

## ANNUAL SAU 19 NOTICE OF RIGHTS AND POLICIES

SAU 19 has the responsibility to inform parents, students, staff and volunteers each year about a variety of programs and policies outlined below. If you have any questions, please contact your building principal or the coordinator below at 497-4818:

Special Education-----	Salina Millora, Special Education Director
Section 504-----	Joyce Lewis, Director of Guidance
English Language Learners -----	MaryClaire Barry, Assistant Superintendent
Title IX-----	MaryClaire Barry, Assistant Superintendent
Homelessness -----	Jill Girolimon, Homeless Liaison

### **POLICIES:**

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The initials at the end of each passage refer to a Goffstown or New Boston School District policy. A complete set of school district policies are available at the SAU 19 office, 11 School Street in Goffstown. Additionally, Goffstown School District policies can be found on the SAU 19 website at <http://goffstown.k12.nh.us>, and New Boston School District policies are accessible at the New Boston Central School.

### **INTERNET ACCESS FOR STUDENTS (Please refer to policy JICL)**

A student's access to the Internet is a privilege, not a right. The rich sources of information available on the Internet holds the promise of greatly enhancing the quality of education available to all students. Therefore, Internet access will be made available to students for the purposes of communication, research and education. Internet access by students will be monitored by district personnel and the degree of access to the Internet will be dependent upon the age of students.

Safety procedures and guidelines for student Internet access are detailed in Regulation JICL-R.

### **THE SAFE SCHOOL ZONE LAW**

The Safe School Zone Law, NH RSA 193-D prohibits the unlawful possession or sale of any firearm or other dangerous weapons in any safe school zone.

### **DANGEROUS WEAPONS ON SCHOOL PROPERTY (Please refer to policy JICI)**

Dangerous weapons, such as, but not limited to firearms, explosive, incendiaries, martial arts weapons (as defined in NH RSA 159:24), electronic defense weapons (as defined in NH RSA 159:20), clubs, billies, metallic knuckles or containers containing chemicals such as pepper gas or mace, or the use of any object as a weapon are not permitted on school property, on school vehicles or at school- sponsored activities. Student violations of this policy will result in both school disciplinary action and notification of police. Suspension or expulsion from school could result.

In addition any student who is determined to have brought a firearm (as defined by 18 U.S. Code § 921) to school will be expelled for not less than one year (365 days). This expulsion may be modified by the Superintendent upon review of the specific case in accordance with other applicable law.

Weapons under control of law enforcement personnel are permitted.

All students will receive written notice of this policy at least once each year.

### **STUDENT DRUG/ALCOHOL ABUSE (Please refer to policy JICH)**

Legal drugs, over the counter drugs, or those which a student has on prescription and carries onto school property for ingestion as prescribed by a doctor, will be kept and dispensed only by the school nurse or principal's office.

Taking of illegal drugs or alcohol, and/or possession of same, in any form, is not permitted at any time. Parents will be informed immediately if a pupil is in violation of this policy, and the matter will be brought to the attention of the proper authorities.

- A. In case a student appears to be under drug/alcohol influence, the parent will be notified by school authorities to come for the student and remove him/her to his/her home or to medical facilities.
- B. In severe cases, if the parent/guardian or school doctor will not or cannot come to school, the principal is authorized to call an ambulance to remove the student to the hospital. Parents will be notified of this action and be responsible for the incurred expenses.
- C. Upon reasonable evidence of the illegal possession and/or use of drugs/alcohol by any student on school property, the student will be suspended from school for at least 5 days. A conference with the parents, child and principal should be held as soon as possible.
- D. Any student found selling, distributing or giving away illegal drugs or alcohol will be turned over to police authorities immediately and suspended from school at once.
- E. Any student convicted in court of illegally selling drugs on or off school property will be suspended from school.

## **ALCOHOL USE ON SCHOOL PROPERTY**

Controlled drugs are defined to be those drugs prohibited by NH RSA 318-B. Alcoholic beverages will not be permitted on school property at any time. Any student in possession of or under the influence of alcohol will be immediately suspended from school for not less than 5 days.

## **TOBACCO PRODUCTS BAN (Please refer to policy JICG)**

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

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

“Facility” is any place which is supported by public funds and which is used for the instruction of students enrolled in preschool programs and in all grades maintained by the District. This definition shall include all administrative buildings and offices and areas within facilities supportive of instruction and subject to educational administration, including, but not limited to lounge areas, passageways, rest rooms, laboratories, classrooms, study areas, cafeterias, gymnasiums, maintenance rooms, storage areas and field trips, school programs, school functions, fields and parking lots. Signs shall be placed by the District in all buildings, facilities and school vehicles stating that the use of tobacco products is prohibited.

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

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

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

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

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

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

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

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

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

## **STUDENT WELFARE**

NH RSA 169-C Child Protection Act and Section 169-C:29 Reporting Law require that schools do their very best to ensure that our students are kept safe. The reporting requirements relate to:

- Harassment (GBAA, JBAA)
- Bullying (JICK)
- Hazing (JICFA)
- Abuse or Neglect (JLF)
- Safe Schools Act - Theft, Destruction or Violence (JICD)

The School District expects any staff member to report any such misconduct immediately to the school principal or designee. Except where otherwise noted, making a verbal report in the first instance is usually sufficient, but a written report must be filed no later than twenty-four (24) hours after receiving knowledge of the reported misconduct to the school principal or his/her designee. In the documentation, staff are urged to provide as many details as possible about the nature and extent of the incident.

