

**Public Notice of Meeting**  
**WILTON-LYNDEBOROUGH COOPERATIVE**  
**POLICY COMMITTEE MEETING**  
**Tuesday, May 28, 2024**  
**Wilton-Lyndeborough Cooperative MS/HS-Admin Conference Room**  
**5:30 p.m.**

Videoconferencing: [meet.google.com/xfx-ogby-zbb](https://meet.google.com/xfx-ogby-zbb)

Audio: +1 929-888-7636 PIN: 447 415 065#

- I. CALL TO ORDER**
- II. REVIEW MEETING MINUTES**
  - a. 12/06/2023**
- III. OLD BUSINESS**
  - a. BDFF - Facilities Committee Goals and Preparation of Capital Improvement Plan**
    - i. BDFF-R - Project Request Worksheet
  - b. EBCA - Emergency Plans**
    - i. EB - Safety Program
    - ii. EBB - School Safety Program
  - c. Withdrawn Policies Audit**
  - d. EHB - Data/Records Retention**
  - e. EHB-R - Local Records Retention Schedule**
  - f. EH - Public Use of School Records**
  - g. BEC - Non-Public Sessions**
  - h. KB - Title I Parent Involvement in Education**
  - i. JFABD - Admission of Homeless Children and Unaccompanied Youth**
  - j. IHBBA - Limited English Proficiency Instruction**
- IV. NEW BUSINESS**
  - a. Board Management/Procedures/Evaluation Discussion**
- V. PUBLIC COMMENT**
- VI. SETTING NEXT MEETING DATE AND AGENDA**
- VII. ADJOURNMENT**

**WILTON-LYNDEBOROUGH COOPERATIVE  
POLICY COMMITTEE MEETING MINUTES  
Wednesday, December 6, 2023  
Wilton-Lyndeborough Cooperative MS/HS-Library  
6:00 p.m.**

- I. CALL TO ORDER** *meeting was called to order at 6:05pm, Brianne Lavallee and Jonathan Lavoie present Peter Weaver online*

- II. ADJUSTMENTS TO AGENDA** discussion was had that Tiffany was working on EBCA and has numerous recommendations for the committee but with her absence it may be better to wait for her to finalize the policy

*A MOTION was made by Johnathan Lavoie and SECONDED by Brianne Lavallee to remove EBCA-Emergency Plans from the agenda and place them on the next agenda. Voting: 2 ayes, motion carried.*

- III. REVIEW MEETING MINUTES  
09/19/23**

*A MOTION was made by Johnathan Lavoie and SECONDED by Brianne Lavallee to accept the minutes as written. Voting: 2 ayes, motion carried.*

- IV. OLD BUSINESS**

- a. BDFF - Facilities Committee Goals and Preparation of Capital Improvement Plan :** Brianne Lavallee provided update, policy in review per direction of the board; Facilities Committee completed a first draft and provided it for review; policy was then forwarded to the NHSBA lawyer for review, following his feedback and cross reference with our current policies, and the NHSBA sample policies related to facilities this draft was created and includes questions/clarifications for Facilities Committee; the updated policy has been provided to Facilities to review. Additions to note include specific provisions relating to statutory rights charter schools have to school district property when the district is neither using the property and has no plan to use it within two years. It also accounts for new statutory obligations germane to unused facilities lacking in an official plan pursuant to RSA 194:61, as effected in HB 278. Under RSA 194:61, the District is required to submit a list of "unused facilities" to the DOE no later than January 1, 2022, and updated plans each July 1 thereafter. Sept. 2023; sample revised to reflect passage of HB365 which amended RSA 198:15-a. Discussion was had regarding feedback, Geoffry Allen is working on comparing the updates to his notes, Dennis Golding had agreed with the opinion that F1 subsection J conflicts with current policy, requested we discuss having the BA as a regular participant, clarification regarding "Director of Maintenance" vs. "Facilities Director" and review wording of the Budget Committee title. Discussion was had regarding fixing the sections "D1" should read "A" and "F1" should read "C" Discussion was had regarding adding "Shall tour and review all District facilities at least once annually." after Section C. c. Discussion was had that we can clean it up and send our changes to the facilities committee to have them clean it up and trim it down significantly. Brianne Lavallee will send it to Geoffry Allen, Facilities Chair to follow through with making the changes we are suggesting.

- b. JLCF-Wellness Policy:** Brianne Lavallee provided an update, policy has been under revision in past few meetings, JLCF was completely revised to conform to current federal regulations pertaining to school lunch and school breakfast programs, and N.H. Department of Education guidelines and to reflect SB 233 (2022 N.H. Laws Ch. 149) which amended RSA 200:11-b; discussion was had regarding Administration update after their review, it was noted that many of the links did not work, we will have to ask Nick to help with this, Also discussion was had regarding the request to change September 30th to October 15th; discussion was had regarding the verbiage in the water bottles section, number 3 “are filled exclusively with water” administration requests we discuss alternative verbiage. We still need to add the hyperlink to either the NHIAA (New Hampshire Interscholastic Athletic Association) or NFHS (National Federation of State High School Associations). Discussion was had regarding deleting the “Building Coordinator” wording throughout the policy and Peter Weaver will check over page 5 and it can go to the board if Admin has no further changes.

*A MOTION was made by Johnathan Lavoie and SECONDED by Brianne Lavallee to send the policy to the Board after administration reviews the policy. Voting: 2 ayes, motion carried.*

- c. JLCJ-Concussions and Head Injuries :** Brianne Lavallee provided updates completed as discussed at last meeting and a recommendation made to withdraw JHCI and JHCI-R once adopted.

*A MOTION was made by Johnathan Lavoie and SECONDED by Brianne Lavallee to send the policy to the Board for review and adoption Voting: 2 ayes, motion carried.*

## **V. NEW BUSINESS**

- a. EEA - Student Transport Services :** Brianne Lavallee provided an update, this policy was reviewed after Administration had requested we look at it; Student policy was revised generally with duplicative language or content in the former version replaced with references to other applicable policies and procedures. Also, the revisions add a Transportation Coordinator, a position that was formerly referenced in many NHSBA samples but not specifically established. Clarification was added via an “Authorized Transportation Providers” subsection to define applicable services in accordance with the new contracted carrier provisions in SB 147 (Part III), which will be codified as RSA 376:2, VII. Revisions also included addition of the new requirement to provide transportation services to students attending CTE and alternative programs in accordance with RSA 188-E:8 (SB 148, Pt II). September, 2016: Amended to allow charter school pupils access to traditional transportation services under RSA 194-B:2, V.; discussion was had regarding the language in section A. paragraph 4 “or non-public schools...” Is this actually required if it’s a “private school” the language of RSA :

*I. Any school district legislative body may vote to designate one or more of its schools as a chartered public school.*

*II. Every chartered public school shall make available information about its curriculum and policies to all persons, and parents and pupils considering enrollment in that school.*

*III. There shall be no application fee for pupil admission to any chartered public school.*

*IV. All chartered public schools shall accept qualified pupils from any school district. A pupil who meets the admission requirements of a chartered public school, and who is a resident of the district where the school is located, shall be given absolute admission*

*preference over a nonresident pupil. Once admitted and unless expelled, chartered public school pupils need not reapply for admission for subsequent years.*

*V. Attendance at a chartered public school for the purposes of transportation shall not constitute assignment under the provisions of RSA 189:6 and RSA 189:8. Pupils who reside in the school district in which the chartered public school is located shall be provided transportation to that school by the district on the same terms and conditions as provided for non-chartered public schools in the district and utilizing the same regular bus schedules and routes that are provided to pupils attending non-chartered public schools within that district.*

*VI. Upon approval by each of the district's legislative bodies and after a public hearing, 2 or more school districts may consolidate otherwise eligible resident pupils into one applicant pool for the purposes of an admissions lottery for designated chartered public schools.*

*VII. A chartered public school may be physically located outside the district establishing it, but shall be deemed within the school district for purposes of RSA 194-B.*

Discussion was continued regarding the related policies, there will need to be a thorough review since many have not been updated since 2010 and may contain conflicting information; Kristie Laplante provide feedback regarding EEA-R having redundant language, NHSBA withdrew this policy in Sept 2021 for this reason, recommendation to withdraw it; EEAE needs the addition of #6 audio and video recording in relation to student discipline proceedings; EEAG will need significant updates and JICC will too. Brianne will work on this with Kristie LaPlante and bring final recommendations to the committee at the next meeting for final review.

- b. DFGA-Crowdfunding :** Brianne Lavallee provided an update, policy was created at the request of Administration; discussion was had regarding the dollar amounts in this sample; they are intended to align with the amounts found in policy KCD because some of the amounts included in sample KCD are limited by statute. Our policy KCD was last updated in 2012 so it needs updating to reflect 2023 passage of HB207, which amended RSA 198:20-b, and increased the amount from \$5,000 to \$20,000 of unanticipated revenue a school board may accept without the need for 7 day notice and public hearing. Decision to remove 2nd paragraph, section B, section C to remove the beginning of the sentence, and remove section 5. KCD needs to be changed and added to our next agenda as well.
- c. JH - Student Absences and Excuses :** Brianne Lavallee provided update, policy review was requested by Administration; discussion was had regarding changing the name to "Attendance, Absenteeism, and Truancy"; discussion was had regarding proposed changes from Administration

*A MOTION was made by Johnathan Lavoie and SECONDED by Brianne Lavallee to send the policy to the Board for review and adoption Voting: 2 ayes, motion carried.*

- d. BBBE - Vacancies and Unexpired Term Fulfillment :** Brianne Lavallee provided update, policy revision at the direction of the board; substantially revised to: (a) include the statutory provisions and reference for the definition of a vacancy; (b) include 2021 amendments to RSA 671:33 (see, HB409 regarding determination of term fulfillment, and HB2 (2021 Session Laws Chapter 91 Section 318), regarding the manner in which at-large seats in cooperative districts are filled); (c) add "Vacancies" to the title; and (d) clarify that the statute applicable for most school board/officer vacancies is RSA 671:33, and not RSA 197:26). The comprehensive revisions also reflect some of the more nuanced or

hard-to-find legal requirements pertaining to vacancies so we can ensure consistency in our practice.

*A MOTION was made by Johnathan Lavoie and SECONDED by Brianne Lavallee to send the policy to the Board for review and adoption Voting: 2 ayes, motion carried.*

- e. **JKAA - Use of Child Restraint and Seclusion** : Jon Lavoie provided update, policy review required related to legislative update; This required policy seems to include our JKAA-R within it now. We should delete JKAA-R from our policy list after adopting the new JKAA. Our current JKAA has a preamble that I'm not sure is required. Discussion was had regarding section D line 2 Suggestion made to remove "district and" Peter Weaver will have Ned Pratt review our recommendations and get back to us with input.

*A MOTION was made by Johnathan Lavoie and SECONDED by Brianne Lavallee to send the policy to the Board for review and adoption after Administration double checks it. Voting: 2 ayes, motion carried.*

- f. **ACN - Nursing Mother Accommodation** : Jon Lavoie provided update; policy in review related to legislative requirements; discussion was had that it is now a required by law policy, Effective for 2023, both the state and federal legislatures (respectively, HB 358 and the Pump for Nursing Mothers ("PUMP") Act) passed laws mandating – with limited exceptions - accommodations in the workplace for employees who are nursing. Both statutes only apply to employees. However, students who are nursing are protected from discrimination under other statutes like Title IX and RSA 193:38, such that denying reasonable accommodation is discriminatory and exposes a district liability. As such, districts with high schools or other schools anticipating the possibility of students who have such needs may wish to adopt a singular policy for both students and employees. Discussion was had regarding the two options for wording in NHSBA sample, recommendation after discussion is to go with option 2.

