to select, from the following:

- a. the Commissioner of the Department of Education;
- b. the resident district Superintendent ("District"); or
- c. the head of a nonpublic school.

The selected participating agency shall work with the parents/guardians upon request to meet the essential requirements of a home education program as set out in RSA 193-A:4, I.

2. Changing Participating Agency. At any time, the parents/guardians may select a different, valid participating agency. To do so, the parents/guardians must provide notice to the new participating agency in the same manner as outlined in Section B.2, below.
3. District Obligations Relative to Selection of Participating Agency. If the selected participating agency is the resident district Superintendent, the District shall provide evaluation services as discussed in Section C, below.

If the resident district Superintendent is *not* selected as the participating agency, the District may, but is not obligated to provide evaluation services.

B. Notices for Commencement of Home Education Program

1. Notice For Students Withdrawing from District. State school attendance laws apply to each student unless and until a parent/guardian commences a home education program. Similarly, the District's attendance policies apply to all students enrolled in schools of the District.

Accordingly, when a parent/guardian of a child who is enrolled in a school of the District wishes to begin a home education program for the child, Ed Rule 315.05 (b) requires that on or before the date home education program begins, the parent/guardian must advise the Superintendent of the child's withdrawal from the District. The notice of withdrawal may be made in person, via telephone, email or other writing, at the parent/guardian's election.

2. Written Notice of Program Required. In addition to the less formal notice required for a child being withdrawn from the District, RSA 193-A and Ed 315 both require that the parent/guardian provide written notice of the commencement of a home education program to the selected participating agency. The District only receives this notice if the parents/guardians are selecting the Superintendent as the participating agency.

The only information required in this written notice of commencement is listed in RSA 193-A:5, II: the names, addresses, and birth dates of all children who are participating in the home education program. The parents/guardians shall also provide contact information and update the notification information as necessary. If selected by the parents/guardians as the participating agency, the Superintendent of the resident district shall acknowledge receipt of the notification of commencement of home education within 14 days of receiving such notification, along with a request for any information required by RSA 193-A:5, II that was not included in the original notice.

3. No Annual Notice Required. Once established, the home education program remains in effect unless terminated pursuant Ed 315.06. The parent/guardian is *not* required to provide annual notification of continuation of a home education program.

C. Evaluation & Assessment.

Under RSA 193-A:6, II, parents/guardians are required to provide for an annual educational evaluation for home educated children that documents "educational progress at a level commensurate with the child's age and ability." Both the statute and Ed 315.08 provide several options for parents/guardians to meet the statutory evaluation requirements, and the parents/guardians are free to select their preferred method.

1. Evaluation with Assistance from the District. If the District is selected as the participating agency, the District must provide evaluation services upon request of the parent/guardian. If the District is not selected as the participating agency, the District *may* aid in evaluation, but is not required to do so.

Parents/guardians seeking to utilize evaluation services through the District should contact the Superintendent's office as soon as practicable to assure adequate time to prepare any necessary materials and accommodations.

While the parent/guardian may select any evaluation method outlined in RSA 193-A:6, II, as well as any other method agreed to by the parent/guardian and the participating agency, two methods merit further note:

- a. State or Local Assessment Provided by the District. If the evaluation method is a state or local assessment provided by the District, the parent/guardian must notify the Superintendent in writing as soon as practicable to provide the District adequate time to prepare and obtain the testing materials and prepare any necessary accommodations. Under this election, the District will not charge a fee for providing or administering the test. Reasonable academic proficiency is deemed demonstrated if the composite results place the child at or above the fortieth percentile.
 - b. Portfolio Review. If the District is the selected participating agency, the parent/guardian may request the District to perform a portfolio review, for which the District may charge a fee.
 - c. Other “Valid Measurement Tool”. When the Superintendent is the participating agency, the parent/guardian and Superintendent may mutually agree upon any other valid measurement tool(s). A non-exclusive list of examples may be found in Ed 315.08(e).
2. Evaluation Independent of the District. As outlined in RSA 193-A:6, II, the parent/guardian may collaborate with the participating agency to find a mutually agreed upon method of evaluation as described in Ed 315.08(d) – (f).