## **HARASSMENT (Please refer to policies GBAA and JBAA)**

State and federal laws that prohibit harassment from taking place in school, include Title VII of the Civil Rights Act of 1964, Title IX, and NH RSA 354-A. Sexual harassment, in particular, is forbidden. Harassment based on other categories is prohibited as well. These categories include the following: race, color, religion, national origin, age, physical disability, mental disability, veteran's status, pregnancy, marital status, and sexual orientation. That means that verbal, visual, or physical conduct, words or behavior toward another individual that makes that person feel uncomfortable or offended and creates a hostile environment for him or her is against the law and school policy. Several court decisions have emphasized a school's obligation to prevent and remedy any harassment that goes on among faculty members and students. These cases include *Burlington Industries v. Ellerth*, 524 U.S. 742, (1998), *Faragher v. City of Boca Raton*, 524 U.S. 775, (1998), *Gebser v. Lago Vista Independent School District*, 524 U.S. 274 (1998), *Davis v. Monroe County Board of Education*, 526 U.S. 629 (1999), *Marquay v. Eno*, 139 N.H. 708 (1995), and *Schneider v. Plymouth State College*, 744 A.2d 101 (1999). Harassment can take place among staff members, among students, and between staff and students.

The person(s) to whom reports should be made include the following administrators and school personnel (the principal will establish reporting procedures within each school):

- Assistant Principal
- Principal
- Assistant Superintendent
- Guidance Counselor
- Nurse

Please refer to the unlawful harassment policies (**GBAA, JBAA**) for specific reporting requirements and a discussion about investigations and other school district action.

## **STUDENT WELFARE**

### **PUPIL SAFETY AND VIOLENCE PREVENTION – BULLYING (Please refer to policy JICK)**

#### **I. Definitions** (NH RSA 193-F:3)

1. **Bullying.** Bullying is hereby defined as a single significant incident or a pattern of incidents involving a written, verbal, or electronic communication, or a physical act or gesture, or any combination thereof, directed at another pupil which:
  - (1) Physically harms a pupil or damages the pupil's property;
  - (2) Causes emotional distress to a pupil;
  - (3) Interferes with a pupil's educational opportunities;
  - (4) Creates a hostile educational environment; or
  - (5) Substantially disrupts the orderly operation of the school.

Bullying shall also include actions motivated by an imbalance of power based on a pupil's actual or perceived personal characteristics, behaviors, or beliefs, or motivated by the pupil's association with another person and based on the other person's characteristics, behaviors, or beliefs.

2. **Cyberbullying.** Cyberbullying is defined as any conduct defined as "bullying" in this policy that is undertaken through the use of electronic devices. For purposes of this policy, any references to the term bullying shall include cyberbullying.
3. **Electronic devices.** Electronic devices include, but are not limited to, telephones, cellular phones, computers, pagers, electronic mail, instant messaging, text messaging, and websites.
4. **School property.** School property means all real property and all physical plant and equipment used for school purposes, including public or private school buses or vans.
5. **Perpetrator.** Perpetrator means a pupil who engages in bullying or cyberbullying.
6. **Victim.** Victim means a pupil against whom bullying or cyberbullying has been perpetrated.

Any reference in this policy to "parent" shall include parents or legal guardians.

#### **II. Statement Prohibiting Bullying or Cyberbullying of a Pupil** (NH RSA 193-F:4, II(a))

The Board is committed to providing all pupils a safe and secure school environment. This policy is intended to comply with NH RSA 193-F. Conduct constituting bullying and/or cyberbullying will not be tolerated and is hereby prohibited.

Further, in accordance with NH RSA 193-F:4, the District reserves the right to address bullying and, if necessary, impose discipline for bullying that:

- (1) Occurs on, or is delivered to, school property or a school-sponsored activity or event on or off school property; or
- (2) Occurs off of school property or outside of a school-sponsored activity or event, if the conduct interferes with a pupil's educational opportunities or substantially disrupts the orderly operations of the school or school-sponsored activity or event.

The Superintendent of Schools is responsible for ensuring that this policy is implemented.

### **III. Statement Prohibiting Retaliation or False Accusations** (NH RSA 193-F:4, II(b))

#### **False Reporting**

A pupil found to have wrongfully and intentionally accused another of bullying may face discipline or other consequences, ranging from positive behavioral interventions up to and including suspension or expulsion.

A school employee found to have wrongfully and intentionally accused a pupil of bullying shall face discipline or other consequences to be determined in accordance with applicable law, District policies, procedures and collective bargaining agreements.

#### **Reprisal or Retaliation**

The District will discipline and take appropriate action against any pupil, teacher, school administrator, school volunteer, or other school employee who retaliates against any person who makes a good faith report of alleged bullying or against any person who testifies, assists, or participates in a proceeding or hearing relating to such bullying.

The consequences and appropriate remedial action for a pupil, teacher, school administrator, school volunteer, or other school employee who engages in reprisal or retaliation shall be determined by the Principal or designee after consideration of the nature, severity and circumstances of the act, in accordance with law, Board policies and any applicable collective bargaining agreements.

Any pupil found to have engaged in reprisal or retaliation in violation of this policy shall be subject to measures up to, and including, suspension and expulsion.

Any teacher, school administrator, or other school employee found to have engaged in reprisal or retaliation in violation of this policy shall be subject to discipline up to, and including, termination of employment.

Any school volunteer found to have engaged in reprisal or retaliation in violation of this policy shall be subject to measures up to, and including, exclusion from school grounds.

#### **Process To Protect Pupils From Retaliation**

If the alleged victim or any witness expresses to the Principal or other staff member that he/she believes he/she may be retaliated against, the Principal or designee shall develop a process or plan to protect that pupil from possible retaliation.

Each process or plan may be developed on a case-by-case basis. Suggestions include, but are not limited to, re-arranging pupil class schedules to minimize their contact, stern warnings to alleged perpetrators, temporary removal of privileges, or other means necessary to protect against possible retaliation.

### **IV. Protection of all Pupils** (NH RSA 193-F:4, II(c))

This policy shall apply to all pupils and school-aged persons on school district grounds and who are participating in school district functions, regardless of whether or not such pupil or school-aged person is a pupil within the District.

