

SECTION A: FOUNDATIONS AND BASIC COMMITMENTS

Section A contains policies, on the District's legal role in providing public education and the basic principles underlying school board governance. These policies provide a setting for all of the school board's other policies and regulations.

| <u>Code</u> | <u>Category</u> | <u>Title</u> |
|-------------|-----------------|-------------------------------------------------------------------------------|
| AA | O | School District Legal Status |
| ABA | R | Volunteer Involvement (Also, IJOC) |
| AC | P | Nondiscrimination/Equal Opportunity |
| ACE | P | Nondiscrimination on the Basis of Handicap/Disability Procedural Safeguard |
| AD | O | Educational Philosophy/School District Mission |
| ADB | R | Drug-Free Schools (Also ADB, GBEC, GBED, JICG) |
| ADC | P | Tobacco-Free Schools (Also ADB, GBEC, GBED, JICG) |
| AFA | R | Evaluation of Board Operational Procedures |

Categories

O= Optional These policies should be reviewed to determine whether they meet a particular local need. Most are informational in nature.

P = Priority The subject matter of these policies is required by state and/or federal law.

R = Recommended While these policies are not required by law, they are highly recommended for effective and efficient school board operation.

SCHOOL DISTRICT LEGAL STATUS

The legal basis for education is vested in the will of the people as expressed in the Constitution of New Hampshire, the statutes* pertaining to education, court interpretation of these laws, the powers implied in them, and the rules and regulations of the State Board of Education.

In New Hampshire, school districts are political subdivisions of the State and, as such, are considered municipal corporations.

Board policies are established by the Board, which serves as an agent of the District. Funds for school operating expenses are approved by a majority of qualified voters present and voting at the annual School District meeting except that bond issues require a two-thirds vote. (except in those school district which have adopted RSA40:13.) In these districts, a 60% vote is required.)

Statutory/Case Law References:

New Hampshire Constitution, Pt. 2 Article 83

Claremont School District vs. Governor, 138 NH 183 (1993)

RSA 197:1

RSA Chapter 33

RSA 194:2

RSA 195:6

RSA 197:1, RSA 40:13

Clough v. Osgood 37 NH 444 (1935)

** The majority of state laws on education are in RSA Chapters 186 through 200H.*

Adopted: August 1995

Approved: July 2000

VOLUNTEER INVOLVEMENT

The Board shall encourage the involvement of citizens to fulfill the mission of the schools.

Adopted: August 1995

Approved: July 2000

NONDISCRIMINATION

The District shall not discriminate in its education programs, activities or employment practices on the basis of race, color, national origin, age, sex, sexual orientation, religion or handicap under the provisions of Title VI of the Civil Rights Act of 1964, the Age Discrimination Act of 1967, and Title IX of the Education Amendment of 1972, and Section 504 of the Rehabilitation Act of 1973. Any person having inquiries concerning the District's compliance with the regulations implementing these laws may contact the Superintendent of Schools.

Statutory Reference:

RSA 354-A:7.

Appendix: AC-R

Adopted: August 1995

Approved: July 2000

**PROCEDURAL SAFEGUARDS
NONDISCRIMINATION ON THE BASIS OF HANDICAP/DISABILITY**

The District provides the following Notice of Procedural Safeguards to parents/guardians, and handicapped persons, as required by 34 C.F.R. Sections 104.7, 104.8, 104.22 (4) (f), and 104.36 of the Regulations implementing Section 504 of the Rehabilitation Act of 1973.

The District does not discriminate on the basis of handicap in admission or access to, or treatment or employment in, its programs and activities.

The District provides a grievance procedure with appropriate due process rights. **[Name of designated employee]** is the designated employee, charged with coordinating efforts to comply with Section 504. The parent/guardian of handicapped students or any handicapped person may use the grievance procedure established by the Board.

Grievance Procedure: As the parent/guardian of a handicapped student or as a handicapped person, you have the right to notify the above designated employee with your complaint.

