

Policy Development Committee Agenda

12/8/2023

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

Policies to Review

GHS Handbook – Cell Phone Policy

GBCD – Background Investigation and Criminal History Records Check

JLJA/EFAA- Food Service Charging Policy

EFAA-P – School Lunch Program Meal Charge Procedure

JCA – Change of Class or School Assignment – Best Interest and Manifest Hardship

IKL – Academic Honesty and Integrity

Proposed:

Cell phones, electronic communication devices, earbuds/headphones, and other electronics are prohibited from use during academic time (including classrooms and hallways) without the prior consent of the teacher and/or administration and are only to be used strictly for academic purposes. The use of any device to take pictures or videos including cell phones is prohibited without prior permission of the administration. Taking unauthorized pictures on school grounds is prohibited. Student use of electronic communication devices is only allowed for academic purposes at GHS with the prior consent of the teacher and/or administration. This includes study halls, bathrooms, school sponsored trips and driver education classes. This excludes lunches and passing time between blocks.

Proposed new language

Current:

Cell phones, electronic communication devices, earbuds/headphones, and other electronics are prohibited from use in the classroom without the prior consent of the teacher and/or administration and are only to be used strictly for academic purposes. The use of any device to take pictures or videos including cell phones is prohibited without prior permission of the administration. Taking unauthorized pictures on school grounds is prohibited. Student use of electronic communication devices is only allowed for academic purposes at GHS with the prior consent of the teacher and/or administration. This includes study halls, school sponsored trips and driver education classes. This excludes lunches and passing time between blocks.

BACKGROUND INVESTIGATION AND CRIMINAL HISTORY RECORDS CHECK

To help assure the safety of District students, it is the policy of the Gilford School Board that before any person is employed by the School District, or are otherwise placed into positions whereby they have frequent close contact with - or supervision of - students, that the administration conduct proper investigation into such person's background, including, without limitation, a criminal history records check under RSA 189:13-a – 189:13-c.

A. Definitions. As used in this policy:

1. **“Applicant”** shall mean and include an applicant for employment or any person seeking to serve in any position falling within the term “Covered Person” as defined below, who is selected by the District for further consideration for such position.
2. **“Background investigation”** means an investigation into the past employment and other background of an Applicant with the intent of determining whether:
 - a. The applicant/covered person is qualified for the position for which the person has applied, will/would be assigned, or will/would perform, and
 - b. The applicant has been found guilty of any criminal activity or conduct that would make the applicant ineligible or unsuitable for employment or service in the district.
3. **“Conditional offer of employment”** means an offer of employment extended to a selected Applicant subject to a successful completed criminal history record check (defined below) which is satisfactory to the SAU or school district.
4. **“Contractor”** means a private business or agency or an employee or employees of the contractor which contracts with a SAU, school district, or charter school to provide services including but not limited to:
 - a. cafeteria workers,
 - b. school bus drivers,
 - c. custodial personnel,
 - d. any other direct service or services to students of the district or charter school.
5. **“Covered Person”** shall mean every employee, stipend position (e.g., coach, trainer, drama coach, etc.), candidate, designated volunteer (whether direct or through a volunteer organization), or any other service where the contractor or employees of the contractor provide services directly to students of the District or any applicant/person seeking to serve in any of those positions. NOTE: Only those volunteers who meet the definition of “Designated Volunteer” below are considered “Covered Employees”. See Board policy IJOC for additional provisions relating to all volunteers. All Covered Persons are required to undergo training as provided in Board policy GBCE.
6. **“Criminal History Records Check” or “CHRC”** means a criminal history records inquiry under RSA 189:13-a – 13-c, conducted by the New Hampshire State Police through its records and through the Federal Bureau of Investigation.
7. **“Volunteer”** is defined as an individual that provides services whether for classroom or other student programs or activities, chaperones, classroom volunteers, trades work, etc.

8. “Designated Volunteer” is any volunteer who:
- Comes in direct contact with students on a predictable basis (e.g., library volunteer, overnight field trip chaperone);
 - Meets regularly with students (e.g., community mentor, volunteer assistant coach);
 - Meets with students on a one-on-one basis without the presence of a teacher or other such professional staff member; OR
 - Any other volunteer so designated by the School Board or Superintendent.

The administrative supervisor for the applicable activity or program (e.g., building principal, athletic director), shall have the responsibility of determining whether a volunteer position is a “Designated Volunteer”, subject to any additional rules or procedures established by the Superintendent.

9. “Educator Candidate” means a student at an institution of higher education in New Hampshire who has been selected to participate in a K-12 educator preparation program (RSA 189:13-c, I(b)). This definition includes both Educator Candidates who are placed as student teachers in the district, and those who might be in the District for a different purpose (e.g., Methods, etc.).
10. “Section V Offense(s)” are those criminal offenses listed in RSA 189:13-a, V, as that list may be amended by the Legislature from time to time. The current of offenses may be accessed at:

<http://www.gencourt.state.nh.us/rsa/html/XV/189/189-13-a.htm>

“Non-Section V Offenses” are all other crimes offenses, whether felonies or misdemeanors.

11. “Designee” shall mean, a person designated by the Superintendent to receive and inspect results of the Criminal History Records Check. Under RSA 189:13-a, II, the designee for purposes of CHRC may only be an assistant superintendent, head of human resources, the personnel director, the business administrator or the finance director.

B. Background Investigation and Restrictions on Hiring or Appointing Individuals with Revoked or Suspended Credentials.

1. General Requirements. The Superintendent will require a Background Investigation of any Applicant or Covered Person as defined in this policy, *including but not limited to reviewing the most recent NHED List of Revoked & Suspended Credentials*. The Superintendent may assign the Background Investigation (but not the CHRC) to someone other than Designee, but the Background Investigation shall be completed prior to making a final offer of employment, approving the contract with an individual contracting directly with the District, student teacher, or a Designated Volunteer to work or serve within the District. For Covered Persons who are employed by a third-party contractor or assigned as a Designated Volunteer by a volunteer agency, the Superintendent or Designee may waive the Background Investigation and instead rely on suitable assurances from the contracting company or agency regarding a background investigation. The requirement for a Criminal History Records Check under paragraph

2. D, below, however, may not be waived. *All decisions regarding employment and the pre-employment process shall conform to the District's Anti-Discrimination and Equal Opportunity policy, AC.*

As part of the application process, each Applicant shall be asked if they have ever been convicted of any crime and whether there are any criminal charges pending against the applicant at the time of application. The Applicant will also be directed to report any criminal charges brought against them after the application is submitted and until either hired or until notified that they will not be hired. Failure to report will be treated in the same manner as falsification of information under Section C, below.