### **V. Disciplinary Consequences For Violations of This Policy** (NH RSA 193-F:4, II(d))

The District reserves the right to impose disciplinary measures against any pupil who commits an act of bullying, falsely accuses another pupil of bullying, or who retaliates against any pupil or witness who provides information about an act of bullying.

In addition to imposing discipline under such circumstances, the Board encourages the administration and school district staff to seek alternatives to traditional discipline, including but not limited to early intervention measures, alternative dispute resolution, conflict resolution and other similar measures.

## **VI. Distribution and Notice of This Policy** (NH RSA 193-F:4, II(e))

### **Staff and Volunteers**

All staff will be provided with a copy of this policy annually. The Superintendent may determine the method of providing the policy (employee handbook, hard copy, etc.).

### **Pupils**

All pupils will be provided with a copy of this policy annually. The Superintendent may determine the method of providing the policy (pupil handbook, mailing, hard copy, etc.).

Pupils may participate in an annual education program which sets out expectations for pupil behavior and emphasizes an understanding of harassment, intimidation, and bullying of pupils, the District's prohibition of such conduct and the reasons why the conduct is destructive, unacceptable, and will lead to discipline. Pupils may also be informed of the consequences of bullying conduct toward their peers.

The Superintendent, in consultation with staff, may incorporate pupil anti-bullying training and education into the district's curriculum, but shall not be required to do so.

### **Parents**

All parents will be provided with a copy of this policy annually. The Superintendent may determine the method of providing the policy (parent handbook, mailing, etc.).

## **VII. Procedure for Reporting Bullying** (NH RSA 193-F:4, II(f))

At each school, the Principal or designee shall be responsible for receiving complaints of alleged violations of this policy.

### **Pupil Reporting**

1. Any pupil who believes he or she has been the victim of bullying should report the alleged acts immediately to the Principal. If the pupil is more comfortable reporting the alleged act to a person other than the Principal, the pupil may tell any school district employee or volunteer about the alleged bullying.
2. Any school employee or volunteers who witnesses, receives a report of, or has knowledge or belief that bullying may have occurred shall inform the Principal as soon as possible, but no later than the end of the school day.
3. Upon receipt of a report of bullying, the Principal or designee shall commence an investigation consistent with the provisions of Section XI of this policy.

### **Staff Reporting**

1. An important duty of the staff is to report acts or behavior that they witness that appears to constitute bullying.
2. Any school employee or volunteers who witnesses, receives a report of, or has knowledge or belief that bullying may have occurred shall inform the Principal or designee as soon as possible, but no later than the end of the school day.
3. Upon receipt of a report of bullying, the Principal or designee shall commence an investigation consistent with the provisions of Section XI of this policy.

**VIII. Procedure for Internal Reporting Requirements** (NH RSA 193-F:4, II(g))

In order to satisfy the reporting requirements of NH RSA 193-F:6, the Principal or designee shall be responsible for completing all New Hampshire Department of Education forms and reporting documents of substantiated incidents of bullying.

**IX. Notifying Parents of Alleged Bullying** (NH RSA 193-F:4, II(h))

The Principal or designee shall report to the parents of a pupil who has been reported as a victim of bullying and to the parents of a pupil who has been reported as a perpetrator of bullying within 48 hours of receiving the report. Such notification may be made by telephone, writing or personal conference. All notifications shall be consistent with the pupil privacy rights under the applicable provisions of the Family Educational Rights and Privacy Act of 1974 (FERPA).

**X. Waiver of Notification Requirement** (NH RSA 193-F:4, II(i))

The Superintendent or designee may, within a 48 hour time period, grant the Principal or designee a waiver from the requirement that the parents of the alleged victim and the alleged perpetrator be notified of the filing of a report. A waiver may only be granted if the Superintendent or designee deems such a waiver to be in the best interest of the victim or perpetrator. Any waiver granted shall be in writing.

**XI. Investigative Procedures** (NH RSA 193-F:4, II(j))

1. Upon receipt of a report of bullying, the Principal or designee shall, within 5 school days, initiate an investigation into the alleged act.
2. The Principal or designee shall complete the investigation within 10 school days of receiving the initial report. If the Principal or designee needs more than 10 school days to complete the investigation, the Superintendent or designee may grant an extension of up to 7 school days. In the event such extension is granted, the Principal or designee shall notify in writing all parties involved of the granting of the extension.
3. Pupils who are found to have violated this policy may face discipline in accordance with other applicable board policies, up to and including suspension. Pupils facing discipline will be afforded all due process required by law.

**XII. Response to Remediate Substantiated Instances of Bullying** (NH RSA 193-F:4, II(k))

Consequences and appropriate remedial actions for a pupil who commits one or more acts of bullying or retaliation may range from positive behavioral interventions up to and including suspension or expulsion.

Consequences for a pupil who commits an act of bullying or retaliation shall be varied and graded according to the nature of the behavior, the developmental age of the pupil, and the pupil's history of problem behaviors and performance. Remedial measures shall be designed to correct the problem behavior, prevent another occurrence of the problem, protect and provide support for the victim, and take corrective action for documented systematic problems related to bullying.

**XIII. Reporting of Substantiated Incidents to the Superintendent** (NH RSA 193-F:4, II(l))

The Principal or designee shall forward all substantiated reports of bullying to the Superintendent or designee upon completion of the Principal's or designee's investigation.

**XIV. Communication With Parents Upon Completion of Investigation** (NH RSA 193-F:4, II(m))

1. Within 10 school days of completing an investigation, the Principal or designee will notify the parents of the pupils involved of his/her findings and the result of the investigation.
2. In accordance with the Family Educational Rights and Privacy Act and other law concerning pupil privacy, the District will not disclose educational records of pupils including the discipline and remedial action assigned to those pupils and the parents of other pupils involved in a bullying incident.



