

**Rochester School Board  
Policy Committee Minutes  
School Department Board Room  
March 16, 2017**

**DRAFT**

**Members Present:**

Mr. Thomas O'Connor, Chair  
Mr. Matthew Pappas  
Mr. Raymond Turner  
Mr. Robert Watson

**Members Absent:**

Mr. Travis Allen

**Also Present:**

Mr. Michael Hopkins  
Mr. Kyle Repucci  
Mrs. Karen Stokes  
District Administrators  
Guests

The Chair called the meeting to order at 6:00 p.m. with a quorum present. Members and guest participated in the pledge of allegiance.

Mr. Turner moved, second by Mr. Pappas, to approve the minutes of the February 16, 2017 meeting. The motion passed unanimously.

Policies for 2<sup>nd</sup> Reading

Mr. Pappas moved, second by Mr. Turner, to recommend to the Board for second reading and adoption of policy AC-R, Non-Discrimination: Title VII, Title IX Grievances as amended. The motion carried unanimously.

Mr. Pappas moved, second by Mr. Turner, to recommend to the Board for second reading and adoption policy KLGA-R, School Resource Officer/Law Enforcement Administrative Memorandum of Understanding as amended. The motion carried unanimously.

Mr. Watson requested that reports be submitted periodically to enable the Board to get updates on what the SRO's are doing with regards to statistics. A copy of the SRO job description was requested for review; for a more comprehensive understanding of their duties.

Mr. Pappas moved, second by Mr. Watson, to recommend to the Board for second reading and adoption policy BA, Board Operational Goals.

Mr. Turner raised the question regarding section 4; is there something more that should be done in terms of community involvement. Discussion regarding long-range planning and obtainable short-term objectives; with a description of how we are measuring achievement was held.

The motion on the floor carried by majority vote.

Mr. Turner moved, second by Mr. Watson, to recommend to the Board for second reading and adoption policy BAAA, School Board Policies and Administrative Procedures. The motion carried unanimously.

Mr. Watson moved, second by Mr. Turner, to recommend to the Board for second reading and adoption policy BBAA, Board Member Authority. The motion carried unanimously.

Mr. Watson moved, second by Mr. Pappas, to recommend to the Board for second reading and adoption policy BBC, Board Member Resignation. The motion carried unanimously.

Lengthy discussion ensued regarding the definition and use of the word advocate as written in policy BBFA; and the issues associated with the presence of a School Board member attending a student meeting (other than their own) as an advocate. Policy should clarify the reference to a Board member advocating for a student other than own; responsibility of the Board to advocate for all families and students.

Mr. Watson moved, second by Mr. Pappas, to table policy BBFA, Board Member Conflict of Interest. The motion carried unanimously.

Mr. Pappas moved, second by Mr. Turner, to recommend to the Board for first reading and review policy BBF-E, School Board Member Ethics as amended. The motion carried unanimously.

Policies for 1<sup>st</sup> Reading

No action; policies will be reviewed at the April meeting.

Public Comment

None

Other

None

Adjournment

Mr. Turner moved, second by Mr. Pappas, to adjourn at 6:30 p.m. The motion passed unanimously.

Respectfully submitted,

Mr. Thomas O'Connor, Chair

## AC-R

### NON-DISCRIMINATION: TITLE VII, TITLE IX GRIEVANCES

The School Board hereby formally declares that, in accordance with the requirements of Title VII of the Civil Rights Act of 1964 and Title IX of the Education Amendments of 1972, there will be no discrimination on the basis of sex in educational programs or activities, nor will there be discrimination on the basis of race, **disabilities**, ethnic background, or socioeconomic status.

Inquiries of complaints regarding compliance with Title IX may be directed to the office of Superintendent of Schools. Grievances will be processed as follows:

#### Grievance Procedure

1. Any complaint from or on behalf of any person employed or served by the schools shall be submitted in writing to the office of the Superintendent of Schools **or their designee**, hereafter referred to as "the designated employee." The designated employee shall, without delay, forward it to the person immediately responsible, i.e., department head, coach, supervisor, etc.
2. The immediately responsible person will investigate the complaint **to ensure adequate, reliable, and impartial investigations of complaints, including the opportunity to present witnesses and other evidence** and report his/her findings and recommended remediation in writing to ~~the grievant~~ **both parties** within five (5) school days. **If necessary the school will take steps to correct acts of discrimination.** A copy of the report shall be sent to the designated employee who will maintain a file on all grievances.
3. If the grievance has not been remedied to the satisfaction of the grievant, he/she may then submit the complaint, with all previous communications attached to the following parties, in the order given. Each party will have the time indicated in which to investigate and report its findings and recommended remediation.
  - a. Responsible Building Principal (5 schools days)
  - b. Superintendent of Schools (10 school days)
  - c. Personnel Committee (10 school days)
4. If the grievant is not satisfied with the results of hearings at the local level, he/she may appeal to the New Hampshire State Department of Education, 101 Pleasant Street, Concord, New Hampshire 03301.
5. If all else fails, the grievant may appeal to the Federal Office for Civil Rights, Department of Health, Education and Welfare, Washington, D.C. 20201.

