

# **Policy Development Committee Agenda**

**11/17/2023**

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

## **Policies to Review**

EHAB – Data Governance and Security

EBBC – False Alarms, Bomb, Active Shooter and Other Such Threats

FA – Facilities Development Goals and Preparation of Capital Improvement Plan

FAA – Annual Facility Plan and Unused District Property

JLJA/EFAA – Food Service Charging Policy

## DATA GOVERNANCE AND SECURITY

To accomplish the District's mission and comply with the law, the District must collect, create and store information. Accurately maintaining and protecting this data is important for efficient District operations, compliance with laws mandating confidentiality, and maintaining the trust of the District's stakeholders. All persons who have access to District data are required to follow state and federal law, District policies and procedures, and other rules created to protect the information.

The provisions of this policy shall supersede and take precedence over any contrary provisions of any other policy adopted prior to the date of this policy.

### A. Definitions

Confidential Data/Information - Information that the District is prohibited by law, policy, or contract from disclosing or that the District may disclose only in limited circumstances. Confidential data includes, but is not limited to, personally identifiable information regarding students and employees.

Critical Data/Information - Information that is determined to be essential to District operations and that must be accurately and securely maintained to avoid disruption to District operations. Critical data is not necessarily confidential.

Cybersecurity Incident – an occurrence that actually or potentially jeopardizes the confidentiality, integrity, or availability of an information system or the information processes, stores, or transmits, if that constitutes a violation or imminent threat of violation of security policies, security procedures, or acceptable use policies.

### B. Data and Privacy Governance Plan - Administrative Procedures.

1. Data Governance Plan. The Superintendent, in consultation with the District Information Security Officer (“ISO”) (see paragraph C, below), shall update the Data and Privacy Governance Plan (“Data Governance Plan”) for presentation to the Board no later than June 30 each year.

The Data Governance Plan shall include:

- (a) An inventory of all software applications, digital tools, and extensions. The inventory shall include users of the applications, the provider, purpose, publisher, privacy statement, and terms of use;
- (b) A review of all software applications, digital tools, and extensions and an assurance that they meet or exceed minimum standards set by the New Hampshire Department of Education;
- (c) Policies and procedures for access to data and protection of privacy for students and staff including acceptable use policy for applications, digital tools, and extensions used on District hardware, server(s) or through the District network(s);
- (d) A response plan for any breach of information/cybersecurity incidents; see RSA 31:103-b and RSA 359-C:19-21; and
- (e) A requirement for a service provider to meet or exceed standards for data protection and privacy.

The Data Governance Plan shall include standards and provisions that meet or exceed the standards set forth in the N.H. Dept. of Education's *Minimum Standards for Privacy and Security of Student and Employee Data*.

2. Policies and Administrative Procedures. The Superintendent, in consultation with the ISO, is directed to review, modify and recommend policies and administrative procedures where necessary. Such policies and/or procedures may or may not be included in the annual Data Governance Plan.

**C. Information Security Officer.**

The Director of Technology is hereby designated as the District's Information Security Officer (ISO) and reports directly to the Superintendent or designee. The ISO is responsible for implementing and enforcing the District's security policies and administrative procedures applicable to digital and other electronic data, and suggesting changes to these policies, the Data Governance Plan, and procedures to better protect the confidentiality and security of District data. The ISO will work with both the District and building level administrators and Data managers (paragraph E, below) to advocate for resources, including training, to best secure the District's data.

The IT Support Coordinator is the District's alternate ISO and will assume the responsibilities of the ISO when the ISO is not available.

**D. Responsibility and Data Stewardship.**

All District employees, volunteers and agents are responsible for accurately collecting, maintaining, and securing District data including, but not limited to, confidential and/or critical data/information.

**E. Data Managers.**

All District administrators are data managers for all data collected, maintained, used and disseminated under their supervision as well as data they have been assigned to manage in the District's data inventory. Data managers will monitor employee access to the information to ensure that confidential information is accessed only by employees who need the information to provide services to the District and that confidential and critical information is modified only by authorized employees. Data managers will assist the ISO in enforcing District policies and procedures regarding data management.

**F. Confidential and Critical Information.**

The District will collect, create or store confidential information only when the Superintendent or designee determines it is necessary, and in accordance with applicable law. The District will provide access to confidential information to appropriately trained District employees and volunteers only when the District determines that such access is necessary for the performance of their duties. The District will disclose confidential information only to authorized District contractors or agents who need access to the information to provide services to the District and who agree not to disclose the information to any other party except as allowed by law and authorized by the District.

District employees, contractors and agents will notify the ISO or designee immediately if there is reason to believe confidential information has been disclosed to an unauthorized person or any information has been compromised, whether intentionally or otherwise.

The Superintendent and/or the ISO shall immediately report any known or suspected cybersecurity incidents within the District's information systems, or within an information system of any vendor of the District, to the New Hampshire Cyber Integration Center of the Department of Information Technology. The Superintendent and/or the ISO shall disclose all known information and interactions. See RSA 31:103-b.

The ISO or designee will investigate immediately and take any action necessary to secure the information, issue all required legal notices and prevent future incidents. When necessary, the Superintendent, ISO, or designee is authorized to secure resources to assist the District in promptly and appropriately addressing a security breach.

As a part of this investigation, the ISO or designee will promptly determine the likelihood that any information part of a cybersecurity incident has been or will be misused. If the determination is that the misuse of information has occurred or is reasonably likely to occur, or if a determination cannot be made, the ISO will notify the affected individuals as soon as possible, consistent with the notification requirements under RSA 359-C:20.

Likewise, the District will take steps to ensure that critical information is secure and is not inappropriately altered, deleted, destroyed or rendered inaccessible. Access to critical information will only be provided to authorized individuals in a manner that keeps the information secure.

