

## ANNUAL SAU19 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-----Jennifer Freitas, Special Education Director  
Section 504 and District Suicide Prevention Coordinator-----Joyce Lewis, School Counseling Coordinator  
English Language Learners -----Jennifer Freitas, Special Education Director  
Title IX Coordinator-----Wendy Kohler, 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/index.php/policies>. New Boston School District policies are accessible at <http://www.nbcs.k12.nh.us/index.php/district-policies> and the New Boston Central School.

## **INTERNET ACCESS FOR STUDENTS (Please refer to policy JICL adopted 6/5/2023)**

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 (updated 7/1/2020)

## **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 adopted 2/20/23)**

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 (ACAC, 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, JBAA and ACAC)**

The referenced notices, procedures and policies are available in their entirety on the SAU 19 Website ([www.goffstown.k12.nh.us](http://www.goffstown.k12.nh.us)) or you may obtain complete copies of any notices, procedures and policies at your student's school. Updates to notices, procedures and policies are posted on the SAU 19, and New Boston Websites.

JBAA (Goffstown) and GBAA: 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 and 193:38. Sexual harassment, in particular, is forbidden. Harassment based on other categories is prohibited as well. These categories include the following: age, sex, gender identity, sexual orientation, race, color, marital status, familial status, disability, religion, or national origin, all as defined in RSA 354-A. 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.

ACAC: The purpose of this Policy is to address, and only to address, sexual harassment as defined in Title IX that occurs within the education programs and activities of the District. For harassing conduct which does not meet the definition of sexual harassment under Title IX and this Policy, the District's response will be governed under other applicable laws and policies per Board Policy AC and policies referenced therein. This Policy shall apply to all students, employees, and any third party who contracts with the District to provide services to District students or employees, on District property or during any school program or activity. The Superintendent shall have overall responsibility for implementing this Policy, and shall annually appoint a District Title IX Coordinator. SAU19 Title IX Coordinator is Assistant Superintendent Wendy Kohler.

Please refer to the unlawful harassment policies (**GBAA, JBAA, ACAC**) for specific reporting requirements and information 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).

### **SUICIDE PREVENTION AND RESPONSE (New policy JLDBB adopted 3/20/2023 )**

The referenced Policy and Plan are available in their entirety on the SAU 19 Website ([www.goffstown.k12.nh.us](http://www.goffstown.k12.nh.us)) or you may obtain complete copies at your student's school. Updates to notices, procedures and policies are posted on the SAU 19 and New Boston Websites.

The School Board is committed to protecting the health, safety and welfare of its students and school community. Policy JLDBB supports federal, state (RSA 193-J) and local efforts to provide education on youth suicide awareness and prevention; to establish methods of prevention, intervention and response to suicide or suicide awareness, prevention and postvention resources.

Annually, all school building faculty and staff, designated volunteers and any other personnel who have regular contact with students, including contracted personnel or third-party employees are to receive at least two hours of training in suicide awareness and prevention.

The Director of School Counseling serves as the appointed District Suicide Prevention Coordination under the direction of the Superintendent. The Building Principal or designee shall be designated as the Building Suicide Prevention Liaison and shall serve as the school point-of-contact person when a student is believed to be at an elevated risk for suicide. Employees who have reason to believe a student is a risk of suicide, or is exhibiting risk factors for suicide, shall report that information to the building Liaison, who shall, immediately or as soon as possible, establish and implement a response plan with the District Suicide Prevention Coordinator.

Student handbooks and the District's website will be updated each year with the contact information for the Building Suicide Prevention Liaisons, State and community crisis or intervention referral intervention resources. The District Suicide Prevention Plan is to be made available on the District and school websites.

### **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, a 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) (Please refer to policy JRA)**

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 14 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 20202-8520

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.

6. ***Student Data and Online Instructional Applications***

*The Goffstown and New Boston School Districts may share student data with vendors that provide online instructional applications that are used with students, which is an institutional function or service, but only when the vendor signs a student data privacy agreement with the school district or if an express written consent form has been signed by the parents/guardians/caregivers of the student. A list of approved online instructional resources can be found at: [https://sdpc.a4l.org/district\\_search.php?districtID=9495&state=NH](https://sdpc.a4l.org/district_search.php?districtID=9495&state=NH)*

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 Protection of Pupil Rights Amendment is a federal law which 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 other individuals with whom respondents have close family relationships;
6. Legally recognized privileged or analogous relationships, such as those of lawyers, physicians, or ministers;
7. Religious practices, affiliations, or beliefs of the student or student's parents.
8. Income, (other than that required by law to determine program eligibility for participation in a program or for receiving financial assistance under such program).