D. Reports and Records.

1. Parent/Guardian Requirements. RSA 193-A:6, I requires the parent/guardian to maintain a portfolio of records and materials relative to the home education program. The portfolio shall consist of a log which designates by title the reading materials used, and also samples of writings, worksheets, workbooks, or creative materials used or developed by the child. Such portfolio shall be preserved by the parent for 2 years from the date of the ending of the instruction.

Parents/guardians need only provide the evaluation results/portfolio to the District to the extent necessary to demonstrate proficiency in order to participate in school programs, and co/extra-curricular activities as provided under RSA 193-A:6, III, and Ed 315.07(b). [See also District procedures IHBG-R.]

2. District Requirements.
 - a. District as Participating Agency. On October 1 of each year, the Superintendent shall notify the Commissioner of the number of children for whom the Superintendent was selected as a participating agency in a home education program since the previous year’s report.

The District should maintain record of a student’s enrollment and withdrawal from the school in the same manner as it would for a student transferring to another district. The District should maintain record of its status as participating agency for as long as it holds that status. While the parent/guardian keeps any portfolios and assessments conducted outside the District, the District should maintain record of any involvement it has in assessments as it would for any other student.

- b. District Not as Participating Agency.

Current GSD policy. Suggest replacing with NHSBA sample policy to reflect the passage of HB 1663.

11-16-2022 Policy Committee

The District should maintain record of the student's enrollment and withdrawal from the school in the same manner as it would for a student transferring to another district.

E. Re-enrollment into the School District.

Parents deciding to re-enroll their children into the school district following a period of home education will make arrangements with the Principal for an evaluation to determine appropriate placement in the District's program. Placements will be consistent with Board policy JG governing student placements, and are subject to the same appeal process.

Parents should be attentive that when re-enrolling a student, there may be discrepancies between the home schooling level of achievement and the scope and sequence of the District's curriculum.

F. Graduation/Diplomas.

The School Board will not award certificates or diplomas to home educated students. Students must enter the regular school program and complete all necessary graduation requirements of the District and the state to be eligible for a certificate or diploma.

G. Participation in School Curricular and Co/Extra-curricular Activities.

Regulations regarding the participation of home education students (as well as students of nonpublic or of public charter schools) in District curricular and co/extra-curricular programs are found in Administrative Procedures IHBG-R. Consistent with RSA 193:1-c, any regulations shall not be more restrictive for nonpublic or home educated pupils than they are for students enrolled in the District.

Legal References:

RSA 193-A, Home Education

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

RSA 193:1-a, Dual Enrollment

RSA 193:1-c, Access to Public School Programs by Nonpublic or Home Educated Pupils

NH Code of Administrative Rules, Section Ed 315, Procedures for the Operation of
Home Education Programs

(Adopted: 8/29/1983)

(Revised: 5/17/99, 1/7/2011, 12/3/2018, 3/8/2022)

HOME EDUCATION INSTRUCTION

Category: Recommended

Home Education is an alternative to compulsory attendance at a public or private school and is an individualized form of instruction in accordance with New Hampshire RSA 193-A and Department of Education Rule Part 315 (Ed 315). Parents or guardians may establish a home education program for any child, including one who is an "educationally disabled child" as defined under RSA 186-C:2, I, whether or not such child is previously enrolled in a school of the District. When and how parents/guardians determine to commence a home education program, and other choices the parents/guardians make, determine whether and the extent to which the District will have responsibilities relative to the home educated child(ren).

This policy is intended to help District personnel and home education families within the District understand those responsibilities based upon the family's choices. Nothing in this policy, however, should be understood to infringe upon the parent's/guardian's right under the applicable statutes or Department of Education rules.

A. Parent/Guardian Selection of a Participating Agency.

1. **Selection of a Participating Agency.** One of the most significant decisions the parents/guardians make relative to a home education program is the selection of a "participating agency" for home education program notification and support. This decision will also largely govern the District's obligations during the home education program.