**Adoption Date:** April 8, 1993

**Amended:** May 8, 2008

Policy Committee Review: February 16, 2017; **March 16, 2017**

## KLGA-R

### SCHOOL RESOURCE OFFICER/LAW ENFORCEMENT ADMINISTRATIVE ~~PROCEDURE~~ MEMORANDUM OF UNDERSTANDING

The Rochester Police Department and the Rochester School District have always had an attitude of working together closely to ensure the safest environment in the local schools. ~~By~~ Due to the presence of the police officer at the school, crime and the threat of crime will be reduced. By working with the students, parents, faculty and staff, the School Resource Officer in the school provides a culture of safety and peace so that students may realize the full benefits of their education.

The purpose of this ~~administrative procedure~~ memorandum of understanding is to ensure that introduction of School Resource Officers in the schools will continue to further that attitude of ~~cooperation~~ cooperation. ~~Further~~ Further, this ~~is to~~ provides guidelines for the conduct of SROs and other law enforcement authorities in the schools. These are guidelines only and may be adjusted within reasonable and lawful limits on a case-by-case basis.

This memorandum as amended is effective from the date of signature through at minimum, June 30, 2021, at which time the MOU will be reviewed and further amended if necessary.

#### A. ~~General~~ Expectations Concerning the Roles of School Personnel and SROs:

1. SROs shall ~~always conduct himself/herself in a fair and impartial manner and shall~~ comply with all applicable federal and state laws, School Board policies and procedures, school rules, and Rochester Police Department rules in carrying out their duties and responsibilities ~~within the grounds of the school.~~
2. In general, school administrators and staff are responsible for enforcing Board policies and school rules and for maintaining order in the schools. ~~The SRO will be available to respond to and will be alert to any activity which create an unsafe atmosphere in the school.~~ SROs who observe violations of policies and/or rules may intervene with students to stop the behavior and shall report violations to appropriate administrators.
3. School administrators and staff may consult with and request assistance from SROs in addressing student violations of policies and rules as they deem appropriate.
4. School administrators and staff shall notify the SRO if they have reason to believe that a student has committed a crime or if they obtain evidence of illegal activity (such as weapons, drugs or alcohol).
5. ~~The SRO will consult with school officials in matters relating to criminal activity so that school officials may determine what their best course of action will be administratively. All criminal activity will be recorded and statistical information maintained to determine levels and types of activities.~~
- ~~5-6.~~ School administrators may request the assistance of SROs in enforcing Board policies, school rules and federal/state laws with visitors and intruders on school property.
- ~~6-7.~~ Unless there is a health or safety emergency, SROs shall consult with an appropriate school administrator prior to requesting additional law enforcement assistance on school grounds.
- ~~7-8.~~ SROs are expected to maintain the same standards of professional conduct in their dealings with staff, students, parents and community members as other school staff.

B. Investigations, Questioning and Searches of Students for School-Related Purposes: Some types of student conduct that are forbidden by school rules, such as assaults, bomb threats, weapons possessions, and drug offenses, are also punishable by criminal law. When a particular act is both a violation of school rules and a crime, the school disciplinary investigation by school administrators and the criminal investigation by the police and ~~district~~ **county** attorney will often operate simultaneously.

1. Evidence of violation of state/federal laws will be turned over to the SRO, unless such disclosures are otherwise prohibited by Family Educational Rights and Privacy Act (FERPA) or any other applicable law.
2. Since police investigative reports and police-obtained witness statements may not always be available to school administrators, the school administrator shall prepare and maintain his/her own records and reports concerning school-related investigations.

