

**Rochester School Board**  
**Policy Committee Agenda**  
School Department Boardroom  
March 19, 2020  
6:00 PM

1. Pledge of Allegiance
2. Approval of the February 20, 2020 Minutes
3. Policies for 1<sup>st</sup> Reading:
  - GBEB – Staff Dress Code
  - JED – Student Absences and Excuses
  - JLDBB – Suicide Prevention and Response (*new*)
4. Policies for 2<sup>nd</sup> Reading:
  - GBEB – Staff: Conduct, Ethics, Nepotism
  - GBEB-1 – Anti-Fraternization Policy
  - GBEB – Family and Medical Leave
  - KBA-2 – Public’s Right to Know
5. Public Comment
6. Other
7. Adjournment

Committee Members:

Anne Grassie, Chair  
Thomas O’Connor, Vice-Chair  
Nathaniel Byrne  
Sarah Harrington  
Matthew Pappas  
Robert Watson

**Rochester School Board  
Policy Committee Minutes  
School Department Board Room #2  
February 20, 2020**

**Members Present:**

Mr. Thomas O'Connor, V-Chair  
Mr. Nathaniel Byrne  
Mrs. Sarah Harrington  
Mr. Robert Watson

**Members Absent:**

Mrs. Anne Grassie  
Mr. Matthew Pappas

**Also Present:**

Dr. Sandie MacDonald  
Matthew Beaulieu  
David Camire  
Paul Lynch  
Karen Stokes  
Guests & Public

Mr. O'Connor called the meeting to order at 6:00 p.m. Members participated in the Pledge of Allegiance.

Mr. Watson moved, second by Mrs. Harrington, to approve the minutes of the January 16, 2020 meeting. The motion carried unanimously.

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

Mrs. Harrington moved, second by Mr. Watson, to recommend to the Board for first reading policy GBEA – Staff: Conduct, Ethics, Nepotism. The motion carried unanimously.

Mr. Watson moved, second by Mrs. Harrington, to recommend to the Board for first reading policy GBEA-1 – Anti-Fraternalization Policy. The motion carried unanimously.

Mrs. Harrington moved, second by Mr. Watson, to recommend to the Board for first reading policy GBEB – Family and Medical Leave. The motion carried unanimously.

Mrs. Harrington moved, second by Mr. Byrne, to recommend to the Board for first reading policy KBA-2 – Public's Right to Know. The motion carried unanimously.

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

Mr. Byrne moved, second by Mrs. Harrington to recommend to the Board for second reading and adoption policy GBCC – Staff Rights and Responsibilities. The motion carried unanimously.

Mr. Byrne moved, second by Mrs. Harrington, to recommend to the Board for second reading and adoption policy GBCD – Criminal History and Background Checks (*as amended*). The motion carried unanimously.

Mrs. Harrington moved, second by Mr. Watson, to recommend to the Board for second reading and adoption policy GBD – Board-Staff Communications. The motion carried unanimously.

Mr. Watson moved, second by Mrs. Harrington, to recommend to the Board for second reading and adoption policy GBE – Staff Health. The motion carried unanimously.

Mr. Byrne moved, second by Mr. Watson, to recommend to the Board for second reading and removal of policy GBE-E – Medical Examination of School Employees. The motion carried unanimously.

**Public Comment**

None

**Other**

None

**Adjournment**

Mrs. Harrington moved, second by Mr. Watson, to adjourn at 6:10 p.m. The motion passed unanimously.

Respectfully submitted,

Mr. Thomas O'Connor, Vice-Chair

## **GBEBA**

### **STAFF DRESS CODE**

The Board expects all staff members to be neatly groomed and dressed in clothing suitable for the subject of instruction, the work being performed, or the occasion.

The Board retains the authority to specify the following dress and grooming guidelines for staff, within the law, that will prevent such matters from having an adverse impact on the educational process. All staff members shall, when assigned to district duty:

- A. Be physically clean, neat and well groomed;
- B. Dress in a manner reflecting their assignments;
- C. Dress in a manner that does not cause damage to district property;
- D. Dress and be groomed in such a way so as not to cause a health or safety hazard.