All District staff, volunteers, contractors, and agents who are granted access to critical or confidential information/data are required to keep the information secure and are prohibited from disclosing or assisting in the unauthorized disclosure of such confidential or critical data/information. All individuals using confidential and critical data/information will strictly observe all administrative procedures, policies, and other protections put into place by the District including, but not limited to, maintaining information in locked rooms or drawers, limiting access to electronic files, updating and maintaining the confidentiality of password protections, encrypting and redacting information, and disposing of information no longer needed in a confidential and secure manner.

#### **G. Using Online Services and Applications.**

District staff members are encouraged to research and utilize online services or applications to engage students and further the District's education mission. District employees, however, are prohibited from installing or using applications, programs or other software, or online websites, that either stores, collects, or shares confidential or critical data/information, until the ISO approves the vendor and the software or service used. Before approving the use or purchase of any such software or online service, the ISO or designee shall verify that it meets the requirements of the law, Board policy and the Data Governance Plan.

#### **H. Training.**

The ISO will provide appropriate training to employees who have access to confidential or critical information to prevent unauthorized disclosures or breaches in security. All school employees will receive annual training in the confidentiality of student records, and the requirements of this policy and related procedures and rules.

### **I. Data Retention and Deletion.**

The ISO or designee shall establish a retention schedule for the regular archiving and deletion of data stored on District technology resources. The retention schedule should comply with, and be incorporated into the data/record retention schedule established under Board policy EHB and administrative procedure EHB-R, including but not limited to, provisions relating to Litigation and Right to Know holds as described in Board policy EHB.

### **J. Consequences**

Employees who fail to follow the law, or District policies or procedures, regarding data governance and security (including failing to report) may be disciplined, up to and including termination. Volunteers may be excluded from providing services to the District. The District will end business relationships with any contractor who fails to follow the law, District policies or procedures, or the confidentiality provisions of any contract. In addition, the District reserves the right to seek all other legal remedies, including criminal and civil action and seeking discipline of an employee's teaching certificate.

The District may suspend all access to data or use of District technology resources pending an investigation. Violations may result in temporary, long-term, or permanent suspension of user privileges. The District will cooperate with law enforcement in investigating any unlawful actions. The Superintendent or designee has the authority to sign any criminal complaint on behalf of the District.

Any attempted violation of District policies, procedures, or other rules will result in the same consequences, regardless of the success of the attempt.

### **Legal References:**

*15 U.S.C. §§ 6501-6506, Children's Online Privacy Protection Act (COPPA)*  
*20 U.S.C. § 1232g, Family Educational Rights and Privacy Act (FERPA)*  
*20 U.S.C. § 1232h, Protection of Pupil Rights Amendment (PPRA)*  
*20 U.S.C. § 1400-1417, Individuals with Disabilities Education Act (IDEA)*  
*20 U.S.C. § 7926, Elementary and Secondary Education Act (ESSA)*  
*RSA 31:103-b, Cybersecurity*  
*RSA 189:65, Definitions*  
*RSA 189:66, Data Inventory and Policies Publication*  
*RSA 189:67, Limits on Disclosure of Information*  
*RSA 189:68, Student Privacy*  
*RSA 189:68-a, Student Online Personal Information*  
*RSA 359-C:19-21, Right to Privacy/Notice of Security Breach*

### **Additional Resources:**

N.H. Dept. of Education Minimum Standards for Privacy and Security of Student and Employee Data: <https://www.education.nh.gov/sites/g/files/ehbemt326/files/inline-documents/minimum-standards-privacy.pdf> (Link as of 2022.8.1)

***(Adopted: 8/5/2019)***  
***(Revised: 3/6/2023)***

**DATA GOVERNANCE AND SECURITY**

**Category: Priority/Required by Law**

**NHSBA history:** Revised - Sept. 2023, August 2022; New policy – September 2018

NHSBA revision notes, **September 2023**, revised EHAB by adding paragraph B.1(f), and second paragraph to Section G, both in response to passage of SB213, amending both RSA 189:66, V and RSA 189:70, IV(b). Also added "PII" to definition of confidential data in Section A. **August 2022**, revised Section B(1)(d) and Section F reflect the 2022 passage of HB1277 enacting new RSA 31:103-b (applicable to school districts as political subdivisions of the state), as well existing 359-C:19-21, regarding cybersecurity incidents and data breaches respectively; also updated legal references and added additional reference to and resources from the New Hampshire Department of Education. **September 2018**, this policy was created to reflect the requirements of RSA 189:66, V. Districts adopting this sample are advised to closely review their current technology policies for provisions which may be in conflict with provisions of this sample EHAB.



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**A. Definitions**

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Critical Data/Information - Information that is determined to be essential to District operations and that must be accurately and securely maintained to avoid disruption to District operations. Critical data is not necessarily confidential.

Cybersecurity Incident – an occurrence that actually or potentially jeopardizes the confidentiality,

integrity, or availability of an information system or the information processes, stores, or transmits, if that constitutes a violation or imminent threat of violation of security policies, security procedures, or acceptable use policies.

## **B. Data and Privacy Governance Plan - Administrative Procedures.**

1. Data Governance Plan. The Superintendent, in consultation with the District Information Security Officer ("ISO") (see paragraph C, below), shall update the Data and Privacy Governance Plan ("Data Governance Plan") for presentation to the Board no later than June 30 each year. [delete Fn.]

The Data Governance Plan shall include:

- a. An inventory of all software applications, digital tools, and extensions. The inventory shall include users of the applications, the provider, purpose, publisher, privacy statement, and terms of use;
- b. A review of all software applications, digital tools, and extensions and an assurance that they meet or exceed minimum standards set by the New Hampshire Department of Education;
- c. Policies and procedures for access to data and protection of privacy for students and staff including acceptable use policy for applications, digital tools, and extensions used on District hardware, server(s) or through the District network(s);
- d. A response plan for any breach of information/cybersecurity incidents; see RSA 31:103-b and RSA 359-C:19-21;
- e. A requirement for a service provider to meet or exceed standards for data protection and privacy; and
- f. A provision that students participating in career exploration or career technical education may, **with written parental consent**, register for technology platforms and services to be used as part of the student's approved program of study, which require the provision of personally identifiable information. Copies of written parental consent shall be retained as part of a student's educational record.