~~2.3.~~ **School Department will make final decisions in all administrative matters.**

C. Investigations, Questioning and Searches of Students for Non-School-Related Purposes:

1. In general, SROs and other law enforcement authorities are not allowed to use the schools as a venue for questioning and searching students for alleged violations of state or federal laws that are not related to the schools.
2. Exceptions will be made in the event of an emergency endangering student or staff safety or in exigent circumstances as authorized by law. Other exceptions may be made on a case-by-case basis after consultation between the Superintendent/designee and law enforcement authorities. Whenever practicable, the police should contact the school administrator before questioning or searching students.
3. If the SRO anticipates possible criminal charges, he/she should follow applicable laws and police department policies concerning questioning and searches of juvenile suspects (if the student is under 18) or adult suspects (if the student is 18 or older).
4. **The Police Department will make the final decisions in all criminal matters.**

~~3.5.~~ **Nothing in this Memorandum of Understanding will be construed as to preclude the Police Department from pursuing legitimate criminal investigations to their proper completion.**

D. Arrests of Students at School:

1. In general, SROs and other law enforcement authorities are discouraged from arresting students at school for non-school-related activities.
2. Exceptions to the above will be made in the event of an emergency endangering student and/or staff safety or in exigent circumstances as authorized by law. Other exceptions may be made on a case-by-case basis after consultation between the Superintendent/designee and law enforcement authorities. Whenever practicable, the police should contact the school administrator before making an arrest in school.
3. The SRO (or other law enforcement official if applicable) is responsible for complying with applicable state and federal laws concerning parental notice and notification of rights prior to questioning.
4. A student may be removed from school by an SRO or other law enforcement official when there is a court order, an arrest warrant or when a warrantless arrest is authorized by law. The school

administrator shall attempt to notify the student's parent/guardian as soon as possible of the student's removal from school.

E. Confidentiality of Student Information and Records:

1. School administrators may release personally identifiable student information contained in education records to SROs and other law enforcement authorities in accordance with the requirements of the federal Family Educational Rights and Privacy Act and other applicable laws.
2. SROs are considered to be school officials with legitimate educational interests in reviewing educational records in order to perform their professional responsibilities.
3. SROs are expected to maintain confidentiality of personally identifiable student information in accordance with applicable laws, Board policies and school rules.

F. Supervision Responsibility

1. The School Resource Officer Program will be monitored by both Department and School officials. The School Resource Officer will maintain close contact with school administrators to ensure that both are working together harmoniously to ensure the safest school environment possible for all students, faculty and staff.
2. The primary responsibility to supervise the SRO will fall on the Police Department and the Chief of Police.
3. The SRO will be assigned to the Support Services Division and report to the Sergeant.
4. While at the school, however, the SRO will work closely with School Administration on matters involving students, faculty and staff. The atmosphere will be one of cooperation between the School Department and the Police Department to create the safest and most comfortable atmosphere in the school to enhance learning.

Dated this 30<sup>th</sup> day of January 2017.

---

Paul R. Toussaint, Chief of Police  
Rochester Police Department

---

Michael L. Hopkins, Superintendent of Schools  
Rochester School Department – SAU #54

*Approved: January 21, 2003*

Adopted:	November 10, 2010
Amended:	October 11, 2012
School Board Review/Approval:	February 12, 2015
Policy Committee Review:	February 16, 2017; March 16, 2017

## **BOARD OPERATIONAL GOALS**

### Responsibilities of Local School Boards

Local school boards exemplify American principles of representative democracy. Ultimately accountable to their publics, local school boards act as community decision-making agencies for the public schools. Moreover, on behalf of local public schools, school boards represent their communities to local, state and national agencies.

In the strong conviction that the American system of Public school education will best meet the needs of the citizenry of all local school boards throughout the United States recognize and meet their full legal, civic, social, economic, moral, and ethical responsibilities, the Association believes that:

1. **Standards of Local Board Operations.** School Boards should function as non-partisan, broadly representative, corporate bodies. Each member of a school board should let his or her consideration for the entire district take precedence over partisanship and special interest-political, racial, religious, geographic, economic, social, civic, or other.
2. **Written Policy: Adoption and Execution.** School Boards should adopt clearly defined written policies based on a thorough understanding of the educational process. In formulation the policies, they should consult individuals and groups affected by the policies, and properly delegate execution of those policies to employed professional administrators.
3. **Open Board Meetings and Public Information.** School Boards should conduct school district business in open session, except as otherwise provided by law, and endeavor by every possible means to inform the public concerning the schools.
4. **Citizen Group Involvement.** School Boards should encourage citizen participation that increases the public's communication and identification with its schools. To this end, school boards should develop policies that support the concept of citizen advisory bodies and establish clear guidelines that define the task, composition, operation, duration, reporting and evaluation of such bodies.
5. **Training and Research.** School Boards should seek to improve their own capabilities and procedures and should encourage training, scholarly research, and experimental efforts which offer promise of improving school board capabilities and procedures.