**XV. School Officials** (NH RSA 193-F:4, II(n))

The Superintendent of schools is responsible for ensuring that this policy is implemented. In order to facilitate the implementation of this policy, the Superintendent may establish further administrative rules or regulations.

**HAZING (Please refer to policy JICFA)**

NH RSA 631:7 prohibits and mandates reporting of student hazing. Student hazing is defined as follows: “any act directed toward a student, or any coercion or intimidation of a student to act or participate in or submit to any act, when:

1. Such act is likely or would be perceived by a reasonable person as likely to cause physical or psychological injury to any person; and
2. Such action is a condition of initiation into, admission into, continued membership in or associated with any organization.”

An organization means an athletic group, club, social group, and the like that include students. Please note that no student can consent to being hazed.

Criminal liability is imposed for students who participate in and know about hazing.

Schools are also subject to criminal liability and can be found guilty of a misdemeanor if the school:

1. Knowingly permits or condones hazing;
2. Knowingly or negligently fails to take reasonable measures within the scope of its authority to prevent hazing; and
3. Fails to report to law enforcement authorities any hazing reported to it by others or of which it otherwise has knowledge.

Accordingly, staff must be mindful of the definition of hazing and understand that it extends to athletic teams and beyond to other organized groups operating at or in conjunction with our school. If any staff member has knowledge of hazing, has reason to know that hazing may be occurring or has occurred, or is otherwise aware of steps needed to prevent hazing, that person should immediately contact the Principal or, in his or her absence, another administrator.

**REPORTING SUSPECTED CHILD ABUSE AND/OR NEGLECT (Please refer to policy JLF)**

New Hampshire’s Child Protection Act, NH RSA 169-C, requires reporting of suspected instances of child abuse or neglect to provide protection to children whose life, health or welfare is in danger. The law is aimed at protecting the safety of the child, preserving the family unity when possible, providing assistance to parents to deal with and correct problems, and take other action as may be necessary to prevent child abuse and neglect, including treatment and rehabilitation. The law provides several lengthy definitions as to what constitutes “abuse” and “neglect.” An “abused child” is one who has been sexually abused, intentionally physically injured, physically injured by other than accidental means, or psychologically injured where the child “exhibits symptoms of emotional problems generally recognized to result from consistent mistreatment or neglect.” Sexual abuse is defined as follows: “the employment, use, persuasion, inducement, enticement, or coercion of any child to engage in, or having a child assist any other person to engage in, any sexual explicit conduct or any simulation of such conduct for the purpose of producing any visual depiction of such conduct; or the rape, molestation, prostitution, or other form of sexual exploitation of children, or incest with children,” where the child’s health or welfare is harmed or threatened with harm. A “neglected child” is one (1) who has been abandoned by his or her parents, guardian, or custodian; (2) who is without proper parental care or control, subsistence, education as required by law, or other care or control necessary for his or her physical, mental, or emotional health, when it is established that his or her health has suffered or is very likely to suffer serious impairment; and the deprivation is not due primarily to the lack of financial means of the parents, guardian or custodian; or (3) whose parents, guardian or custodian are unable to discharge their responsibilities to and for the child because of incarceration, hospitalization or other physical or mental incapacity.

If a staff member suspects that a student has been abused or neglected, as those terms are defined under this law, that person must report the abuse of neglect immediately to the school principal, and the principal or designee shall report to the Division of Children, Youth and Families (DCYF) at (603) 271-6562 or (800) 894-5533 (in-state).

### **THEFT, DESTRUCTION OR VIOLENCE**

Under the Safe Schools Act, any school employee who has witnessed or has information about an act of theft, destruction or violence within a “safe school zone” must report the act in writing immediately to a supervisor. Pursuant to NH RSA 193-D, safe school zone is an area which includes school property, the physical plant and equipment used for “school purposes,” the playgrounds, and school buses. The facilities used for “school purposes” extend to school-sponsored programs such as educational or extra-curricular activities. Acts of theft, destruction or violence refer to criminal activity, such as homicide, assault, sexual assault, criminal mischief, unlawful possession or sale of a firearm or other dangerous weapon, arson, burglary, robbery, theft, or the illegal sale or possession of a controlled drug.

In this District, reporting of any theft, destruction or violence should be made to the Principal or, in his or her absence, another administrator. The Principal or other administrator then must file a report with the local law enforcement authority immediately and he or she must submit a written report within forty-eight (48) hours of any initial report. Under a new law effective January 1, 2001, where the alleged victim of theft, destruction or violence is a student, the Principal must also notify the person responsible for the student’s welfare to advise that local law enforcement was contacted.

### **CONCUSSIONS AND HEAD INJURIES (Please refer to policy JLCJ)**

The School Board recognizes that concussions and head injuries are commonly reported injuries in children and adolescents who participate in sports and other recreational activities.

#### **Removal From Play and Protocol For Return To Play**

Any coach, official, licensed athletic trainer, or health care provider who suspects that a student athlete has sustained a concussion or head injury in a practice or game shall immediately remove the student-athlete from play. A student-athlete who has been removed from play shall not return to play on the same day or until he/she is: (1) evaluated by a health care provider and receives medical clearance and written authorization from that health care provider (2) and receives written authorization from the District’s appointed concussion team to return to play. The student-athlete shall also present written permission from a parent/guardian to return to play.

#### **Academic Issues in Concussed Students**

In the event a student is concussed, regardless of whether the concussion was a result of a school-related or non-school-related activity, school district staff should be mindful that the concussion may affect the student's ability to learn. In the event a student has a concussion, that student's teachers will be notified. Teachers should report to the school nurse if the student appears to have any difficulty with academic tasks that the teacher believes may be related to the concussion. The school nurse will notify the student's parents. The student's parent(s) is responsible for notifying the treating physician. Administrators and district staff will work to establish a protocol and course of action to ensure the student is able to maintain his/her academic responsibilities while recovering from the concussion.