Staff members are expected to dress in a professional manner. The following items are not considered professional attire (this is not all inclusive): blue jeans, sweat suits, yoga pants, tops without appropriate coverage, t-shirts, tank tops, flip flops, and shorts. Notwithstanding these prohibited items, the Board recognizes that the nature of certain teaching assignments (i.e. Career and Technical Education, Physical Education, field trips, etc.) may require exceptions including summer teaching to the above policy and will be dealt with on an individual basis.

If a staff member feels that an exception to this policy would enable him/her to carry out assigned duties more effectively, a request shall be made to their Supervisor. The Principal may alter the dress code for special occasions; not more than once per month, per school year.

Adopted: September 10, 2009  
Amended: January 9, 2014

## JED

### STUDENT ABSENCES AND EXCUSES

Regular and punctual patterns of attendance will be required of each student enrolled in the district. An adequate and comprehensive system of attendance records will be maintained for each student. Each teacher is responsible for accurate reporting of daily attendance in his/her classroom. The building principal is responsible for submitting attendance information to the Superintendent's office.

Commented [SM1]: Moved from page 2

It is recognized that absences from school may be necessary under certain conditions. However, every effort should be made by students, parents, teachers, and administrators to keep absences and tardiness to a minimum. Excused absence is absence illness, death in the student's immediate family, participation in school activities, or other approved reason that has been verified with a written note from a physician or other qualified health professional who is treating the student, or from a school official.

Commented [SM2]: Moved from page 2

Commented [SM3]: Removed "from a parent"

~~Student attendance at school is basically the responsibility of the parents and student. In order for the parents to fulfill their responsibility the school must keep them informed of student absences. If a student misses more than five school days per quarter, a plan to improve the student's attendance will be developed in consultation with the parent. After 10 school days of absence, the plan will be modified and adjusted in consultation with the parent.~~

Commented [SM4]: Moved below with bulleted information

Students are not excused from any academic requirements for grading, regardless of the reason for the absence, except for reasonable modifications as required in an Individualized Education Plan (IEP) pursuant to the *Individuals with Disabilities Education Act* and/or *Section 504 of the Rehabilitation Act of 1973*. Failure to complete work for days when internet instruction has been directed (Blizzard Bag days) will result in an unexcused absence.

Commented [SM5]: Moved from page 2

The Board recognizes three kinds of absence: excused absence, unexcused absence, and truancy. A student who skips or leaves a class without permission after reporting to school is truant. Truancy is an intentional, unjustified, unauthorized, or unexcused absence from compulsory education and usually does not refer those absences related to medical conditions. Any student who is absent from school without the knowledge and permission of his/her parents and/or school authorities is truant. Absences, even with the approval of the parents/guardians, which are excessive, more than five days, and/or which interfere with the student's educational program will be interpreted as truancy and follow-up legal procedures will be instituted. See RSA 193:1, 7 and 16.

Commented [SM6]: Moved from page 2

~~Student attendance at school is basically is the responsibility of the parents/guardians and the student. In order for the parents to fulfill their responsibility the school must keep them informed of student absences. If a student misses more than five school days per quarter, a plan to improve the student's attendance will be developed in consultation with the parent. After 10 school days of absence, the plan will be modified and adjusted in consultation with the parent.~~

Commented [SM7]: Moved from above.

- If a student accumulates more than five (5) unexcused absences, a notification letter and an automated voice message will be sent to the parents/guardians.
- At ten (10) unexcused absences a letter and an automated voice message will be sent to parents/guardians requiring them to schedule a meeting at the school level to discuss the student's attendance and to develop a plan for improvement.
- At fifteen (15) unexcused absences a letter and an automated voice message will be sent to parents by the school. The District office will be notified and a mandatory attendance may be scheduled by the Assistant Superintendent's office.
  - Failure to attend this meeting will result in referral to the Rochester Police Department for prosecution under N.H. RSA 193:1-7.
  - The School District will inform parents/guardians if a referral to the Rochester Police Department for prosecution under N.H. RSA 193:1-7 is made.