*A MOTION was made by Johnathan Lavoie and SECONDED by Brianne Lavallee to send the policy to the Board for review and adoption with changes as discussed Voting: 2 ayes, motion carried.*

- g. **EFAA - Meal Charging** : Jon Lavoie provided update, policy in review following Administrative request; Policy was shared with Megan Nantel and Kristie Laplante; recommendations for minor grammatical changes as well as the following:

- 1) page 2 "Parental Restriction on Use of Student Meal Account" section removing the word establishing and replace with funding
- 2) page 3 recommendation to remove paragraph 4 and 5 and replace with "The District will enroll students found to be categorically eligible by the State of New Hampshire into the free and reduced meal program. When eligibility is established, the District will apply the earliest effective date permitted by federal and state law."
- 3) page 4, remove paragraph 4 and 5 and replace with "If the account continues to accumulate debt to negative \$50 or more and the parents/guardians do not respond to emails and/or phone calls, the District will send a letter to the parents/guardians directing them to have their student bring meals from home and cease utilizing the school meal program. If the student continues to use the school meal program, a second letter will be sent to the parents/guardians using certified mail return receipt requested."
- 4) Adding to the end of page 5 "There are situations in which students possess positive balances in their food service account either at the end of high school or because of leaving the District. The Food Service Director will notify those account holders in late

May of each school year of positive balances so they may be exhausted prior to the end of the school year or transferred to a sibling. Graduated students or students who have left the District have until October 1st of the following school year to request a reimbursement. After October 1st, any account balances under \$10 of graduated students or other students who have left the District will be retained by the Food Service Fund.”

Discussion was had regarding the legality of the proposed changes above, Administration will need to review again and bring back for our next meeting.

- h. EHAB - Data Governance :** Brianne Lavallee provided update; policy in review in response to legislative changes; updated definitions with cyber security incident September 2023, revised EHAB by adding paragraph B.1(f), and second paragraph to Section G, both in response to passage of SB213, amending both RSA 189:66, V and RSA 189:70, IV(b). Also added "PII" to definition of confidential data in Section A. Revised Section B(1)(d) and Section F reflect the 2022 passage of HB1277 enacting new RSA 31:103-b (applicable to school districts as political subdivisions of the state), as well existing 359-C:19-21, regarding cybersecurity incidents and data breaches respectively; also updated legal references and added additional reference to and resources from the New Hampshire Department of Education. Nick Buroka has not yet reviewed it but changes are minor so we will move it forward and ask for his input, we can make changes at the board discussion if necessary.

*A MOTION was made by Johnathan Lavoie and SECONDED by Brianne Lavallee to send the policy to the Board for review and adoption Voting: 2 ayes, motion carried.*

- i. BEDG - Meeting Minutes :** Brianne Lavallee provided update; review in response to legislative changes; revised to reflect the passage of HB321 (amending RSA 91-A:3, III relative to reviewing previously sealed minutes), with additional minor grammatical or formatting revisions throughout, e.g., §4, and ¶4.2.c . also a General re-write, merged minute sections regarding non-public sessions from BEC, restructured generally, and also included references reflecting 2021 amendments to RSA 91-A:3. Revised to reflect 2018 N.H. Laws Ch. 244's requirement that minutes include the identity of members making the first and seconds of all motions. Additional revisions to the policy are included to more clearly reflect the process for sealing non-public minutes. Revised to include requirements of 2017 N.H. Laws Ch. 234 concerning inclusion on a district website of board minutes – or a description of where and when minutes may be inspected. Additional revisions clarified requirements for content of minutes, availability of draft minutes. Discussion was had that we prefer option 2 for the review of the old minutes process so that will be the one we present to the board.. Related policy EH has not been updated since 2010, NHSBA updated theirs in 2019. Also noted that NHSBA has policy EH-R, which we do not have but it is an Administrative procedure that outlines how the public can make a right to know request and how the admin should follow through with it? Shall we look into adopting it? BEC was last updated by us in 2010, NHSBA did theirs in 2021 when elements of BEC that were specific to non-public minutes were moved to sample policy BEDG such that all minutes provisions are in one comprehensive sample policy. Additional changes to BEC include language clarifying on the one hand that non-public sessions may only occur during a public meeting, on the other hand may occur even if there is no reference on the meeting notice or agenda that such a session might occur. Final revisions include reference to Ed 303.01 directing Boards to require the presence of the Superintendent/designee at Board meetings, as well as a reminder that information discussed in non-public is confidential. We still have BEDG-R but it was withdrawn by NHSBA in 2019 and replaced by EH-R; EH-R is more clear and updated in regards to electronic records, I recommend we look at changing to EH-R and withdrawing BEDG-R.



*A MOTION was made by Johnathan Lavoie and SECONDED by Brianne Lavallee to send the policy to the Board for review and adoption Voting: 2 ayes, motion carried.*

- j. GBCD - Criminal Background** Peter Weaver provided an update, changes made in response to new legislation; revised to reflect: (1) passage of SB39, which reversed the 2020 legislation making the state responsible for criminal history records checks for transportation monitors, and (2) passage of SB136, prohibiting employment or appointment as volunteers of educators whose credentials have been revoked or are under current suspension. The changes relative to bus monitors are found in D.2 and footnotes 5 and 10, and the changes relative to suspended/revoked credentials are found in Section B. The only other significant change is found in Section D.5, wherein language allowing the Superintendent to share information about a criminal record for misdemeanor hires has been revised, with modifications to footnote 8 made to explain options the Board has for a district's policy concerning hiring of persons whose criminal history records check reveals charges, whether convicted or not, for non-section V offenses, and possible charges of Section V offenses that were later pled down or dismissed. Additional minor revisions throughout for clarification and/or style.

*A MOTION was made by Johnathan Lavoie and SECONDED by Brianne Lavallee to send the policy to the Board for review and adoption Voting: 2 ayes, motion carried.*

- k. KD - School District Social Media Websites :** Peter Weaver provided an update; review made following a discussion at the board level; we will change "twitter" to "X"

*A MOTION was made by Johnathan Lavoie and SECONDED by Brianne Lavallee to send the policy to the Board for review and adoption Voting: 2 ayes, motion carried.*

- l. Withdrawn Policies Audit Results :** Brianne Lavallee provided an update; the list pulled from NHSBA contained 11 policies that they have withdrawn and we have in place. Some can be withdrawn now if we send a recommendation to the board; others will need to be incorporated into other policies and then withdrawn;

- VI. PUBLIC COMMENT** Dennis Golding, Wilton, in regards to policy EFAA I would like to add that I do not agree with the wording "making student bring own lunch" that was discussed and suggests you do not include that language

**VII. SETTING NEXT MEETING DATE AND AGENDA**

- a.** JCA - 2023 passage of SB77 may prompt changes
- b.** Transportation policies
- c.** Inventory Management Policy
- d.** EHB and EHB-R

**VIII. ADJOURNMENT**

*A MOTION was made by Johnathan Lavoie and SECONDED by Brianne Lavallee to adjourn Voting: 2 ayes, motion carried.*

Meeting Adjourned at 7:40pm

**Policy EHB: Data/Records Retention**

**Status:** ADOPTED

**Original Adopted Date:** 10/01/2005 | **Last Revised Date:** 08/01/2022 | **Last Reviewed Date:** 08/01/2022

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

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**ADOPTION/REVISION NOTES –**

**Text between the highlighted lines “~ ~ ~”, and highlights in this sample should be removed prior to adoption.**

- a. *General – As with all sample policies, NHSBA recommends that each district carefully review this sample prior to adoption/revision to assure suitability with the district’s own specific circumstances, internal coding system, current policies, and organizational structures.*
- b. **Highlighted language** or blank, underscored spaces indicate areas which Boards should review, change or complete to reflect local personnel titles, internal/ external policy references, duty assignments etc.
- c. **{\*\*}** indicates a reference to another NHSBA sample policy. A district should check its own current policies and codes to assure internal consistency.
- d. *Withdrawn & earlier versions of revised policies should be maintained separately as part of the permanent records of the District.*

**NHSBA history: Revised:** Aug. 2022; Sept. 2018; May 2018; May 2017; May 2008; Oct. 2005.

**NHSBA revision note:** **Aug. 2022**, revised to include more specific provisions relating to destruction of records, and clarify relation to District Record Retention Schedule. **Sept. 2018**, revised to (1) reflect the 2018 passage of HB 1551 which added new section RSA 186-C:10-a regarding destruction of special education records and (2) include information pertaining to digital or electronic records. **May 2018**, minor style and grammatical changes. **May 2017**, revised to (1) comply with 2017 N.H. DOE rule requiring a policy on the retention and destruction of special education records and (2) add information regarding litigation holds or receipt of a Right-to-Know law request.

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The Superintendent shall develop and maintain (a) a schedule for the minimum retention of various district records (“Record Retention Schedule”) as required under RSA 189:29-a, and (2) procedures for records retention and/or destruction. The procedures should ensure that all pertinent records are stored safely and are stored for such durations as are required by state or federal law. The Superintendent shall develop procedures necessary to protect individual rights and preserve confidential information.

This policy applies to all district records, irrespective of the specific medium of the record, i.e., paper, electronic, digital, cloud, etc..

**A. Record Retention Schedule.** Records of the District shall be retained no less than the time prescribed in District’s Record Retention Schedule **{\*\*}**EHB-R. The Superintendent shall update the Record Retention Schedule from time-to-time in accordance with legislative or regulatory changes, directives of the Board, as recommended by the New Hampshire School Boards Association, or upon advice of counsel. The Superintendent shall inform the Board of any revisions to EHB-R no later than the second School Board meeting after the changes were made.



**B. Special Holding or Destruction Provisions.** Notwithstanding the District's Record Retention Schedule, (a) special destruction rules may apply to student special education records, and, (b) for other records, the normal retention periods may be suspended when the records are implicated by either a litigation hold or a request for records under the New Hampshire Right to Know law, RSA 91-A.