The Data Governance Plan shall include standards and provisions that meet or exceed the standards set forth in the N.H. Dept. of Education's *Minimum Standards for Privacy and Security of Student and Employee Data*.

2. Policies and Administrative Procedures. The Superintendent, in consultation with the ISO, is directed to review, modify, and recommend (policies) create (administrative procedures), where necessary, relative to collecting, securing, and correctly disposing of District data (including, but not limited to Confidential and Critical Data/Information, and as otherwise necessary to implement this policy and the Data Governance Plan. Such policies and/or procedures may or may not be included in the annual Data Governance Plan.

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and reports directly to the Superintendent or designee. The ISO is responsible for implementing and enforcing the District's security policies and administrative procedures applicable to digital and other electronic data, and suggesting changes to these policies, the Data Governance Plan, and procedures to better protect the confidentiality and security of District data. The ISO will work with both the District and building level administrators and Data managers (paragraph E, below) to advocate for resources, including training, to best secure the District's data.

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The Superintendent and/or the ISO shall immediately report any known or suspected cybersecurity incidents within the District's information systems, or within an information system of any vendor of the District, to the New Hampshire Cyber Integration Center of the Department of Information Technology. The Superintendent and/or the ISO shall disclose all known information and interactions. See RSA 31:103-b.

The ISO or designee will investigate immediately and take any action necessary to secure the



information, issue all required legal notices and prevent future incidents. When necessary, the Superintendent, ISO, or designee is authorized to secure resources to assist the District in promptly and appropriately addressing a security breach.

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Notwithstanding the prohibition on the use of applications, etc. that store, collect or share personally identifiable information concerning a student ("PII"), students participating in career exploration or career technical education may, **with written parental consent**, register for technology platforms and services to be used as part of the student's approved program of study, even if said platforms and services require the collection, storage and sharing of the student's PII. Use of these platforms and services is subject to the conditions set forth in B.1(f), above, and related provisions of the Data Governance Plan. The written parental consent forms shall be retained as student records.

#### **H. Training.**

The ISO will provide appropriate training to employees who have access to confidential or critical information to prevent unauthorized disclosures or breaches in security. All school employees will receive annual training in the confidentiality of student records, and the requirements of this policy and related procedures and rules.

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Employees who fail to follow the law, or District policies or procedures, regarding data governance and security (including failing to report) may be disciplined, up to and including termination. Volunteers may be excluded from providing services to the District. The District will end business relationships with any contractor who fails to follow the law, District policies or procedures, or the confidentiality provisions of any contract. In addition, the District reserves the right to seek all other legal remedies, including criminal and civil action and seeking discipline of an employee's teaching certificate.

The District may suspend all access to data or use of District technology resources pending an investigation. Violations may result in temporary, long-term, or permanent suspension of user privileges. The District will cooperate with law enforcement in investigating any unlawful actions. The Superintendent or designee has the authority to sign any criminal complaint on behalf of the District.

Any attempted violation of District policies, procedures, or other rules will result in the same consequences, regardless of the success of the attempt.

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<sup>1</sup> [delete Fn.] The policy previously stated that the Superintendent and the ISO were to create a Data Governance Plan to be presented to the Board no later than June 30, 2019. Districts should have created a Data Governance Plan by now, but if not, the Superintendent, in consultation with the ISO, should do so.

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**NH Statutes**

RSA 189:65

RSA 189:66

RSA 189:67

RSA 189:68

RSA 189:68-a

RSA 31:103-b

RSA 359-C:19-21

**Federal Statutes**

15 U.S.C. §§ 6501-6506

20 U.S.C. § 1232h

20 U.S.C. § 1400-1417

20 U.S.C. § 7926

20 U.S.C. §1232g

**Description**[Definitions](#)[Data Inventory and Policies Publication](#)[Limits on Disclosure of Information](#)[Student Privacy](#)[Student Online Personal Information](#)[Cybersecurity](#)[Right to Privacy/Notice of Security Breach](#)**Description**[Children's Online Privacy Protection Act \(COPPA\)](#)[Protection of Pupil Rights Amendment \(PPRA\)](#)[Individuals with Disabilities Education Act \(IDEA\)](#)[Elementary and Secondary Education Act \(ESSA\)](#)[Family Educational Rights and Privacy Act \(FERPA\)](#)

**NHSBA sample policy. We do not have this policy. It is recommended by NHSBA**

**11-17-2023 Policy Committee**

**EBBC**

**False Alarms, Bomb, Active Shooter and Other Such Threats**

**Category: Recommended**

**NHSBA history:** Revised – Sept. 2023, Nov. 2006, May 2006, Nov. 1999, July 1998

**NHSBA revision notes, September 2023,** sample EBCC, which formerly only addressed bomb threats, was re-titled and substantially revised to include additional threats as well as false alarms. The impetus for the revision was the 2023 passage of HB244, amending RSA 644:3 to include false reports about active shooters or presence of explosive devices, along with the previous prohibition to threats/false reports about fire, explosions, presence of biological or chemical substances, or occurrence of "other catastrophe or emergency".



The Board recognizes that false alarms, and bomb, active shooter or other such violent threats, are a significant concern to schools. Whether a threat is real or a hoax, it represents a likely substantial disruption to the educational mission of the school, as well as potential danger to the safety and welfare of students, staff, and school property.

No person shall make or communicate, by any means, a threat stating the current or future presence of: a fire, an explosion, an active shooter, an explosive device, a biological or chemical substance, or other catastrophic emergency on school premises. This prohibition extends to activating any alarm on school property intended to warn of the presence of one or more such threats or conditions when the person activating the alarm knows the threat or condition is not present, or there is no reasonable basis presence of such threat or condition. Making such threats or false alarms will be deemed a violation of the applicable code of conduct, with potential disciplinary action, and will be referred to law enforcement for potential criminal prosecution.

Any such false threat or alarm will be regarded as a serious matter and will be treated accordingly.