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.

*Please see updated information regarding the opt out provision from the New Hampshire Department of Education regarding the Administration of Non-Academic Surveys or Questionnaires at the end of this section.*

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.

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. 20202-8520

## **Administration of Non-Academic Surveys or Questionnaires**

Policy ILD - Educational Questionnaires, Surveys and Research is undergoing revision by both the Goffstown and New Boston School Boards in accordance with NH state law RSA 186:11, IX-d. In the meantime, both districts are addressing non-academic surveys and questionnaires as follows: During the 2017 legislative session, RSA 186:11, IX-d, which requires school districts to adopt a policy governing the administration of non-academic surveys or questionnaires to students, was amended. SB 43 was signed by the Governor on July 18, 2017 and becomes effective on September 16, 2017. The amendment eliminates the “opt-out” provision and now states that **no student is required to submit to a non-academic survey or questionnaire without obtaining written consent of a parent or legal guardian.** The law now requires **written consent** of a parent or legal guardian, unless the student is an adult or an emancipated minor, before a student is allowed to participate in a non-academic survey or questionnaire. Thus, the new version of the law replaces the previous “opt-out” provision with an “opt-in” provision. The only exception is for the Youth Risk Behavior Survey (YRBS) that is developed by the Centers for Disease Control and Prevention, which is not subject to the parental consent requirement, but has an “opt-out” provision. The YRBS is subject to the requirement to “make such surveys or questionnaires available, at the school and on the school or school district’s website, for review by a student’s parent or legal guardian at least 10 days prior to distribution to students.” *See New Hampshire Department of Education Technical Advisory dated September 15, 2017: Policy Governing the Administration of Non-Academic Surveys or Questionnaires.*

## **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 of a core academic subject who is not highly qualified.

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

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 updated 3/16/2020)**

SAU 19 does not discriminate on the basis of age, gender, gender identity, 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, Boston Office, U.S. Department of Education, at 5 Post Office Square, 8<sup>th</sup> Floor, Boston, MA 02109-3921; Telephone: 617-289-0111; 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.

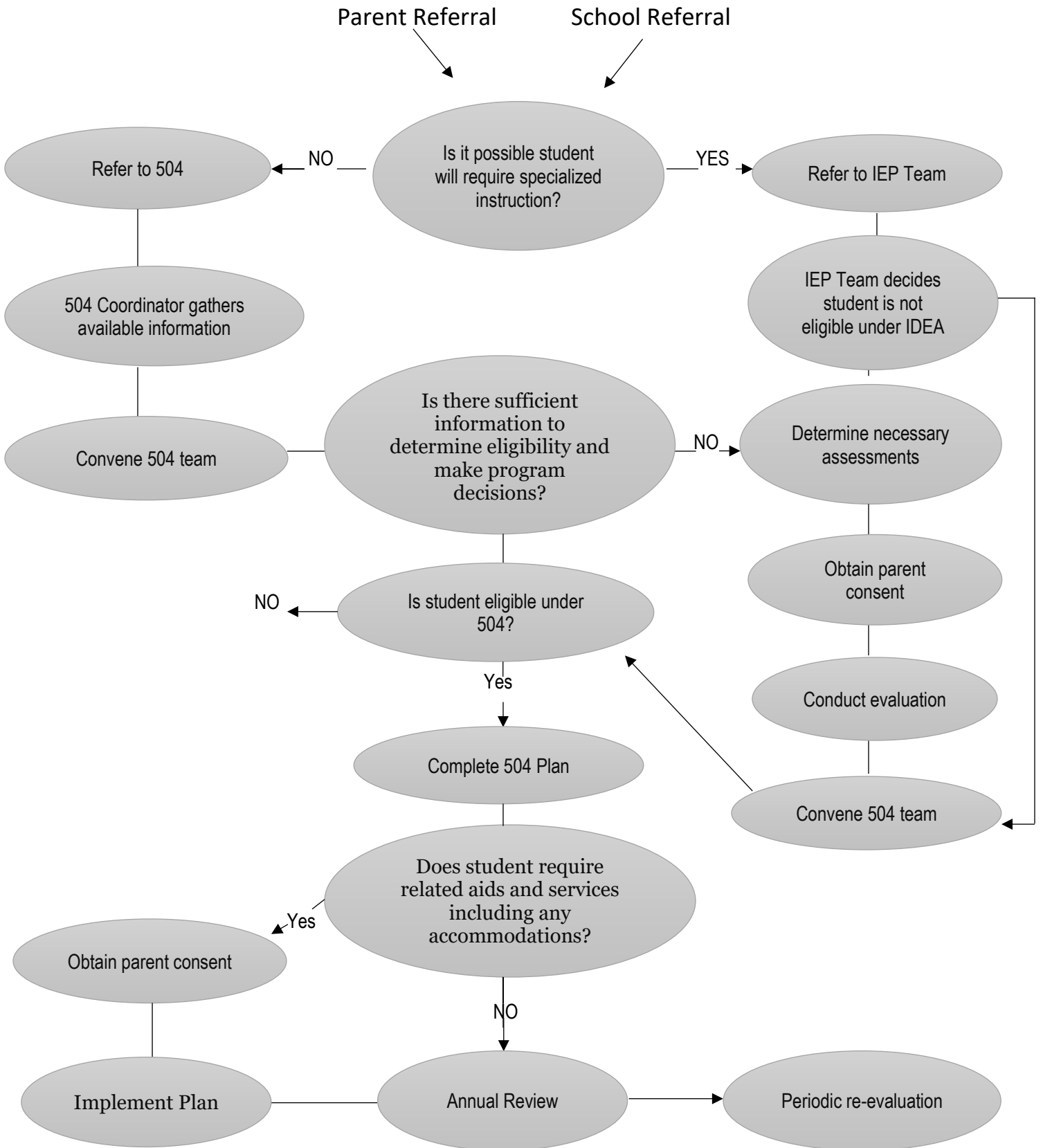
You have the following rights:

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



DrummondWoodsum  
 dmlaw.com  
 schoollaw.com

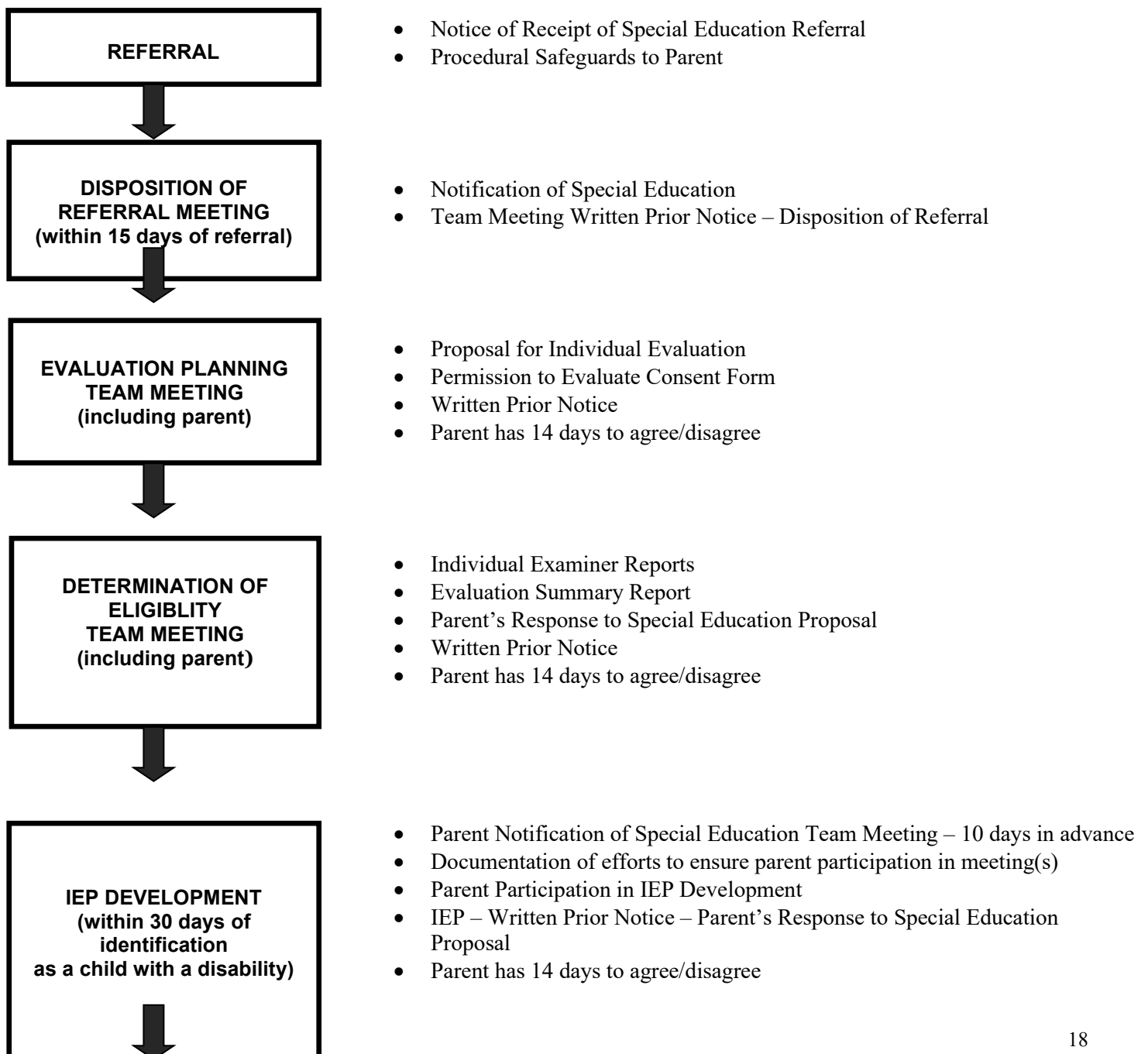
## Notice of Rights and Policies in Special Education