**1. Special Education Records.**

- a. Upon a student's graduation from high school, his or her parent(s)/guardian(s) may request in writing that the District destroy the student's special education records, including any final individualized education program.
  - b. The District shall provide public notice of its document destruction policy at least annually.
  - c. The District shall provide parents/guardians, or where applicable, the adult student, with a written notice of the District's document destruction policies upon the student's graduation with a regular high school diploma or at the transfer of rights, whichever occurs first.
  - d. A permanent record of a student's name, address, and phone number, his or her grades, attendance record, classes attended, grade level completed, and year completed may be maintained without time limitation. 34 CFR 300.624.
  - e. Absent any request by a student's parents to destroy the records prior to the twenty-sixth birthday, or to retain such records until the student's thirtieth birthday, the District shall destroy a student's records and final individualized education program within a reasonable time after the student's twenty-sixth birthday, provided that all such records be destroyed by the student's thirtieth birthday.
  - f. The parent(s)/guardian(s) may, at any time prior to the student's twenty-sixth birthday, request, in writing, that the records be retained until the student's thirtieth birthday.
- 2. Litigation Hold.** On receipt of notice from legal counsel representing the District in that a litigation hold is required, the routine destruction of governmental records, including paper and electronic or digital records, which are or may be subject to the litigation hold shall cease. The destruction of records subject to a litigation hold shall not resume until the District has received a written directive from legal counsel authorizing resumption of the routine destruction of those records in accordance with the retention requirements of this policy and the associated procedures.
- 3. Right-to-Know Request Hold.** On receipt of a Right-to-Know law request to inspect or copy governmental records, the Superintendent shall cease any destruction of governmental records which are or may be the subject of the request. The records shall be retained regardless of whether they are subject to disclosure under RSA Chapter 91-A, the Right-to-Know law. If a request for inspection is denied on the grounds that the information is exempt under this chapter, the requested material shall be preserved for no less than ninety (90) days and until any lawsuit pursuant to RSA 91-A:7-8 has been finally resolved, all appeal periods have expired, and a written directive from legal counsel representing the District authorizing destruction of the records has been received.

**C. Disposal of Sensitive Information & Media Sanitization .** District records which include “Sensitive Information” shall be destroyed as provided in this paragraph. All electronic devices with storage capacity shall be deemed to contain sensitive information. For purposes of this section, “Sensitive Information” shall mean and include:

- Records containing student or employee personally identifiable information (PII) as defined in RSA 189:65, VII and VII-a;
- Criminal History Records Information (see Board policy {\*\*}GBCD);

- Drug test records;
  - Child labor permits;
  - Cobra notices;
  - Accident reports;
  - Special education student records;
  - Records pertaining to civil rights investigations;
  - Bonds and continuation certificates;
  - Accident reports;
  - Banking records;
  - Business correspondence including confidential information such as account numbers, banking or digital transaction information;
  - Tax forms, unemployment records, etc. with confidential data; and
  - Any other information that would be exempt from disclosure under RSA 91-A:5 or deemed sensitive information by the Board, the Superintendent, Building Principal or their designees.
1. **Physical media** (i.e., “hard copies”, print-outs, etc.) including sensitive information shall be destroyed by one of the following:
    - shredding using District issued cross-cut shredders;
    - placed in locked shredding bins approved by the Superintendent to come on-site and shred, witnessed by District personnel throughout the entire process; or
    - incineration using District incinerators or if conducted by non-authorized personnel offsite, witnessed by the Superintendent or Superintendent’s designee.
  2. **Electronic media.** *All electronic media should be assumed to contain sensitive information.* When no longer usable, hard drives, diskettes, tape cartridges, CDs, ribbons, hard copies, and other similar items used to process, store and/or transmit district records with sensitive data shall be disposed of as follows:
    - Overwriting (at least three times)
    - Degaussing (removal of magnetism)
    - Physical destruction (i.e., dismantling by methods of crushing, disassembling, etc., ensuring that the platter or other storage device has have been physically destroyed so that no data can be extracted).

Computers and other digital or electronic devices or systems that have been used to process, store, or transmit sensitive information shall not be released from the District’s direct control until the equipment has been sanitized and all stored sensitive information has been destroyed using one of the above methods.

**D. Destruction of District Records with No Sensitive Information.** All records which do not include sensitive information should be destroyed as soon as practicable upon the expiration of the applicable retention period and in a manner deemed most efficient and practical.

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**District Policy History:**

First reading: \_\_\_\_\_

Second reading/adopted: \_\_\_\_\_

**District revision history:**

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

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**NH Statutes**

RSA 189:29-a

**Description**

[Records Retention and Disposition](#)

RSA 91-A

[New Hampshire Right To Know Law \("Access to Governmental Records and Meetings"\)](#)

**NH Dept of Ed Regulation**

NH Code of Admin. Rules, Sect. Ed  
306.04(a)(4)

**Description**

[Records Retention](#)

NH Code of Admin. Rules, Sect. Ed  
306.04(h)

[Records Retention](#)

NH Code of Admin. Rules, Sect. Ed.  
1119.01

[Confidentiality Requirements](#)

**Federal Statutes**

20 U.S.C. §1232g

**Description**

[Family Educational Rights and Privacy Act \(FERPA\)](#)

**Cross References****Code**

BHE

**Description**

[School Board Use of Email and Other Electronic Communications](#)

DAF

[Administration of Federal Grant Funds](#)

EBCB

[Fire and All Hazard Drills](#)

EBCB-R(1)

[Fire and All Hazard Drills - Fire Exit Drills in Educational](#)

## Occupancies

EEAA	<a href="#"><u>Video and Audio Surveillance on School Property</u></a>
EH	<a href="#"><u>Public Access to School District Records</u></a>
EH-R(1)	<a href="#"><u>Public Access to School District Records - Administrative Procedures for Public Access to District Records "Right to Know Requests"</u></a>
EHAB	<a href="#"><u>Data Governance and Security</u></a>
EHAC	<a href="#"><u>Electronic/Digital Records and Signatures</u></a>
GBCD	<a href="#"><u>Background Investigation and Criminal History Records Check</u></a>
GBCD-R(1)	<a href="#"><u>Background Investigation and Criminal History Records Check</u></a>
JKAA	<a href="#"><u>Use of Restraints and Seclusion</u></a>
JLCD	<a href="#"><u>Administering Medication to Students</u></a>
JLCD-R(1)	<a href="#"><u>Administering Medication to Students - Procedures</u></a>
JLCD-E(1)	<a href="#"><u>Administering Medication to Students - Medication Administration Authorization Form</u></a>
JLCD-E(2)	<a href="#"><u>Administering Medication to Students - Epi-Pen Medication Administration Form (Self-Administered)</u></a>
JLCD-E(3)	<a href="#"><u>Administering Medication to Students - Inhaled Medication Administration Form (Self-Administered)</u></a>
JRA	<a href="#"><u>Student Records and Access (FERPA)</u></a>
JRA-R(1)	<a href="#"><u>Student Records and Access (FERPA)</u></a>

**Appendix EHB-R(1): Data/Records Retention - Local Records Retention Schedule**

**Status:** ADOPTED

**Original Adopted Date:** 05/01/2017 | **Last Revised Date:** 09/01/2018 | **Last Reviewed Date:** 09/01/2018

*This sample – as with virtually all NHSBA samples designated with “-R”, “-F”, or “-E” - is intended as an aid toward administrative implementation of the corresponding sample policy. Because this sample is not intended as a board policy, neither the original adoption, nor revisions / amendments to the same, require approval by the board any more than other administrative regulations or procedures promulgated under the superintendent's direction.*

The following schedule shall apply to all records obtained, created or maintained by the District, irrespective of the specific medium of the record, i.e., paper, electronic, digital, cloud, etc..

**A. Special Education Records.**

1. Upon a student's graduation from high school, his or her parent(s)/guardian(s) may request in writing that the District destroy the student's special education records, including any final individualized education program.
2. The parent(s)/guardian(s) may, at any time prior to the student's twenty-sixth birthday, request, in writing, that the records be retained until the student's thirtieth birthday.
3. Absent any request by a student's parents to destroy the records prior to the twenty-sixth birthday, or to retain such records until the student's thirtieth birthday, the District shall destroy a student's records and final individualized education program within a reasonable time after the student's twenty-sixth birthday, provided that all such records be destroyed by the student's thirtieth birthday
4. A permanent record of a student's name, address, and phone number, his or her grades, attendance record, classes attended, grade level completed, and year completed may be maintained without time limitation. 34 CFR 300.62
5. The District shall provide parents/guardians, or where applicable, the adult student, with a written notice of the District's document destruction policies upon the student's graduation with a regular high school diploma or at the transfer of rights, whichever occurs first.
6. The District shall provide public notice of its document destruction policy at least annually.

**B. Litigation Hold.**

On receipt of notice from legal counsel representing the District that a litigation hold is required, the routine destruction of governmental records, including paper and electronic records, which are or may be subject to the litigation hold shall cease. The destruction of records subject to a litigation hold shall not resume until the district has received a written directive from the attorney representing the district authorizing resumption of the routine destruction of those records.

**C. Right-to-Know Request – Hold.**

On receipt of a Right-to-Know law request to inspect or copy governmental records, the Superintendent shall cease any destruction of governmental records which are or may be the subject

of the request. The records shall be retained regardless of whether they are subject to disclosure under RSA Chapter 91-A, the Right-to-Know law. If a request for inspection is denied on the grounds that the information is exempt, the requested material shall be preserved for no less than 90 days and until any lawsuit pursuant to RSA 91-A:7-8 has been finally resolved, all appeal periods have expired, and a written directive from the attorney representing the District authorizing destruction of the records has been received.

#### D. Electronic Records.

For legal purposes, electronic records and communications are no different than paper documents. The state law on preservation of electronic records, RSA 33-A:5-a Electronic Records, does not explicitly apply to school districts, but does provide guidance: “Electronic records as defined in RSA 5:29, VI and designated on the disposition schedule under RSA 33-A:3-a to be retained for more than 10 years shall be transferred to paper or microfilm, or stored in portable document format/archival (PDF/A) on a medium from which it is readily retrievable. Electronic records designated on the disposition schedule to be retained for less than 10 years may be retained solely electronically if so approved by *[Superintendent as the party]* responsible for the records. The *[Superintendent]* is responsible for assuring the accessibility of the records for the mandated period.” *[Italics represent modified language to reflect Superintendent's responsibility for record retention and access.]*

#### E. **Retention Period Schedule.**

The following schedule shall apply to all records obtained, created or maintained by the District, irrespective of the specific medium of the record, i.e., paper, electronic, digital, cloud, etc.. ***[The superintendent should include language to this administrative procedure identifying one or more persons responsible for either assuring retention/destruction in accordance with the schedule, as well as any specific means of retention/destruction]***

**Note regarding records relating to federal funds (items marked below with "\*"):** Before any records related to federal funds are destroyed, however, the requirements of the General Education Provisions Act (GEPA) 20 U.S.C. 1232f shall be observed. Namely, that statute requires that district “shall keep records which fully disclose the amount and disposition by the recipient of [federal] funds, the total cost of the activity for which the funds are used, the share of that cost provided from other sources, and such other records as will facilitate an effective financial or programmatic audit . . . for three years after the completion of the activity for which the funds are used.” Therefore, to the extent that the below schedule, or other authorities, suggest that a purchase order, with accompanying documentation, may need to be retained only until the records are audited, plus 1 year, if the purchase is in part or in whole with federal funds the record must be retained for three years after the completion of the activity for which the funds are used, a much longer period of time.

