



# **NHSBA**

**NEW HAMPSHIRE SCHOOL BOARDS ASSOCIATION**

## **School Board Policies in Response to Recent Legislation**

September 8, 2021  
12:00-1:30pm

# Sample Policies Included in this Update

---

- BBB – School Board Elections
- BBBC – Board Member or District Officer Resignation
- BBBE – Vacancies and Unexpired Term Fulfillment
- BEC – Non-Public Sessions
- BEDG – Meeting Minutes
- DAF– Administration of Federal Grant Funds
- EBCA – Crisis Prevention & Emergency Response Plans
- ECAF – Audio and Video Surveillance on School Buses
- EEA– Student Transportation Services
- EEA-R – Student Transportation Services
- EEAA – Video and Audio Surveillance on School Property
- EEAB – Establishment of School Bus Routes
- EEAE – School Bus Safety Program
- EEAE-R – Safety Guidelines for Parents/Guardians of Students Using School Buses
- EEAEA – Mandatory Drug and Alcohol Testing – School Bus Drivers and Contracted Carriers
- EEAEA-R – Drug and Alcohol Testing for School Bus and Commercial Vehicle Drivers
- EEAEC – Student Conduct on School Buses
- EEAG – Use of Private Vehicles to Transport Students
- FAA – Annual Facility Plan
- GBCD – Background Investigation and Criminal History Records Check
- GBI – Staff Participation in Political Activities
- IB – Academic Freedom
- IGE – Parental Objections to Specific Course Material
- IHBG – Home Education Instruction and Access to Curricular and Co-Curricular Programs
- IHCD/LEB – Advanced Course Work/Advanced Placement Courses and STEM and Concurrent Enrollment Program
- IK – Earning of High School Credit
- IKF – High School Graduation Requirements
- IMBC – Alternative Credit Options
- JCA – Change of Class of School Assignment Best Interests and Manifest Hardship
- JICC – Student Conduct on School Buses
- JICC-R – School Bus Conduct Rules
- JICD – Student Discipline and Due Process
- JLCJA – Emergency Plan for Sports Related Injuries and Additional Protocols for Athletics Participation
- Minor Typographical, Grammatical or Reference Changes

# **IK – Earning of High School Credit**

## ***Priority/Required by Law Policy***

---

**Related Policies: *BAAA, IKF, ILBA, ILBAAA & IMDB***

**Summary:** NHSBA sample policy IK was revised to reflect 2021 enactment of RSA 193-E:3-f (HB182), include additional legal references, and added paragraph formatting to improve usability.

[IK Earning of Credit](#)

# **IKF – High School Graduation Requirements**

## ***Priority/Required by Law Policy***

---

### **Related Policies: *IK, IKFA, JLBAA & IMBC***

**Summary:** NHSBA sample policy IK is required for districts with high school grades. Districts which tuition high school students would reference the policy of the receiving district. Other substantive revisions include: (A) reflect 2021 amendments to RSA 189:11, II (HB320) requiring (i) students to obtain a 70% or better grade on the U.S. Citizenship test; (ii) districts to report civics OR citizenship test results to the N.H. Dept. of Ed., and (B) 2021 passage of new RSA 193:26-a (SB147) requiring graduating students to file applications for financial aid. Additional revisions include reformatting and re-organization for improved usability, and addition of related policies and legal references.

[IKF HS Graduation](#)

# IMBC – Alternative Credit Options

## *Priority/Required by Law Policy*

---

**Related Policies:** *IHBG, IHBH, IHCD/LEB, IK, IKFA, ILBAA, IMBA & IMBD*

**Summary:** NHSBA sample policy IMBC is required for districts with high school grades. Districts which tuition high school students would reference the policy of the receiving district. Additional revisions include reference to awarding credit for courses at another approved school per 2021 passage of RSA 193-E:3-f (HB182), and added additional related policies and legal references.

[IMBC Alternative Credit Options](#)

# IB – Academic Freedom

## *Optional Policy*

---

### **Related Policies: *GBI & IMC***

**Summary:** NHSBA sample policy IB was revised to (i) include definition of academic freedom; (ii) include provisions relative to RSA 193:40 “Prohibition on Teaching Discrimination” enacted in 2021, and (iii) more directly connect policy to sample policies (a) GBI regarding staff political activities and speech, and (b) policy IMC regarding controversial speakers and programs.