General record (e.g., checklist and or source documentation) of completion of a Background Investigation (but not copies of the results of a CHRC) shall be retained in an employee's personnel file and retained pursuant to the District's Record Retention Schedule EHB-R.

3. Prohibition against hiring/appointment of individuals with revoked or suspended credentials. The District will not hire any individual whose education license, certification or other credential ("credential") issued by the Department of Education is currently revoked or suspended, unless: (1) the individual's prospective employment would begin after the reinstatement of that individual's credential; or, (2) the individual retains an active endorsement in one or more areas in which the individual remains eligible for employment, even though the endorsement in another area is under revocation or suspension.

No person whose credential issued by the Department of Education has been revoked or is under current suspension, may be appointed as, or serve as, a volunteer for any district service or activity, designated or otherwise.

In the instance of a person with no current endorsement, the suspension or revocation would preclude hiring or appointing that person to any position within the district. This means, for example, that a former science teacher whose credentials are revoked may not be appointed as a volunteer soccer coach.

Notwithstanding the prohibitions and limitations imposed by this paragraph, educators whose credentials have been revoked or are currently suspended, retain all the rights afforded members of the public to enter onto school grounds and attend school events in accordance with applicable laws and School Board policies. Similarly, such individuals who are parents or guardians of district students shall maintain all the rights afforded all parents and guardians under law and School Board policies – but may not serve in volunteer positions.

B. False Information. The falsification or omission of any information on a job application, during the pendency of the application, or in a job interview, including, but not limited to, information concerning criminal convictions or pending criminal charges, shall be grounds for disqualification from consideration for employment, withdrawal of any offer of employment, or immediate discharge from employment.

C. Criminal History Records Check.

- 1. General.** As part of the District’s Background Investigation, each Applicant must submit to a Criminal History Records Check (“CHRC”) through the State of New Hampshire in full compliance with RSA 189:13-a. No Covered Person/Applicant shall be employed, extended a Conditional Offer of Employment, or begin service in the District, until the Superintendent, or designee, has initiated a CHRC.

The Applicant shall provide the District with a criminal history records release form as provided by the New Hampshire State Police along with a full set of fingerprints taken by a qualified law enforcement agency according to RSA 189:13-a, II.

Refusal to provide the required criminal history records release form (with fingerprints) and any other required releases to authorize the CHRC will result in immediate disqualification of the Applicant/Covered Person and will not be considered for the position.

- 2. Special Provisions for Educator Candidates, Bus Drivers**

- a. Educator Candidate.** Educator Candidates who are placed in the District as a student teacher shall undergo a CHRC prior to beginning in the District. For Educator Candidates in the District under a status other than student teacher (e.g, observation, Methods Course or Practicum student), the Superintendent or designee will determine whether to require a CHRC using the same parameters included in the Designated Volunteer definition, above.
- b. Bus Drivers.** Pursuant to RSA 189:13-a, VI and RSA 189:13-b, criminal history records checks for bus drivers shall be processed through the New Hampshire Department of Education (“NHED”). Although NHED will conduct the CHRC, the Superintendent or designee shall require a Background Investigation in accordance with paragraph B.

- 3. Results of Criminal History Records Check.** The results of the CHRC shall be delivered to the Superintendent or designee who shall be responsible for maintaining their confidentiality. The Superintendent or designee shall destroy all results and reports of any CHRC within sixty (60) days of receiving said information.

- 4. Pending Charges or Convictions for Section V Offenses.** If the results of the CHRC disclose that the Applicant has either been convicted of or is charged pending disposition of a violation or attempted violation of a Section V offense, that person shall not receive an offer or final offer of employment. Additionally, the Superintendent (not the Superintendent’s designee), shall notify NHED through its Investigator or the Chief of the Governance Unit or as otherwise directed by NHED.

- 5. Non-Section V Offenses and/or Past Charges of Section V Offenses.** If the results of a CHRC disclose that the Applicant has been charged (whether pending or previously concluded) with a Non-Section V Offense, or has been previously charged with a Section V Offense which the charge has been disposed of other than by a conviction, the Superintendent or designee shall take such information into account prior to hiring or assigning such Applicant. In making a determination regarding such an Applicant, the Superintendent or designee shall consider all reliable information, and assess whether, in light of the totality of the circumstances, the Applicant's suitability for the position sought with student safety being the priority consideration. (Circumstances the Superintendent should consider, include, but are not limited to, nature and date of the charge, information about reduced charges, age at time of charge, relationship of the nature of the charged offense to the duties of the position sought).

If the Superintendent chooses to nominate, appoint or assign an Applicant who has a history of conviction or pending charges of a Non-Section V Offense, or of past concluded charges of Section V Offenses that did not result in a conviction, then the final hiring decision or appointment of another Covered Person must be approved by the School Board. Pursuant to regulations of the United States Dept. of Justice, and RSA 189:13-a, the Superintendent may not share with the Board information directly gleaned from the CHRC regarding specific criminal charges, arrests, convictions etc., but may share the fact that s/he is nominating a person whose background investigation revealed information requiring the Superintendent to apply the criteria established by the Board in the preceding paragraph.

- 6. Fees for Criminal History Records Check.** Any applicant for whom the Board requires a CHRC check, or, in the instance of third party contractors/organizations, the Covered Person's employer/organization, shall pay the actual fees and costs associated with the fingerprinting process and/or the submission or processing of the CHRC, unless otherwise determined by the Board.
- 7. Additional Criminal Records Checks.** To the extent permitted by law, the Superintendent or designee may require a CHRC of any Covered Person at any time after hire or appointment to a position within the District.