Commented [SM8]: Moved from page 2

~~An adequate and comprehensive system of attendance records will be maintained for each student. Each teacher is responsible for accurate reporting of daily attendance in his/her classroom. The building principal is responsible for submitting attendance information to the Superintendent's office.~~

**Commented [SM9]:** Move to first paragraph

~~The Board recognizes two kinds of absence: excused absence, and truancy. Any absence other than an excused absence is considered truancy. Truancy means an unexcused absence from school or class and "unexcused absence" is an absence which has not been excused.~~

**Commented [SM10]:** Included in paragraph 4

~~Failure to complete work for days when internet instruction has been directed will result in the student being recorded absent for the day. Excused absence is absence because of illness, death in the student's immediate family, participation in school activities, or other approved reason that has been verified with a written note from a physician or other qualified health professional who is treating the student, from a school official or a parent. Students are not excused from any academic requirements for grading, regardless of the reason for the absence, except for reasonable modifications as required in an Individualized Education Plan (IEP) pursuant to the Individuals With Disabilities Education Act and/or Section 504 of the Rehabilitation Act of 1973.~~

**Commented [SM11]:** Moved to paragraph 3

**Commented [SM12]:** Moved to paragraph 2

**Commented [SM13]:** Moved to paragraph 3

~~A student who skips or leaves a class without permission after reporting to school is truant. Any student who is absent from school without the knowledge and permission of his/her parents and/or school authorities is truant. Absences, even with the approval of the parents, which are excessive and/or which interfere with the student's educational program will be interpreted as truancy and follow-up legal procedures will be instituted. See RSA 193:1, 7 and 16.~~

**Commented [SM14]:** Replaced with paragraph 4

~~When a student has been absent for eight half days a school team will determine if an intervention plan needs to be developed. If a plan is put in place, the parents will be notified of the plan.~~

**Commented [SM15]:** Deleted. Not aligned to practice

~~If attendance concerns continue after the plan is implemented, the student (if appropriate) and parent will need to meet with the principal.~~

~~If a student has two half days of unexcused absence after the meeting with the principal, then the Assistant Superintendent will schedule a meeting with the student (if appropriate), parents and school representation at a date determined by the Assistant Superintendent. At the meeting the Assistant Superintendent shall verify the accuracy of the School District's records regarding the number of unexcused absences, and also determine whether good cause exists to not refer the parents to the Rochester Police Department for prosecution under N.H. RSA 193:1 7. At the conclusion of or after said meeting the Assistant Superintendent will inform the parents in writing whether the School District is referring the parents to the Rochester Police Department for prosecution under N.H. RSA 193:1 7. If the parent(s) fail to meet with the Assistant Superintendent within seven school days of the postmark on the Assistant Superintendent's request for a meeting sent by U.S. Mail, then the Assistant Superintendent will refer the matter to the Rochester Police Department for prosecution under N.H. RSA 193:1 7.~~

**Commented [SM16]:** Moved to page one in bulleted form. Wording adjusted to align to statute and RSD practice

### Appeal Process

The parents/guardians shall have two days from the date of service in hand of said decision, or four days (not including Saturdays and Sundays) from the postmark of any mailed decision, in which to appeal the Assistant Superintendent's decision to the School Board. The request for an appeal must be in writing and submitted to the Assistant Superintendent's office.

Any appeal by the parents/guardians of the Assistant Superintendent's determination, shall in the first instance go to the Discipline Committee of the School Board. The Discipline Committee will determine whether good cause exists to vacate the Assistant Superintendent's decision to refer the matter to the Rochester Police Department. The Assistant Superintendent's findings as to the number of unexcused absences shall not be appealable.

The Discipline Committee shall make its determination and inform the parents/guardians of that determination at the conclusion of following the hearing with the parents/guardians. If the Discipline Committee does not find good cause to vacate the decision to refer to the Rochester Police Department, then the parents/guardians may appeal such decision to the Rochester School Board at its next regularly scheduled meeting. The parents/guardians shall have two days from the date of service in hand of the Discipline Committee's decision, or four days (not including Saturdays and Sundays) from the postmark of any mailed decision, in which to appeal the Discipline Committee's decision to the School Board. If no appeal is timely taken, then the Assistant Superintendent shall refer the matter to the Rochester Police Department. Decisions made by the Rochester School Board are final and cannot be appealed.