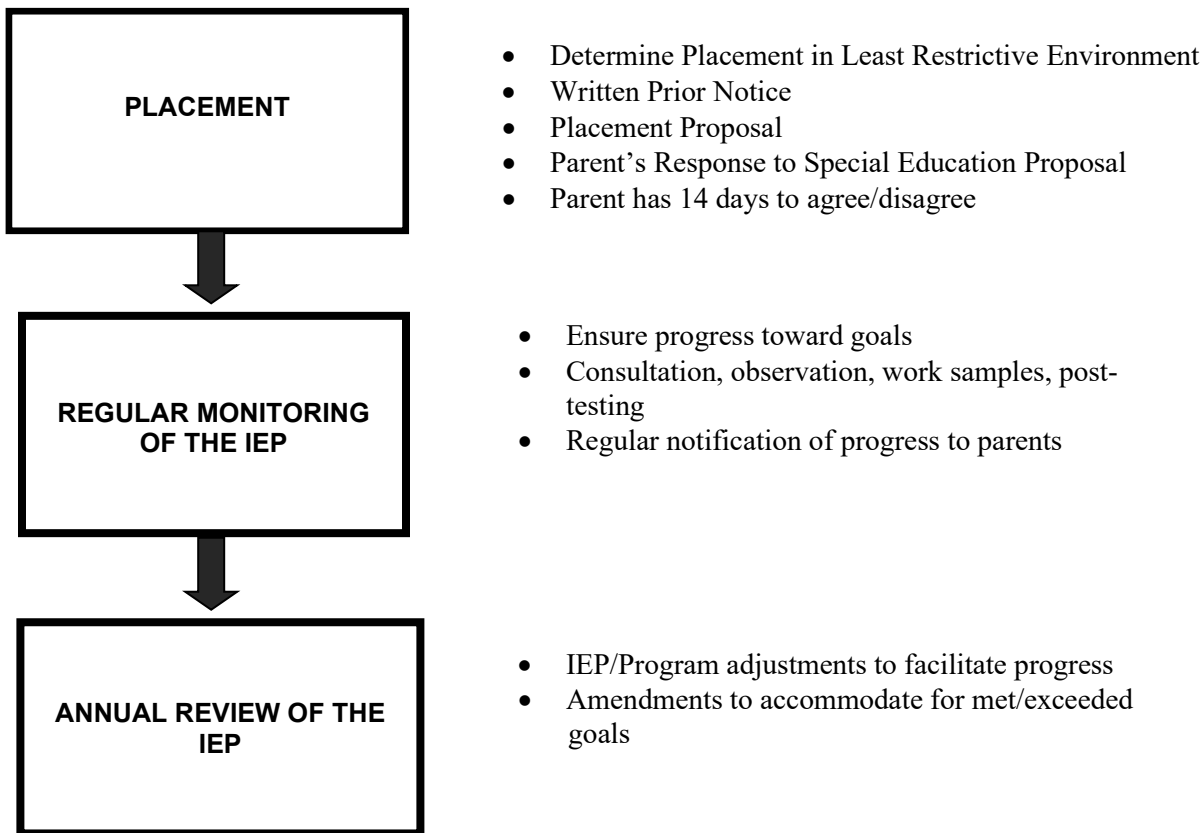
As the parent of a child who is receiving or may receive special education or special education and related services, you have certain rights that are protected by state and federal laws and regulations. Your rights are listed below in a very short form. You can also access the full version of the New Hampshire Special Education Procedural Safeguards Handbook at:

<https://www.education.nh.gov/who-we-are/division-of-learner-support/bureau-of-student-support/special-education/procedural-safeguards>

If you would like a more detailed explanation of these rights, you may call or write to the Special Education Administrator, c/o SAU 19, 11 School Street, NH 03045 (Telephone 603-497-4818).

### Special Education Process





PARENT PARTICIPATION

As the parent of a child who is receiving or may receive special education or special education and related services, you are an important member of the IEP team. You have a right to actively participate in all educational decisions involving your child and to attend team meetings, including all evaluations, IEP, and placement team meetings.

RIGHT TO WRITTEN PRIOR NOTICE (WPN)

- You have the right to be notified in writing within a reasonable time, but not less than 14 days, before the school district proposes to initiate or change, or refuses to initiate or change, the referral, evaluation, determination of eligibility, IEP, or educational placement, or the provision of a free, appropriate public education to your child. Written Prior Notice (WPN) shall include the following information: A description of the action being proposed or refused, an explanation of why the school district is proposing or refusing to take this action, a description of any other options considered, and an explanation of why those options were rejected. A description of each evaluation procedure, test, record, or report the school district used as a basis for the proposed action or refusal of action. A description of other factors the school district used as a basis for the proposed action or refusal of action.
- You have the right to have the written notice provided in your native language, unless it is clearly not feasible to do so.
- You have the right to be given a copy of the procedural safeguards available to a parent of a child with a disability: Upon initial referral for evaluation; Upon each notification of an IEP meeting; Upon re-evaluation of your child; Upon request for a due process hearing.

PARENTAL CONSENT

The school district must obtain your informed written consent prior to:

- Conducting a pre-placement evaluation;

- Conducting individual evaluations administered for the purpose of further diagnosing your child; Conducting a re-evaluation of your child;
- Implementing the Individualized Educational Plan (IEP) developed for your child by the IEP team;
- Making an initial placement of your child in a program providing special education or special education and related services;
- Renewing annually your child’s placement in a program providing special education or special education and related services;
- Determining or changing the disability classification; Changing the nature or extent of the special education or special education and related services.

You have 14 days after the sending of written prior notice to sign documents included with the notice to indicate consent, consent with conditions, or denial of consent. This 14-day time limit may be extended if mutually agreed to by the parent and the school district. You have the right to revoke your consent at any time.

If you fail to respond within 14 days after the sending of the written prior notice, the school district shall implement its proposed changes, provided the school district has taken reasonable measures to obtain informed written consent. Reasonable measures include documentation of telephone calls and correspondence sent certified mail, return receipt requested.

### REFERRAL PROCESS

Upon receipt of a written or verbal referral from any source, the school district shall immediately notify the parent, in writing, of the referral. Within 15 business days of receiving a written referral, the school district’s IEP team shall determine whether the concerns raised by the referral can be addressed using existing pupil support services available to all children, whether additional information is required, and what testing, if any, is needed to address any unresolved concerns raised by the referral.

### EVALUATION PROCEDURES

If your child is suspected of having an educational disability, you have a right to a full and individual evaluation of your child’s needs. As part of the evaluation process, you have the right to:

- Attend and participate in all evaluation meetings, as a member of the IEP team.
- Attend and participate in the evaluation planning meeting, held before the evaluation is conducted, to determine the scope of the evaluation and to participate in the selection of the evaluations to be performed.
- Have more than one criterion used in determining your child’s eligibility for special education or special education and related services and for determining an appropriate educational program for the child.
- Have a variety of assessment tools and strategies used to gather relevant functional and developmental information about the child, including information provided by you and information related to enabling the child to be involved in and progress in the general curriculum that may assist the team in determining whether the child is educationally disabled.
- Have your child evaluated in his/her native language or other mode of communication unless it is clearly not feasible to do so.
- Have information from more than one source considered by the team determining your child’s eligibility for special education or special education and related services.
- Have your child re-evaluated every three years or more frequently if conditions warrant or if requested by you or your child’s teacher. Receive a copy of the evaluation report and documentation of the determination of eligibility.