In the event a violent threat is made or alarm activated, the Building Principal/supervisor shall follow the pertinent procedures set forth in the District Crisis Prevention and Response Plan

**(\*\*)**EBCA, and the school specific Emergency Operations Plan. At a minimum:

1. The Superintendent or his/her designee shall make a determination as to whether an immediate evacuation of school buildings is required in accordance with the District Crisis Prevention and Response Plan.

2. Simultaneously, local law enforcement authorities shall be notified.
3. An investigation of the threat should be made by local law enforcement authorities or applicable state department.
4. Any decision to re-enter the school or buildings after an evacuation will be made by the Superintendent, or designee, and only after such clearance has been given by the appropriate law enforcement agency.
5. The Superintendent or her/his designee will communicate the occurrence of any threat under this policy to the parents of any students in the affected building, whether or not a full evacuation occurred **EITHER** in accordance with the District Crisis Prevention and Response Plan **OR** the District Communication Plan **OR** as soon as deemed appropriate under the circumstances.

#### **NH Statutes**

RSA 158:9

#### **Description**

[Possession of Explosives](#)

RSA 644-a

[False Fire Alarms](#)

RSA 644:3

[False Public Alarms](#)

#### **Cross References**

#### **Code**

EBB

#### **Description**

[School Safety](#)

NHSBA Sample Policy. We do not have this policy. It is referred to in policy FAA and recommended by NHSBA.

11-17-2023 Policy Committee

FA

**FACILITIES DEVELOPMENT GOALS AND PREPARATION OF CAPITAL IMPROVEMENT PLAN**

**NHSBA history:** Revised – Sept. 2023; New policy - June 2004.

**NHSBA revision notes, Sept. 2023; sample revised to reflect passage of HB365 which amended RSA 198:15-a, V, to include language recommending that school districts provide "long-range capital improvement programs" to the DOE every 2 years. Revisions to the sample policy include a change in the title, addition of section lettering, and addition of Section C relative to the preparation of capital improvement plans ("CIP"). (Note, the information to be transmitted to DOE relates to a "capital improvement program", the use of "capital improvement plan" in this policy is intended to call attention to the fact that a District's the plan may be - should be - more comprehensive than the "program" that is to be reported to DOE. ) June 2020,** Revised to reflect the passage of HB365, which amended RSA 198:15-a, V, to "recommend" that each district have a long-range capital improvement plan, updated biennially or as needed, with information obtained thereby to be used by the Department of Education in planning for expenditures relating to state building aid. The State Board of Education is required to adopt rules implementing the amendment, likely to occur over the next year.



- A. **Policy Statement.** As the Board seeks to incorporate the most appropriate and cost-effective risk management techniques for loss prevention and control, and to overcome deficiencies in its physical plant, it will strive to provide new and remodeled facilities that will offer the best possible physical environment for learning and teaching. The Board specifically recognizes the need and importance of regular and substantial capital maintenance, renovation, improvement and expansion consistent with realistic fiscal constraints.
  
- B. **Facility Considerations, Goals and Objectives.** In establishing specific facility plans, the Board will use the following considerations, goals and objectives among others:
  - 1. Facilities, including buildings, ground, and playing fields, that will accommodate organization and instructional patterns that support the district’s educational

philosophy and instructional goals.

2. Meeting all safety requirements through the remodeling and renovation of older structures.
3. Providing building renovations to meet requirements on the availability of public school facilities to handicapped persons whenever possible.
4. Building designs, construction, and renovations that will lend themselves to low maintenance costs and the conservation of energy.
5. Facilities that will also lend themselves to utilization by the community in ways consistent with the overall goals of the district.
6. Keeping the community informed about the condition of district facilities as well as the perceived needs in the areas of capital improvement expansion and acquisition.

Decisions pertaining to education specifications of new buildings and those undergoing extensive remodeling will be developed with the input of teachers, students, parents, and the community.

- C. **Capital Improvement Program.** [insert person or committee responsible for facilities planning, e.g., board facilities committee, superintendent, etc.][See Adoption note a. in heading of sample.] will prepare and update a long-range capital improvement program, to be reviewed at least every 2 years, that identifies District school facility goals, provides projected expenditures, and outlines procedures and guidelines to be followed to accomplish Board and District goals. This program will be provided to the Department of Education pursuant to RSA 198:15-a, so that the state can project funds needed for building projects occurring in the District and elsewhere.

#### NH Statutes

RSA 198:15-a

#### Description

[Grant for School Construction](#)

#### Cross References

#### Code

FAA

#### Description

[Annual Facility Plan and Unused District Property](#)

## **ANNUAL FACILITY PLAN**

- A. Drafting and Adoption.** Each year, the School Board shall adopt an updated Facility Plan. The first Facility Plan shall be adopted no later than June 1, 2022, with an updated plan approved by the Board by June 1 of 2023 and each year thereafter.

The Facility Plan shall be developed and drafted by the Superintendent or his/her designee, and it shall be proposed to the School Board for comment and adoption at least 30 days prior to the adoption deadlines articulated above.

- B. Contents of Facility Plan.** The Facility Plan shall account for each facility owned by the District and document the use of each such facility. For each then unused facility, the plan shall specify any uses intended within the next two years of the annual plan approval relative to academic purposes, extracurricular activities, administrative functions, and/or sports. Facilities for which no current or intended use is included on the plan shall be referred to in this policy as “Unused Facilities”.

- C. Annual Report to N.H. Department of Education.** The Superintendent shall submit a report of Unused Facilities to the New Hampshire Department of Education, with the first such report due January 1, 2022 and subsequent reports due July 1 each year thereafter. Pursuant to RSA 194:61, such Unused Facilities are then encumbered by a right of first refusal (“ROFR”) available to every approved charter school operating in New Hampshire. The specifics of the ROFR are described in RSA 194:61, III-VII.