The parent/guardian decides which participating agency to select, from the following:

- a. The Commissioner of the Department of Education;
- b. The resident district Superintendent ("District"); or
- c. The head of a nonpublic school.

The selected participating agency shall work with the parents/guardians upon request to meet the essential requirements of a home education program as set out in RSA 193-A:4, I.

2. **Changing Participating Agency.** At any time, the parents/guardians may select a different, valid, participating agency. To do so, the parents/guardians must provide notice to the new participating agency in the same manner as outlined in Section B.2, below.
3. **District Obligations Relative to Selection of Participating Agency.** If the selected participating agency is the resident district Superintendent, the District shall provide evaluation services as discussed in Section C, below. If the resident district Superintendent is *not* selected as the participating agency, the District may, but is not obligated to, provide evaluation services. However, the District shall, "work with parents *upon request* to meet the requirements of [RSA 193-A:4]. (See RSA 193-A:4, II, emphasis added.)

B. Notices for Commencement of Home Education Program.

1. **Notice For Students Withdrawing from District.** State school attendance laws apply to each student unless and until a parent/guardian commences a home education program. Similarly, the District's attendance policies apply to all students enrolled in schools of the District.

HOME EDUCATION INSTRUCTION

Accordingly, when a parent/guardian of a child who is enrolled in a school of the District wishes to begin a home education program for the child, Ed Rule 315.05 (b) requires that on or before the date home education program begins, the parent/guardian must advise the Superintendent of the child's withdrawal from the District. The notice of withdrawal may be made in person, via telephone, email or other writing, at the parent/guardian's election.

2. Written Notice of Program Required. In addition to the less formal notice required for a child being withdrawn from the District, RSA 193-A and Ed 315 both require that the parent/guardian provide written notice of the commencement of a home education program to the selected participating agency. *The District only receives this notice if the parents/guardians are selecting the Superintendent as the participating agency.*

The only information required in this written notice of commencement is listed in RSA 193-A:5, II: the names, addresses, and birth dates of all children who are participating in the home education program. The parents/guardians shall also provide contact information and update the notification information as necessary. If selected by the parents/guardians as the participating agency, the Superintendent of the resident district shall acknowledge receipt of the notification of commencement of home education within 14 days of receiving such notification, along with a request for any information required by RSA 193-A:5, II that was not included in the original notice.

3. No Annual Notice Required. Once established, the home education program remains in effect unless terminated pursuant Ed 315.06. The parent/guardian is *not* required to provide annual notification of continuation of a home education program.

C. Evaluation & Assessment.

Under RSA 193-A:6, II, parents/guardians are required to provide for an annual educational evaluation for home educated children that documents "educational progress at a level commensurate with the child's age and ability." Both the statute and Ed 315.08 provide several options for parents/guardians to meet the statutory evaluation requirements, and the parents/guardians are free to select their preferred method.

1. Evaluation with Assistance from the District. If the District is selected as the participating agency, the District must provide evaluation services upon request of the parent/guardian. If the District is not selected as the participating agency, the District *may* aid in evaluation, but is not required to do so.

Parents/guardians seeking to utilize evaluation services through the District should contact the Superintendent's office as soon as practicable to ensure adequate time to prepare any necessary materials and accommodations.

While the parent/guardian may select any evaluation method outlined in RSA 193-A:6, II, as well as any other method agreed to by the parent/guardian and the participating agency, two methods merit further note:

HOME EDUCATION INSTRUCTION

- a. State or Local Assessment Provided by the District. If the evaluation method is a state or local¹ Delete fn.] assessment provided by the District, the parent/guardian must notify the Superintendent in writing as soon as practicable to provide the District adequate time to prepare and obtain the testing materials and prepare any necessary accommodations. Under this election, the District will not charge a fee for providing or administering the test. Reasonable academic proficiency is deemed demonstrated if the composite results place the child at or above the fortieth percentile.
 - b. Portfolio Review. If the District is the selected participating agency, the parent/guardian may request the District to perform a portfolio review, for which the District may charge a fee.
 - c. Other "Valid Measurement Tool". When the Superintendent is the participating agency, the parent/guardian and Superintendent may mutually agree upon any other valid measurement tool(s). A non-exclusive list of examples may be found in Ed 315.08(e).
2. Evaluation Independent of the District. As outlined in RSA 193-A:6, II, the parent/guardian may collaborate with the participating agency to find a mutually agreed upon method of evaluation as described in Ed 315.08(d) - (f).