### **Habitually Truant**

NHRSA 103:16 empowers the Rochester School Department to define habitually truant as: a child that misses 10 half days of school.

Commented [SM17]: No longer in statute

### **Excused Absences:**

1. Illness or injury requiring a doctor's visit or consultation. (Official documentation from a doctor is needed upon return to school.)
2. Legal matters, death of relative or friend, religious holidays, and college visitations must be verified by official documentation.
3. School sponsored field trips/athletic events must be verified by the staff member in charge of the event.
4. Family vacations at the elementary school, middle school and high school must be submitted to the Principal one month in advance of the trip and students must be in good academic standing. The Principal may recommend that the student not miss school. A student may not have more than five days excused for a family vacation.
5. All suspension days will be considered as excused absences at Spaulding High School, Rochester Middle School and Rochester Elementary Schools

### **Dismissals:**

1. The only grounds for dismissal are medical, funeral, approved work coop or senior privilege at Spaulding High School, legal, and/or extenuating family circumstances.
2. Parents/guardians are strongly urged to schedule medical/therapeutic appointments outside of the school day.
3. If a student is dismissed for more than one hour of class time at the Middle School and Elementary School level he/she is considered absent for one half of a day.
4. If the school nurse at the high School and middle school, and the school nurse or building principal at the elementary school dismisses a student for illness, it is considered an excused absence. If, in the opinion of the school nurse or building principal, the cause of the student's dismissal and subsequent absence justifies multiple days of absence, no additional note from a physician, parent or other professional will be required.

Adopted: April 8, 1993

Reviewed/Amended: August 12, 1999; August 14, 2008; October 14, 2010; February 14, 2013  
November 8, 2018; February 14, 2019

# JED

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Adopted: April 8, 1993

Reviewed/Amended: August 12, 1999; August 14, 2008; October 14, 2010; February 14, 2013  
November 8, 2018; February 14, 2019

**Suicide Prevention and Response**

The School Board is committed to protecting the health, safety and welfare of its students and school community. This policy supports federal, state and local efforts to provide education on youth suicide awareness and prevention and shall guide the development and implementation of a coordinated plan to prevent, assess the risk of, intervene in, and respond to suicide. The policy shall include, but shall not be limited to, the following provisions:

1. The District Suicide Prevention Plan shall include terms relating to:
  - a) Training school faculty and staff, including contracted personnel and designated school volunteers, in youth suicide risk factors, warning signs, protective factors, response procedures, referrals, post-intervention, and resources available within the school and community consistent with the provisions of paragraph II.
  - b) Educating students in the importance of safe and healthy choices and coping strategies, recognizing risk factors and warning signs of mental disorders and suicide in oneself and others, and providing help-seeking strategies for oneself or others, including how to engage school resources and refer friends for help.
  - c) Identifying within the school the person or persons who serve as the point of contact when a student is believed to be at an elevated risk for suicide.
  - d) Making referral, crisis intervention, and other related information, both within the school and the community, available for students, parents, faculty, staff, and school volunteers.
  - e) Promoting cooperative efforts between school districts, chartered public schools, and community suicide prevention program personnel.
2. The Superintendent shall designate a District Suicide Prevention Coordinator, who, under the direction of the Superintendent shall be responsible for:
  - a) developing and maintaining cooperative relationships with and coordination efforts between the District and community suicide prevention programs and personnel;
  - b) annual updating of (i) State and community crisis or intervention referral intervention information, and (ii) names and contact information of Building Suicide Prevention Liaisons, for inclusion in student handbooks and on the District's website;
  - c) developing - or assisting individual teachers with the development - of age appropriate student educational programming, such that all students receive information in the importance of safe and healthy choices and coping strategies, recognizing risk factors and warning signs of mental disorders and suicide in oneself and others, and providing help-seeking strategies for oneself or others, including how to engage school resources and refer friends for help;

- d) developing or assisting in the development of the annual staff training required under section 4 of this policy;
  - e) Such other duties as referenced in this Policy or as assigned by the Superintendent.
3. The Building Suicide Prevention Liaison, or, in his/her absence, the building principal, shall be designated as the Building Suicide Prevention Liaison, and shall serve as the in building 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 at 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.
  4. The Superintendent shall assure that beginning with the 2020-21 school year, all school faculty and staff, including contracted personnel, receive at least two hours of training in suicide awareness and prevention. Such training may include, but not be limited to, youth suicide risk factors, warning signs, protective factors, response procedures, referrals, post-intervention, and resources available within the school and community.