**(Adopted: 3/8/2022)**



**NHSBA Sample Policy**  
**11-17-2023 Policy Committee**

**ANNUAL FACILITY PLAN AND UNUSED DISTRICT PROPERTY** **FAA**

**NHSBA history: Revised** - September 2023; **New policy** – September 2021.

**NHSBA notes, September 2023**, substantial revisions to the former version, including a change to the title. Most importantly, policy was expanded to include specific provisions relating to statutory rights charter schools have to school district property when the district is neither using the property and has no plan to use it within two years. Because of the significance and legal complexity of how the charter school rights impact district property interests, we have included much of the statutory language. **September 2021**, This Sample Policy was developed to encourage districts to maintain annual records of facilities and usage, and to provide for organized long-term planning and efficiency in facility use. It also accounts for new statutory obligations germane to unused facilities lacking in an official plan pursuant to RSA 194:61, as effected in HB 278. Under RSA 194:61, the District is required to submit a list of “unused facilities” to the DOE no later than January 1, 2022, and updated plans each July 1 thereafter.



- A. **Drafting and Adoption.** Thee School Board shall adopt and approve an Annual Facility Plan by June 1 of each year.<sup>1</sup>[Delete footnote]

The Facility Plan shall be developed and drafted by the Superintendent or designee and it shall be proposed to the School Board for comment and adoption at least 30 days prior to the adoption deadline articulated above.

- B. **Contents of Facility Plan.** In preparing the annual Facility Plan, due consideration will be given to the most recent Capital Improvement Program prepared pursuant to Board policy {\*\*} FA. The Facility Plan shall account for each facility owned by the District and document the use of each such facility. For each then unused facility, the plan shall specify any uses intended within the next two years of the annual plan approval relative to academic purposes, extracurricular activities, administrative functions, and/or sports. Facilities for which no current or intended use is included on the plan shall be referred to in this policy as “Unused Facilities”.

- C. **“Unused Facility” Defined.** As used in the policy, “Unused Facility” or “Unused Facilities” shall mean any district owned school building which is not currently used for academic purposes, extracurricular activities, administrative school functions, or sports, and for which the School Board has not approved a written plan for future use.

- D. **Annual Report to N.H. Department of Education.** The Superintendent shall submit a report of Unused Facilities to the New Hampshire Department of Education no later than

July 1 of each year. .

#### **E. Charter School Rights Relative to Unused Facilities.**

1. Right of First Refusal: Pursuant to RSA 194:61, such Unused Facilities are encumbered by a right of first refusal ("ROFR") available to every approved charter school operating in New Hampshire. If the District has an Unused Facility which it seeks to sell or lease to a party other than an approved charter school, the District will include a ROFR provision in the offer for sale/lease and/or a sale/lease contract.
2. Conditional Contract for Sale/Lease. If a prospective purchaser which is not an approved charter school enters into a contract with the District for purchase, lease or sale, (that is, an offer to sell/lease by the District is accepted by the prospective purchaser), the contract (the "Original Contract") will be conditioned upon the expiration of the ROFR. **It is essential that the prospective purchaser or lessee is made aware of the ROFR prior to execution of the Original Contract, and that the Original Contract clearly articulate the ROFR with specific reference to RSA 194:61.** The District will promptly notify the Charter School Administrator of the Department of Education ("DOE Charter School Administrator") in order for the Department to alert all approved charter schools in the state and allow them a chance to respond. The notice provided to the DOE Charter School Administrator shall contain clear language that the Unused Facility is available to any approved chartered public school in this state only, and shall list the offering school district's name and location, the square footage of the Unused Facility, the contact information of the offering school district's representative, and the expiration date of the right of first refusal which shall be 60 days after the date of the date the District provides notice to the DOE Charter School Administrator.
3. Charter School Rights if No Other Offer Received. If the offering school district has not received an offer to purchase or lease an Unused Facility from a party, other than an approved chartered public school operating in this state, a chartered public school may initiate, and Board shall engage in, good faith negotiations for the purchase or lease of the Unused Facility.
4. Invocation of Rights by One or More Approved Charter Schools. If the District receives an offer on an Unused Facility from an approved charter school prior to the expiration date of the ROFR, the District will respond promptly to the offer and notify the prospective purchaser under the Original Contract and engage in good faith negotiations. If more than one chartered public school makes an offer on the District's Unused Facility, the School Board will make the final selection between the parties based on criteria established by the School Board and in accordance with the best interests of the District.
5. Procedure for Resolution of Negotiation Impasse. A chartered public school that makes an offer shall have 6 months after the date of making a written offer to complete the purchase or lease of the Unused Facility for a price which the District has agreed upon.
6. District Discretion. In right of first refusal negotiations with a chartered public school, it shall be the option of the Board whether to sell or to lease the property

under consideration, at fair market value or less, for a term to be agreed upon by the parties. Any lease terms shall include, among others agreed upon by the parties, any required provisions for such leases as found in RSA 194:61.

7. Expiration of Right of Charter School After Written Offer. The chartered public school shall have 6 months after the date of making a written offer to complete the purchase or lease of the unused facility for a price negotiated with the school district.

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<sup>1</sup> **[Delete footnote]** This policy and the “Annual Facility Plan” is not intended to replace or even serve the same purpose of a capital improvement or strategic plan. Rather, it is to help assure compliance with newly enacted 194:61. Existing capital improvement, strategic or other such plans should inform the Annual Facility Plan.

Under RSA 194:61, the District is required to submit a list of “unused facilities” to the DOE no later than January 1, 2022, and updated plans each July 1 thereafter. The June 1 date used in this policy for the local board to approve a plan intended to give Districts ample time to meet the statutory reporting time. Districts may use other dates to best suit their local needs.

**NH Statutes**

RSA 194:61

**Description**

[Unused District Facilities](#)

**Cross References**

**Code**

FA

**Description**

[Facilities Development Goals and Preparation of Capital Improvement Plan](#)

## **GILFORD SCHOOL DISTRICT FOOD SERVICE CHARGING POLICY**

The Gilford School District realizes that the primary responsibility of the Food Service Department is to provide nutritious meals to all students, and to do so in a financially responsible manner. A major component in realizing this goal is that the families in the District have the responsibility of keeping their student's lunch account in good standings.