D. Reports and Records.

1. Parent/Guardian Requirements. RSA 193-A:6, I requires the parent/guardian to maintain a portfolio of records and materials relative to the home education program. The portfolio shall consist of a log which designates by title the reading materials used, and also samples of writings, worksheets, workbooks, or creative materials used or developed by the child. Such portfolio, ***which at all times remains the property of the parent***, shall be preserved by the parent for 2 years from the date of the ending of the instruction.

Parents/guardians need only provide the evaluation results/portfolio to the District to the extent necessary to demonstrate proficiency in order to participate in school programs, and co/extra-curricular activities as provided under RSA 193-A:6, III, and Ed 315.07(b). See also Board policy {**} JJJ-R.

2. District Requirements.
 - a. District as Participating Agency. On October 1 of each year, the Superintendent shall notify the Commissioner of the number of children for whom the Superintendent was selected as a participating agency since the previous year's report.

The District should maintain record of a student's enrollment and withdrawal from the school in the same manner as it would for a student transferring to another district. The District should maintain a record of its status as the participating agency for as long as it holds that status. While the parent/guardian keeps any portfolios and assessments conducted outside the District, the District should maintain record of any involvement it has in assessments as it would for any other student.

¹ [Delete footnote] Although Ed 315.08(c) identifies "local assessment" as one of the options available for evaluation, that option is not included in RSA 193-A:6.

HOME EDUCATION INSTRUCTION

- b. District Not as Participating Agency. The District should maintain record of the student's enrollment and withdrawal from the school in the same manner as it would for a student transferring to another district.

E. Re-enrollment into School District & Notice of Termination of Home Education Program.

Parents deciding to re-enroll their children into the School District following a period of home education will make arrangements with the Principal for an evaluation to determine appropriate placement in the District's program. Placements will be consistent with section B of Board policy {**}JJJ governing home education and other non-enrolled district student program placements, and are subject to the same appeal process.

Parents should be attentive that when re-enrolling a student, there may be discrepancies between the home education level of achievement and the scope and sequence of the District's curriculum.

Also, in the event that a parent/guardian terminates a home education program, the parent/guardian is required under RSA 193-A:5, III to provide written notice within 15 days of the termination to *either* the N.H. Commissioner of Education, the resident district superintendent, *or* the non-public school principal.

F. Graduation/Diplomas.

The School Board will not award certificates or diplomas to home educated students. Students must enter the regular school program and complete all necessary graduation requirements of the District and the state to be eligible for a certificate or diploma.

G. Participation in School Curricular and Co/Extra-curricular Activities.

Information regarding the participation of home education students (as well as students of nonpublic or of public charter schools) in District curricular and co/extra-curricular programs is found in Board policy {**}JJJ.

District Policy History:

First reading: _____ *Last revised:* _____

Second reading/adopted: _____ *Reviewed/reaffirmed:* _____

Other district policy history: _____

Legal References:

RSA 193-A, Home Education

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

RSA 193:1-a, Dual Enrollment

RSA 193:1-c, Access to Public School Programs by Nonpublic or Home Educated Pupils

NHSBA Sample Policy. Suggest replacing current GSD policy with this updated sample to reflect passage of HB 1663.