- D. Conditional Offer of Employment.** Applicants who have been selected for employment may be given a conditional offer of employment, with the final offer subject to the successful completion of the Background Investigation and CHRC, and a determination that there are no disqualifying pending charges or convictions.

Any Applicant who is offered conditional employment, by way of individual contract or other type of letter of employment, will have clearly stated in such contract or letter of employment that employment or approval to work within the District is entirely conditioned upon the results of a CHRC and Background Investigation being satisfactory to the District.

- E. Final Offer of Employment.** No Applicant shall be extended a final offer of employment or be allowed to serve/provide services in the District if such person has charges pending or has been

- F. convicted of any Section V Offense; or where such person has been convicted of the same conduct in another state, territory, or possession of the United States; or where such person has been convicted of the same conduct in a foreign country.

An Applicant may only be extended a final offer of employment or final approval to work/serve within the District's schools upon the satisfactory completion and results of CHRC and Background Investigation.

- G. Administrative Protocols/Procedures.** The Superintendent is authorized to establish written protocols for background investigations, and such protocols may vary depending on the nature of the position(s) (e.g., verification of academic records and achievements for certified professionals, credit checks for personnel with fiscal responsibilities). The written protocols may include additional specific disqualifying misdemeanor or felony convictions or charges (e.g., prostitution, theft, etc.) in addition to the Section V Offenses.
- H. Contractor and Vendor Provisions.** The Superintendent shall take such steps as are necessary to assure third party agreements which involve covered personnel to include a provision for such personnel to complete CHRCs and Background Investigations as required under this policy, as well as training and information relative to child sexual abuse prevention as required under RSA 189:13-a, XII and policy GBCE.
- I. Training of Superintendent/Designee.** The Superintendent or any designee shall complete such training relative to the reading and interpretation of criminal records as required by NHED.
- J. Reports of Criminal Offenses Post-Hire or Commencement of Service.** When the District receives a notification of a Covered Person being charged with or convicted of a Section V Offense or other crime which is evidence of the individual's unsuitability to continue in their role, the Superintendent shall take immediate appropriate action to remove the individual from contact with students. Employees shall be placed on paid administrative leave, if not subject to immediate discharge. The Superintendent will then take appropriate employment or other action, consistent with law and any applicable employment contract or collective bargaining agreement to address the individual's ongoing relationship with the District. If the Covered Person charged/convicted of a Section V Offense is a credential holder as defined in the New Hampshire Code of Conduct for Educators, the Superintendent shall report to the New Hampshire Department of Education pursuant to section 510.05 of the Code and Board policy GBEAB – Mandatory Code of Conduct Reporting.

Legal References:

RSA 189:13-a, School Employee and Designated School Volunteer Criminal History Records Check
RSA 189:13-b, School Bus Driver and Transportation Monitor Criminal History Records Check
Code of Conduct for New Hampshire Educators
RSA 189:13-c Credentialing Applicant and Candidate Criminal History Records Check

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. 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)

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: **Gilford School District – food service** should be presented to the cashier at the cafeteria. A check may also be mailed to: **Gilford School District c/o Food Service Dept. 88 Alvah Wilson Rd. Gilford, NH 03249**. The District utilizes the services of Myschoolbucks.com. 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. 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 **or via US mail**. 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 **or via US Mail**. 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 **\$25.00** ~~\$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 **or designee** 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 **\$50.00** ~~\$30.00~~ or more the parents will be requested to meet with the principal **or designee**. When appropriate, the Principal **or designee** 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. **A la carte items will NOT be available for purchase until their account is brought into good standing for Middle and High School students.**

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 **or designee** 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 **the Food Service Director** at phone number **603-524-7146 extension 442**.

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 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.

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

If a student's meal account has a negative balance **equal to three full price lunches** 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 **7** (~~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	Federal Fair Debt Collection Practices Act (FDCPA)
42 U.S.C. 1758(b)(6)	Use or disclosure of information

Description

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

Sample procedure policy. NHSBA sample policy EFAA states that the Superintendent shall establish a procedure.

12-8-2023 Policy Committee

EFAA - P

SCHOOL LUNCH PRORAM MEAL CHARGE PROCEDURE

COMMUNICATION & COLLECTION PROCEDURES

The Food Service Director will email account balances to parents 1x per week for account balances \$17.00 or greater as notification of balance.

Low Balance notifications for accounts with \$0.00 to \$16.99 will receive an email 1x per week. The notice will include information regarding students receiving an alternative meal when their account is negative the cost of 3 days of lunches at each location. It will also notify them of the student's inability to purchase a la cart items when their account reaches a negative balance.

Negative balance notifications for accounts with $-\$.01$ to $-\$24.99$ will receive an email 1x and a phone call 1x per week. The notification will include information regarding students receiving an alternative meal when their account is negative the cost of 3 days of lunches at each location. It will also notify them of the student's inability to purchase a la cart items while their account has a negative balance.

The Principal will send the parent letter when the account reaches $-\$25.00$ to $-\$49.99$ demanding immediate payment and 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.

Balances of $-\$50.00$ or more will cause the Principal or designee to request a meeting with the parent.

All methods of contact shall be documented.

UNRESOLVED DEBT

If the parents decline to cooperate with resolving the debt a letter shall be sent from the Principal directing them to have their students bring meals from home and cease utilizing the school meal program. The Principal or designee may call the parent as well. All methods of contact shall be documented.

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

If the parents continue to fail to provide the student with a meal from home and continue to fail to provide funds for their student and refuse to cooperate with reasonable requests 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.

CHANGE OF CLASS OR SCHOOL ASSIGNMENT BEST INTERESTS AND MANIFEST HARDSHIP

The Superintendent is charged with assigning students of the District to schools and classes consistent with Board policies and procedures. New Hampshire RSA 193:3 recognizes that there are limited instances when the class or school to which a student might be assigned under a district's ordinary assignment policies and procedures, might not be in that student's best interests, or other factors might exist under which create a manifest educational hardship upon the student such that a change (referred to in this policy as "reassignment") in the student's class or school assignment is warranted. The Board has adopted this policy consistent with RSA 193:3 and to provide procedures for parents/guardians to follow when they believe a reassignment is appropriate.