### **SCHOOL BOARD POWERS AND DUTIES**

School Boards enjoy all the powers and duties prescribed to them by state statutes and by the policies, rules and regulations of the State Board of Education.

The following are current regulations of the State Board of Education:

1. The School Board shall adopt such policies as are necessary and desirable to control and effectuate the recruitment, employment, evaluation, and dismissal of teachers and other employees and may delegate authority to the Superintendent of Schools to carry out the provisions of such policies excepting that no teacher shall be employed who has not been nominated by the Superintendent of Schools and elected by the School Board.
2. The School Board shall adopt such policies as are necessary and desirable to control and effectuate the purchase of equipment, supplies, or services and may delegate to the Superintendent of Schools the authority to make commitments in accordance with such policy.

3. The School Board shall, through appropriate planning and required action, make suitable provision for the physical accommodation of all students in approved schoolhouses or other suitable facilities; shall provide required transportation of students; and shall provide that all school buildings and other learning environments be maintained in a manner consistent with acceptable standards of health and safety.
4. The School Board shall seasonably prepare a budget of school expenditures and make suitable and timely assignment of school money to the various needs of the schools. In state-aided districts, accounts shall be open at all times to the inspection of the Superintendent, and any other officer of the State Board and to the public in accordance with the Laws of the State of New Hampshire.
5. The School Board shall hold meetings for the transaction of business at least once in two months and shall require the attendance of the Superintendent or his/her designee. The Board shall cause a written record to be kept of each meeting.
6. The School Board shall, in consultation with the Superintendent and in accordance with statutes and regulations of the State Board of Education, determine the educational goals of the district, develop long-range plans and identify measurable and attainable short-term objectives. The School Board shall require the implementation of educational programs designed to reflect the goals and objectives and further, the School Board shall require the appropriate review of such programs and make public the results of such investigation.
7. The School Board shall exercise all powers and perform all duties vested in and imposed upon it by the laws or regulations of the State Board of Education which are not committed to the Superintendent or by them expressly delegated to him/her.

SOURCE: "Beliefs and Policies of the National School Boards Association" as adopted by the NSBA Delegate Assembly, 1973 and amended 1978.

Adopted: April 8, 1993

Amended: June 12, 2008

Policy Committee Review: February 16, 2017; March 16, 2017

## **BAAA**

### **SCHOOL BOARD POLICIES AND ADMINISTRATIVE PROCEDURES**

#### **GENERALLY**

The policies of the Board are intended to establish the general and overall rules within which day-to-day operations of the School District are to be governed. Procedures for carrying out and implementing the broad policies of the Board on a day-to-day basis are to be fashioned and adopted by the administration, under the direction of the Superintendent. As applicable, members of the District community are expected to comply with both Board policy and administrative procedures, subject to the limitations and exceptions set forth herein. However, the failure of the Board or the Administration to comply with policy shall not invalidate any lawful action taken.

#### **CONTENTS OF BOARD POLICY AND ADMINISTRATIVE PROCEDURE**

The policies of the Board shall be composed of the policies contained in this Policy Manual; the contents of administrative job descriptions adopted by the Board; all formal Student Handbooks; and all formal Employee Handbooks.

Administrative procedure is not part of Board policy and may be altered by the administration without Board action. Administrative procedure, however, may not conflict with Board policy.

#### **LIMITATIONS OF POLICY**

Neither the policies of the Board nor the procedures of the administration are intended, nor shall they be construed, to supersede or preempt any applicable laws, whether constitutional, statutory, regulatory, or common in origin. Consequently, all Board policies and administrative procedures shall be given both an interpretation and application which is lawful. The Board shall have the final interpretation of its policies and the administration shall have the final interpretation of its procedures.

As the Board policies and administrative procedures are limited by legal constraints, so too are the rights of those to whom the Board policies and administrative procedures apply. Neither the policies of the Board nor the procedures of the administration are intended to expand the rights of individuals beyond those established by law, or to give to any individual a cause of action not independently established in law. Enforcement of Board policy shall rest exclusively with the Board, and enforcement of administrative procedures shall rest exclusively with the administration.

Board policy and administrative procedure shall not preempt, create, supplant, expand or restrict the rights or liabilities of students, employee, taxpayers, or others within the School District beyond those that are established in law and are not intended to restrict or limit students, employees, or other members of the School District community from pursuing any claims or defenses available under law.