11-16-2022 Policy Committee

IHBG

HOME EDUCATION INSTRUCTION

NH Dept. of Education Rules, Section Ed 315, Procedures for the Operation of Home Education Programs

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

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

NHSBA history: Revised Aug. 2022, Sept. 2021, May 2018, Sept. 2012, April 2010, May 2006, Aug. 2006, Sept. 2008

NHSBA revision notes, August 2022, revised to reflect passage of HB 1663 by (a) adding language in paragraph D.1 (codified at RSA 193-A:6, I) reiterating that parents own home educated child's portfolio; and (b) changing language of paragraph G (re programs and activities) to merely redirect to policy JJJ for the substantive standard. In conjunction with that change to IHBG, NHSBA also revised related policy JJJ, and recoded (with revisions) former IHBG-R (sample administrative guidelines relating to home educated and non-enrolled district students participation in district programming and activities) as JJJ-R. The changes to paragraph G, IHBG-R, JJJ and JJJ-R reflect provision of HB 1663 now requiring a policy related to participation by home educated and non-enrolled district students in district programming and activities, and to better coordinate the related policies/procedures. See September 2022 revision notes to sample JJJ for more information. The 2022 revision to IHBG also included addition of language to paragraph A.3 reflecting the district's continuing duties under RSA 193-A:6, III if requested by the parent/guardian. **September 2021:** IHBG was revised generally in order to align with 2020 changes to Ed 315.

w/p-update/2022-U2 Fall/IHBG Home Education Instruction 2022-U2 (F)

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

JJJ

ACCESS TO PUBLIC SCHOOL PROGRAMS BY NONPUBLIC, CHARTER SCHOOL AND HOME EDUCATED PUPILS

Category: Priority/Required by Law

All pupils residing in the District, whether they are home educated, or are attending public chartered school or nonpublic schools (collectively, “non-enrolled district students”), shall have access to curricular courses and co/extra-curricular programs offered by the District in accordance with RSA 193:1-c.

A. Equal Access to District Courses and Programs.

Non-enrolled district students will have the same access as do enrolled students to the District’s courses and programs. Non-enrolled district students shall not be subject to any policies, procedures or standards with respect to participation in the District’s courses or programs that are more restrictive than those governing the District’s enrolled students. Non-enrolled district students, however, must meet the same eligibility criteria as the District’s students as described in paragraph B below.

The district allows non-enrolled district students to participate on an equal basis in courses and programs offered by the district provided they meet the eligibility requirements for participation (e.g., deadlines for registration, academic progress/performance, parental permission, third party (e.g., NHIAA) requirements, physical exams/health requirements, etc).

In the event that a course or program has reached capacity, selection between enrolled students and non-enrolled district students must be made using the same criteria, such as registration deadlines, registration dates, audition/tryout, seniority by grade, etc. If, after applying such criteria the course/program remains overenrolled, the determination should be made randomly.

[¹Delete fn.]

If a student or their parent/guardian believes that they have not been given equal opportunity for participation in district programs, then they may appeal as outlined in Board policy {**} JJA-R

B. Participation in Curricular Courses.

In order to participate in the District’s curricular courses, non-enrolled district students must meet the eligibility criteria that applies to students enrolled in the school district. The building Principal will provide this eligibility criteria to parents or guardians of non-enrolled district students upon request.

Parents/guardians shall submit requests for participation in District courses in writing to the building Principal consistent with Board procedures {**}JJJ-R. The building Principal will verify that the eligibility standards are the same as those that apply to students enrolled in the school district.

¹ [Delete fn.] District schools cannot give preference to students enrolled in the district. For example, the deciding criteria the school uses to select students for over-subscribed classes (e.g., seniority, prerequisites, etc.) for enrolled students must apply equally to non-enrolled district students.

JJJ

ACCESS TO PUBLIC SCHOOL PROGRAMS BY NONPUBLIC, CHARTER SCHOOL AND HOME EDUCATED PUPILS

The Principal will determine if a non-enrolled district student has satisfied eligibility criteria and prerequisites in the same manner as s/he would:

1. *[this option to be used for districts with high schools only. If no high school, delete sub-paragraph 1, and merge sub-para 2 into end of text of paragraph.]* for determining whether a course satisfies requirements for awarding credits (Board policy ~~{**}~~IK) ² ~~Delete fn.~~; and
2. for assigning to classes or grade levels and for students transferring from other schools (Board policy ~~{**}~~JG).

In making the determination, the Principal should consider home education evaluation materials (see RSA 193-A:6, III), course descriptions, syllabi, and/or any other relevant information offered by the parent/guardian of the student.