### INDEPENDENT EDUCATIONAL EVALUATIONS

You have the right to obtain an independent educational evaluation of your child. An independent educational evaluation

is an evaluation conducted by a qualified examiner who is not employed by the school district. Upon request, the school district shall provide you with information about where an independent educational evaluation may be obtained and the school district's criteria for independent educational evaluations. Whenever an independent educational evaluation is at public expense, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the examiner, must be the same as the criteria used when an evaluation is initiated by the school district. You have the right to:

- Have the school district pay for the independent evaluation if you disagree with the school district's evaluation. However, the school district may, without unnecessary delay, initiate a hearing to show that its evaluation is appropriate or that the evaluation obtained by you does not meet the school district's criteria. If the decision of the hearing officer is that the school district's evaluation is appropriate, you still have the right to an independent educational evaluation, but not at public expense.

If you obtain an independent educational evaluation at private expense, the results of the evaluation must be considered by the school district and may be presented as evidence at a due process hearing. If a due process hearing officer requests an independent educational evaluation as part of a hearing, the cost of the evaluation will be paid by the school district.

### INDIVIDUALIZED EDUCATION PLAN (IEP)

The Individualized Education Plan (IEP) is a written plan for the education of an educationally disabled child, which is developed by the school district's IEP Team and the parent, and which provides the special education or special education and educationally related services for the child within an approved program. The IEP Team includes: The parents of the child; The child's regular education teacher; Special education teacher; Special education provider, if appropriate; Representative of the school district, referred to as an LEA; An individual who can interpret the instructional implications of evaluation results; Other individuals who have knowledge or special expertise regarding the child; and the student, when appropriate. The IEP Team will meet annually, near or at the end of the term of each IEP, to assess the effectiveness of the current plan and to develop a new IEP. The IEP Team may meet at any time to review the provisions of the IEP and, if appropriate, to make changes to the IEP. Any modifications to the IEP require parental written consent. Each teacher and service provider listed as being responsible for implementing the IEP shall be provided with a copy of the complete IEP.

### PLACEMENT IN THE LEAST RESTRICTIVE ENVIRONMENT

The placement team shall include an individual knowledgeable about placement options. You have the right to:

- Have the right to be the member of the IEP Team and to participate in all IEP and placement meetings.
- Have your child educated with students who do not have disabilities to the maximum extent appropriate for your child;
- Know that the school district must give evidence that a continuum of alternative learning environments from least restrictive to most restrictive is available or would be made available as placements for children with disabilities;
- Know that your child can be removed from the regular education classroom only when the nature or severity of the disability is such that education in regular classes, even with the use of supplementary aides and services, cannot be achieved satisfactorily;
- Have your child placed in the school he/she would attend if he/she did not have a disability unless the child's IEP requires another arrangement;
- Have your child participate with children who do not have disabilities in non-academic and extracurricular services, such as meals, recess, counseling, athletics and other activities or groups run by the school;
- Have your child transported to and from school, between schools, and in and around school buildings, including specialized equipment if necessary, provided such an educationally related service is required by the child's IEP;
- Have your child's IEP implemented by appropriately certified or licensed individuals;
- Have your child receive special education or special education and educationally related services to enable him/her to be involved in and progress in the general curriculum;
- Be regularly informed of your child's progress toward his/her annual IEP goals and the extent to which such progress is sufficient to achieve the goals by the end of the school year.
- Be informed of your child's progress at least as often as parents of nondisabled children are informed of progress.

## EXTENDED SCHOOL YEAR SERVICES

The school district shall provide extended school year services if the child's IEP Team determines, on an individual basis, that the services are necessary to provide the child with a free, appropriate public education.

State law states that the school district shall provide an extended program, when it can be demonstrated by a preponderance of the evidence that "interruption of the program of an educationally disabled child would result in severe and substantial harm and regression and would have the effect of negating the benefits" of the child's regular special education program. RSA 186-C:15, "Length of School Year."