#### **EXCEPTIONS**

Exceptions to any policy or the application of any policy may be made if requested or recommended in accordance with the following procedures:

1. Any person may request an exception to any Board policy or the application of same by submitting a letter to the Superintendent. The request shall identify: the name, address and telephone number of the person making the request; the policy for which the exception is being requested; the action that the requesting individual desires, and the rationale supporting the need for an exception.
2. The Superintendent or his/her designee shall conduct a sufficient investigation of any request for an exception so as to be able to formulate a recommendation for the Board. Among the factors to

be evaluated are the relevant facts related to the request, the rationale of both the policy and the request for the exception; and the disposition of prior requests for exceptions to the same or similar policies.

3. Following the Superintendent's investigation, the Superintendent may place the request for exception on the agenda and shall report to the Board the circumstances surrounding the request and his/her recommended disposition. The person requesting the exception shall be notified in advance of this agenda item, and shall be given a reasonable opportunity to address the Board before the Board determines whether to grant the request for an exception.
4. The Board shall have final and exclusive authority to determine whether to grant any request for an exception and shall be the sole judge of whether the rationale for the exception is sufficient, taking into consideration the recommendation of the Superintendent. Moreover, the granting of exceptions in the same or similar cases shall not constitute binding precedent or practice inasmuch as the prior grant of an exception may establish that the granting of an exception is ill-advised.
5. Exceptions to administrative procedure shall be made in accordance with the procedures established by the Superintendent.

**Adopted:** October 14, 2010

**Policy Committee Review:** February 16, 2017; March 16, 2017

## **BBA**

### **BOARD MEMBER AUTHORITY**

Because all powers of the School Board lie in its action as a group, individual Board members exercise their authority over district affairs only as they vote to take action at legal meetings of the Board.

In other instances, an individual Board Member, or Committee or Sub-Committee, including the Chair, has power when the Board, by vote, has delegated authority to him or her.

Adopted: April 8, 1993

Amended: June 12, 2008

Policy Committee Review: February 16, 2017; March 16, 2017

**BBC**

## **BOARD MEMBER RESIGNATION**

The Board believes that any citizen who files for and seeks election to the Board should do so with full knowledge of and appreciation for the investment in time, effort, and dedication expected of all Board members and that the citizen's intent to serve reflects his or her intention to serve a full term of office.

However, if for reasons of health, change in domicile, or any other compelling reason a member does decide to terminate service, the Board requests the earliest possible notification of intent to resign so that the Board may plan appropriately for this exigency.

Vacancies shall be filled in accordance with the Rochester City Charter Section 68, which states in relevant part:

By an affirmative roll-call vote of at least nine (9) City Councilors, the City Council may remove any School Board member from office for prolonged absence, inattention to duty, mental or physical incapacity, incompetence, willful violations of state statutes, this Charter, or City Ordinances, or misconduct in office. Such vote shall be on specific written charges approved by a majority of the City Council, and after due notice and hearing called upon the majority vote of the Council. A vacancy occasioned by removal under this section shall be filled in the manner provided in Section 68 of the City Charter. (See City Charter, Section 70)

Adopted: April 8, 1993

Amended: June 12, 2008

Policy Committee Review: February 16, 2017; March 16, 2017

**BBF-E**

## **SCHOOL BOARD MEMBER ETHICS**

**As a member of my local Board of Education, I will strive to improve public education, and to that end I will strive to:**

- Attend all regular scheduled Board meetings insofar as possible, and become informed concerning the issues to be considered at those meetings;
- Recognize that I should endeavor to make policy decisions only after full discussion at publicly held Board meetings;
- Render all decisions based on the available facts and my independent judgment, and refuse to surrender that judgment to individuals or special interest groups;
- Encourage the free expression of opinion by all Board members, and seek systematic communications between the Board and students, staff, and all elements of the community;
- Work with other Board members to establish effective Board policies and to delegate authority for the administration of the schools to the Superintendent of Schools;
- Communicate to other Board members and the Superintendent expressions of public reaction to Board policies and school programs;
- Inform myself about current educational issues by individual study and through participation in programs providing needed information, such as those sponsored by my state and national school boards associations;
- Support the employment of those persons best qualified to serve as school staff, and insist on a regular and impartial evaluation of all staff;
- Avoid being placed in a position of conflict of interest, and refrain from using my Board position for personal or partisan gain;
- **Refer individual parents or community member's concerns to an Administrator or the Superintendent.**
- Take no private action that will compromise the Board or administration, and respect the confidentiality of information that is privileged under applicable law or is received in confidence or non-public session;
- Remember always that my first and greatest concern must be the educational welfare of the students attending the public schools.

Adopted: April 8, 1993

Amended: June 12, 2008

**Policy Committee Review: February 16, 2017; March 16, 2017**