### **USE OF RESTRAINT, SECLUSION, AND PHYSICAL CONTACT (Please refer to policy JKAA)**

Procedures for managing the behavior of students are consistent with NH RSA 126-U and School Board Policy JKAA.

**NOTIFICATION OF RIGHTS UNDER FERPA (FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT OF 1974)**

The Family Educational Rights and Privacy Act (FERPA) affords parents and students over 18 years of age (“eligible students”) certain rights with respect to the student’s education records, as follows:

1. The right to inspect and review the student’s education records within 45 days of the day the District receives a request for access.

Parents or eligible students should submit to the school Principal (or appropriate school official) a written request that identifies the records they wish to inspect. The Principal will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected.

2. The right to request the amendment of the student’s education records that the parent or eligible student believes are inaccurate or misleading.

Parents or eligible students may ask SAU 19 to amend a record they believe is inaccurate or misleading. They should write the school Principal, clearly identify the part of the record they want changed, and specify why it is inaccurate or misleading.

If the District decides not to amend the record as requested by the parent or eligible student, the District will notify the parent or eligible student of the decision and advise them of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing.

3. The right to consent to disclosures of personally identifiable information contained in the student’s education records, except to the extent that FERPA authorizes disclosure without consent.

One exception which permits disclosure without consent is disclosure to school officials with legitimate educational interests. A school official is a person employed by the District as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement personnel); a person serving on the School Board; a person or company with whom the District has contracted to perform a special task (such as an attorney, auditor, medical consultant, or therapist), or a parent or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks; or the SAU 19’s School District insurance carrier(s).

A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.

Upon request, the District discloses education records without consent to officials of another school district in which a student seeks or intends to enroll.

4. The right to file a complaint with the U. S. Department of Education concerning alleged failures by the District to comply with the requirements of FERPA. The name and address of the office that administers FERPA are as follows:

Family Policy Compliance Office  
U. S. Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202-5920

5. The Goffstown and New Boston School Boards have designated the following information as directory information which may be disclosed without prior written consent: the student's name, address, date and place of birth, major field of study, participation in officially recognized activities and sports, dates of attendance, degrees and awards received, the most previous educational agency or institution attended by that student, pictures found in yearbooks and pictures of participants in school activities.

Section 9528 of the ESEA, 20 USC 7908, as amended by the NCLB, and 10 USC 503, as amended by 544 of the National Defense Authorization Act for Fiscal Year 2002 (Pub. L. No 107-107), requires LEAs to:

- Give military recruiters the same access to secondary school students as provided to post-secondary institutions or to prospective employers; and
- Provide students' names, addresses, and telephone listings to military recruiters, when requested, unless a parent has opted out of providing such information.

### **NOTIFICATION OF RIGHTS UNDER THE PROTECTION OF PUPIL RIGHTS AMENDMENT (PPRA)**

The PPRA affords parents certain rights regarding our conduct of surveys, collection and use of information for market purposes, and certain physical exams. These include the right to:

Consent before students are required to submit to a survey that concerns one or more of the following protected areas ("protected information survey") if the survey is funded in whole or in part by a program of the U.S. Department of Education (ED) ~

1. Political affiliations or beliefs of the student or student's parent;
2. Mental or psychological problems of the student or student's family;
3. Sex behavior or attitudes;
4. Illegal, anti-social, self-incriminating, or demeaning behavior;
5. Critical appraisals of others with whom respondents have close family relationships;
6. Legally recognized privileged or analogous relationships, such as with lawyers, physicians, or ministers;
7. Religious practices, affiliations, or beliefs of the student or student's parents; or
8. Income, other than as required by law to determine program eligibility.

Receive notice and an opportunity to opt a student out of-

1. Any other protected information survey, regardless of funding;
2. Any non-emergency, invasive physical exam or screening required as a condition of attendance, administered by the school or its agent, and not necessary to protect the immediate health and safety of a student, except for hearing, vision, or scoliosis screenings, or any physical exam or screening permitted or required under State law; and
3. Activities involving collection, disclosure, or use of personal information obtained from students for marketing or to sell or otherwise distribute the information to others.

Inspect, upon request and before administration or use -

1. Protected information surveys of students;
2. Instruments used to collect personal information from students for any of the above marketing, sales, or other distribution purposes; and
3. Instructional material used as part of the educational curriculum.

These rights transfer from the parents to a student who is 18 years old or an emancipated minor under State law.

**SAU 19 has developed and adopted** policies, in consultation with parents, regarding these rights, as well as arrangements to protect student privacy in the administration of protected information surveys and the collection,

disclosure, or use of personal information for marketing, sales, or other distribution purposes. SAU 19 will directly notify parents of these policies at least annually at the start of each school year and after any substantive changes. SAU 19 will also directly notify, such as through U.S. Mail or email, parents of students who are scheduled to participate in the specific activities or surveys noted below and will provide an opportunity for the parent to opt his or her child out of participation of the specific activity or survey. SAU 19 will make this notification to parents at the beginning of the school year if the District has identified the specific or approximate dates of the activities or surveys at that time. For surveys and activities scheduled after the school year starts, parents will be provided reasonable notification of the planned activities and surveys listed below and be provided an opportunity to opt their child out of such activities and surveys. Parents will also be provided an opportunity to review any pertinent surveys.

Following is a list of the specific activities and surveys covered under this requirement:

- Collection, disclosure, or use of personal information for marketing, sales or other distribution.
- Administration of any protected information survey not funded in whole or in part by the U.S. Department of Education.
- Any non-emergency, invasive physical examination or screening as described above.