**Adopted:**

**Reviewed/Amended:**

RSA 193-J:2 effective July 1, 2020

## **GBEA**

### **STAFF: CONDUCT, ETHICS, NEPOTISM**

An employee speaking or writing as a citizen should be free from institutional censorship or discipline, but his/her special position in the community carries special obligations. The employee must remember that the public may judge the profession and institution by his/her utterances. Hence the employee should, at all times, be accurate, exercise appropriate restraint, show respect for the opinion of others, and make every effort to indicate that he/she is not a school spokesperson.

#### **Employee Conflict of Interest**

Employees will not engage in, or have a financial interest in, any activity that raises a reasonable question of conflict of interest with their duties and responsibilities as employees. This includes, but is not limited to:

1. Employees shall not participate for financial remuneration in outside activities wherein their position on the staff is used to sell goods or services pupils or their parents.
2. Employees who have patented or copyrighted any device, publication, or other item shall not receive royalties for use of such item in the District.
3. Employees shall not engage in any type of work where the source of information concerning customer, client, or employer originates from information obtained through the District.
4. School employees shall not solicit or sell for personal gain any educational materials or equipment in the attendance areas served by the School to which they are assigned. Nor will any employees make available lists of names of students or parents to anyone for sales purposes.
5. To avoid nepotism in the supervision of personnel, the Board directs that no employee be assigned in any position where the employee would be responsible to a relative.
6. Supervisors shall not engage in any conduct of a sexual nature with an employee whom they supervise. It is presumed that any conduct of a sexual nature is unwelcome when it applies to a supervisor and employee relationship.

#### **Ethical Behavior**

The Board incorporates by reference and adopts as independent ethical standards relative to employment in the District, the provisions of the New Hampshire Code of Ethics for New Hampshire Educators (the "NH Code of Ethics"), as the same may be amended by the State from time to time.

In addition to the ethical standards set forth in the New Hampshire Code of Ethics, and without limiting the application thereof to District employment, employees will:

- Make the wellbeing of students the fundamental value of all decision-making and actions.
- Staff members shall maintain a reasonable standard of care for the supervision, control and protection of students commensurate with their assigned duties and responsibilities.
- Maintain just, courteous, and proper relationships with students, parents, staff members, and others.
- Fulfill their job responsibilities with honesty and integrity.

- Direct any criticism of other staff members toward improving the District. Such constructive criticism is to be made directly to the building administrator.
- Obey all local, state, and national laws.
- Obey and implement the School Board's policies, administrative rules and regulations.
- Avoid using position for personal gain through political, social, religious, economic, or other influence.
- Maintain the standards and seek to improve the effectiveness of the profession through research and continuing professional development.
- Honor all contracts until fulfillment or release.
- Maintain all privacy and confidentiality standards as required by law.
- Exhibit professional conduct both on and off duty.

Sick leaves and personal leave provisions are established for the good of the group as well as for the individual. Abuse of these allowances is detrimental to the profession as a whole.

The Board will protect its employees against claims that may be entered against them as a result of carrying out their assigned responsibilities. To protect its own financial resources as well, the Board will provide for liability coverage for all personnel, malpractice insurance as found needed, workers' compensation, and unemployment coverage.

### **Nepotism**

Rochester School Department permits the employment of qualified relatives of employees as long as such employment does not, in the opinion of the Superintendent, create actual conflicts of interest. For purposes of this policy, "immediate family" is defined as a spouse, child, parent, sibling, grandparent, grandchild, aunt, uncle, first cousin, corresponding in-law, "step" relation or any member of the employee's household. The School District will use sound judgment in the placement of related employees in accordance with the following guidelines:

- Individuals who are related by blood, marriage, or reside in the same household are permitted to work in the same department, provided no direct reporting or supervisor to subordinate relationship exists. That is, no employee is permitted to work within "the chain of command" when one relative's work responsibilities, salary, hours, career progress, benefits or other terms and conditions of employment could be influenced by the other relative. The Superintendent shall adjust supervision responsibilities if a conflict in this policy occurs.
- Related employees may have no influence over the wages, hours, benefits, career progress and other terms and conditions of the other related staff members.
- Employees who marry while employed, or become part of the same household are treated in accordance with these guidelines. That is, if in the opinion of the Superintendent, a conflict arises as a result of the relationship, one of the employees may be transferred at the earliest practicable time or supervisory duties changed to solve the conflict.