### [IB Academic Freedom](#)



NH DOE TA 2021-7-21 Divisive Concepts.zip

# IGE – Parental Objections to Specific Course Material

## *Priority/Required by Law Policy*

---

### **Related Policies: *IHAM & KEC***

**Summary:** Revisions to NHSBA sample policy IGE include: (i) reference to RSA 193:40 “Prohibition on Teaching Discrimination” enacted in 2021, (ii) modifying language regarding minimum state standards to track language of 186:11, IX-c; (iii) addition of related policies; and (iv) revising provision regarding human sexual education to better track the statutory language.

# **GBI – Staff Participation in Political Activities**

## ***Optional Policy***

---

### **Related Policies: *IB & AC***

**Summary:** The only changes to NHSBA sample policy GBI are in the second to last paragraph and are intended to reflect the 2021 passage of RSA 193:40 (HB2, 2021 N.H. Laws Chapter 91:298) prohibiting the teaching of discrimination.

# FAA – Annual Facility Plan

## *Recommended Policy*

---

### **Related Policy: *FA***

**Summary:** NHSBA sample policy FAA was developed to encourage districts to maintain annual records of facilities and usage, and to provide for organized long-term planning and efficiency in facility use. It also accounts for new statutory obligations requiring annual reports to the N.H. Department of Education of germane to unused facilities for which there is no plan for usage in the next 2 years pursuant to RSA 194:61 (HB 278).

[FAA Annual Facility Plan](#)

## **BEC – Non-Public Sessions**

### ***Recommended Policy***

---

#### **Related Policy: *BEDG***

**Summary:** Elements of sample policy 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.

# BEDG – Meeting Minutes

## *Recommended Policy*

---

**Related Policy:** *BEC & EH*

**Related Administrative Procedure:** *EH-R*

**Summary:** Much of the content in sample policy BEDG reflects requirements of the New Hampshire’s Right to Know Law. The elements of the policy that are best practice recommendations use language that is permissive (e.g., “should”) rather than mandatory (e.g., “shall”, “must” or “will”). Additional revisions to sample policy BEDG include merged minute sections regarding non-public sessions from sample policy BEC and also include references reflecting 2021 amendments to RSA 91-A:3.

Minutes and decisions reached in nonpublic session shall be publicly disclosed within 72 hours of the meeting, **unless, by recorded vote of 2/3 of the members present taken in public session, it is determined that divulgence of the information likely would** affect adversely the reputation of any person other than a member of the public body itself, or render the proposed action ineffective, or pertain to terrorism, more specifically, to matters relating to the preparation for and the carrying out of all emergency functions, developed by local or state safety officials that are directly intended to thwart a deliberate act that is intended to result in widespread or severe damage to property or widespread injury or loss of life. This shall include training to carry out such functions. **In the event of such circumstances, information may be withheld until, in the opinion of a majority of members, the aforesaid circumstances no longer apply.**

**[BEDG Minutes](#)**

# **BBB – School Board Elections**

## ***Optional Policy***

---

### **Related Policy: *BBBC***

**Summary:** NHSBA sample BBB has been updated to include a statement regarding filling a term prematurely vacated by a sitting member, a point clarified by the 2021 passage of HB409 (amending RSA 671:33). Additional revisions to sample BBB include legal references and an internal reference to sample BBBC.

# **BBBC – Board Member or District Officer Resignation**

## ***Optional Policy***

---

### **Related Policies: *BBB & BBBE***

**Summary:** NHSBA sample policy BBBC is intended to assist boards with how to process resignations. RSA 652:12 states that a vacancy in an office is created by, among other things, resignation. The statute, however, does not define how or when a resignation is “official”. NHSBA receives many inquiries each year about various issues relating to resignations. The 2021 revisions to sample policy BBBC are intended to provide boards with a practical guide to resolving many of those issues.

# **BBBE – Vacancies and Unexpired Term Fulfillment**

## ***Optional Policy***

---

### **Related Policies: *BBB & BBBC***

**Summary:** This revised NHSBA sample policy has provisions that **MUST** be modified to reflect (a) whether the district is a single town district or a cooperative, and (b) whether the district has an “official” rather than an advisory budget committee. Sample policy BBBC was 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. As a general statement, the comprehensive revisions also reflect that each year NHSBA receives many inquiries regarding some of the more nuanced or hard-to-find legal requirements pertaining to vacancies.

# **GBCD – Background Investigation and Criminal History Records Check**

## ***Priority/Required by Law Policy***

---

**Related Policies: *AC, GBCE, IJOC & JLF***

**Summary:** Revisions to NHSBA Sample Policy GBCD include addition of “designee” language in Section F to reflect 2021 amendments to RSA 189:13-a, and also to clarify prohibition of employing applicant who has been charged pending disposition or convicted of a Section V offense.