Requests for the related services including, but not limited to, physical therapy, occupational therapy, speech therapy, counseling, psychological, guidance, and/or special education services shall be referred to the [Special Education Director/Student Services Director ____]. If a dispute arises between the parent/guardian and the District as to the pupil's right to these services, the [Special Education Director/Student Services Director ____] shall inform the Superintendent, who shall consult the District's attorney for a legal opinion.

C. Use of School Texts and Library Materials.

Non-enrolled district students will be permitted to use the school library, borrow school texts and borrow library materials under the same conditions and rules as pupils enrolled in the District.

D. Participation in Activities and Co/extra-curricular Programs.

Requests by non-enrolled district students for participation in District co-curricular/extra-curricular activities or programs (“activities”) shall be made in writing by the parent/guardian to the building Principal. The building Principal shall ensure that there is equal treatment and opportunity of non-enrolled district students relative to their participation in District activities.

In order to participate in District activities, non-enrolled district students must:

1. Meet the eligibility criteria for participation in the activity that apply to students enrolled in the school district, with the exception of school attendance;
2. Meet any tryout criteria or their equivalent for participation in the activity that apply to students enrolled in the school district (see Board policy ~~{**}~~ JJA); and
3. Comply with all policies, rules and regulations or their equivalent of the governing organization of the activity (see Board policy ~~{**}~~ JJA).

² ~~Delete fn.~~ The information within the brackets should be deleted in districts without high schools.

JJJ

ACCESS TO PUBLIC SCHOOL PROGRAMS BY NONPUBLIC, CHARTER SCHOOL AND HOME EDUCATED PUPILS

Non-enrolled district students participating in district co-curricular and extra-curricular activities are subject to the same fees charged enrolled students for the activity.

E. Appeals.

Any student/parent/guardian who believes that the district's policies/regulations or the State's laws/regulations pertaining to a non-enrolled district student's access to a course or program have not been appropriately or fairly interpreted may appeal as follows:

If the original decision being appealed was made by the Principal, then the "Principal" as used in steps 1-4 shall refer to the "Superintendent", and the Superintendent's decision shall be final. Step 5 shall not apply.

1. Submit a letter to the building Principal stating the nature of the concern and requesting a hearing.
2. Within five (5) school days the Principal will convene a meeting with him/herself, the student and/or parents, the coach/advisor, and a teacher(s).
3. The student/parent will be given an opportunity to explain why they believe the student should be eligible for participation. Additionally, the student/parent may present information, documents or other material in support of their position. The Principal shall prepare minutes of the meeting.
4. The Principal will consider all information available and will make a final decision within three (3) school days following the meeting. The Principal will notify and inform the student/parents of his/her decision in writing via email. When time is of the essence, the Principal should first convey the basic conclusion as soon as practicable via telephone or email.
5. The student/parent/guardian may within 3 days of the Principal's email of the decision submit a written request for further review by the Superintendent. The written request should describe why the Principal's decision should not be upheld. The Superintendent may decide without further information to uphold the Principal's decision, or may determine a further meeting is necessary. In either event, the Superintendent's decision will be final. If the parent/guardians do not request a review by the Superintendent, then the Principal's decision will be final as of the fourth day after the Principal's written decision was transmitted to the parents/guardians.

F. Administrative Regulations or Procedures.

The Superintendent or designee may adopt such administrative regulations or procedures as s/he deems appropriate in order to implement this policy.

District Policy History:

JJJ

**ACCESS TO PUBLIC SCHOOL PROGRAMS BY NONPUBLIC, CHARTER
SCHOOL AND HOME EDUCATED PUPILS**

First reading: _____ Last revised: _____
Second reading/adopted: _____ Reviewed/reaffirmed: _____
Other district policy history: _____

Legal References:

RSA 193:1-c, Access to Public School Programs by Nonpublic...Pupils.