A. Best Interest Re-Assignment – Determination by Superintendent.

Consistent with RSA 193:3, I, and subject to the provisions below, the Superintendent is authorized to reassign a student residing in the District to another class within the school or to another public school or public academy in another district.

The authorization granted to the Superintendent to make reassignments under this policy applies only after application is made by the parent or guardian of the student or with the parents consent, and upon a finding by the Superintendent that reassignment is in the student's best interests, after taking into consideration the student's academic, physical, personal, or social needs.

This policy, however, does not limit the Superintendent's discretion to make other in-District assignments consistent with applicable Board policies and administrative rules.

1. Procedure:

- a. In order to initiate consideration of a reassignment based upon the child's best interests, the parent/guardian shall submit to the Superintendent a written request stating why and/or how the child's best interests warrant reassignment. In order to facilitate a determination, such application may also include any additional information described in d below. The written request should be mailed or delivered to the SAU office, or emailed to the Superintendent at the email address provided on the District's website for the then current Superintendent.
- b. Upon such request, the Superintendent shall schedule a meeting (the "reassignment meeting") with the parent or guardian, to be held within 10 days of receiving the request.
- c. Prior to or at the reassignment meeting, the parent or guardian shall make a specific request that the student be re-assigned to another class/grade within the same school or to a public school or public academy in another District.
- d. At the reassignment meeting, the parent or guardian may present documents, witnesses, or other relevant evidence supporting the parent's belief that reassignment is in the best interest of the student.
- e. The Superintendent may present such information as he or she deems appropriate.

f. In determining whether reassignment is in the student's best interest the Superintendent shall consider the student's academic, physical, personal, or social needs.

2. Finding Reassignment is or is not in Best Interest.

a. Within five school days of the reassignment meeting, the Superintendent shall deliver to the parent/guardian a written determination as to whether or not reassignment is in the child's best interest. Delivery of the written determination should be done in a manner to produce evidence of the delivery (e.g., courier, email, fax).

b. If the Superintendent finds it is in the best interest of the student to change the student's school or assignment, the Superintendent shall initiate:

- i. A change of assignment within the student's current assigned school;
- ii. The student's transfer to another public school or public academy within the district of residence; or
- iii. The student's transfer to a public school or public academy in another district.

c. If the Superintendent does not find that it is in the best interest of the student to change the student's school or assignment, the parent or guardian may request a hearing before the School Board to determine if the student is experiencing a manifest educational hardship as provided in Section B of this policy.

3. Tuition Determination. If a student is to be reassigned to another District as a result of a best interest determination, the Superintendent shall work with the Superintendent of the receiving district to establish a tuition rate for such student. Pursuant to RSA 193:3, I (g), if the Superintendent has made a finding that it is in the best interest of the student to be reassigned, then the School Board shall approve the tuition payment consistent with the Board's ordinary manifest approval procedures.

The Superintendent shall assure that the reassignment approval is placed on the agenda for the next regularly scheduled Board meeting.

4. Transportation: Transportation for a student reassigned to schools in another district under this section A (best interest) shall be the responsibility of the parent or legal guardian.

5. Tuition for Students Reassigned by Other Districts Pursuant to RSA 193:3, I. It is the general policy of the Board that the tuition amount to be charged to another district for any student reassigned by that district to a school within this District under the best interest standard of 193:3, I, shall be the lesser of the tuition charged for non-residential students under Board policy JFAB or as computed under the formula set out in RSA 193:4. The Superintendent, however, is authorized to reduce the tuition amount below those thresholds or for other good cause shown (e.g., reciprocal assignments between the two districts).

6. Other In-District Assignments. Nothing in this policy is intended to limit authority otherwise extended to the Superintendent to make assignments or reassignments according to the policies, regulations, and ordinary practices of the District.

B. Manifest Educational Hardship – Determination by School Board and Appeal to State Board.

If, after following the procedure outlined in Section A of this policy, the Superintendent did not find that it was in the best interest of the student to reassign the student as requested by the student's parent/guardian, then the parent/guardian may request a hearing before the School Board to determine if the student is experiencing a manifest educational hardship.

1. "Manifest Educational Hardship" Defined. As provided in RSA 193:3, II (a), "manifest educational hardship" means that a student has a documented hardship in his or her current educational placement; and that such hardship has a detrimental or negative impact on the student's academic achievement or growth, physical safety, or social and emotional well-being. Such hardship must be so severe, pervasive, or persistent that it interferes with or limits the ability of the student to receive an education.
2. Procedure for Determination of Manifest Educational Hardship.
 - a. Within thirty (30) days after receipt of the Superintendent's written determination described that reassignment is not in a student's best interest as described in paragraph A.2.C, above, the parent/guardian requesting a manifest educational hardship hearing shall submit a written application to the Superintendent detailing the specific reasons why they believe that the current assignment constitutes a manifest educational hardship.
 - b. The Superintendent shall duly notify the School Board that the parent or guardian has requested a manifest educational hardship hearing, upon which the School Board shall schedule a hearing to be held no more than 15 days after the request has been received by the Superintendent. The Board shall provide at least two full days notice of the hearing. The Board will conduct the hearing in non-public session, unless the parent/guardian requests the hearing be held in public session, subject to RSA 91-A:3, II(c).
 - c. Prior to or at such hearing, the parent/guardian shall provide to the Superintendent a specific request in writing that the student attend a public school or public academy in another school district. The Superintendent shall provide such request to the School Board at the hearing. Although not required, the parent/guardian may include this request as part of the original hearing request.
 - d. At such hearing, the parent or guardian may present documents, witnesses, or other relevant evidence supporting their belief that the student is experiencing a manifest educational hardship. The Superintendent may present such information as he or she may deem appropriate to assist the School Board in reaching its decision. The parties (or their appointed designee) shall have the right to examine all evidence and witnesses. The formal rules of evidence shall not apply. The Superintendent will assure that the means for the Board to establish an adequate record of the hearing.
 - e. The parent or guardian shall have the burden of establishing the presence of a manifest educational hardship by clear and convincing evidence, which means that the evidence is highly and substantially more likely to be true than untrue, and the Board must be convinced that the contention is highly probable.
 - f. The Board will render its decision in writing within seven (7) days after the hearing, and will forward its written decision to the parents or guardians via means producing proof of delivery (e.g., courier, email, etc.). The decision will conform to the requirements of NH Dept. of Education Rule Ed. 320(c)-(e).