Type of Record	Statute, Rule, or other legal authority – if none listed the retention period is a recommendation	Retention Period
<b>Business Records</b>		
Accident Reports:		
• Employee		Term of employment, plus 6 years
• Student		Age of majority, plus 6 years



Accounts Receivable	RSA 33-A:3-a	Until audited, plus 1 year
Annual Audit	RSA 33-A:3-a (10 years)	Permanent
Annual Report (District), Warrants, Annual Meeting Minutes, Budgets (District & SAU)	RSA 33-A:3-a	Permanent
Application for Federal Grants	20 U.S.C. 1232f., (three years after the completion of the activity for which the funds are used) other authorities may apply	5 years
Architectural Plans		Permanent
Asbestos Removal		Permanent
Bank Deposit Slips	RSA 33-A:3-a	6 years
Bonds and continuation certificates	RSA 33-A:3-a (expiration plus 2 years)	Permanent
Budget Worksheets		End of budget year, plus 1 year
Cash receipts, disbursement records, checks	RSA 33-A:3-a	Until Audited and at least 6 years after last entry
Child Labor Permits		1 year

Work-study	29 C.F.R. §570.37	3 years from date of enrollment
<ul style="list-style-type: none"> <li>Construction Contracts, Capital projects, fixed assets that require accountability after acquired*</li> </ul>	RSA 33-A:3-a (Life of project/asset)	Life of contract, building, asset plus 20 years
<ul style="list-style-type: none"> <li>Engineering Surveys</li> </ul>		Permanent
<ul style="list-style-type: none"> <li>Unsuccessful bids</li> </ul>	RSA 33-A:3-a (Completion of project, plus one year)	Life of contract plus 3 years
Certified Educator		Permanent
COBRA Notices	42 U.S.C. 300bb-1, <i>et. seq.</i> (3 years) ERISA 29 U.S.C. §1027 ( 6 years)	6 years from date of issue
Collective Bargaining Agreements		Permanent

Correspondence for Business transactions*		Life of subject matter plus 4 years
Correspondence - General		3 years or longer when historic/useful
Correspondence Transitory	RSA 33-A:3-a	As needed for reference
Deeds		Permanent
District Meeting Minutes & Warrant		Permanent
Insurance policies	RSA 33-A:3-a	Permanent
Notes (loan documents)	RSA 33-A:3-a	Until paid, Audited, plus 3 years
Student Activities Records/Accounts	RSA 33-A:3-a (bank deposit slips and statements 6 years)	Until Audited, plus 6 years
Enrollment Reports:		
<ul style="list-style-type: none"> <li>Fall Reports A12A (RSA 189:28)</li> </ul>		Permanent
<ul style="list-style-type: none"> <li>Pupil Registers</li> </ul>	RSA 189:27-b	Permanent
<ul style="list-style-type: none"> <li>Resident Pupil Membership Forms</li> </ul>		14 years
<ul style="list-style-type: none"> <li>School Opening Reports</li> </ul>		3 years
<ul style="list-style-type: none"> <li>Statistical Report A-3 (RSA 189:28)</li> </ul>		Permanent
Federal Projects Documents	Review specific project/grant program requirements. 20 U.S.C. 1232f, (three years after the completion of the activity for which the funds are used), other authorities may apply	5 years after submission of final audit report and documentation for expenditures, unless there is an ongoing audit
FICA Reports – monthly		7 years
Fixed Trip Requests/Confirmation		1 year
Fixed Assets Schedule		Permanent/as updated
Form C-2 Unemployment		6 years
Wage Report (DES 100)		6 years
Invoices*	Until Audited, plus 1 year	3 years*

MS-22 Budget Form		6 years
MS-23 Budget Form		6 years
MS-25 Budget Form		Permanent
Minutes of Board Meetings, Board Committees	RSA 91-A:2, II, RSA 33-A:3-a	Permanent
Purchase Orders*		Until Audited, plus 1 year
Request for Payment Vouchers*		Until Audited, plus 1 year
Requisitions*		Until Audited, plus 1 year
Retirement Reports – Monthly		1 year
Time Cards:		
• Bus Drivers	Lab 803.03. Notification and Records no less than 4 years	5 years
• Custodial	Lab 803.03. Notification and Records no less than 4 years	5 years
• Secretarial	Lab 803.03. Notification and Records no less than 4 years	5 years
• Substitute Teachers pay slips	Lab 803.03. Notification and Records no less than 4 years	5 years
Payroll Records	RSA 33-A:3-a Audited, plus 2 year 29 C.F.R. §1627.3 (3 years) ADEA: 29 U.S.C. §626, 29 CFR Part 1602 (2 years from job action); 29 C.F.R § 825.500 FMLA, 29 U.S.C. §2616, 3 years	6 years
Travel Reimbursements*	Until Audit, plus 1 year	3 years*
Treasurer's Receipts – canceled checks		6 years
Treasurer's Report		6 years
Vocational Education:		
• AVI Forms		1 year
• Vocational Center Regional Contracts		20 years
• Federal Vocational Forms*		6 years
Vouchers Manifests*		Until Audit, plus 1 year

Tax Forms:		
<ul style="list-style-type: none"> <li>W-2's, 1099 *</li> </ul>	Keep all records of employment taxes for at least four years after filing the 4th quarter for the year. – 26 C.F.R § 31.6001-1 (e)(2)(tax advisors say 7 years)	7 years
<ul style="list-style-type: none"> <li>W-4 Withholding Exemption Certificate</li> </ul>	Keep all records of employment taxes for at least four years after filing the 4th quarter for the year. – 26 C.F.R § 31.6001-1 (e)(2) (tax advisors say 7 years)	7 years
<ul style="list-style-type: none"> <li>W-9</li> </ul>	Keep all records of employment taxes for at least four years after filing the 4th quarter for the year. – 26 C.F.R § 31.6001-1 (e)(2) (tax advisors say 7 years)	7 years
<ul style="list-style-type: none"> <li>941-E Quarterly Taxes</li> </ul>	Keep all records of employment taxes for at least four years after filing the 4th quarter for the year. – 26 C.F.R § 31.6001-1 (e)(2) (tax advisors say 7 years)	7 years
Personnel Records	RSA 33-A:3-a. Retirement or termination, plus 50 years	Term of Employment, plus 50 years
Application for employment - Successful	RSA 33-A:3-a Unsuccessful applicants: current year, plus 3 years.	Term of Employment, plus 50 years
Attendance Records:		
<ul style="list-style-type: none"> <li>Leaves</li> </ul>	Family Medical Leave Act – 3 years	3 years
<ul style="list-style-type: none"> <li>Request for Leaves</li> </ul>		1 year
Class Observation Forms		1 year
Criminal Record Check:		
<ul style="list-style-type: none"> <li>No criminal record</li> </ul>	RSA 189:13-a (Superintendent only)	Destroy immediately after review
<ul style="list-style-type: none"> <li>Criminal record</li> </ul>	RSA 189:13-a (Superintendent only)	Destroy within 30 days of receipt
Civil Rights Forms, Discrimination claims, accommodation under ADA, information used for EEO-5 report, EEO-5 report	29 C.F.R. §1602.40; 42 U.S.C. 12117; 42 U.S.C. § §§ 2000e-8-2000e-12; 42 U.S.C. § 2000ff-6; (final disposition, 2 years, 3 years)	6 years
Deferred Compensation plans	RSA 33-A:3-a	7 years
Dues Authorization	RSA 33-A:3-a. – Personnel record	Term of Employment, plus 50 years
Employment test papers with results	29 C.F.R. §1627.3	One year from date of personnel action

Evaluations	RSA 33-A:3-a. – Personnel record	Term of Employment, plus 50 years
HIPPA Documentation	RSA 33-A:3-a. – Personnel record HIPPA: 45 C.F.R. §164,316(b) & .530(j) – 6 years. HITECH 42 U.S.C. §17938	Term of Employment, plus 50 years
Labor-PELRB actions	RSA 33-A:3-a	Permanent
Labor Negotiations	RSA 33-A:3-a	Permanent
Legal Actions - lawsuits	RSA 33-A:3-a	Permanent
Medical Benefits Application	RSA 33-A:3-a. – Personnel record	Term of Employment, plus 50 years
Medical exams, Physical examinations used for personnel action	29 C.F.R. §1627.3(One year from date of personnel action) RSA 33-A:3-a. – Personnel record 29 C.F.R. §1910.1020 (term of employment plus 30 years)	Term of Employment, plus 50 years
Oaths of Office	RSA 33-A:3-a Term, plus 3 years	Permanent
Promotion, demotion, transfer, selection for training, layoff, recall, or discharge	29 C.F.R. §1627.3 (1 year from date of action) RSA 33-A:3-a. – Personnel record	Term of Employment, plus 50 years
Recruitment Documents	29 C.F.R. §1627.3	One year from date of personnel action
Re-employment Letter of Assurance	RSA 33-A:3-a. – Personnel record	Term of Employment, plus 50 years
Retirement application	RSA 33-A:3-a. – Personnel record	Term of Employment, plus 50 years
School Bus Driver Drug Tests – positive results & records of administration of test	49 C.F.R. §382.401; 49 C.F.R. § 40.333	5 years
School Bus Driver Drug tests – negative & cancelled	49 C.F.R. §382.401	1 year
Separation from Employment Form/Letter	RSA 33-A:3-a. – Personnel record	Term of Employment, plus 50 years
Settlement agreements, even if in anticipation of a lawsuit	RSA 91-A:4, VI (10 years)	Permanent
Staff Development Plan	Term of Employment, plus 50 years	Term of Employment, plus 50 years
Substitute Teacher Lists		7 years
<b>Student Records:</b>		
Applications for Free/Reduced Lunch		6 years

Assessment Results	Ed 306.04 <u>Policy Development</u> , (h) complete and accurate records of students' attendance and scholarship be permanently kept and safely stored in a fire-resistant file, vault, or safe.	Permanent
Attendance	Ed 306.04 <u>Policy Development</u> , (h) complete and accurate records of students' attendance and scholarship be permanently kept and safely stored in a fire-resistant file, vault, or safe.	Permanent
Disciplinary Records		Term of Enrollment, plus 3 years
Early Dismissal		1 year
Emergency Information Form		1 year/as updated
Grades	Ed 306.04 <u>Policy Development</u> , (h) complete and accurate records of students' attendance and scholarship be permanently kept and safely stored in a fire-resistant file, vault, or safe.	Permanent
Health and Physical Records		Term of Enrollment, plus 3 years
Immunization Record		Term of Enrollment, plus 3 years
Log of requests for access to education records	FERPA 20 U.S.C. §1232g (b)(4)(A)	As long as the education record is retained
Medical Reports		Term of Enrollment, plus 3 years
Registration Form		Term of Enrollment, plus 3 years
Student Handbook		1 copy of each edition, Permanent
Transcripts	Ed 306.04 <u>Policy Development</u> , (h) complete and accurate records of students' attendance and scholarship be permanently kept and safely stored in a fire-resistant file, vault, or safe.	Permanent
<b>Internal Records:</b>		
Child Abuse Reports/Allegations		Permanent
Criminal Investigation		Permanent
Personnel Investigations		Permanent



Sexual Harassment		Permanent
Records Management, transfer to storage or disposal	RSA 33-A:3-a (summary report of what category of records, for what range of dates, was put in storage or destroyed)	Permanent
Vehicle maintenance	RSA 33-A:3-a	Life of vehicle, plus 3 years

**NHSBA history:** Revised: September 2018; May 2017

**NHSBA revision note, September 2018:** Administrative procedures/appendix EHB-R has been generally reorganized, and also amended to reflect new RSA 186-C:10-a. See September 2018 revision notes to Policy EHB for further information.