Low balance statements will be sent home via email or with students on a weekly basis. Parents are encouraged to monitor their child's lunch account by going to [myschoolbucks.com](http://myschoolbucks.com). They may also call the Food Service Director (524-7146 x 442) or the Kitchen Manager of each school. Students may also check his/her balance as they go through the serving line during lunch.

When a student's account reaches the point of owing the amount equal to two full price lunches, an email will be sent home informing the parent that their child is approaching the charge limit of three full price lunches. If there is not a valid email address on file, the Food Service Director will contact the family by telephone. When a student's account reaches a negative balance equal to the value of three full price lunches, the student will receive alternate breakfast and lunch meals of the district's choosing, that meet USDA nutritional guidelines. The student will be charged the same price for this alternate meal as the established meal price.

When a student's account reaches a negative balance of \$20.00, a letter will be generated and sent from the building Principal. If any individual student lunch account should reach a negative balance of \$ 50.00, the District reserves the right to pursue legal action up to and including filing in small claims court.

### **Charging of a la carte items at Gilford Middle and High School:**

If any student has a negative balance, or their account will be placed in the negative by the purchase of an a la carte item, they will not be able to purchase that item or any other a la carte items until their account is brought into good standing.

### **Outstanding balances at the end of the school year**

At the end of each school year the food service director shall provide a list of the negative balances from each school to the respective principal. At that time the debt will become the responsibility of the school to collect and payment will be made from the school to the food service department.

The cost of any meals that were wasted due to the enforcement of the district's charging policy shall also be charged to the respective schools at the end of the school year.

**(Adopted: 12/02/2013)**

**(Revised: 1/6/2014, 11/3/2014, 5/1/2017)**

**NHSBA sample policy.**

**11-17-2023 Policy Committee**

**EFAA**

### ***SCHOOL LUNCH PROGRAM MEAL CHARGES***

***Category: Priority/Required by Law***

The District encourages all parents and guardians (hereinafter "parents") to provide a healthy breakfast and lunch for their student(s). Parents are welcome to send students to school with a "brown bag/lunch box" meal. The District provides the opportunity to purchase (breakfast and) lunch (as well as after school snacks) from the school cafeteria. Each meal meets or exceeds the federal nutrition standards. Payment is expected no later than when the meal is served. Payment may be in cash (check) or as a debit against funds deposited into an established student lunch account.

The school lunch program is required by federal law to operate as a non-profit which must end each fiscal year without a negative balance. Uncollected debt must be paid to the school lunch program from other funds. Therefore, parents of students required to pay the full or reduced price for meals must ensure that the school lunch program is paid for their student's meals. The District's policy is to quickly escalate efforts to bring student meal accounts into positive balance, to avoid circumstances where these accounts build significant debt.

#### **Student Meal Accounts**

The District uses a point-of-sale computerized meal payment system which has an account for all students. Parents of students who will be purchasing meals using this system are required to establish and maintain a positive balance in the student's meal account.

Funds may be deposited into a student lunch account by cash, check, or on-line payment. Cash or checks made out to: \_\_\_\_\_ should be presented to the (fill in where funds to be deposited into the student lunch account should be delivered: Cashier at the cafeteria, the Principal's Office, the Food Service Office). A check may also be mailed to: \_\_\_\_\_. The District utilizes the services of (fill in name of on-line payment system vendor with URL: Myschoolbucks.com, paypams.com, MyPaymentsPlus.com, MealMagic.com, etc.). The use of checks or on-line payments is encouraged, as each provides a record. Parents are responsible for any fees charged by the on-line service. In accordance with United States Department of Agriculture ("USDA") guidance SP 02-2015, there will be no processing fee for deposits to a student meal account made by cash or check.

Bank fees incurred on any check returned for insufficient funds will be charged to the parent. (Alternatively: A fee of \$\_\_\_\_ will be charged to the parents for each check returned for insufficient funds. The fee may not exceed \$25.00, RSA 358-C:5, I.) In accordance with RSA 358-C:5, notice of the fee charged for a check that is returned for insufficient funds shall be included in

any letter sent to a Parent seeking payment because the student meal account has a negative balance.

Each notice to parents will include information on how to verify a student meal account balance, to resolve concerns regarding the accuracy of the account balance, or to obtain information on the school meal program, including the name, title, hours when available, phone number, and e-mail address of an appropriate member of the District staff.

### **Parental Restrictions on Use of Student Meal Account**

Parents who establish a meal account for their student are responsible for establishing with their student any restrictions the parent chooses to place on use of the account. Unless restricted by the parent, a student may purchase a la carte items in addition to the regular meal choices. Some students purchase more than one meal at one sitting. (After school snacks may be purchased.) Setting and ensuring compliance with limitations on the use of the student's meal account afford families an opportunity to develop their student's understanding of the responsible use of credit and debit accounts, which will benefit the student throughout life. Parents must monitor the student's use of the meal account to ensure that a sufficient balance is available at all times for their student to charge meals. (The District's on-line payment system allows a parent to check their students balance at any time.)

The District's policy is to ensure that students have access to healthy meals and that no student will be subject to different treatment from the standard school meal or school cafeteria procedures. Therefore, the District will allow students to purchase a meal, even if the student's meal account has insufficient funds. This policy applies to all meal offerings generally available at the cafeteria, breakfast, lunch, and after school snacks.

### **Balance Statements**

The District will work proactively with parents to maintain a positive balance in their student's meal account. The Superintendent shall establish a procedure at each school requiring that a low balance statement be sent to parents whenever the balance in a student's meal account falls to or below a set amount that approximates the amount typically necessary to pay for one week of meals.

The notices will be sent by e-mail when practical, otherwise by a note, sealed in an envelope, sent home with the student. Only those District staff who have received training on the confidentiality requirements of federal and state law, including the United States Department of Agriculture's ("USDA") guidance for school meal programs, and who have a need to access a child's account balance and eligibility information may communicate with parents regarding unpaid meal charges. Volunteers, including parent volunteers will not be used to communicate with parents regarding unpaid meal charges. 42 U.S.C. 1758(b)(6).