3. Finding of Manifest Educational Hardship. If the School Board finds that the student has a manifest educational hardship, the School Board shall grant the parent's or guardian's request to re-assign the student to a public school or public academy in another district.
 4. Finding that Manifest Educational Hardship has not Established – Appeal to the New Hampshire State Board of Education. If the School Board finds that the parent or guardian has not met their burden of proof, the parent or guardian may appeal the local Board decision to the New Hampshire State Board of Education (“SBOE”), within thirty (30) days of receipt of the Board’s written decision in accordance with NH Dept. of Ed. Rule Ed. 204.01 (g). SBOE.
 5. Tuition for Students Reassigned Upon Finding of Manifest Educational Hardship. If, after a finding of a manifest educational hardship - by either the School Board or the State Board - a student of the District is assigned to attend school in another district, or a student from another district is assigned to a school in this District, the District in which the student resides shall pay tuition to the District to which the child is re-assigned. Such tuition shall be computed according to RSA 193:4. The School Board of the District in which the student resides shall approve the tuition payment consistent with its ordinary manifest approval process.
 6. Transportation: Transportation for a student reassigned to schools in another District under this section B (manifest educational hardship) shall be the responsibility of the District unless otherwise ordered by the SBOE.
- C. Admission Requirements.** Students reassigned under this Policy shall meet the admission requirements of the school to which the student is to be reassigned.
- D. Statutory Reassignment Limit.** The total reassignments or transfer made under this policy in any one school year will not exceed one (1) percent of the average daily membership in residence of a school district, or five (5) percent of the average daily membership in residence of any single school, whichever is greater, unless the School Board votes to exceed this limit.
- E. Count of Reassigned Pupils, Tuition Payment and Rate, and Transportation.** Pupils reassigned under this policy will be counted in the average daily membership in residence of a given pupil's resident school district. Said pupil's resident District will forward any tuition payment due to the District to which the pupil was assigned.
- F. Notice to the Department of Education.** The Superintendent of the pupil's resident SAU will notify the Department of Education within thirty (30) days of any reassignment made under this policy.
- G. Special Education Placements.** A placement made relative to a student's special education needs and services shall not be deemed a change of school assignment for purposes of this section.

Legal References:

Ed RSA 193:3, III, Change of School Assignment

RSA 193:14-a, Change of School Assignment; Duties of State Board of Education

N.H. Dept. of Education Administrative Rule Ed. 320

(Adopted 3-1-2021)

Change of Class or School Assignment - Best Interests and Manifest Hardship

Category: Priority/Required by Law

ADOPTION/REVISION NOTES –

- a. **Adoption note** - Important note regarding **2020** amendments to JCA: The 2020 revision to JCA also merged the subject matter of previous sample JEC (manifest educational hardship) with JCA to reflect the new statutory relationship between those two reassignment provisions. NHSBA withdrew sample JEC with the 2020 revision to JCA. Most of this policy specifically tracks language in the amended version of RSA 193:3. If a district wishes to modify miscellaneous provisions, it should review the statute carefully, and or consult with private counsel and/or NHSBA Policy Services.

NHSBA revision notes, Sept. 2023, revisions include clarification of the board's authority to approve Superintendent's assignment of students to approved private schools (see 2023 passage of SB77), as well as other revisions: (1) clarifying standards for consideration of requests for assignment to private schools, and annual review of both best interest and manifest hardship assignments, (2) adding language to section and footnote regarding transportation obligations in manifest hardship cases, and (3) minor format/grammar changes; **Sept. 2021**, revisions reflect 2021 amendments to RSA 193:3, I-II, & VI (HB388) which (i) expanded allowable best interest and manifest hardship re-assignments to include "approved" private schools (irrespective of whether sectarian), and (ii) added language to 193:3, IV clarifying that if denial of a manifest hardship assignment is based upon a child's disability, a complaint may be filed with the N.H. Human Rights Commission. **November 2020**, the old version of policy JCA concerned only reassignments based on the best interest standard, while manifest educational hardship reassignments were addressed in sample JEC. Each of the former policies reflected different processes described in RSA 193:3, I-III. 2020 legislative changes to 193:3, I-III-a (see 2020 Laws 38:22, chaptered version of 2020 HB1558, including amended HB1328) made best interest and manifest hardship processes sequential, rather than separate. Accordingly, NHSBA has merged the two processes into one policy. It is possible/likely that at some point in the next couple of years, the NH DOE will amend Rule Ed 320 to reflect the 2020 legislative changes, and such rule revisions may require additional policy revisions.



The Superintendent is charged with assigning students of the District to schools and classes consistent with Board policies and procedures. New Hampshire RSA 193:3 recognizes that there are limited instances when the class or school to which a student might be assigned under a

district's ordinary assignment policies and procedures, might not be in that student's best interests, or other factors might exist under which create a manifest educational hardship upon the student such that a change (referred to in this policy as "reassignment") in the student's class or school assignment is warranted. The Board has adopted this policy consistent with RSA 193:3 and to provide procedures for parents/guardians to follow when they believe a reassignment is appropriate.

A. Best Interest Re-Assignment – Determination by Superintendent.

Consistent with RSA 193:3, I, and subject to the provisions below, the Superintendent is authorized to reassign a student residing in the District to a another class within the school, *[[if applicable] to another public school or public academy within the District]*, to another public school, public academy, or approved private school in another district.

Authorization granted to the Superintendent to make reassignments under this policy applies only after application is made by the parent/guardian of the student or with the parent/guardian's consent, and upon a finding by the Superintendent that reassignment is in the student's best interests, after taking into consideration the student's academic, physical, personal, or social needs.

This policy, however, does not limit the Superintendent's discretion to make other in-District assignments consistent with applicable Board policies and administrative rules.