**NHSBA Note, September 2017:** The recommended retention periods in the NHSBA sample regulation, except where another statute or rule are cited, are based on the New Hampshire requirements for municipalities as set forth in RSA 33-a:3-a where a category of records is listed in that statute which is not addressed in school law, consideration of the civil statutes of limitation in New Hampshire, and the guidance last issued several years ago by the New Hampshire Department of Education. Where different retention periods are required or recommended by different sources of legal authority, the longest retention period is recommended, but the shorter period is cited with the source of legal authority. Prior to destroying any class of records for which no definitive legal authority regarding retention is identified, we recommend that each District consult with local legal counsel and your insurance carrier for any recommendations they may have on retention periods. The recommended retention period is a minimum. Unless destruction is required by law, where governmental records have historical value or other considerations warrant retention, the records may be retained for a longer period or permanently.

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

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**NH Statutes**  
RSA 189:29-a

**Description**  
[Records Retention and Disposition](#)

RSA 91-A

[New Hampshire Right To Know Law \("Access to Governmental Records and Meetings"\)](#)

**NH Dept of Ed Regulation**  
NH Code of Admin. Rules, Sect. Ed  
306.04(a)(4)  
NH Code of Admin. Rules, Sect. Ed  
306.04(h)

**Description**  
[Records Retention](#)  
[Records Retention](#)

NH Code of Admin. Rules, Sect. Ed.  
1119.01  
**Federal Statutes**  
20 U.S.C. §1232g

[Confidentiality Requirements](#)

**Description**

[Family Educational Rights and Privacy Act \(FERPA\)](#)

**Cross References**

**Code**

BHE

**Description**

[School Board Use of Email and Other Electronic Communications](#)

DAF

[Administration of Federal Grant Funds](#)

EBCB

[Fire and All Hazard Drills](#)

EBCB-R(1)

[Fire and All Hazard Drills - Fire Exit Drills in Educational Occupancies](#)

EEAA

[Video and Audio Surveillance on School Property](#)

EH

[Public Access to School District Records](#)

EH-R(1)

[Public Access to School District Records - Administrative Procedures for Public Access to District Records "Right to Know Requests"](#)

EHAB

[Data Governance and Security](#)

EHAC

[Electronic/Digital Records and Signatures](#)

GBCD

[Background Investigation and Criminal History Records Check](#)

GBCD-R(1)

[Background Investigation and Criminal History Records Check](#)

JKAA

[Use of Restraints and Seclusion](#)

JLCD

[Administering Medication to Students](#)

JLCD-R(1)

[Administering Medication to Students - Procedures](#)

JLCD-E(1)

[Administering Medication to Students - Medication Administration Authorization Form](#)

JLCD-E(2)

[Administering Medication to Students - Epi-Pen Medication Administration Form \(Self-Administered\)](#)

JLCD-E(3)

[Administering Medication to Students - Inhaled Medication Administration Form \(Self-Administered\)](#)

JRA

[Student Records and Access \(FERPA\)](#)

JRA-R(1)

[Student Records and Access \(FERPA\)](#)

Policy EH: Public Access to School District Records

Status: ADOPTED

Original Adopted Date: 07/01/1998 | Last Revised Date: 11/01/2019 | Last Reviewed Date:  
11/01/2019

Category: Recommended

ADOPTION/REVISION NOTES –

Text between the highlighted lines “~ ~ ~”, and highlights in this sample should be removed prior to adoption.

- a. *The subject matter of the earlier version of this policy has been merged with the content of the overlapping/redundant BEDG-R. Because of the frequent amendments to 91-A over the past 15 years, and the general lag in time to get policies approved, NHSBA has placed the procedural elements of former EH and BEDG-R into new procedural document EH-R. A sample of the administrative procedures referenced in the second paragraph below is included in the 2019 Fall Policy Update as EH-R. **Districts are encouraged to supplement the procedures in EH-R with any district specific protocols, forms etc., but should review those changes with local counsel or NHSBA.***
- b. *General – As with all sample policies, NHSBA recommends that each district carefully review this sample prior to adoption/revision to assure suitability with the district’s own specific circumstances, internal coding system, current policies, and organizational structures.*
- c. ***Highlighted language** or blank, underscored spaces indicate areas which Boards should review, change or complete to reflect local personnel titles, internal/ external policy references, duty assignments etc.*
- d. ***{\*\*}** indicates a reference to another NHSBA sample policy. A district should check its own current policies and codes to assure internal consistency.*
- e. *Withdrawn & earlier versions of revised policies should be maintained separately as part of the permanent records of the District.*

**NHSBA history:** Revised – November 2019, September 2017, September 2008, October 2005, November 1999, July 1998

**NHSBA revision notes: November 2019**, the subject matter of the earlier version of this policy was merged with the content of the overlapping/redundant BEDG-R, and re-codified as new procedural document EH-R. BEDG-R has been withdrawn from the NHSBA sample policy/appendix manual. New sample EH-R is based on former BEDG-R, but also includes revisions to reflect legislative changes to RSA 91-A:4, IV by 2019 N.H. Laws Ch. 163 (HB 286) and Ch. 107 (HB 396), the most significant of which requires a written statement identifying the specific exemption under 91-A:5 or otherwise that applies when a record is withheld from disclosure (or redacted); **September 2017**, updated to conform with then current language of 91-A.

The Superintendent is hereby designated the custodian of all “District records”, which term shall have the same meaning as “governmental records” as that term is defined in the state’s Right to Know law, RSA 91-A:1-a. Without limiting that meaning, District records shall include board or board committee minutes, documents, writings, letters, memoranda, e-mails, images, or other information of any kind kept or maintained by the District in any physical form (written, visual, electronic, digital, etc.).

The Superintendent shall develop written procedures concerning all requests by the public to inspect or

obtain copies of school district records (i.e., “governmental records”). The procedures shall conform in all respects to the Right to Know Law. The written procedures should contain provisions clearly indicating personnel responsible for processing any request for District records, as well as the cost for providing requested copies. No fee or expense shall be charged other than as allowed under RSA 91-A:4.

The Superintendent shall review such procedures annually and make such changes as are required as a result of legislative changes to the Right to Know or other applicable law or regulations, or as s/he may deem appropriate. Any changes to the written procedures should be provided to all appropriate personnel and to the School Board.

All District records shall be retained, deleted or destroyed in accordance with Board policy EHB{\*\*}, and Administrative Procedures EHB-R{\*\*}. Minutes of school board meetings, and materials used to prepare the same, shall also be made available in accordance with Board policy BEDG{\*\*}.

The Superintendent is authorized to contact the District's attorney for any matter related to requests for public records and/or the development of the written procedures required under this policy.

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**District Policy History:**

*First reading:* \_\_\_\_\_

*Second reading/adopted:* \_\_\_\_\_

***District revision history:***

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**NH Statutes**

RSA 91-A

**Description**

[New Hampshire Right To Know Law \("Access to Governmental Records and Meetings"\)](#)

**Cross References**

**Code**

**Description**

BEDG	<a href="#"><u>Meeting Minutes</u></a>
BEDG-R(1)	<a href="#"><u>Meeting Minutes - Access to Minutes and Public Records</u></a>
EHB	<a href="#"><u>Data/Records Retention</u></a>
EHB-R(1)	<a href="#"><u>Data/Records Retention - Local Records Retention Schedule</u></a>
JRA	<a href="#"><u>Student Records and Access (FERPA)</u></a>
JRA-R(1)	<a href="#"><u>Student Records and Access (FERPA)</u></a>

Policy BEC: Non-Public Sessions

Status: ADOPTED

Original Adopted Date: 05/01/2006 | Last Revised Date: 09/01/2021 | Last Reviewed Date: 09/01/2021

Category: Recommended

ADOPTION/REVISION NOTES –

Text between the highlighted lines “~ ~ ~”, and highlights in this sample should be removed prior to adoption.

- a. General – As with all sample policies, NHSBA recommends that each district carefully review this sample prior to adoption/revision to assure suitability with the district’s own specific circumstances, internal coding system, current policies, and organizational structures.
- b. Highlighted language or blank, underscored spaces indicate areas which Boards should review, change or complete to reflect local personnel titles, internal/ external policy references, duty assignments etc.
- c. {\*\*} indicates a reference to another NHSBA sample policy. A district should check its own current policies and codes to assure internal consistency.
- d. Withdrawn & earlier versions of revised policies should be maintained separately as part of the permanent records of the District.

NHSBA history: Revised - Sept. 2021; New policy – May 2006

NHSBA revision notes, September 2021, elements of BEC that were specific to non-public minutes were moved to sample policy BEDG such that all minutes provisions are in one comprehensive sample policy. Additional changes to BEC include language clarifying on the one hand that non-public sessions may only occur during a public meeting, on the other hand may occur even if there is no reference on the meeting notice or agenda that such a session might occur. Final revisions include reference to Ed 303.01 directing Boards to require the presence of the Superintendent/designee at Board meetings, as well as a reminder that information discussed in non-public is confidential.

The Board may meet in non-public session for any of the purposes set out in RSA 91-A:3. **Non-public sessions may only occur after a duly noticed public meeting has been called to order, and before that meeting is adjourned.** Once the public meeting has been convened, the Board may enter non-public session at any time during such meeting if a majority of the Board, by roll-call vote, find that sufficient grounds under 91-A:3, II exists. A non-public session may occur during a duly notice meeting irrespective of whether a non-public session appeared on either the meeting notice or meeting agenda.

The motion calling for a non-public session will state the matter(s) to be discussed and will state the statutory reason(s) for entering non-public session.

The Board shall record minutes of all non-public sessions, and such minutes shall be made available and or “sealed”, in accordance RSA 91-A:3. Required content and availability regarding minutes of non-public sessions are described in Board policy {\*\*}BEDG – Minutes.

The minutes of the non-public session constitute the record of that session. Information discussed in non-public session shall remain confidential except to the extent the same is required to be disclosed subject to applicable law or court order, or as authorized by the Board.



The Board shall require the presence of the Superintendent or his/her designee (see N.H. Dept. of Education Rule Ed 303.01(f)), except those non-public sessions that pertain to the Superintendent's employment.

Each year the Superintendent is directed to obtain and provide to each Board member copies of any NHSBA Non-Public Session Checklist, and update the same during the year as made available by NHSBA.

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**District Policy History:**

*First reading:* \_\_\_\_\_

*Second reading/adopted:* \_\_\_\_\_

***District revision history:***

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**NH Statutes**

RSA 42:1-a

**Description**

[Oaths of Town Officers: Manner of Dismissal, Breach of Confidentiality](#)

RSA 91-A:3

[Non-Public Sessions](#)

RSA 91-A:4

[Minutes and Records Available for Public Inspection](#)

**NH Dept of Ed Regulation**

NH Dept of Ed Rules Ed 303.01 (j)

**Description**

[Substantive Duties of School Boards; Sexual Harassment Policy](#)

**Cross References**

**Code**

BEDDA

**Description**

[Board Meeting - Rules of Procedure & Order](#)

BEDG

[Meeting Minutes](#)

BEDG-R(1)

[Meeting Minutes - Access to Minutes and Public Records](#)

## KB - TITLE I PARENT INVOLVEMENT IN EDUCATION

*Category: R*

This policy is required only for districts receiving Title I funds. The Wilton-Lyndeborough Cooperative School Board endorses the parent involvement goals of Title I and encourages the regular participation by parents of Title I eligible children in all aspects of the program. The education of children is viewed as a cooperative effort among the parents, school and community. In this policy, the word "parent" also includes guardians and other family members involved in supervising the child's schools.