Any exceptions to this policy must be approved by the Superintendent.

**Adopted:** April 8, 1993

**Amended:** November 10, 2010, May 14, 2009, September 10, 2009, August 10, 2006

**ROCHESTER SCHOOL DISTRICT**  
**ANTI-FRATERNIZATION POLICY: STAFF**

**Preamble**

The Rochester School District is committed to fostering a positive learning and working environment for all students and staff in order to promote educational excellence. The Rochester School District's Anti-fraternization Policy shall serve as a statement on appropriate conduct and relationships between students and staff of the Rochester School District. The spirit and intent of this policy is meant to help both staff and students understand and appreciate the delicate balance that exists between them and to better define the boundaries that their respective roles dictate.

**Definitions**

For purposes of this policy, "staff" refers to all Rochester School District employees, contracted service personnel, SAU employees, and any volunteers working on school property.

For purposes of this policy, "student" refers to all Rochester School District individuals in grades from kindergarten through twelfth, including a one year window post-graduation from the Rochester School District. Any student remaining post-graduation will have a one year window after leaving the Rochester School District.

For the purposes of this policy "school property" includes all places set forth in RSA 193-B:1,IV, along with any place where extra-curricular activities and/or events may take place including any location visited during the course of field trips and/or other School District sponsored activities.

**Policy**

All staff must be aware that students of all ages and intellect are susceptible to influence by both staff and fellow peers. While this influence most often yields positive educational results, it can also be used in a manner that is entirely inappropriate. Accordingly, staff must be cognizant of their appropriate roles and professional duties in the development of students. Similarly, staff must be cognizant of the imbalance of power that exists in relationships between staff and student, which can live on long after the student has graduated from the Rochester School District. This imbalance of power places students in a vulnerable position that must be recognized and respected by staff. It is the responsibility of staff not to take advantage of or otherwise exploit this imbalance of power to further any non-educational, personal, or inappropriate objective. Accordingly, staff is prohibited from engaging in any romantic, sexual, or physical relationship with students.

Many personal relationships are entirely appropriate and develop through family or neighborhood interactions with respect and adherence to the appropriate standards of professional conduct. To the degree that such relationships develop or exist, it is the staff's responsibility to ensure that such relationships continue along and within appropriate boundaries. Failure to adhere to the requirements of this policy may result in severe consequences, up to and including termination.

The staff of the Rochester School District must understand that this Anti-fraternization Policy is a condition of employment. As a condition of employment, the Rochester School District reserves the right to at any time, without advance notice to staff, monitor, access, investigate and/or review the appropriateness of any activity or relationship between staff and students in order to protect the health, welfare and safety of the District, its staff and students.

Staff are responsible for appropriate and professional conduct in all settings and in all forms of communication, including, but not limited to, verbal communications/speech, written communications, Internet and e-mail communications, physical gestures, motions or any other form of interaction. This policy does not preclude legitimate, non-sexual, physical conduct such as the use of necessary restraints to avoid physical harm to persons or property, or conduct otherwise necessary to respond to legitimate educational circumstances. Staff shall not conduct social activities on a one-on-one basis outside of school with students or single out students from the general student population for special treatment (e.g. gifts, dinners, and rides) without prior consent of the student's parent and advance notice to the School District.

Any question by staff as to the appropriateness of an activity, relationship, or interaction with a student may be directed to the school building principal or designee. All inquiries into the appropriateness of an activity or relationship will be confidential to the fullest extent appropriate. *(All staff that suspect an inappropriate relationship exists between a staff member and student are required to immediately notify, orally or in writing, the school building principal or designee.) (Submission of a good faith report of a suspected violation of this policy will not adversely affect the reporting individual's employment. Submission of a purposely inaccurate report may result in disciplinary actions.)* All staff are required to sign the Rochester School District Anti-fraternization Agreement Form, which will become a part of an individual's personnel file.