Notice prior to the account reaching zero is intended to reinforce the requirement that a positive balance be maintained in the student meal account. If a student meal account falls into debt, the initial focus will be on resuming payments for meals being consumed to stop the growth of the debt. The secondary focus will be on restoring the account to routinely having a positive balance.

The District recognizes that unexpected financial hardships occur and will work with parents in this circumstance to limit the amount of accumulated debt. To do so, it is essential that parents respond to notices and cooperate with district staff efforts. Fairness and equal treatment requires that those able to pay, but who fall behind, must promptly bring their students meal account into a positive balance.

The District's proactive approach is intended to help ensure students have healthy meals and that parents do not accumulate significant debt to the school meal program.

### **Free or Reduced Price Meals**

The District participates in the federally supported program to provide free or reduced price meals to students from families whose economic circumstances make paying for meals difficult. Income guidelines for eligibility are based on family size and are updated each year by the USDA. The District will ensure parents are informed of the eligibility requirements and application procedures for free or reduced cost meals as well as the requirements of this policy.

Parents shall be provided with a copy of this policy and an application for free or reduced cost meals annually at the start of the school year through a mailing or in the parents' handbook, upon enrollment of a transfer student during the school year, and as a component of all notices sent to parents seeking payment to correct a negative balance in the student meal account. The communication explaining the availability of the free or reduced price meals shall include all the elements required by federal regulation, 7 C.F.R. 245.5. Each notice shall also identify a member of the District staff, with contact information, who is available to answer questions or assist the parents with applying for free or reduced price meals.

As required by the Civil Rights Act of 1964 and USDA guidance, parents with Limited English Proficiency ("LEP") will be provided with information on this policy and the free and reduced price meal program in a language the parents can understand. The District will utilize USDA and community resources to fulfill this requirement. This policy and links to application materials for the free or reduced price meal program will be posted on the school web site and made available to parents at each school.

The District will proactively enroll students found to be categorically eligible into the free or reduced price meal program. The District will seek to enroll eligible students in the free or reduced price meal program upon learning from any source of the student's potential eligibility. When eligibility is established, the District will apply the earliest effective date permitted by federal and state law.

The District will provide a copy of this policy and application materials for free or reduced price meals to town welfare offices/human services offices and other local social service agencies who may have contact with parents who are confronting layoffs or other financial hardship.

(This section applies for districts that choose to allow a student with a zero balance to charge meals. A District may have a policy that charging meals is not permitted. A policy prohibiting

meal charges may be more appropriate if applied only to older students.)

### **Students Without Cash in Hand or A Positive Account Balance**

Regardless of whether a student has money to pay for a meal or has a negative balance in the student meal account, a student requesting a meal shall be provided with a meal from among the choices available to all students. The only exception will be where the student's parents have provided the District with specific written direction that the student not be provided with a school lunch program meal, the student has a meal sent from home, or otherwise has access to an appropriate meal. Under no circumstances will a student's selected meal be thrown away because of the status of the student's meal account.

It is the parents' responsibility to provide their student with a meal from home or to pay for school prepared meals. Therefore, the District's policy is to direct communications to parents about student meal debt. When parents chose to provide meals sent from home, it is the parents' responsibility to explain to their student the necessity of the student not using the school meal program.

Initial efforts to contact parents will be by e-mail or phone, however if those efforts are unsuccessful, letters to parents may be sent home in sealed envelopes with the student. Where the District has not received a response from the parents or the parents do not cooperate in resolving negative student meal account balances and the student continues to use the school meal program, for students in grade seven or higher, the principal or designee may communicate directly with the student in a manner that is private and which does not publicly identify or stigmatize the student. Resolution of the problem should seek to ensure the student has ongoing access to an appropriate meal.

Should the student's meal account balance fall below zero, a balance statement requesting immediate payment shall be sent to parents no less than once each week.

If the student's meal account balance debt grows to \$15.00 or more a letter demanding immediate payment shall be sent by US Mail to the parent or the parent shall be contacted by the Principal or designee by phone or in person. Where warranted, the Principal may arrange a payment schedule to address current meal consumption and arrearages while the school continues to provide the student with meals.

If the student's meal account debt grows to \$30.00 or more the parents will be requested to meet with the principal. When appropriate, the Principal should explore with the parents whether an application for free or reduced cost meals is warranted. Where extenuating circumstances of financial hardship exist and the family is not eligible for free or reduced cost meals, the District will work with the parents to identify and engage governmental and private charitable resources which are available to assist the family.

If a student with a negative balance in his or her meal account seeks to purchase a meal with cash or check, the student will be allowed to do so. There is no requirement that the funds be applied first to the debt.

### **Unresolved Debt**



If the Principal determines that the best available information is that the parents are able to pay the expenses of the student's meals and the parents decline to cooperate with resolving the debt in a timely manner, the Principal shall send a letter to the parents directing them to have their student bring meals from home and cease utilizing the school meal program. The student may resume using the school meal program when a positive account balance is restored in the student's meal account.

If the student continues to use the school meal program, a second letter shall be sent to the parents using certified mail, return receipt requested.

If parents continue to fail to provide the student with a meal sent from home, continue to fail to provide funds for their student to use the school lunch program, continue to refuse to cooperate with reasonable requests by District staff to address the overdue debt, and the parent is believed to have the ability to pay, the Superintendent may pursue payment through civil legal action, including filing a claim in small claims court pursuant to RSA Chapter 503. The Superintendent is delegated authority to assess the likelihood that civil action will lead to payment, the resources required to pursue collection, and to pursue such action only when doing so is in the best interest of the District.

The Superintendent shall try to identify non-profit charities that are willing to contribute funds to the district to assist in keeping a positive balance in the meal account of students whose parents do not qualify for free meals and who due to financial hardship are unable to consistently keep the student meal account in a positive balance. If at the end of the fiscal year uncollected debt in student meal accounts must, as a last resort to fulfill federal requirements, be paid to the school meal program from other District funds, the parents' debt for unpaid meal charges shall be owed to the District.