# JLCJA– Emergency Plan for Sports Related Injuries and Additional Protocols for Athletics Participation

*Priority/Required by Law Policy*

---

**Related Policies:** *EBBB, EBBC, EBCA, JJIB, JLCE/EBBC, JLCEA & JLCJ*

**Related Administrative Procedure:** *JJA-R*

**Summary:** NHSBA sample policy JLCJA was created to facilitate compliance with RSA 200:40-c, as enacted by passage of SB 148 Part III, which requires the creation of emergency plans for sports related injuries, protocols for gathering health records from student-athletes engaging in sports, and procedures overseeing return to play following injury. Newly enacted RSA 200:40-c requires an emergency plan for sports related injuries for school districts with any grades 4-12. It is optional for grades preK – 3.

## [JLCJA Sports Injuries](#)



SB 148 Sports Injury Plans.zip

# **EBCA – Crisis Prevention and Emergency Response Plans**

## ***Recommended Policy***

---

**Related Policies:** *ADD, EB, EBCB, JICK & JLCJA*

**Related Administrative Procedures:** *EBCA-R*

**Summary:** Paragraph 4 of sample policy EBCA has been revised to include reference to Sports Injury Emergency Plan as required by RSA 200:40-c (2021 N.H. Laws Chapter 210). See also new related policy JLCJA. Any additional changes were to related policies and legal references.

# **JICD – Student Discipline and Due Process**

## ***Priority/Required by Law Policy***

---

**Related Policies: *J1, JIC, JICI & JICK***

**Related Administrative Procedures: *JICD-R***

**Summary:** In March 2021, NHSBA released an update to sample policies JIC and JICD, among others. The updates to those two policies were necessary due to 2020 amendments to RSA 193:13 relative to student discipline.

In the editing process for the revisions to sample JICD, important language was deleted from JICD section 7, regarding the grounds set forth in RSA 193:13 (as amended 2020) permitting an expulsion. In early July, NHSBA replaced both the policy database rtf version of sample JICD, as well as the Word version found in the Dropbox folder for the 2021 special update, with the corrected version of sample JICD. This screenshot shows the redline revisions made in July 2021 to the March 2021 sample JICD.

# JICD – Student Discipline and Due Process

## *Priority/Required by Law Policy*

### *continued*

---

7. “**Expulsion**” means the complete denial of a pupil's attendance at school for any of the reasons listed in RSA 193:13, II and IV. ~~An expulsion may be for either a stated duration or permanent.~~
  - a. Grounds for Expulsion. ~~Any pupil may only be expelled by the School Board, and only for the following grounds~~ **An expulsion may only be imposed for an act that poses an ongoing threat to the safety of students or school personnel AND that constitutes:**
    - i. A repetition of an act that warranted long term suspension under section **B.6.b**, above;

**Summary:** Because the grounds for expulsion are established by statute and are “jurisdictional”, **it is important that the local policy include the corrected language. We recommend that districts which had updated JICD with the earlier (March 2021) version, place the corrected revision on their next Board meeting agenda,** with a motion to suspend the normal two reading process, followed by a motion to adopt the version as corrected.

**Districts which have not yet updated their policy are advised to do so as soon as possible.** The 2020 amendments to RSA 193:13 were in full effect as of July 1, 2021, and greatly modify both the acceptable reasons and the required procedures relative to suspensions and expulsions.

Please contact the NHSBA Staff Attorney with any questions.

# DAF – Administration of Federal Grant Funds

## *Priority/Required by Law Policy*

---

**Related Policies:** *DI, DID, DJ, DJC, DJE, DJF & DK*  
**See Also:** *ADB, EFAA, EHB, JICI & JRA*

**Summary:** NHSBA sample policy DAF was revised to reflect 2020 amendments to the Uniform Grant Guidance (generally 2 CFR 200), primarily regarding pre-award costs (DAF-1.F), micro-purchase limits (DAF-3.C), addition of “domestic preference” and Huawei ban (DAF-3.H), and grant closeout provisions (DAF-10). Revisions also include minor grammatical corrections.



DAF.zip

# JCA – Change of Class of School Assignment Best Interests and Manifest Hardship

## *Priority/Required by Law Policy*

---

### **Related Policies: JFAA, JFAB & JG**

**Summary:** Revisions reflect 2021 amendments to RSA 193:3, I-II, & VI (HB388) which (i) expanded allowable best interest and manifest hardship re-assignments to include “approved” private schools (irrespective of whether sectarian), and (ii) added language to 193:3, IV clarifying that if denial of a manifest hardship assignment is based upon a child’s disability, a complaint may be filed with the N.H. Human Rights Commission.