RSA 193-A:6, (Home Education), Records; Evaluation

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

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

NHSBA history: Revised – Aug 2022, May 2018, New policy – Sept. 2016

NHSBA revision notes, August 2022, sample JJJ was substantially revised in conjunction with revisions to IHBG, JJA and JJJ, as well as accompanying procedural documents JJA-R and JJJ-R to better coordinate the “equal access” provisions relating to home educated and other non-enrolled district students’ participation in public school district courses, programs and activities as required under RSA 193:1-c and 193-A:6, III. In addition to the comprehensive revisions to the text of JJJ, the policy category was changed from “Recommended” to “Priority/Required by Law” to reflect the 2022 passage of HB1663, which amended 193:1-c to include such a policy. **May 2018:** Revisions included (1) changing category from “Optional” to “Recommended” to help ensure compliance with statutory obligation of districts to provide access to nonpublic, charter and home educated students, and (2) adding introductory language taken from former IHBG-R. **September 2016: New policy.** NHSBA issued the new sample policy to reflect 2016 passage of HB 555, amending RSA 193:1-c, to include charter school students in the "equal access" to school district programs statute.

w/p-update/2022-U2 Fall/JJJ Access to Public School Programs by Non-public Students 2022-U2 (F)

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

**PARTICIPATION IN PUBLIC SCHOOL ACTIVITIES BY HOME EDUCATED,
CHARTER AND NONPUBLIC PUPILS**

All pupils residing in the District, whether they are home educated, or are attending public chartered school or nonpublic schools, shall have access to curricular courses and co/extra-curricular programs offered by the District in accordance RSA 193:1-c and these administrative regulations.

A. Participation in Curricular Courses.

Requests by home educated, public chartered school, or nonpublic school pupils for participation in curricular courses shall be made in writing by the parent/guardian to the building Principal. The following criteria and conditions are established:

1. The curricular course is developmentally and academically appropriate for the pupil.
2. All course prerequisite requirements are met.
3. Transportation to and from school generally shall not be provided. The Principal may make an exception to this condition based on his/her review of all pertinent circumstances.
4. The Principal's decision shall be final.
5. Pupils participating in curricular courses are expected to maintain punctual attendance and complete all required coursework, homework, exams, etc., as established by the teacher or instructor.
6. The parent/guardian may be required to provide proof of prior course work to establish academic appropriateness and/or to establish that all academic prerequisites have been met.
7. If the pupil is taking the course for credit or grade, such credit or grade will be granted only after the completion of the class.
8. Requests for participation that are received after class schedules have been made will be granted only if there is space available.
9. Requests for the related services including, but not limited to, physical therapy, occupational therapy, speech therapy, counseling, psychological, guidance, and/or special education services shall generally be denied. If a dispute arises between the parent/guardian and the District as to the pupil's right to these services, the building Principal shall inform the Superintendent, who shall consult the District's attorney for a legal opinion.

B. Participation in Co/Extra-Curricular Activities.

Requests by home educated, public chartered school, or nonpublic school pupils for participation in co/extra-curricular activities shall be made in writing by the parent/guardian to the building Principal. Co/extra-curricular activities include, but are not necessarily limited to field trips, excursions, athletics (including intramurals), band, chorus, clubs, organizations, school dances, and others.

The following criteria and conditions are hereby established:

1. The parent/guardian must provide prior written permission for participation.
2. The participating pupil agrees to abide by all Board policies relative to student code of conduct and eligibility.
3. Participation in the activity is developmentally appropriate for the pupil.
4. The building Principal may ask the parent/guardian to chaperone an event.
5. Coaches, teachers and group/club supervisors may establish their own rules relative to participation, attendance, and expectations, provided such rules are not contrary to this Appendix or its corresponding policy. Participating home educated and nonpublic school pupils are expected to abide by those rules as well.
6. Home educated, public chartered school, or nonpublic school pupils may be required to provide proof of a recent physical examination from their physician for participation in athletic activities, consistent with other Board policies relative to athletic participation.

C. Use of School Texts and Library Materials.

Home educated, public chartered school, and nonpublic school pupils will be permitted to use the school library, borrow school texts and borrow library materials under the same conditions and rules as pupil enrolled in the District.