Parents who believe their rights have been violated may file a complaint with:

Family Policy Compliance Office  
US Department of Education  
400 Maryland Avenue, SW  
Washington, D.C. 20202-5920

#### **PARENTS RIGHT-TO-KNOW TITLE I Part A of ESEA - SUMMARIZED (NO CHILD LEFT BEHIND ACT OF 2001)**

You as a parent have a right to request information about the professional qualifications of your child's classroom teachers including:

- Whether the teachers have met State qualifications for the grade levels and subject areas in which the teacher provides instruction;
- Whether the teacher is teaching under emergency or other professional status that the State has waived;
- The degree major of the teacher and any other graduate certification or degree held by the teacher and the field of discipline of the certification or degree; and
- Whether your child is provided services by paraprofessionals and if so their qualifications.

You will also receive information on your child's level of achievement on all state assessments; and timely notice if your child has been assigned or taught four or more consecutive weeks by a teacher who is not highly qualified.

#### **LIMITED ENGLISH PROFICIENCY INSTRUCTION – SUMMARIZED (Please refer to policy IHBBA)**

All schools within SAU 19 have an ESL policy which (1) identifies limited English proficient students; (2) assesses the students' English proficiency to determine instructional placement; (3) places students in appropriate and sufficient services; (4) provides for equal educational opportunity; and (5) documents the provision of service and its effect on student performance. All new enrollees in the school should receive a Home Language Survey. If your child is new to the School District, but has not filled out the survey or if your child has limited English proficiency, please contact the building for a copy of the ESL Policy and/or survey.

**HOMELESSNESS**- SAU 19 continues to provide outreach to identify homeless children and youth and works with community agencies and shelters to remove barriers to enrollment. The Homeless Liaison can be contacted at 603-497-4818.

## **NOTICE OF NONDISCRIMINATION (Please refer to policy AC)**

SAU 19 does not discriminate on the basis of age, gender, race, creed, color, marital status, physical or mental disability, national origin, economic status or sexual orientation in its educational programs, activities, and employment practices. The following people have been designated to handle inquiries regarding the nondiscrimination policies: For 504, please contact the 504 Coordinator; for Special Education issues, please contact the Special Education Director, SAU 19, 11 School Street, Goffstown, NH 03045-1908, (603) 497-4818; For Title IX or ESL issues, please contact the Assistant Superintendent, SAU 19, 11 School Street, Goffstown, NH 03045-1908; (603) 497-4818. Inquiries concerning the application of the nondiscrimination policies may also be referred to the Regional Director, Office for Civil Rights, U.S. Department of Health and Human Services, Government Center, J.F. Kennedy Federal Building – Room 1875, Boston, MA 02203.

## **OVERVIEW OF SECTION 504**

It is the policy of SAU 19 that no otherwise qualified person shall, solely by reason of his/her disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity sponsored by this SAU. Section 504 of the Rehabilitation Act of 1973 and Title II of the American with Disabilities Act of 1990 (ADA) are civil rights laws which prohibit discrimination against individuals with disabilities. Under Section 504, a student is considered disabled if he/she has a physical or mental impairment that substantially limits a major life activity such as, but not limited to, learning, walking, seeing, hearing, breathing, working, etc. Section 504 and the ADA also apply to students with a record of having such impairment, or who are regarded as being disabled even if they are not truly disabled.

## **IMPARTIAL HEARING AND COMPLAINT PROCEDURES**

**Impartial Hearing.** When a parent/guardian or adult student disagrees with the District's decisions regarding the Section 504 process, they are entitled to request a hearing conducted by an impartial hearing officer from outside the school unit. Questions regarding how to request a hearing under this section should be directed to the Section 504 Coordinator.

**Complaint Procedure.** The District maintains a student Discrimination and Harassment Complaint Procedure. This procedure provides a process for students or parents/guardians to raise concerns regarding the District's compliance with its obligations under state and federal discrimination and disability laws, including Section 504.

**OCR Complaint Process.** A parent/guardian, student or others may also file a complaint with the federal Office for Civil Rights alleging any violations of Section 504 and/or the ADA. To make an inquiry or file a complaint under Section 504, an individual may contact: Office for Civil Rights, Regional Director, U.S. Department of Education, at 33 Arch Street, Suite 900, Boston, MA 02110-1491; Telephone: 617-289-0111; TDD: 877-521-2172; Fax: 617-289-0150; E-mail: [OCR.Boston@ed.gov](mailto:OCR.Boston@ed.gov).

## **NOTICE OF PARENT AND STUDENT PROCEDURAL SAFEGUARDS**

### **Section 504 of the Rehabilitation Act of 1973**

The following is a description of the rights granted by Section 504 of the Rehabilitation Act ("Section 504") to parents and their children who are identified as disabled. The school district is obligated to inform you of decisions about your child and of your rights if you disagree with any of those decisions.