1. Procedure:

- a. In order to initiate consideration of a reassignment based upon the child's best interests, the parent/guardian shall submit to the Superintendent a written request stating why and/or how the child's best interests warrant reassignment. In order to facilitate a determination, such application may also include any additional information described in 4 below. The written request should be mailed or delivered to the SAU office or emailed to the Superintendent at the email address provided on the District's website.
- b. Upon such request, the Superintendent shall schedule a meeting (the "reassignment meeting") with the parent/guardian, to be held within 10 days of receiving the request.
- c. Prior to or at the reassignment meeting, the parent/guardian shall make a specific request that the student be re-assigned to another class/grade within the same school, *[[if applicable]to another public school, public academy, or approved private school within the district]* or to a public school, public academy, or approved private school in another district.
- d. At the reassignment meeting, the parent/guardian may present documents, witnesses, or other relevant evidence supporting the parent/guardian's belief that reassignment is in the best interest of the student.
- e. The Superintendent may present such information as he or she deems appropriate.

- f. In determining whether reassignment is in the student's best interest the Superintendent shall consider the student's academic, physical, personal, or social needs.
2. Finding Reassignment Is or Is Not in Best Interest.
 - a. Within five school days of the reassignment meeting, the Superintendent shall deliver to the parent/guardian a written determination as to whether or not reassignment is in the child's best interest. Delivery of the written determination should be done in a manner to produce evidence of the delivery (e.g., courier, email, fax).
 - b. If the Superintendent finds it is in the best of the interest of the student to change the student's school or assignment, the Superintendent shall initiate:
 - i. A change of assignment within the student's current assigned school;
 - ii. The student's transfer to another public school or public academy within the district of residence; or
 - iii. The student's transfer to a public school, public academy, or approved private school in another district.
 - c. If the Superintendent does not find that it is in the best interest of the student to change the student's school or assignment, the parent/guardian may request a hearing before the School Board to determine if the student is experiencing a manifest educational hardship as provided in Section B of this policy.
3. Tuition Determination.

- a. *Assignment to Another School District or Public Academy.* If a student is to be reassigned to a public school in another school district or approved public academy as a result of a best interest determination, the Superintendent shall work with the Superintendent or administrator of the receiving school district/approved school to establish a tuition rate for such student. Pursuant to RSA 193:3, I(g), if the Superintendent has made a finding that it is in the best interest of the student to be reassigned, then the School Board shall approve the tuition payment consistent with the Board's ordinary manifest approval procedures.
- b. *Assignment to an Approved Private School.* If the student is reassigned to an approved private school as a result of a best interest determination, that school may charge tuition to the parent/guardian or may enter into an agreement for payment of tuition with the school district in which the student resides. [1 Delete Endote]. The Superintendent shall consult with counsel regarding tuition obligations in such an instance. Any such Agreement shall be subject to approval by the school board on behalf of the School District and shall be at the sole Discretion of the School Board with due consideration given to the fiscal impact of such approval of the District, and shall not be granted if, in the opinion of the School Board, there are other viable public school options for reassignment.

The Superintendent shall assure that the reassignment approval is placed on the agenda for the next regularly scheduled Board meeting.

4. Transportation: Transportation for a student reassigned to a school in another district under this Section A (best interest) shall be the responsibility of the parent/guardian.
5. Tuition for Students Reassigned by Other Districts Pursuant to RSA 193:3, I. It is the general policy of the Board that the tuition amount to be charged to another district for any student reassigned by that district to a school within this District under the best interest standard of 193:3, I, shall be the lesser of the tuition charged for non-residential students under Board policy **(**)**JFAB or as computed under the formula set out in RSA 193: The Superintendent, however, is authorized to reduce the tuition amount below those thresholds or for other good cause shown (e.g., reciprocal assignments between the two districts).^[2 Delete endnote]
6. Other In-District Assignments. Nothing in this policy is intended to limit authority otherwise extended to the Superintendent to make assignments or reassignments according to the policies, regulations, and ordinary practices of the District.
7. Review/Appeal of Decision. The decision of the Superintendent shall be final and any appeal shall be limited to the process set forth in Section B, below.
8. Annual Review of Decision. A reassignment on the basis of best interest of the student shall be limited to no longer than the end of the ensuing school year, and shall be subject to review by the Superintendent prior to any subsequent school year to determine that the reassignment remains in the best interest of the student, with the understanding that the Superintendent may, at his/her discretion waive the review when he/she deems such to be appropriate.

B. Manifest Educational Hardship – Determination by School Board and Appeal to State Board.

If, after following the procedure outlined in Section A of this policy, the Superintendent did not find that it was in the best interest of the student to reassign the student as requested by the student's parent/guardian, then the parent/guardian may request a hearing before the School Board to determine if the student is experiencing a manifest educational hardship.

1. "Manifest Educational Hardship" Defined. As provided in RSA 193:3, II (a), "manifest educational hardship" means that a student has a documented hardship in his or her current educational placement; and that such hardship has a detrimental or negative impact on the student's academic achievement or growth, physical safety, or social and emotional well-being. Such hardship must be so severe, pervasive, or persistent that it interferes with or limits the ability of the student to receive an education.
2. Procedure for Determination of Manifest Educational Hardship.
 - a. Within thirty (30) days after receipt of the Superintendent's written determination describing that reassignment is not in the student's best interest as described in paragraph A.2.a & c, the parent/guardian requesting a manifest educational hardship hearing shall submit a written application to the Superintendent detailing the specific reasons why they believe that the current assignment constitutes a

manifest educational hardship.