Pursuant to federal law, the District will develop jointly with, agree on with, and distribute to parents of children participating in the Title I program a written **family and community engagement** ~~parent involvement~~ policy.

The goal of this policy is to:

1. Honor and recognize families' funds of knowledge
2. Connect family engagement to student learning
3. Create welcoming, inviting cultures, and
4. Develop the capacity of families to negotiate the roles of supporters, advocates and collaborators

~~At the required annual meeting of Title I parents, parents will have opportunities to participate in~~  
The District will implement at least one annual meeting that is available to all families of students attending Title I schools and/or for families that include a student who receives Title I services (targeted schools). This meeting will provide parents and family members opportunities to participate in the design, development, operation and evaluation of the program for the next school year. Additional meetings may be held at the will of the Superintendent or school board. ~~These meeting will be used to: Proposed activities shall be presented to fulfill the requirements necessary to address the requirements of parental involvement goals. In addition to the required annual meeting, at least three additional meetings shall be held for parents of children participating in the Title I program. These meetings shall be used to:~~

1. Involve parents in the joint development of the Title I program plan and in the process of reviewing the implementation of the plan and suggesting **overall school improvements goals**.
2. Provide the coordination, technical assistance and other support necessary to assist participating schools in planning and implementing effective ~~parental~~ **family and community engagement** ~~involvement~~ activities to improve student academic achievement and school performance.
3. Build the schools' and parents' capacity for strong ~~parental~~ **family and community-**involvement.
4. Coordinate and integrate Title I ~~parental involvement~~ **family and community engagement** strategies with those of other educational programs.

5. Conduct, with the involvement of parents, an annual evaluation of the content of the ~~parental involvement~~ **family engagement** policy and its effectiveness in improving the academic quality of the schools served. This will include identifying barriers to greater participation by parents in activities authorized by law, particularly by parents who are economically disadvantaged, have disabilities, have limited English proficiency, have limited literacy, or are of any racial or ethnic minority background. The district will use the findings of such evaluation to design strategies for more effective parental involvement and to revise, if necessary, the parental involvement policies.

6. Involve ~~parents~~ **families** in the activities of the schools served.

Title I funding, if sufficient, may be used to facilitate parent attendance at meetings through payment of transportation, **food for the event, academic based supplies and activities**, and childcare costs **during the event**. The parents of children identified to participate in Title I programs shall receive from the school Principal and Title I staff an explanation of the reasons supporting each child's selection for the program, a set of objectives to be addressed, and a description of the services to be provided. Opportunities will be provided for the parents to meet with the classroom and Title I teachers to discuss their child's progress. Parents will also receive guidance as to how they can assist in the education of their children at home.

**Legal References:**

*20 U.S.C. §6318, Title I - Parental Involvement*

Revised: April 2010

Reviewed: October 2004

Revised: April 2003

Previously Adopted Date: August 10, 2010

First Reading: October 26, 2011

Second Reading: November 8, 2011

Final Adoption: November 8, 2011

**~~PARENT INVOLVEMENT IN EDUCATION~~  
~~TITLE I PARENT INVOLVEMENT~~**

**TITLE I FAMILY and COMMUNITY ENGAGEMENT –  
PARENT INVOLVEMENT IN EDUCATION**

In order to achieve the desired level of Title I parent involvement desired by Wilton-Lyndeborough Cooperative School Board policy on this topic, these regulations guide the development of each school's annual plan designed to foster a cooperative effort among the parents, school and community.

**A. Guidelines**

Parent involvement activities developed at each school will include opportunities for volunteering; parent education; home support for child's education; parent participation in school decision-making.

The school system will provide opportunities for professional development and resources for staff and parents/community regarding effective parent involvement practices.

**B. Roles and Responsibilities**

**1. Parents**

It is the responsibility of the parent to actively communicate with school staff; be aware of rules and regulations of school; take an active role in the child's education by reinforcing, at home, the skills and knowledge the student has learned in school; utilize opportunities for participation in school activities.

**2. Staff**

It is the responsibility of the staff to develop and implement a school plan for parent involvement; promote and encourage parent involvement activities; effectively and actively communicate with all parents about skills, knowledge and attributes student is learning in school and suggestions for reinforcement; send information to parents of Title I children in a format and, to the extent practicable, in a language the parents can understand.

**3. Community**

Community members who volunteer in the schools have the responsibility to be aware of rules and regulations of the school; utilize opportunities for participation in school activities.

**4. Administration**

It is the responsibility of the administration to facilitate and implement the Title I Parent Involvement Policy and Plan; provide training and space for parent involvement activities; provide resources to support successful parent involvement practices; provide

in-service education to staff regarding the value and use of contributions of parents and how to communicate with and work with parents as equal partners; send information to parents of Title I children in a format and, to the extent practicable, in a language the parents can understand.

*See policy KB*

***First Reading: June 2, 2010***

***Second Reading: July 13, 2010***

***Final Adoption: August 10, 2010***

**Policy JFABD: Admission of Homeless Children and Unaccompanied Youth**

**Status:** ADOPTED

**Original Adopted Date:** 02/01/2005 | **Last Revised Date:** 07/01/2019 | **Last Reviewed Date:** 07/01/2019

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

~~~~~  
**ADOPTION/REVISION NOTES –**

**Text between the highlighted lines “~ ~ ~”, and highlights in this sample should be removed prior to adoption.**

- a. *This policy has been revised substantially, with the aim to reflect changes to the McKinney-Vento Act, most specifically the removal of children “awaiting foster care” from the definition of homeless, (see new policy JBABE) and requirements regarding transportation of homeless students. The revisions to JFABD, also includes clarification of an LEA’s responsibilities and limitations when dealing with disputes and decision making with respect to enrollment or transportation of homeless students.*
- b. *General – As with all sample policies, NHSBA recommends that each district carefully review this sample prior to adoption/revision to assure suitability with the district’s own specific circumstances, internal coding system, current policies, and organizational structures.*
- c. **Highlighted language** or blank, underscored spaces indicate areas which Boards should review, change or complete to reflect local personnel titles, internal/ external policy references, duty assignments etc.
- d. **{\*\*}** indicates a reference to another NHSBA sample policy. A district should check its own current policies and codes to assure internal consistency.
- e. *Withdrawn & earlier versions of revised policies should be maintained separately as part of the permanent records of the District.*

**NHSBA history:** REVISED – July 2019, May 2018, May 2008, February 2005

**NHSBA note, July 2019:** NHSBA substantially revised sample policy JFABD with the aim to reflect changes to the McKinney-Vento Act, most specifically the removal of children “awaiting foster care” from the definition of homeless, (see new policy JBABE) and requirements regarding transportation of homeless students. The revisions to JFABD, also include clarification of an LEA’s responsibilities and limitations when dealing with disputes and decision making with respect to enrollment or transportation of homeless students.

~~~~~  
It is the Board's intent to remove barriers to the identification, enrollment and retention in schools of homeless children and youth. All staff shall take reasonable steps to ensure that homeless students and children are not segregated or stigmatized and that educational decisions are made in the best interests of those students.

**A. Homeless Students.**

Under the federal McKinney-Vento Homeless Assistance Act (“McKinney-Vento”), and guidance provided by the New Hampshire Department of Education (“NHDOE”), the term “homeless children and youths” means “individuals who lack a fixed, regular and adequate nighttime residence.” Under both section 752(2) of McKinney-Vento and the NHDOE guidance\*, the term includes children and youth who are:

1. sharing the housing of other persons due to loss of housing, economic hardship or a similar reason;



2. living in motels, hotels, trailer parks or camping grounds due to lack of alternative adequate accommodations;
3. living in emergency or transitional shelters;
4. abandoned in hospitals;
5. have a primary nighttime residence that is a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings;
6. living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and
7. are migratory children who qualify as homeless because they are living in circumstances described above.

Additionally, as used in this policy, the terms “unaccompanied youth,” “school of origin,” “enrollment,” and “attendance area school” shall have the same meanings as set forth in the McKinney-Vento Homeless Assistance Act (“McKinney-Vento”) and guidance provided by the New Hampshire Department of Education (“NHDOE”). For purposes of this policy and its accompanying regulation, “homeless students” shall refer to and include “homeless children and youth” and “unaccompanied youth.”

\*Note: under RSA 193:12, IV, the definition of “homeless children and youth” also includes children “awaiting foster care placement”, see RSA 193:12, IV (a). That criterion, however, was removed from McKinney-Vento in 2015 as well as NHDOE guidance documents regarding McKinney-Vento. Under both McKinney-Vento, and NHDOE guidance, children who are awaiting foster care may fall within the definition of a homeless student if they meet other criteria as set forth above. See also Policy {\*\*}JFABE.

Each homeless student shall have access to and shall be provided education services for which the student is eligible comparable to services provided to other students in the school, including career and technical education programs, gifted education programs, and school nutrition programs. Transportation services for homeless students shall be provided in accordance with applicable law and as generally described below.

### **B. Enrollment and School Stability.**

Enrollment of a homeless student shall be immediate even if the homeless student lacks records routinely required prior to enrollment or has missed application or enrollment deadlines (academic, immunization, etc.). The District shall make arrangements to obtain any necessary records and to have the student receive any necessary immunizations. When feasible, the District shall seek immunization through no- or low-cost health care providers. If an expense is incurred, the District shall seek reimbursement through Medicaid if possible.

If a homeless student becomes permanently housed during the school year, the student shall no longer be considered homeless and may only continue enrollment in the District for the remainder of that school year.

### **C. Homeless Liaison.**

The Superintendent shall appoint a staff member to serve as the local liaison for homeless students and their families/guardians (the “Homeless Liaison” or the “District Homeless Liaison”). The District shall provide training and other technical assistance to Homeless Liaison and other appropriate District staff regarding the District’s obligations to homeless students. Duties of the District Homeless Liaison shall be as provided in state and federal law, as well as local policies and procedures. The duties shall include, among others: procedures for identification, enrollment, transportation, dispute resolution for homeless students, as well as direct assistance shall be made in accordance with the accompanying regulation and applicable law.

Among other things, the District Homeless Liaison shall:

- a. assist in requesting the student's records;
- b. mediate and assist with disputes concerning school enrollment and homelessness determinations;
- c. assist in making transportation arrangements;
- d. ensure that homeless students receive the educational services for which they are eligible or entitled;
- e. coordinate with other Districts, entities, institutions and agencies to help assure that homeless children and youths are identified by school personnel;
- f. ensure that unaccompanied youth and/or parents of homeless students are informed of the educational and related opportunities available to homeless students;
- g. work to assure that parents/guardians of such students are provided with opportunities to participate in the education of their children (excepting instances when court or other protective orders indicate otherwise);
- h. ensure that unaccompanied youth and/or parents of homeless students are informed of all transportation services including transportation to the school of origin;
- i. assure that notice is publicly disseminated of the educational rights of homeless children and youths;
- j. coordinate with other Districts and with local social services agencies and other agencies or programs providing services to homeless students as needed;
- k. assist any unaccompanied youth with enrollment, credit accrual, and career and college readiness decisions;
- l. work with the Superintendent or designee to monitor regulations and guidance related to this policy that may be issued by applicable state and federal agencies (e.g., DCYF, NHDOE, and the U.S. Department of Education).