The designated employee will make an initial response to the complainant within ten (10) days of receipt of complaint. The parties will attempt to work out their differences promptly and equitably informally. A written record of the resolution of the complaint should be made within ten (10) working days of completion.

If that effort fails, you may (a) request that the Board places this matter on its agenda or (b) notify the Superintendent of the complaint. Either request shall be delivered to the above-cited the complaint. You may be represented by anyone of your choosing, may present information through documents and other evidence and witnesses, and may examine witnesses presented by the School District.

Within ten (10) working days of either of the above options, a written record should be made of the decision.

**PROCEDURAL SAFEGUARDS
NONDISCRIMINATION ON THE BASIS OF HANDICAP/DISABILITY**

(continued)

Section D Procedural Safeguards: As required by Section 104.36, as the parent/guardian of a student, who because of handicap needs or is believed to need special instruction and related services, you have the right, with respect to any action regarding identification, evaluation, and placement to:

1. Notice of referral/identification, evaluation, and placement process, with appropriate consent form.
2. Examine all relevant records.
3. At an impartial hearing, at any time, with respect to any actions regarding identification, evaluation, or placement of persons who need or are believed to need special education and related services, an opportunity for participation by you and representation of counsel as provided under the Individuals with Disabilities Education Act.
4. A review process.

Reference

34 C.F.R.

Sections 104.7, 104.8, 104.22 (4) (f), and 104.36 of the Section 504 Regulations.

Adopted: August 1995

Approved: July 2000

PHILOSOPHY OF THE SCHOOL DISTRICT

The Board will develop a mission statement for the District and the Board should review and revise the statement annually.

Adopted: December 1990

Approved: July 2000

DRUG-FREE WORKPLACE POLICY

The District will provide a drug-free workplace in accordance with the Drug-Free Schools and Communities Act of 1988 and Amendments of 1989 (L. 202-226). In compliance with statutory requirements, the School District will:

1. Notify all employees, in writing, that the unlawful manufacture, distribution, dispensation, possession, or use of illicit drugs and alcohol is prohibited in the District's workplace and that any violation is subject to disciplinary action. Notification will be accomplished by distribution of this policy to all employees.
2. Provide a drug-free awareness program to inform employees about:
 - a. The dangers of illicit drugs in the workplace;
 - b. The District's policy of maintaining a drug-free workplace;
 - c. Available drug and alcohol counseling, rehabilitation, and employee assistance and/or re-entry programs; and
 - d. The penalty/penalties that may be imposed on employees for drug and alcohol violations occurring in the workplace.
3. Notify employees that, as a condition of employment in the District, they will agree to and abide by the terms of the policy, and will notify the District of any drug statute conviction resulting from workplace conduct within five days of the conviction.
4. Establish the following as grounds for disciplinary action:
 - a. Working under the influence of alcohol or illegal drugs, no matter where consumed.
 - b. Having an unsealed container of alcohol, or consuming alcohol on School property. (Any employee who finds any type of container of alcohol on School property should report it to the administration as soon as possible.)

DRUG-FREE WORKPLACE POLICY

(continued)

- c. Possessing or distributing controlled substances on School property.
- d. Consuming, possessing, or distributing alcohol or illegal drugs at official* School functions not on School property.

*An official School function is defined as one which is authorized and conducted by the School with School officials present, in charge, and on duty, such as, but not limited to:

- a. Interscholastic athletic contests
 - b. Field trips
 - c. School dances
5. Alert the local law enforcement agency of suspected violations of the policy.
6. Take any of the following disciplinary actions (either alone or in combination) regarding an employee who is in violation of the policy:
- a. Suspension
 - b. Termination of employment
 - c. Satisfactory participation in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state or local health or law enforcement, or other appropriate agency.
7. Make a good faith effort to continue to maintain a drug-free workplace through implementation of all the provisions of this policy. In so doing, the District will conduct a biennial review of its programs to determine their effectiveness and to ensure that the disciplinary sanctions are consistently enforced and changes are implemented, if needed.