### **Reporting and Investigation Procedures**

Any and all suspected violations of this policy must be immediately reported, orally or in writing, by staff to their school building principal or designee. The school building principal or designee shall document all complaints in writing within twenty-four (24) hours. The school building principal or designee will immediately conduct an investigation and create a written record thereof within at least ten (10) workdays, which will be provided to the Superintendent or designee. If the alleged violation involves the school building principal, then the report shall be made to Superintendent, whom shall follow the procedural steps outlined in this section of the policy. If the alleged violation involves the Superintendent, then the report shall be made directly to the Chairperson of the School Board or designee, whom shall also follow the procedural steps outlined in this section of the policy.

The investigation may consist of personal interviews with the reporting individual, the alleged offender(s), and others who may have knowledge of the alleged incident(s) or circumstances giving rise to the suspected violation of this policy, and a review of records when appropriate to determine the existence of previous reports. The investigation may also consist of any other methods and documents deemed pertinent by the investigator. A written record will include the following:

1. the name of the alleged offender(s);
2. the nature of the allegation(s);
3. location and frequency of the violation(s);
4. a detailed factual description of the incident(s);
5. a list of all known witnesses;
6. a summary of the investigation, which will include interviews with the individual(s) reasonably believed to have relevant information, including but not limited to, the reporting individual, the alleged offender(s), and witnesses;
7. a description of any disciplinary actions already taken; and
8. a recommendation for further disciplinary action or review.

In determining whether the alleged conduct or relationship constitutes a violation of this policy, the District will consider the surrounding circumstances, the nature of the behavior, past incidents or past or continuing patterns of behavior, and the context in which the alleged conduct occurred. Whether a particular action or incident constitutes a violation of this policy requires a determination based on all the facts and surrounding circumstances. In addition, the District may take immediate steps, at its discretion, to protect the staff and student pending completion of an investigation of an alleged inappropriate activity or relationship. The District must sufficiently investigate all reports of inappropriate activity or relationships that are brought to its attention in order to determine the veracity of the report. The District will respect the privacy of the reporting individual(s), the individual(s) against whom the report is filed, and the witnesses as much as possible, consistent with the School District's legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations. All staff must fully understand that the reporting and investigation procedure implemented by the District is necessary to maintain the educational character and integrity of the District and to ensure compliance with this policy and the law.

Any and all violations of this policy determined by the principal or designee may result in disciplinary action taken against the offending staff member. If the violation of this policy warrants a criminal investigation, the Rochester Police Department or appropriate legal authorities will be immediately contacted.

### **Disciplinary Action**

Any violation of this Anti-fraternization Policy and/or other Rochester School District policies may result in, but is not limited to, one or more of the following:

1. Written warnings or a letter or reprimand in the personnel file;
2. Other remedies, such as suspensions and terminations as covered under New Hampshire law; and consistent with appropriate collective bargaining agreements.
3. Referral to the appropriate legal authorities for possible criminal prosecution; and
4. Civil liability.

The Rochester School District reserves the right to add and include additional behaviors and activities that can result in disciplinary action to this policy and implement such changes after adoption by the School Board. District action taken for violation of this policy will be consistent with requirements of applicable collective bargaining agreements, New Hampshire and federal law and other School District policies. The District will take appropriate disciplinary action against any staff member who retaliates against any individual who reports an alleged violation of this policy or any individual who testifies, assists or participates in an investigation, or who testifies, assists or participates in a proceeding or hearing relating to such alleged violation. Retaliation includes, but is not limited to, any form of intimidation, reprisal or harassment.

Staff members are expected to use good judgment in their relationships with students both inside and outside of the school context including, but not limited to, the following guidelines:

1. Staff members shall not make derogatory comments to students regarding the school and/or its staff.
2. Staff members shall not fraternize, written or verbally, with students except on matters that pertain to school-related issues.
3. Staff members shall not associate with students in any situation or activity which could be considered sexually suggestive or involve the use of alcohol or illegal drugs by students.
4. Dating between staff members and students is prohibited.