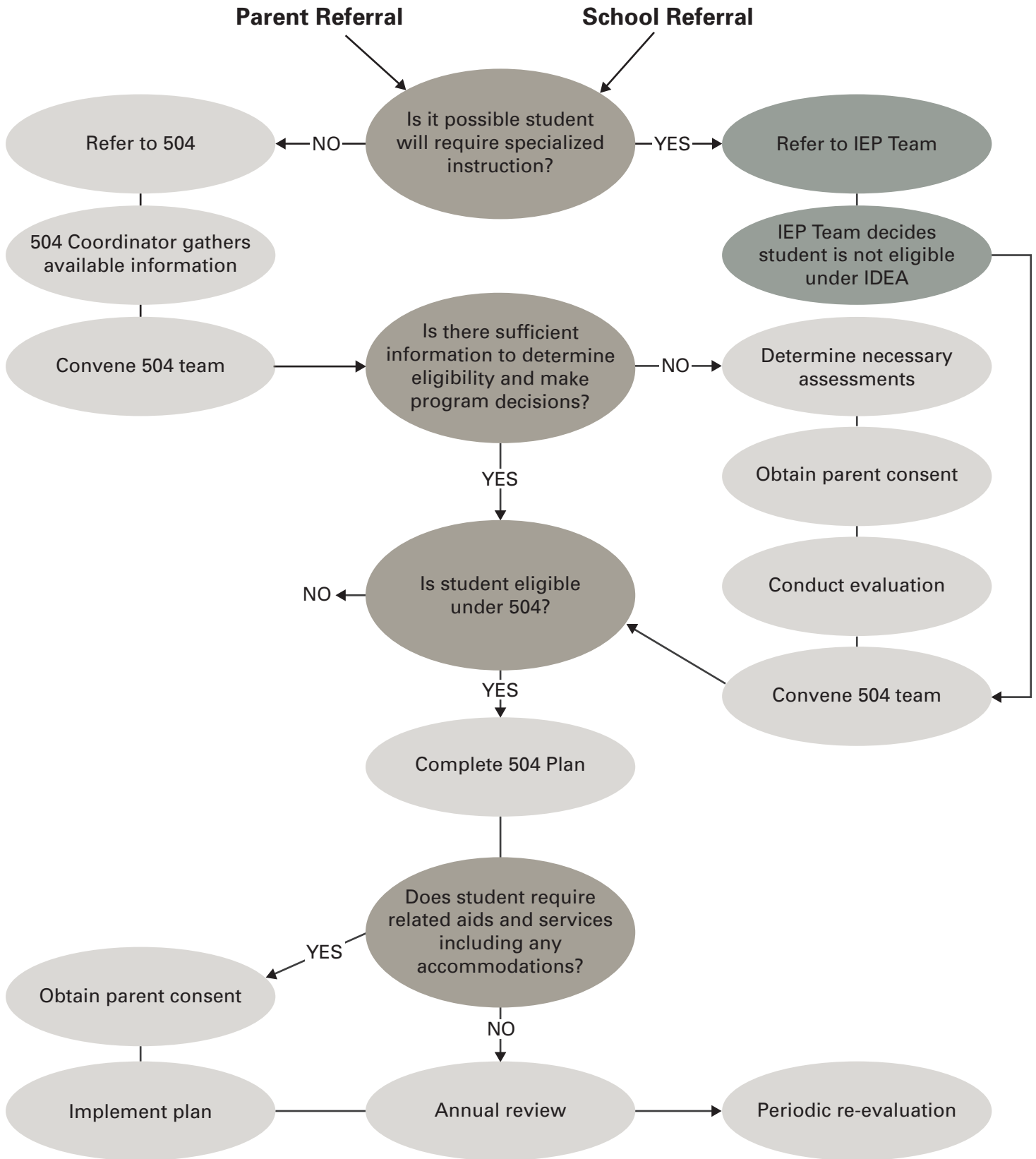
You have the following rights:

1. To have your child take part in, and receive benefits from, public education programs without discrimination because of his/her disability;
2. To have the school district advise you of your rights under federal law;

3. To receive notice from the school with respect to the identification, evaluation, educational program or placement of your child;
4. According to the U.S. Department of Education's 504 regulations, to have your child receive a free appropriate public education. This includes the right to be educated with non-disabled students to the maximum extent appropriate. It also includes the right to reasonable accommodations, modifications, and related aids and services necessary for your child to benefit from his or her educational program.
5. To have your child educated in comparable facilities and receive comparable services to those provided non-disabled students;
6. To have decisions regarding your child's evaluation, program and placement based upon a variety of information sources, and made by persons familiar with the student, the evaluation data, and the placement options;
7. To have your child re-evaluated periodically, to the extent necessary, including before any significant changes are made to your child's educational program or placement;
8. To have your child receive an equal opportunity to participate in extra-curricular school activities;
9. To examine all relevant educational records relating to decisions regarding your child's identification, evaluation, education program, and placement;
10. To file a complaint through local complaint procedures regarding any alleged violation of the Rehabilitation Act;
11. To request an impartial hearing, to be conducted by a person who is not an employee of the District, to dispute decisions or actions regarding your child's identification, evaluation, educational program or placement as a student with a disability. You and your child may take part in the hearing and have an attorney represent you at your own expense. Questions about how to request a hearing may be forwarded to the person responsible for the district's compliance with Section 504 listed below;
12. To have the decisions made by hearing officers or others reviewed in state or federal court.

The person in SAU 19 who is responsible for assuring that the District complies with Section 504 is the Director of Guidance, (603) 497-4841.

# 504 Process Flowchart





## **OVERVIEW OF SPECIAL EDUCATION**

### **TYPES OF SPECIAL EDUCATION PROGRAMS AVAILABLE IN SAU 19**

- Integrated preschool program
- Continuum of special education in-district supports and services, provided in the regular classroom to specialized instruction delivered in self-contained special education classrooms
- Related services, such as speech, occupational and physical therapy
- Itinerant services for the hearing and visually impaired

### **NH SPECIAL EDUCATION PROCESS**

The special education process in New Hampshire involves the following sequence:

- 1) Child Find (NH Rules Ed 1105);
- 2) Referral (NH Rules Ed 1106);
- 3) Evaluation (NH Rules Ed 1107);
- 4) Determination of Eligibility (NH Rules Ed 1108);
- 5) Development and Approval of the IEP (NH Rules Ed 1109);
- 6) Placement (NH Rules Ed 1111); and
- 7) Ongoing Monitoring of the IEP (NH Rules Ed 1109.06).