## ACCESS TO RECORDS/CONFIDENTIALITY

You have the right to:

- Examine all records relating to your child or to be informed of the specific information that is contained in the file.
- Have your authorized representative review and inspect your child's records.
- Obtain copies of your child's records if failure to provide you with copies would effectively prevent you from exercising your right to inspect and review those records.

You may be charged a fee for copies of the records, unless such fees would prevent you from inspecting or reviewing the records. You may not be charged for the cost of searching and retrieving those records. The record includes the name of the individual, date they were given access to the records, and the purpose for which they were authorized access.

You have a right to:

- Inspect this record of disclosures.
- When records contain information on more than one child, you may inspect and review only the specific information on your child.
- You are to be notified when personally identifiable information that has been collected, maintained, or used to provide an appropriate educational program is no longer needed to provide educational services and to have that information destroyed at your request.
- Statements of any current or previous disciplinary action that has been taken against your child shall be included in the child's record to the same extent that such information is included in the student records of nondisabled students. This statement may include a description of the behavior, the disciplinary action taken, and any other information relevant to the safety of the child and other individuals involved with the child.

## SURROGATE PARENTS

A surrogate parent is appointed by the New Hampshire Department of Education to protect the rights of a disabled child when the child's parents are unknown or unavailable, the child is under the legal guardianship of DCYF, or if a court has issued a written order for a surrogate parent. The surrogate parent will represent the child in all matters and proceedings related to the identification, evaluation, and educational placement of the student and the provision of a free, appropriate public education. The person selected as a surrogate parent must have no interest that conflicts with the student's interest, have the knowledge and skills necessary to ensure adequate representation of the student, and may not be an employee of a public agency involved in the education or care of the student.

## TRANSFER OF RIGHTS AT AGE OF MAJORITY

All parental rights shall be transferred to the adult student upon his/her 18th birthday, unless the student is determined to be incompetent under state law. All notices required by the IDEA will be given to both the adult student and the parents, but all other parental rights under the IDEA and described in this notice of procedural safeguards, shall transfer to the student.

- The school district shall notify the students and the parents of this transfer of rights, at least one year prior to the student's 18th birthday and will include in the student's IEP a statement that the student has been informed of his/her rights that will transfer upon reaching the age of majority.
- Parental rights will not transfer to the adult student if the student has been determined to be incompetent under state law.
- If the student lacks the ability to provide informed consent regarding his/her educational program, but has not been determined to be incompetent under state law, the state shall establish procedures to appoint the parent to represent the student in the special education process.
- If the parent is not available, the state shall appoint another appropriate individual to represent the educational interests of the student throughout the student's eligibility under the IDEA.
- All rights accorded to parents under the IDEA (and which are described in this notice) transfer to adult students incarcerated in adult or juvenile correctional institutions.
- The school district must allow either parent the right to inspect and review their child's records unless it has been provided with evidence that there is a legally binding instrument, state law, or court order that provides to the contrary.

You may contact the following agencies to obtain free or low-cost assistance in understanding the special education process and the procedural safeguards available to you:

1. New Hampshire Legal Assistance, 1850 Elm Street, Suite 7, Manchester NH 03104 (1-800-562-3174, 603-668-2900) [www.nhla.org](http://www.nhla.org)
3. New Hampshire Bar Association/Pro Bono, 2 Pillsbury Street, Suite 300, Concord NH 03301, (603-224-6942) [www.nhlegalaid.org](http://www.nhlegalaid.org)
4. Parent Information Center (PIC), 54 Old Suncook Road, Concord NH 03302 (603-224-7005, 1-800-947-7005) [www.picnh.org](http://www.picnh.org)
5. Disabilities Right Center, Inc., 64 North Main Street, Suite 2, 3rd Floor, Concord NH 03301 (1-800-834-1721, 603-228-0432) <https://drcnh.org>
6. New Hampshire Department of Education, Special Education Bureau & Special Education Mediation, 101 Pleasant Street, Concord NH 03301 (603-271-3741) <https://www.education.nh.gov/specialeducation>

*United States. (2011). Individuals with Disabilities Education Improvement Act of 2004. [Bethesda, MD :ProQuest]*

*NH Procedural Safeguards Handbook, based on the Individuals with Disabilities Education Act of 2004 and the New Hampshire Standards for the Education of Children with Disabilities adopted March 23, 2017.*