Applying the policy set forth above, the Superintendent shall determine if further collection efforts are in the best interest of the District. Any payments collected on debt that has been offset with District funds, shall be credited to the District. All debt collection efforts shall comply with RSA Chapter 358-C, New Hampshire's Unfair, Deceptive or Unreasonable Collection Practices Act.

### **Staff Enforcement of Policy/Training**

A copy of this policy and refresher training shall be provided annually to all food service and school staff responsible for serving student meals or enforcing this policy. New staff with these responsibilities shall be provided with a written copy of the policy and training on the policy during their initial training or orientation. In accordance with federal requirements, a record shall be maintained documenting that new staff receive the policy and training. The record must also document that all applicable staff receive a copy of the policy and refresher training annually.

### **Student with Special Dietary Needs**

Nothing in this policy prohibits providing an appropriate meal to a student with special dietary needs such as, but not limited to, diabetes, provided these needs have been documented in a health plan, Sec 504, or IEP. If the meal is medically required, and the student has a negative

student meal account balance, or does not have cash to purchase the meal, the necessary dietary needs will be met.

To request meal accommodations for students whose dietary needs qualify them for accommodation under law or to file a school meal program complaint with the District, contact \_\_\_\_\_ at phone number \_\_\_-\_\_\_\_\_.

To file a program complaint of discrimination with the USDA, complete the USDA Program Discrimination Complaint Form, (AD-3027) found online at: [http://www.ascr.usda.gov/complaint\\_filing\\_cust.html](http://www.ascr.usda.gov/complaint_filing_cust.html) and at any USDA office, or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by:

(1) mail: U.S. Department of Agriculture  
Office of the Assistant Secretary for Civil Rights  
1400 Independence Avenue, SW  
Washington, D.C. 20250-9410;

(2) fax: (202) 690-7442; or

(3) email: [program.intake@usda.gov](mailto:program.intake@usda.gov).

This District is an equal opportunity provider.

### **Nondiscrimination**

It is the District's policy that in the operation of child feeding programs, no child will be discriminated against because of race, sex, color, national origin, age, or disability. 7 C.F.R. 245.5(a)(1)(viii). Students will not be denied meals due to the existence of other unpaid charges at the school or for disciplinary reasons.

### **Assessment for Neglect Reporting**

If a student who has been determined to be ineligible for free or reduced cost meals or whose parents have refused to cooperate with filing an application for free or reduced cost meals is consistently not provided with meals, either through a meal sent from home or the payment for a meal through the school meal program, the Principal will assess whether a report of child neglect is warranted to the New Hampshire Department of Health and Human Services, Division for Children, Youth, & Families, as required by RSA 169-C:29-31.

### **Alternative Meals**

(Optional - for use in Districts which choose to provide only an "alternative" meal to students whose meal account has a negative balance/when the negative balance exceeds \$\_\_\_\_.00, or who

choose to prohibit such students from charging a la carte or extra items.)

If a student's meal account has a negative balance of \$\_\_.00 or more the student will be allowed to charge only an alternative meal. In accordance with state law, the alternative meal will be one of the meal choices generally available to all students, but which has the lowest cost to the lunch program to produce. The purpose of limiting students with negative balance meal accounts to the alternative meal is to mitigate the losses to the District from providing uncompensated meals, while ensuring that the student has access to a healthy meal. These students will also not be allowed to charge a la carte or extra items. It is the parents' responsibility to explain to the student that only alternative meals may be charged. A notice which directs the parent to have their student select only the alternative meal and not to charge a la carte or extra items, until the student's meal account is brought into positive balance, will be included with the communication demanding payment of the negative balance. The notice will include the information necessary for the parent to explain to the student how to select the alternative meal. For students in grade \_\_ (at least grade seven) and above, if the student continues to select other meal choices, the student may be spoken with privately and advised that in accordance with the notice provided to the parents, the student may only select the alternative meal and may not charge a la carte or extra items until the meal account is brought into a positive balance.

## **Legal**

USDA Guidance SP37-2016

## **Description**

[Meaningful Access for Persons with Limited English Proficiency \(LEP\) in the School Meal Programs](#)

USDA SP 46-2016

[No later than July 1, 2017, all SFA's operating the Federal school meal program are required to have a written meal charge policy.](#)

## **NH Statutes**

RSA 189:11-a

## **Description**

[Food and Nutrition Programs](#)

RSA 358-C

[New Hampshire's Unfair, Deceptive or Unreasonable Collection Practices Act; NH Dept. of Education Technical Advisory - Food and Nutrition Programs](#)

## **Federal Regulations**

2 C.F.R. §200.426

## **Description**

[Bad Debts](#)

7 C.F.R §210.09

[Agreement with State agency](#)

7 C.F.R §210.10

[Meal requirements for lunches and requirements for afterschool snacks](#)

7 C.F.R §210.15

[Reporting and recordkeeping](#)

7 C.F.R. §245.5

[Public announcement of the eligibility criteria](#)

7 C.F.R. Part 15, Subpart A & B

[Civil Rights Act of 1964 PENDING LINK](#)

**Federal Statutes**

15 U.S.C. § 1692-1695

**Description**

[Federal Fair Debt Collection Practices Act \(FDCPA\)](#)

42 U.S.C. 1758(b)(6)

[Use or disclosure of information](#)

**Cross References**

**Code**

**Description**

AC

[Non-Discrimination, Equal Opportunity Employment, and Anti-Discrimination Plan](#)

AC-F(1)

[Non-Discrimination, Equal Opportunity Employment, and Anti-Discrimination Plan - Annual Notice of Contact Information for Human Rights Officer, Title IX Coordinator, 504 Coordinator and Civil Rights Agencies](#)

DAF

[Administration of Federal Grant Funds](#)

EF

[Food Service Management](#)

EFA

[Availability and Distribution of Healthy Foods](#)

EFE

[Vending Machines](#)

JLCF

[Wellness](#)