Adopted: August 1995

Approved: July 2000

TOBACCO PRODUCTS BAN**USE AND POSSESSION IN AND ON SCHOOL FACILITIES AND GROUNDS**USE OF TOBACCO PRODUCTS STRICTLY PROHIBITED IN/ON ALL SCHOOL FACILITIES AND/OR GROUNDS

No person shall use any tobacco product in any facility maintained by the School District, nor on any of the grounds of the District.

Tobacco products means cigarettes, cigars, snuff, smokeless tobacco, smokeless cigarettes, products containing tobacco, and tobacco in any other form.

"Facility" is any place which is supported by public funds and which is used for the instruction of students enrolled in preschool programs and in all grades maintained by the District. This definition shall include all administrative buildings and offices and areas within facilities supportive of instruction and subject to educational administration, including, but not limited to, lounge areas, passageways, rest rooms, laboratories, classrooms, study areas, cafeterias, gymnasiums, maintenance rooms, libraries, and storage areas.

Signs shall be placed by the District in all buildings, facilities and school vehicles stating that the use of tobacco products is prohibited.

It is the responsibility of the building principal(s), or designee, to initially enforce this policy by requesting that any person who is violating this policy to immediately cease the use of tobacco products. After this request is made, if any person refuses to refrain from using tobacco products in violation of this policy, the principal or designee may call the local police who shall then be responsible for all enforcement proceedings and applicable fines and penalties.

Students

No student shall purchase, attempt to purchase, possess or use any tobacco product in any facility, in any school vehicle or anywhere on school grounds maintained by the District.

Enforcement of this prohibition shall initially rest with building principals, or their designees, who may report any violation to the local police department. In accordance with state law, the police department shall be responsible for all proceedings and applicable fines and penalties.

TOBACCO PRODUCTS BAN

(continued)

The principal will develop regulations which cover disciplinary action to be taken for violations of this policy. These regulations will be communicated to students by means deemed appropriate by the principal. In addition to disciplinary actions taken by the school, criminal penalties for fines may result from violations of this policy.

Employees

No employee shall use any tobacco product in any facility in any school vehicle or anywhere on school grounds maintained by the District.

Initial responsibility for enforcement of this prohibition shall rest with building principals, or their designees. The principal may report violations to the local police department. In accordance with state law, the police department shall be responsible for all proceedings and applicable fines and penalties.

The principal will develop and implement the appropriate means of notifying employees of the possible disciplinary consequences of violating this policy. Any employee(s) who violate(s) this policy is subject to disciplinary action which may include warning, suspension or dismissal. In addition, fines or other penalties may result from enforcement of these prohibitions by other law enforcement officials.

All other persons

No visitor shall at any time use tobacco products in any facility, in any school vehicle, or anywhere on school grounds maintained by the District.

Responsibility for enforcement of this prohibition shall rest with all school District employees who may report violations to the local police department. In accordance with state law, the police department shall be responsible for all proceedings and applicable fines and penalties.

Statutory References:

RSA 155:64 - 76

RSA 126 - K:6 & K:7

Approved: July 2000

EVALUATION OF BOARD OPERATIONAL PROCEDURES

The School Board shall periodically establish realistic objectives related to Board procedures and relationships and shall, from time to time, measure its performance against the stated objectives.

The following areas of Board operations and relationships are representative of those in which objectives may be set and progress appraised:

1. Board meetings.
2. Policy development.
3. Fiscal management.
4. Board role in educational program development.
5. Board member orientation.
6. Board member development.
7. Board officer performance.
8. Board-Superintendent relationship.
9. Board-staff relationships.
10. Board-community relationships.
11. Legislative and government relationships.
12. Risk management.

Appendix: AFA-R

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