#### **D. Enrollment Determinations for Homeless Students.**

Enrollment determinations shall be based upon the best interests of the homeless student, with the presumption that keeping the homeless student in the school of origin is in the homeless student's best interests, except when doing so is contrary to the request of the parent/guardian, or if applicable, unaccompanied youth.

#### **E. Transportation of Homeless Students.**

Under McKinney-Vento, homeless students are entitled to transportation to their school of origin or the school where they are to be enrolled. If the homeless student is located outside of District boundaries but a determination has been made that the student shall remain in the school of origin within the District, or, if a homeless student is located within this District, but a determination had been made that the student shall remain in the school of origin outside of the District, then the two Districts shall agree on a method to apportion cost and responsibility for the student's transportation or share the cost and responsibility equally.

#### **F. Dispute Resolution.**

For any decision in the enrollment process of a homeless student, including any determination whether a living situation meets the definition of homeless, if the decision is in conflict with the wishes of the homeless student's parent/guardian, or, if applicable, the unaccompanied youth, the District shall provide a written explanation, in a manner and form understandable to the student's parent, guardian or unaccompanied youth. District personnel receiving enrollment requests or information pertaining to homeless students should immediately refer those request to the District Homeless Liaison and Superintendent's office.

In the event of a dispute, the District shall immediately enroll the student in the school in which the parent/guardian or unaccompanied youth seeks to enroll, which enrollment shall continue pending resolution of the dispute. Additionally, while enrollment disputes are pending, students have the right to participate

fully in school and receive all services for which they would be eligible, as the definition of enrollment includes “attending classes and participating fully in school activities.”

### **1. Notification of Appeal Process.**

If the District seeks to place a homeless child in a school other than the school of origin or the school requested by the parent, or the District has determined that the living situation does not qualify as homeless (“eligibility decision”), the District shall inform the parent or the unaccompanied youth of the right to appeal. The District shall provide the parent or unaccompanied youth with written notice including:

- a. A succinct explanation of the child’s placement/eligibility decision and contact information for the District Homeless Liaison, as well as the NHDOE State Coordinator for Education of Homeless Children and Youth;
- b. Notification of the parent’s right to appeal(s);
- c. Notification of the right to enroll in the school of choice pending resolution of the dispute;
- d. A description of the dispute resolution process including a petition/appeal form that can be returned to the school to initiate the process and timelines; and
- e. A summary of the McKinney-Vento Act.

While the Superintendent or Homeless Liaison may prepare and make available forms for the process, use of such forms is not required to initiate the appeal process.

### **2. Appeal to the District Homeless Liaison – Level I.**

- a. If the parent or unaccompanied youth disagrees with the District’s placement decision, he/she/they may appeal by filing a written request for dispute resolution/appeal (“appeal”) with the school, the District Homeless Liaison, or Superintendent. The request for dispute resolution should be submitted within fifteen business days of receiving notification of the District’s placement.
- b. If the appeal/request for dispute resolution is submitted to the school or Superintendent, it will be immediately forwarded to the Homeless Liaison.
- c. The District Homeless Liaison must log the complaint including a brief description of the situation and reason for the dispute and the date and time of the appeal was filed. Upon receipt, the District Homeless Liaison will forward a copy of the appeal document to the Superintendent.
- d. Within five business days of the receiving the appeal, the Homeless Liaison must provide the parent or unaccompanied youth with a written decision and notification of the parent’s right to further appeal, with a copy to the Superintendent. At this time, the Homeless Liaison will also provide to the parent or unaccompanied youth an “appeals package” consisting of a copy of the written decision, a copy of the original appeal document, and copies of any additional materials provided to the Homeless Liaison by the parent or unaccompanied youth.

### **3. Appeal to the Superintendent – Level II.**

The parent or unaccompanied youth may appeal the Level I decision to the Superintendent or the

Superintendent's designee, using the appeals package provided at Level I.

- a. The Superintendent/designee will arrange for a personal conference to be held with the parent or unaccompanied youth within five business days of receiving the Level I appeals package. (Upon the request of the parent or unaccompanied youth, this conference may be held telephonically).
- b. Within five business days of the conference with the parent or unaccompanied youth, the Superintendent/designee will provide that individual with a written decision with supporting evidence and notification of their right to appeal to NHDOE.
- c. The Superintendent/designee shall provide a copy of the Superintendent's decision to the District's Homeless Liaison, as well as the NHDOE State Coordinator for Education of Homeless Children and Youth.

#### **G. Records.**

The District shall maintain copies of all written decisions, appeals and notifications concerning eligibility or enrollment requests made under this policy for the same period as it does for Title I records.

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#### **District Policy History:**

*First reading:* \_\_\_\_\_

*Second reading/adopted:* \_\_\_\_\_

***District revision history:***

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#### **NH Statutes**

RSA 193:12

#### **Description**

[Legal Residency Required](#)

#### **NH Dept of Ed Regulation**

NH Code of Admin., Sect. Ed 306.04(a)(19)

#### **Description**

[Homeless Students](#)

#### **Federal Statutes**

20 U.S.C. §1232g

#### **Description**

[Family Educational Rights and Privacy Act \(FERPA\)](#)

20 U.S.C. 1701-1758	<a href="#">Equal Educational Opportunities Act of 1974 – “EEOA”</a>
20 U.S.C. 6313(c)(3)	<a href="#">Reservation of Title I funding for homeless children and youths</a>
42 U.S.C. §11431	<a href="#">McKinney-Vento Homeless Assistance Act – Education for Homeless Children and Youth</a>
42 U.S.C. §11432	<a href="#">McKinney-Vento Homeless Assistance Act – Education for Homeless Children and Youth</a>
<b>Federal Cases</b>	<b>Description</b>
457 U.S. 202 (1982)	<a href="#">Plyler v. Doe</a>

## Cross References

Code	Description
EEA	<a href="#">Student Transportation Services</a>
EEA-R(1)	<a href="#">Student Transportation Services</a>
EEA-R(2)	<a href="#">Student Transportation Services - WITHDRAWN</a>
JFA	<a href="#">Residency</a>
JFA-R(1)	<a href="#">Residency - Technical Assistance Advisory</a>
JFAA	<a href="#">Admission of Resident Students</a>
JFABE	<a href="#">Education of Children in Foster Care</a>
JLCA	<a href="#">Physical Examinations of Students</a>
JLCA-R(1)	<a href="#">Physical Examinations of Students - Family Physician's Report of Physical Examination</a>
JLCB	<a href="#">Immunizations of Students</a>

**Appendix JFABD-R(1): Admission of Homeless Children and Unaccompanied Youth - Homeless Education Dispute Resolution Process**      **Status: ADOPTED**

**Original Adopted Date:** 04/01/2010 | **Last Reviewed Date:** 04/01/2010

*This sample – as with virtually all NHSBA samples designated with “-R”, “-F”, or “-E” - is intended as an aid toward administrative implementation of the corresponding sample policy. Because this sample is not intended as a board policy, neither the original adoption, nor revisions / amendments to the same, require approval by the board any more than other administrative regulations or procedures promulgated under the superintendent's direction.*

Level I

A complaint regarding the placement or education of a homeless student shall first be presented orally and informally to the district's homeless coordinator. If the complaint is not promptly resolved, the complainant may present a formal written complaint (grievance) to the homeless coordinator. The written charge must include the following information: date of filing, description of alleged grievances, the name of the person or persons involved and a recapitulation of the action taken during the informal charge stage. Within five (5) business days after receiving the complaint, the coordinator shall state a decision in writing to the complainant, with supporting evidence and reasons. In addition, the coordinator will inform the Superintendent of the formal complaint and the disposition.

Level II

Within five (5) business days after receiving the decision at Level I, the complainant may appeal the decision to the Superintendent by filing a written appeal. This appeal shall consist of the complainant's grievance and the decision rendered at Level I. The superintendent will arrange for a personal conference with the complainant at his or her earliest mutual convenience. Within five (5) business days after receiving the complaint, the superintendent shall state a decision in writing to the complainant, with supporting evidence and reasons.

A written explanation of the Superintendent's decision regarding school enrollment shall be provided to the parent/guardian, student of lawful age, or unaccompanied youth, including a statement regarding the right to appeal the decision to the commissioner of the New Hampshire Department of Education.

Level III

The complainant may appeal the Superintendent's decision to the commission of the New Hampshire Department of Education. In the case of an unaccompanied youth, the Local Homeless Education Liaison will assist the youth in the appeal process.

New Appendix:      April 2010

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## **NH Statutes**

RSA 193:12

## **Description**

[Legal Residency Required](#)

## **NH Dept of Ed Regulation**

NH Code of Admin., Sect. Ed 306.04(a)(19) [Homeless Students](#)

## **Description**

## **Federal Statutes**

20 U.S.C. §1232g

## **Description**

[Family Educational Rights and Privacy Act \(FERPA\)](#)

20 U.S.C. 1701-1758

[Equal Educational Opportunities Act of 1974 – “EEOA”](#)

20 U.S.C. 6313(c)(3)

[Reservation of Title I funding for homeless children and youths](#)

42 U.S.C. §11431

[McKinney-Vento Homeless Assistance Act – Education for Homeless Children and Youth](#)

42 U.S.C. §11432

[McKinney-Vento Homeless Assistance Act – Education for Homeless Children and Youth](#)

## **Federal Cases**

457 U.S. 202 (1982)

## **Description**

[Plyler v. Doe](#)

## **Cross References**

## **Code**

EEA

## **Description**

[Student Transportation Services](#)

EEA-R(1)

[Student Transportation Services](#)

EEA-R(2)

[Student Transportation Services - WITHDRAWN](#)

JFA

[Residency](#)

JFA-R(1)

[Residency - Technical Assistance Advisory](#)

JFAA

[Admission of Resident Students](#)

JFABE

[Education of Children in Foster Care](#)

JLCA

[Physical Examinations of Students](#)

JLCA-R(1)

[Physical Examinations of Students - Family Physician's Report of Physical Examination](#)

JLCB

[Immunizations of Students](#)

**Appendix JFABD-R(2): Admission of Homeless Children and Unaccompanied Youth - Homeless Education Dispute Resolutions Process**      **Status: ADOPTED**

**Original Adopted Date:** 04/01/2010 | **Last Reviewed Date:** 04/01/2010

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**WRITTEN NOTIFICATION OF ENROLLMENT DECISION  
(Denial of Enrollment Request)**

To be completed by the receiving school when an enrollment request is denied.

Date: \_\_\_\_\_ School: \_\_\_\_\_

Person completing form: \_\_\_\_\_ Title: \_\_\_\_\_

In compliance with Section 722(g)(3)(E) of the McKinney-Vento Homeless Education Assistance Act of 2001, this written notification is provided to the following.

Student(s): \_\_\_\_\_

After reviewing your request to enroll the student(s) listed above, the enrollment request is denied. This determination was based upon the following.

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You have the right to appeal this decision by completing form JFABD-R3 or by contacting the school district's local homeless education coordinator.