[JCA Manifest Hardship](#)

# **IHBG – Home Education Instruction and Access to Curricular and Co-Curricular Programs**

## ***Recommended Policy***

---

**Related Policies:** *JEA, JG, JH & JJJ*

**Related Administrative Procedure:** *IHBG-R*

**Summary:** NHSBA sample policy IHBG was revised generally in order to align with 2020 changes to Ed 315. Under the revised rules (and policy) the parent now selects a “participating agency” at the outset of the home education program. The rules also clarify that the choice of participating agency in large measure controls the District’s function and obligations relative to evaluation, record keeping and reporting. The rules and policy revisions also clarify that the District may charge a fee for most evaluation services (other than state or district assessments). Changes have been made to all applicable sections of this policy.

# **IHCD/LEB – Advanced Course Work/Advanced Placement Courses and STEM and Concurrent Enrollment Program**

*Priority/Required by Law Policy*

---

**Identical Policy:** *LEB*

**Related Policy:** *IKF*

**Summary:** In the first paragraph of NHSBA sample policy IHCD/LEB, Section A, was corrected “10 and 12” to “10 through 12”, and added reference to CTE courses in the same paragraph to reflect 2021 amendment to RSA 188-E:26.

## **EEA – Student Transportation Services**

### ***Recommended Policy***

---

**Related Policies:** *ECAF, EEAB, EEAE, EEAEA, EEAF, EEAG & JICC*

**Related Administrative Procedures:** *EEAE-R & JICC-R*

**Summary:** NHSBA sample policy EEA was revised generally along with a restructuring of related transportation sample policies and procedures, primarily to reduce redundancies and conflicting provisions, as well as improved integration. EEA now establishes general transportation policy 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 RSA 188-E:8 (SB 148, Pt II).

## EEA-R – Student Transportation Services

### *Withdrawn*

---

**Summary:** NHSBA withdrew sample procedure EEAEC because the subject matter was the same as that included in JICC. Concurrent with the withdrawal of EEAEC, NHSBA also substantially restructured or revised most of its other transportation policies, including JICC. See revision notes to EEA and JICC for further information. **See also Sept. 2021 revision notes for sample EEA.**

# **EEAB – Establishment of School Bus Routes**

## ***Recommended Policy***

---

**Related Policies:** *EEA, EEAA & JICC*

**Related Administrative Procedures:** *EEAE-R & JICC-R*

**Summary:** Content of NHSBA sample policy EEAB was formerly located in sample “-R” document EEA-R. Given recent experiences of districts with parent transportation challenges, NHSBA recommends adopting as a Board policy.

# **EEAE – School Bus Safety Program**

## ***Recommended Policy***

---

**Related Policies:** *ECAF, EEA, EEAB, GBCD & JICC*

**Related Administrative Procedures:** *EEA-R & JICC-R*

**Summary:** Amendments were made to NHSBA sample policy EEAE to clarify drug and alcohol testing policies for contracted carriers, in accordance with the new contracted carrier provisions in SB 147 (Part III), which will be codified as RSA 376:2. Additionally, some duplicative language has been replaced with references to other applicable sample policies. **See also September 2021 revision notes to sample EEA.**

# EEAEC – Student Conduct on School Buses

## *Withdrawn*

---

### **Related Policies: *EEA & JICC***

**Summary:** NHSBA withdrew sample policy EEAEC because the subject matter was the same as that included in JICC. Concurrent with the withdrawal of EEAEC, NHSBA also substantially restructured or revised most of its other transportation policies, including JICC. See revision notes to EEA and JICC for further information. **See also Sept. 2021 revision notes for sample EEA.**

# **JICC – Student Conduct on School Buses**

## ***Recommended Policy***

---

**Related Policies:** *EEA, JIC & JICD*

**Related Administrative Procedure:** *JICC-R*

**Summary:** The 2021 update to NHSBA sample policy JICC corresponds to changes to most of NHSBA sample policies relating to transportation, including the withdrawal of redundant sample policy EEAEC. In adopting the revisions to JICC – or adopting it in the first instance – districts should assure that they withdraw EEAEC. Because policy references can often be found in handbooks, procedures and other such documents, a district withdrawing EEAEC should retain a “withdrawn” copy in the manual, with direction that “All reference to EEAEC found in external materials shall mean / refer to policy JICC.”

# **JICC-R– School Bus Conduct Rules**

## ***Recommended Administrative Regulations***

---

**Related Policies: *EEA & JICC***

**Related Administrative Guidelines: *EEAE-R***

**Summary:** NHSBA sample regulations, JICC-R, replace previous JICC-R, and EEAE. They are not intended as school board policy, but rather administrative regulations and procedures to help administrators implement related board policies EEA & JICC. As with all administrative regulations, the scope and breadth are subject to school board policies and review, as well as applicable law.