Legal References:

RSA 193-A, Home Education

RSA 193:1-c, Access to Public School Programs by Nonpublic, Public Chartered Schools, or Home Educated Pupils

(Adopted: 12/3/2018)

JJJ-R

**ADMINISTRATIVE REGULATIONS FOR ACCESS TO PUBLIC SCHOOL PROGRAMS
BY NONPUBLIC, CHARTER SCHOOL AND HOME EDUCATED PUPILS**

- A. Participation in District Programs.** Participation in District curricular courses or co/extra-curricular programming and activities by home educated, public chartered school, or nonpublic school pupils (“non-district students”) is governed by Board policy ~~***~~JJJ.
- B. Participation in Curricular Courses.** The following additional criteria and conditions are established: [¹ Delete fn.]
1. Transportation to and from school is only provided when the transportation falls within the ordinary school bus schedule or is otherwise required under state law. The Principal may make an exception to this condition based on a review of all pertinent circumstances.
 2. All pupils participating in curricular courses are expected to maintain punctual attendance and complete all required coursework, homework, exams, etc., as established by the teacher or instructor for all students.
 3. If the pupil is taking the course for credit or grade, such credit or grade will be granted only after the completion of the class.
 4. Requests for participation that are received after class schedules have been made will be granted only if there is space available [² Delete fn.]
- C. Participation in Co/Extra-Curricular Activities.** Requests by non-district students for participation in co/extra-curricular activities shall be made in writing by the parent/guardian to the building. Co/extra-curricular activities include, but are not necessarily limited to field trips, excursions, athletics (including intramurals), band, chorus, clubs, organizations, school dances, and others. See Board policies ~~***~~JJA, ~~***~~JJJ and ~~***~~JJIB regarding school activities, organizations, and athletics.

The following criteria and conditions are hereby established: [See fn 1 and delete.]

1. The parent/guardian must provide prior written permission for participation.
2. The participating pupil agrees to abide by all Board policies relative to student code of conduct and eligibility.
3. Participation in the activity is developmentally appropriate for the pupil.
4. The building Principal, advisor, coach may ask the parent/guardian to chaperone an event if the same applies to parent/guardians of enrolled students.

¹ [Delete fn.] These criteria are examples only. The objective is a list of eligibility criteria that applies to all activities. While there may also be building or activity specific criteria, non-district students must have the same access using the same standards and criteria that apply to the district’s enrolled students.

² [Delete fn.] If received before the deadline, non-district student requests to participate in an oversubscribed class must be evaluated by the same criteria used in selecting the District’s enrolled students for registration in the class (e.g. seniority, prerequisites, etc.) See sample policy ~~***~~JJJ.

JJJ-R

**ADMINISTRATIVE REGULATIONS FOR ACCESS TO PUBLIC SCHOOL PROGRAMS
BY NONPUBLIC, CHARTER SCHOOL AND HOME EDUCATED PUPILS**

5. Coaches, teachers and group/club supervisors may establish their own rules relative to participation, attendance, and expectations, provided such rules are not contrary to these regulations corresponding policy {**}JJJ. Participating non-district students are expected to abide by those rules as well.
6. Home educated or other non-district school students may be required to provide proof of a recent physical examination from their physician for participation in athletic activities, consistent with other Board policies relative to athletic participation.

Administrative History:

Adopted: _____

Reviewed by Board: _____

Revised: _____

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

NHSBA history: Revised Aug. 2022, May 2018, April 2010

NHSBA revision notes, August 2022, this sample is based on the previous sample IHBG-R. Sample was substantially revised, and also re-coded as part of home education and non-district student policies due to HB 1663 (2022 N.H. Laws Ch. 131). Among other things, revisions included addition of a section relating to participation in district instructional programs, reference to other related sample policies, and relocation of previous components of IHBG-R to the sample policy JJJ (as opposed to administrative regulations. **May 2018:** This policy is updated to include public chartered school students as required by RSA 193:1-c. **April 2010:** Revised to include provisions of RSA 193:1-c regarding access of home educated and non-district students to courses and programs-

w/p-update/2022-U2 Fall/JJJ-R Procedure of Access to Public School Programs 2022-U2 (F)

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