Liaison's name: \_\_\_\_\_ Title: \_\_\_\_\_

Phone number: \_\_\_\_\_

In addition:

- The student listed above has the right to immediately enroll in the school of choice pending resolution of the dispute.
- **You may provide written or verbal documentation to support your position. You may use form JFABD-R3 attached to this notification .**
- You may complete the appropriate form or contact the state coordinator for homeless education to request a state-level review of the district's final decision regarding an enrollment issue.
- You may seek the assistance of advocates or attorneys.



A copy of our state's enrollment dispute resolution process for students experiencing homelessness is attached.

New Appendix: April 2010

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#### **NH Statutes**

RSA 193:12

#### **Description**

[Legal Residency Required](#)

#### **NH Dept of Ed Regulation**

NH Code of Admin., Sect. Ed 306.04(a)(19)

#### **Description**

[Homeless Students](#)

#### **Federal Statutes**

20 U.S.C. §1232g

#### **Description**

[Family Educational Rights and Privacy Act \(FERPA\)](#)

20 U.S.C. 1701-1758

[Equal Educational Opportunities Act of 1974 – “EEOA”](#)

20 U.S.C. 6313(c)(3)

[Reservation of Title I funding for homeless children and youths](#)

42 U.S.C. §11431

[McKinney-Vento Homeless Assistance Act – Education for Homeless Children and Youth](#)

42 U.S.C. §11432

[McKinney-Vento Homeless Assistance Act – Education for Homeless Children and Youth](#)

#### **Federal Cases**

457 U.S. 202 (1982)

#### **Description**

[Plyler v. Doe](#)

#### **Cross References**

#### **Code**

EEA

#### **Description**

[Student Transportation Services](#)

EEA-R(1)

[Student Transportation Services](#)

EEA-R(2)

[Student Transportation Services - WITHDRAWN](#)

JFA

[Residency](#)

JFA-R(1)

[Residency - Technical Assistance Advisory](#)

JFAA

[Admission of Resident Students](#)

JFABE

[Education of Children in Foster Care](#)

JLCA

[Physical Examinations of Students](#)

JLCA-R(1)

[Physical Examinations of Students - Family Physician's Report of Physical Examination](#)

JLCB

[Immunizations of Students](#)

**Appendix JFABD-R(3): Admission of Homeless Children and Unaccompanied Youth - Homeless Education Dispute Resolution Process**      **Status: ADOPTED**

**Original Adopted Date:** 04/01/2010 | **Last Reviewed Date:** 04/01/2010

*This sample – as with virtually all NHSBA samples designated with “-R”, “-F”, or “-E” - is intended as an aid toward administrative implementation of the corresponding sample policy. Because this sample is not intended as a board policy, neither the original adoption, nor revisions / amendments to the same, require approval by the board any more than other administrative regulations or procedures promulgated under the superintendent's direction.*

**WRITTEN NOTIFICATION OF ENROLLMENT DECISION (DISPUTE)**

This form is to be completed by the parent, guardian, caretaker or unaccompanied youth when a dispute arises. This information may be shared verbally with the local liaison as an alternative to completing this form.

Date submitted: \_\_\_\_\_ Student: \_\_\_\_\_

Relation to student: \_\_\_\_\_

I may be contacted at (phone or e-mail): \_\_\_\_\_

School: \_\_\_\_\_

I have been provided with the following.

\_\_\_\_\_ A written explanation of the school's decision.

\_\_\_\_\_ Contact information for the local homeless education liaison.

\_\_\_\_\_ A copy of the state's enrollment dispute resolution process for students experiencing homelessness.

\_\_\_\_\_ A copy of the state's request-for-review form, if applicable.

***You may include a written explanation to support your appeal in this space or provide your explanation verbally.***

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The school provided me with a copy of this form when submitted. \_\_\_\_\_(initial)

New Appendix: April 2010

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

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**NH Statutes**

RSA 193:12

**Description**

[Legal Residency Required](#)

**NH Dept of Ed Regulation**

NH Code of Admin., Sect. Ed 306.04(a)(19)

**Description**

[Homeless Students](#)

**Federal Statutes**

20 U.S.C. §1232g

**Description**

[Family Educational Rights and Privacy Act \(FERPA\)](#)

20 U.S.C. 1701-1758

[Equal Educational Opportunities Act of 1974 – “EEOA”](#)

20 U.S.C. 6313(c)(3)

[Reservation of Title I funding for homeless children and youths](#)

42 U.S.C. §11431

[McKinney-Vento Homeless Assistance Act – Education for Homeless Children and Youth](#)

42 U.S.C. §11432

[McKinney-Vento Homeless Assistance Act – Education for Homeless Children and Youth](#)

**Federal Cases**

457 U.S. 202 (1982)

**Description**

[Plyler v. Doe](#)

**Cross References**

**Code**

EEA

**Description**

[Student Transportation Services](#)

EEA-R(1)

[Student Transportation Services](#)

EEA-R(2)

[Student Transportation Services - WITHDRAWN](#)

JFA

[Residency](#)

JFA-R(1)

[Residency - Technical Assistance Advisory](#)

JFAA

[Admission of Resident Students](#)

JFABE

[Education of Children in Foster Care](#)

JLCA

[Physical Examinations of Students](#)

JLCA-R(1)

[Physical Examinations of Students - Family Physician's Report of Physical Examination](#)

JLCB

[Immunizations of Students](#)

## **IHBBA - LIMITED ENGLISH PROFICIENCY INSTRUCTION**

If the Wilton-Lyndeborough Cooperative School District receives federal funding for Limited English Proficiency (LEP) Programs, the following provisions and procedures will apply:

1. Parents will be notified of their student's placement in a language program and their options associated with that placement. Notification will include the reasons for identifying the child as LEP and the reasons for placing the child in the specific program.
2. Students will participate in regular assessments in a manner that will yield an accurate assessment. Test waivers may be granted on a case-by-case basis for LEP students who demonstrate unusual and unique circumstances; however, students who have been educated in the United States for three years are required to participate in reading/language arts assessment in English.
3. Teachers within the program are certified to teach bilingual or multilingual education.
4. The program will be evaluated for the academic success and language achievement of the students in the program. Parents will be notified of:
  - A. Their child's level of English proficiency and how such level was assessed.
  - B. Information as to how the program will meet their child's educational strengths, assist him/her to learn English, and meet age-appropriate academic achievement standards.
  - C. A statement as to how the LEP will meet objectives of the child's IEP, if applicable.
  - D. The method of instruction used in the program in which the child is placed, and the methods of instruction used in other available programs.
  - E. The status of their child's academic achievement.
  - F. Exit requirements for the program.

### **Legal References:**

*P.L. 107-110, No Child Left Behind Act of 2001*

*Appendix IHBBA-R*

***First Reading: September 14, 2010***

***Second Reading: October 12, 2010***

***Final Adoption: October 12, 2010***

**LIMITED ENGLISH PROFICIENTCY PROGRAMS- INSTRUCTION – LIMITED  
ENGLISH PROFICIENT PROGRAMS**

PARENT NOTIFICATION FORM

Dear Parent/Guardian:

Your child, \_\_\_\_\_, has been identified as needing help to learn English. We have placed him/her in a \_\_\_\_\_ (name of program) to help improve his/her English skills. S/he has been identified as “Limited English Proficient/English Language Learner” (LEP/ELL) student, and in need of help to learn English, because: \_\_\_\_\_

\_\_\_\_\_.

Specifically, your child has the following levels of English Language skills:

\_\_\_\_\_

We determined those levels in the following ways:

\_\_\_\_\_

\_\_\_\_\_

The status of your child’s academic achievement is:

\_\_\_\_\_

\_\_\_\_\_

Please see the attached pages for more specific information on the program we have chosen to improve your child’s English skills.

(If applicable: the district offers another program for English instruction. The attached pages explain how the other program is different from your child’s program. If this other program is available, you have the right to request that your child be removed from his/her current program immediately and be placed in the other one. If you want to do this, we will assist you in selecting a program for your child.)

We encourage you to become involved in your child’s education. You can help him/her to learn English, achieve in his/her other academic classes, and meet the same standards that all students are expected to meet.

The Wilton-Lyndeborough Cooperative School District will hold regular meetings at least twice a year for parents/guardians of English learners, which we encourage you to attend. At those meetings, we will help you understand the goals of your child’s program, and assist you in ways to help your children. We are always ready to learn and respond to any questions and recommendations.

Please read the attached pages carefully. If you have any questions about your child’s program, or if you would like to change your child’s program, we would like you to speak with

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All of us in the district are excited about improving your child's English and overall academic skills.

Sincerely,

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Building Principal

(Attach other pages as appropriate)

01 The following is a sample notification to parents of Limited English Proficient (LEP) students in a question-and-answer format. It is intended to be used in conjunction with a letter similar to the one on the previous page. Questions 5,6 and 7 should be included only if the district offers more than one LEP program. Question 8 should be included only if the student has an Individualized Education Program (IEP).

Q1. What is my child's \_\_\_\_\_ (insert name of program) designed to do?

A1. *This program is designed to help him/her learn English by \_\_\_\_\_  
\_\_\_\_\_(describe). It will meet your child's educational strengths and needs by \_\_\_\_\_  
\_\_\_\_\_(describe). It will help your child be promoted and reach graduation by \_\_\_\_ (describe).*

Q2. What results can I expect from my child in this program?

A2. *By the time your child finishes this program, we expect that s/he will be able to do the following: \_\_\_\_\_*

\_\_\_\_\_ [describe exit requirements, including "Go from this program into a regular classroom at the following rate: (describe rate)." And for secondary school students, "Graduate from high school at the following rate: (describe rate)."]

Q3. What methods will this program use to help my child improve his/her English language skills?

A3. *Your child's program will use the following methods of instruction: \_\_\_\_\_  
\_\_\_\_\_ (describe)*

Q4. Does the district offer other programs for English learners different from my child's?

A4. *Either "No, we do not" or "Yes, we offer a (name of other program offered)."*

Q5. How is the other program different from my child's program?

A5. *The \_\_\_\_\_ (name of the other program) is different from your child's in:*



Content: \_\_\_\_\_ (describe).

Instructional Goals: \_\_\_\_\_ (describe).

Use of English: \_\_\_\_\_ (describe).

Native Language Instruction: \_\_\_\_\_ (describe).

Q6. Why was my child placed in this program and not a different program?

A6. *We have placed your child in this specific program because*

\_\_\_\_\_  
\_\_\_\_\_ (explain).

Q7. Can I have my child placed in the other program? How?

A7. *Choose one: (Instead of the Bilingual Education Program, you can request your child be placed in the Free-Standing English as a Second Language Program.) or (Instead of the Free-Standing English as a Second Language Program, you can request your child be placed in the Bilingual Education Program if it is available in your child's school, or offered in a different school in the district.) If you make this request, your child will be removed immediately from the current program. You must then come to your child's school and meet with the principal to discuss the options.*

Q.8 My child has a disability and has an Individualized Education Program (IEP). How will this English Language program meet his/her special objectives?

A8. *To meet your child's IEP objectives, this English Language instruction program will:*

\_\_\_\_\_  
\_\_\_\_\_ (describe).

*See Policy IHBBA*

***First Reading: September 14, 2010***

***Second Reading: October 12, 2010***

***Final Adoption: October 12, 2010***