As these are administrative regulations, adoption may be deferred until the 2022-2023 school year.

# **EEAE-R – Safety Guidelines for Parents/Guardians of Students Using School Buses**

## ***Optional Guidelines***

---

**Related Policies:** *EEA, EEAE & JICC*

**Related Administrative Procedures:** *JICC-R*

**Summary:** Sample NHSBA procedure EEAE-R is comprised of content formerly located in EEA-R, which is now withdrawn. It is intended as sample guidelines for administrators to use in student/parent handbooks, and not Board policy. Student bus conduct rules are found in JICC-R.

# **EEAG – Use of Private Vehicles to Transport Students**

## ***Recommended Policy***

---

### **Related Policy: *EEA***

**Summary:** NHSBA sample policy EEAG was amended to clarify that contracted carriers are not characterized as private vehicles, in accordance with the new contracted carrier provisions in SB 147 (Part III), which will be codified as RSA 376:2.

# **EEAEA – Mandatory Drug and Alcohol Testing – School Bus Drivers and Contracted Carriers**

## ***Priority/Required by Law Policy***

---

### **Related Administrative Procedure: *EEAEA-R***

**Summary:** Amendments were made to NHSBA sample policy EEAEA to include contracted carriers, in accordance with the new contracted carrier provisions in SB 147 (Part III), which will be codified as RSA 376:2, and to indicate which provisions of this policy affect both bus drivers and contracted carriers. Additionally, reference to the federal requirements relative to the Drug and Alcohol were inserted in Section 5. Some language has been edited for consistency and clarity.

# **EEAEA-R – Drug and Alcohol Testing for School Bus and Commercial Vehicle Drivers**

## ***Optional Procedure***

---

### **Related Policy: *EEAEA***

**Summary:** Changes to NHSBA sample procedure are intended to (a) add reference to Federal regulations pertaining to the Drug and Alcohol Clearinghouse, in accordance with 49 C.F.R. 391.23. These changes are found under the new heading on page 1 “Drug and Alcohol Clearinghouse, and under the Notifications heading. Additional changes appear under the heading Random Alcohol and Drug Tests to better reflect the Federal standards.

# **ECAF – Audio and Video Surveillance on School Buses**

## ***Recommended Policy***

---

### **Related Policies: *EEA, EEAA, JICC, JICK & JRA***

**Summary:** Amendments to sample policy ECAF were made to clarify its relationship with Policy EEAA, to emphasize that audio recordings carry separate restrictions, to indicate methods of notification, and to include parents as having a right to view recordings when appropriate in disciplinary proceedings.

# **EEAA – Video and Audio Surveillance on School Property**

## ***Recommended Policy***

---

**Related Policies:** *ECAF, EHB, JIC, JICC, JICD & JRA*

**Related Administrative Procedures:** *EHB-R, JICC-R & EE-R*

**Summary:** Revisions were made to NHSBA sample policy EEAA to emphasize that particular statutory restrictions apply to audio recordings, to clarify this policy's relationship with Policy ECAF, and to clarify language. Additional changes included added legal and policy references, and formatting to improve usability.

# Minor Typographical, Grammatical or Reference Changes

*NHSBA has made minor grammatical, typographical, or reference edits to the sample policies/procedures on the following slides. The edits do not in any way affect the substance of the policies. To the extent a district chooses to edit its own versions, Board action should not be required. Please note that copies of these policies are not included in the update but can be located on the NHSBA policy website.*

# **ACAC – Title IX Sexual Harassment Policy and Grievance Process**

## ***Priority/Required by Law Policy***

---

**Related Policies:** *AC, AC-E, GBEAB, JICK & JLF*

**Summary:** Revision was made on page 8 to policy reference ACE. The referenced policy was changed to AC-E.

# **BEDDA – Board Meeting – Rules of Procedure & Order**

## ***Recommended Policy***

---

**See Also:** *BEC, BEDA, BEDB, BEDC & BEDH*

**Summary:** 2/3rds vote in the table of motions was changed from 60% to 67%.

**Barrett M. Christina**, *Executive Director*  
[bchristina@nhsba.org](mailto:bchristina@nhsba.org)

**Will Phillips**, *Director of Policy Services & Staff Attorney*  
[wphillips@nhsba.org](mailto:wphillips@nhsba.org)

**Becky Wilson**, *Director of Governmental Relations*  
[bwilson@nhsba.org](mailto:bwilson@nhsba.org)

NHSBA  
25 Triangle Park Drive, Suite 101  
Concord, NH 03301  
(603) 228-2061