The requirements for each of the steps are discussed in more detail in the New Hampshire Special Education Procedural Safeguards Handbook (Procedural Safeguards) which may be accessed online at ([http://education.nh.gov/instruction/special\\_ed/documents/procedural\\_safeguards\\_handbook\\_october\\_2014.pdf](http://education.nh.gov/instruction/special_ed/documents/procedural_safeguards_handbook_october_2014.pdf)) A copy may also be obtained at the SAU 19 office or any school within the Goffstown or New Boston School District. Each step in the special education process includes procedures for parents and schools to work together and to resolve any disagreements they may have. The process includes an annual review of the IEP and placement, which is based on information such as formal and informal evaluations, observations and progress on the current IEP goals and objectives.

**1. Identification/Child Find.** The school district is responsible for identifying students with educational disabilities, ages 2.5 through 21, and for providing special education and related services as required by the Individualized Education Program (IEP) for those students with educational disabilities, ages 3 through 21 including SAU 19 residents who attend private schools located within the boundaries of the district. Any student who is suspected or known to be a child with a disability may be referred to the IEP Team by parents, district personnel, or any other interested person. The referral process starts by contacting one of the local school offices.

**2. Referral.** When a parent, teacher or other person suspects a child may have a disability and need special education, a referral to the District may be made. A child's parents may also contact their child's teacher(s) or other school professional to request an evaluation. This request may be verbal or in writing; however, parents will be asked to place their request in writing and submit it to the building principal (or designee). Assistance in completing this written request shall be available to parents upon request.

Upon receipt of a referral from someone other than a parent, and prior to the evaluation of a child suspected of being a child with a disability, the District shall immediately send written notification of the referral to the parent. Procedural Safeguards will be included with the parent notification.

A meeting will be scheduled and held within 15 calendar days of receipt of the referral to review the referral and determine the appropriate course of action. At a minimum, the following people shall be invited to be part of the referral team:

- One or both of the student's parents, guardian, and/or surrogate parent

- A representative of the School District other than the student’s teacher who is qualified to provide or supervise the provision of special education services
- Not less than one regular education teacher of the child (if the child is, or may be, participating in the regular education environment)
- Not less than one special education teacher or, when appropriate, not less than one special education provider of the child
- The student (if of the age of majority) and where otherwise appropriate
- Other individuals at the discretion of the parent or School District who have knowledge or expertise regarding the child.

The team will review concerns raised in the referral and decide which of the following actions should occur.

**A. Determination that student is not suspected to be a child with a disability**

1. The IEP team considers information available, including parent concerns, and determines that no evaluation is needed.
2. The IEP team may recommend intervention strategies to be used in the regular class or other school-based interventions/options.
3. The IEP team shall document its decision in meeting notes and Written Prior Notice.

**B. Determination that child may be a child with a disability**

1. The IEP team considers information available, including parent concerns, and determines that further evaluation is needed to address concerns and determine if the child is eligible for special education and related services.
2. The IEP team may request additional information from outside sources. Parents will be asked to provide written consent for the District to obtain this information.
3. The IEP team shall document its decision(s) in meeting notes and Written Prior Notice, and request written parental consent for evaluation.

**3. Evaluation.** When the IEP team determines that additional information is necessary, a full and individual evaluation is provided to determine if the child is a “child with a disability” and to determine the educational needs of the child. The IEP team plans initial evaluations and re-evaluations, and parents are active participants in the evaluation planning process. Written parental consent is required in order for the District to conduct evaluations as a part of an eligibility determination. Evaluations will be provided based on the suspected disability (or disabilities), and in accordance with the NH Rules. The child’s educational history shall be reviewed, including identification of the child’s past opportunities to have acquired important skills and information.

The District shall complete all evaluations within 45 calendar days of receipt of written consent from the parent. When circumstances warrant additional time to complete evaluations, only one extension of up to 15 days may be granted upon written consent of the parties.

Once the testing is completed, the parents will be given a report of the results. If the parents disagree with the evaluation conducted by the school district, the parents may request the District provide an independent educational evaluation at no cost to the parent.

**4. Determination of Eligibility and Disability Category.** Upon the completion of the administration of tests and other evaluation materials, a team of qualified professionals and the parent(s) of the child will meet to review the results and recommendations of the evaluations and to determine whether the child is a child with an educational disability and that the child requires special education or special education and related services. A child may not be determined to be eligible if the determining factor for that eligibility decision is lack of instruction in reading or math, limited English proficiency, or the child does not otherwise meet the eligibility criteria under state guidelines. Once a child begins receiving special education, he/she is reevaluated at least once every three years to ensure the IEP Team continues to have current information on which to base their decisions.

**5. Development of the IEP.** Within 30 days after the child is found eligible for special education, the IEP Team meets to develop an individualized education program (IEP) for the child. Once a child has an IEP, it is reviewed and/or revised at least annually, and it must be in place at the start of each school year. The IEP does not become effective until it is agreed upon and signed by the parent(s).

**6. Determination of Educational Placement.** After the IEP has been developed and agreed to, the IEP Team meets to determine the least restrictive environment in which the child can receive the educational services described in his/her IEP.

**7. Implementation and Monitoring.** The child begins receiving services once the parents consent in writing to the IEP and placement. The IEP Team monitors the child's progress on an ongoing basis to ensure his/her educational needs are met, and must conduct an annual review of the IEP and placement. Progress shall be monitored in accordance with the IEP through a variety of means such as consultation, observation, work samples and post testing. Parents will be notified of their child's progress throughout the year at least as often as parents of children without disabilities are notified of their child's progress. If a student is not progressing adequately toward the goals and benchmarks/objectives in the IEP, a meeting shall be convened to discuss possible IEP or program adjustments which may facilitate progress. Conversely, if a student has met or exceeded the goals and benchmarks/objectives in the IEP, the IEP will be amended to reflect new goals. The IEP team may be reconvened at any time to review the provisions of the IEP.

**For more information regarding special education, please contact Special Education Director at 497-4818 extension 5765 or visit the New Hampshire Department of Education's website at <http://www.education.nh.gov>**