- b. The Superintendent shall duly notify the school board that the parent/guardian has requested a manifest educational hardship hearing, upon which the school board shall schedule a hearing to be held no more than 15 days ^{3 Delete endnote} after the request has been received by the Superintendent. The Board shall provide at least two full days' notice of the hearing. The Board will conduct the hearing in non-public session, unless the parent/guardian requests the hearing be held in public session, subject to RSA 91-A:3, II(c).
 - c. Prior to or at such hearing, the parent/guardian shall provide to the Superintendent a specific request in writing that the student *[if applicable]* attend another public school, public academy, or approved private school in the District, or attend a public school, public academy, or approved private school in another school district. The Superintendent shall provide such request to the School Board at the hearing. Although not required, the parent/guardian may include this request as part of the original hearing request.
 - d. At such hearing, the parent/guardian may present documents, witnesses, or other relevant evidence supporting their belief that the student is experiencing a manifest educational hardship. The Superintendent may present such information as he or she may deem appropriate to assist the School Board in reaching its decision. The parties (or their appointed designee) shall have the right to examine all evidence and witnesses. The formal rules of evidence shall not apply. The Superintendent will assure the means for the Board to establish an adequate record of the hearing.
 - e. The parent/guardian shall have the burden of establishing the presence of a manifest educational hardship by clear and convincing evidence, which means that the evidence is highly and substantially more likely to be true than untrue, and the Board must be convinced that the contention is highly probable.⁴
 - f. The Board will render its decision in writing within seven days after the hearing and will forward its written decision to the parent/guardian via means producing proof of delivery (e.g., courier, email, etc.). The decision will conform to the requirements of NH Dept. of Education Rule Ed 320(c)-(e).
3. Finding of Manifest Educational Hardship. If the School Board finds that the student has a manifest educational hardship, the School Board shall grant the parent's or guardian's request to reassign the student *[if applicable]* another public school, public academy, or approved private school in the District, or to a public school, public academy, or approved private school in another district.
 4. Finding that Manifest Educational Hardship Was Not Established – Appeal to the New Hampshire State Board of Education. If the School Board finds that the parent/guardian has not met their burden of proof, the parent/guardian may appeal the local Board decision to the New Hampshire State Board of Education (“SBOE”), within thirty (30) days of receipt of the Board’s written decision in accordance with NH Dept. of Ed. Rule Ed 2001(g). If a parent/guardian believes that denial of a re-assignment under this policy is based upon the child’s disability, the parent/guardian may appeal to the SBOE or file a

complaint with the N.H. Human Rights Commission under RSA 354-A:28.

5. Tuition for Students Reassigned Upon Finding of Manifest Educational Hardship. If, after a finding of a manifest educational hardship - by either the School Board or the State Board - a student of the District is assigned to attend a public school or a public academy in another district, or a student from another district is assigned to a school in this District, the district in which the student resides shall pay tuition to the district to which the child is reassigned.

Such tuition shall be computed according to RSA 193:4. The school board of the district in which the student resides shall approve the tuition payment consistent with its ordinary manifest approval process.

6. Transportation: Transportation for a student reassigned to a school in another district under this Section B (manifest educational hardship) shall ~~not~~ ^(see and delete endnote 5) be the responsibility of the District unless otherwise ordered by the SBOE.
7. Annual Review of Manifest Hardship Determination. A reassignment on the basis of manifest educational hardship shall be limited to no longer than the end of the ensuing school year and shall be subject to review by the School Board prior to any subsequent school year to determine that the manifest educational hardship still exists, with the understanding that the Board may, at its discretion, waive the review when it deems such to be appropriate. ^[6 Delete endnote]

C. Admission Requirements. Students reassigned under this Policy shall meet the admission requirements of the school to which the student is to be reassigned. **Statutory**

D. Reassignment Limit. The total reassignments or transfer made under this policy in any one school year will not exceed one (1) percent of the average daily membership in residence of a school district, or five (5) percent of the average daily membership in residence of any single school, whichever is greater, unless the School Board votes to exceed this limit.

E. Count of Reassigned Pupils, Tuition Payment and Rate, and Transportation. Pupils reassigned under this policy will be counted in the average daily membership in residence ("ADMR") of a given pupil's resident school district. Said pupil's resident district will forward any tuition payment due to the District to which the pupil was assigned.

F. Notice to the Department of Education. The Superintendent of the pupil's resident SAU will notify the Department of Education within thirty (30) days of any reassignment made under this policy.

G. Special Education Placements. A placement made relative to a student's special education needs and services shall not be deemed a change of school assignment for purposes of this section.

¹ ^[Delete endnote] The first sentence of this paragraph is taken directly from the 2021 amendment to RSA 193:13, I(h). It is unclear from the statutory language how this relates to the District's tuition

negotiation/payment language relative to schools in other public districts.

² [Delete endnote] RSA 193:3, I(g) includes the language: "Some or all of the tuition may be waived by the Superintendent for good cause shown or pursuant to school board policy of the receiving district." The language suggests that the two standards (good cause shown or policy) are not exclusive.

³ [Delete endnote] The 2020 amendments to RSA 193:3, II require that the hearing be held within 15 days of the request by the parent. This supersedes the 30 day requirement of NH DOE Ed. 320.01 (e).

⁴ The clear and convincing standard differs from the "preponderance of the evidence" standard, which only requires that evidence indicates that the contention is more likely than not.

⁵ [Delete endnote] There is some ambiguity as to whether the law requires districts to provide transportation for K-8 students who are assigned to schools outside of the district after a manifest hardship determination. RSA 189:6 requires the district to provide transportation for K-8 students living more than two miles from the school to which a student is assigned. While 193:3,I (g) has a specific exception built in for best interest assignments (see A.4, above), no such exception exists for manifest hardship assignments. Accordingly, before including the word "not" here, the School Board should consult with its private counsel.

⁶ [Delete endnote] Similar as to what is allowed of the Superintendent relative to a best interests determination, the School Board, may – but is not required to - review a student's manifest educational hardship reassignment to determine whether the original conditions which have caused the need for the manifest educational hardship reassignment no longer exist.

NH Statutes

RSA 193:14-a

Description

[Change of School Assignment; Duties of State Board of Education](#)

RSA 193:3, III

[Change of School Assignment](#)

NH Dept of Ed Regulation

Ed 307

Description

[Manifest Educational Hardship](#)

N.H. Dept. of Education Admin. Rule Ed. 320

[N.H. Dept. of Education Administrative Rule Ed. 320 \[Pending revision\]](#)

JFAB

[Admission of Tuition and Non-Resident Students](#)

JG

[Assignment of Students to Classes and Grade Levels](#)

12-8-2023 Policy Committee

Category: Optional

ADOPTION/REVISION NOTES –

- a. **ADOPTION NOTE** - *The use of generative artificial intelligence ("AI ") tools is ever-present and becoming more so. Obvious concerns exist that students use such tools in place of their own work to the detriment of the development of their own critical thinking , writing and other skills, not to mention as a means of cheating or otherwise gaining an unfair advantage . Nonetheless, NHSBA recommends against a complete ban on AI tools due not only to their ubiquity and the constantly evolving difficulty in managing a ban. Perhaps more importantly, an outright ban fails to recognize that properly used, AI is a powerful tool both for teachers and students. With this in mind, NHSBA revised Section B of the policy to include a paragraph specific to improper use of AI, as well as language in some of the other examples of prohibited conduct to include reference to AI. The new section, B.3 "Improper Use of Artificial Intelligence", however, also allows for use within parameters established by a particular instructor or by district or school rules. NHSBA encourages school administrators, IT directors and teachers to consider such parameters.*

NHSBA revision notes, August 2023, revised Section B to include provisions concerning use of AI, also revised section B.6 (formerly B.5). **May 2022**, new policy prepared at the request of multiple NHSBA member boards.



A. Statement of Policy. All students are expected to demonstrate academic integrity and honesty. Students are expected to put forth their best effort on tests and assignments. Students are expected to demonstrate respect towards their instructors and peers by encouraging and facilitating learning. Engaging in various forms of cheating or academic dishonesty does not permit students to realize the full extent of their educational experience or their full academic potential. These expectations are directly related to the Board’s educational objectives for students to learn to be responsible for and accept the consequences of their behavior.

B. Prohibited Behavior. In addition to any standards or rules established by individual classroom teachers, the following behaviors are in violation of the standards of academic integrity and honesty and are specifically prohibited:

- 1. **Cheating.** Cheating is any act of academic dishonesty, which includes such things as receiving or communicating information to another student during a test or other

assessment; looking at another's test or assessment during the exam; using notes or obtaining information during a test or assessment when prohibited; obtaining information about the questions or answers for an assessment prior to the administration of the exam; or whatever else is deemed contrary to the rules of fairness with respect to school work or assessment, including special rules developed by the instructor of the course.

2. **Improper Use of AI Tools.** Improper use of artificial intelligence ("AI") tools (e.g., ChatGPT, Google Bard, Harvey.AI, etc.) is use which is inconsistent with the purpose, spirit, or specific instructions for assigned school work or homework. **Students may only use AI tools in accordance with the teacher's specific instructions or pre-existing class, school or District guidelines.** When use is permitted, students must state their use of the AI tools and, where applicable, find a legitimate, independent source to cite information. Teachers will provide general instructions related to the acceptable use of AI tools, but students are expected to obtain clarification from the teacher if they are uncertain of whether and how AI tools may be used on any given assignment.
3. **Plagiarism.** Plagiarism is the representation of someone else's ideas or words as one's own without crediting the source. It is the use, whether by paraphrase or direct quotation, of the published or unpublished work of another without full and clear acknowledgment through proper citation format. Sources of work that must be cited or otherwise acknowledged in order to avoid plagiarism include, but are not limited to, books, articles, websites, work of classmates/others, and AI tools (such as ChatGPT, Google Bard, Harvey.AI, etc.). Teachers should provide clear instructions related to the applicable standards of attribution and citation for a given assignment, but students are expected to obtain clarification from the teacher if they are uncertain of the applicable standards.
4. **Academic Misrepresentation.** Academic misrepresentation occurs when a student has another student or individual substitute for himself or herself during the taking of a test or other assessments.
5. **Academic Collusion.** Academic collusion is the sharing of test or other assessment questions or answers with another student without the instructor's permission. Academic collusion includes copying another student's homework without the instructor's permission or allowing another student to copy one's work. It also includes group collaboration on individual assignments without the instructor's permission.
6. **Dishonesty in Papers or Other Academic Work.** Dishonesty in papers or other academic work occurs when one submits work prepared by a writing service, an AI tool, or any another person. All work submitted for a course must be the student's own original work unless the sources are cited, or are otherwise in compliance with the teacher's instructions, or school or District guidelines.
7. **Self-Plagiarism (Work Done for One Course and Submitted in Another).** Self-Plagiarism occurs when a student for a class refers to work previously submitted in another class in order to fulfill the academic requirements in that latter class. In some instances, instructors may allow a certain amount of work from a prior course to be repurposed; students who wish to do this must seek express approval from the instructor in advance.

8. **Unfair academic advantage.** Unfair academic advantage occurs when a student acts in such a way as to prevent or hinder another student's performance with respect to an academic activity. Examples include: concealing, destroying, or stealing research or library materials with the purpose of depriving others of their use; sabotaging another student's work; or attempting intimidation for academic advantage.
9. **Facilitating academic dishonesty.** Facilitating academic dishonesty occurs when one student completes an academic activity (e.g., homework, test, paper, etc.) for another student, or collaborates with another student on an academic activity when instructions have called for independent work.
10. **Other Academic Dishonesty.** This policy also prohibits any intentional act that violates the spirit of academic integrity and this policy. Such prohibited conduct includes, but is not limited to, stealing assessments; tampering with academic records; including inaccurate academic information on any application or resume; altering academic tests or assessments, grades or other student records; distributing materials for the purpose of cheating or facilitating; inappropriate or unethical use of technology (pre-program of graphing calculator, smart phones, etc.); or feigning illness or personal circumstances to avoid an academic activity (e.g., test, quiz, paper, homework, lecture, etc.).

C. Consequences.

The disciplinary consequences for violations of this policy shall be consistent with Board policy and the Student **Code of Conduct** _____. The minimum consequence **[should/shall]** be a zero relative to the specific assignment, test or quiz, and a conference with the student's parent/guardian. The Superintendent or designee shall list in the applicable **Code of Student Conduct** the specific range of additional consequences that may be imposed on a student for violations of this policy. **For a high school student, violations of academic integrity and honesty are cumulative during the student's high school years.**