5. Staff members shall maintain a reasonable standard of care for the supervision, control and protection of students commensurate with their assigned duties and responsibilities.
6. Staff members shall not send students on personal errands.
7. Staff members shall, pursuant to law and Board policy, immediately report any suspected signs of child abuse or neglect.
8. Staff members shall not attempt to counsel, assess, diagnose or treat a student's personal problem relating to sexual behavior, substance abuse, mental or physical health and/or family relationships but, instead, should refer the student to the appropriate individual or agency for assistance.
9. Staff members shall not disclose information concerning a student, other than directory information, to any person not authorized to receive such information. This includes, but is not limited to, information concerning assessments, ability scores, grades, behavior, mental or physical health and/or family background.

### **Confidentiality**

All reports of a suspected inappropriate activity or relationship will be kept strictly confidential to the fullest extent practicable. Only those with "a need to know" shall have access to the report and investigation documents. Every effort will be made by the District to protect the anonymity of the reporting person, but it cannot always be guaranteed.

**This policy shall not abrogate other District policies and remain consistent with appropriate collective bargaining agreements. It is the intent of the District for all of its policies to be read and interpreted in a consistent manner in order to provide the highest level of protection and safety for staff and students in the provision of educational services and opportunities.**

**ROCHESTER SCHOOL DISTRICT  
ANTI-FRATERNIZATION POLICY AGREEMENT FORM**

**ALL STAFF MUST COMPLETE THE FOLLOWING.**

1. I acknowledge that I have received, read, and fully understand the Rochester School District's Anti-fraternization Policy.
2. It is clear to me that the spirit and intent of this policy is to foster a positive learning and working environment for all students and staff in order to promote educational excellence.
3. I agree to immediately report any violations of this policy to the Principal of the school where the violation occurred, or where I am based, or the appropriate District employee designated thereby.
4. I am hereby put on notice and fully understand that my violation of this policy may result in disciplinary action, civil liability or criminal prosecution by the appropriate legal authorities.
5. I certify that the information contained in this form is true and accurate.

**Staff Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**Staff Name:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**(please print)**

**Home Address:** \_\_\_\_\_

**Home Phone Number:** \_\_\_\_\_

Adopted: November 8, 2007

Amended: October 8, 2009

## **GBEB**

### **Family and Medical Leave**

In accordance with the *Family and Medical Leave Act of 1993* (hereinafter *FMLA*), the Rochester School Board (hereinafter *the Board*) authorizes the Superintendent of Schools to grant up to twelve weeks of unpaid leave during any twelve month period, as defined below, to eligible employees for (1) the birth and first year care of a child; (2) the adoption or foster placement of a child in the employee's home; (3) the care of a spouse, child or parent with a serious health condition; or (4) the serious health condition of the employee.

Serious health condition, for purposes of this policy, is defined as including only those conditions eligible for FMLA leave within the regulations of the U.S. Department of Labor. Generally, this refers to a condition requiring either inpatient care or continuing treatment by a health care provider for a period of more than three days, although intermittent leave may not require that the days be consecutive.

At the end of the leave, the employee will be reinstated to the same or an equivalent position to the one he/she held at the commencement of said leave.

#### **Eligibility**

To be eligible for leave under this policy, an employee must have: (1) been employed, either full-time or part-time, by the Board for a minimum of twelve months, either consecutive or non-consecutive, and (2) worked a minimum of 1,250 hours for the Rochester School Department during the year preceding the start of the leave.

For purposes of determining the length of leave for which the employee is eligible, a twelve month period will be defined as the twelve months immediately preceding the dates for which the leave is requested.

#### **Military Leave**

A 2008 amendment to the FMLA added up to 12 weeks of leave for “exigencies” for family members of those called to active duty in the Armed Forces (including the National Guard and reserves), and up to 26 weeks of leave for a spouse, son, daughter, parent or next of kin to care for a member of the Armed Forces who is seriously wounded or becomes ill while on active duty.

#### **Prior Notice**

An eligible employee wishing to exercise his/her rights under this policy is required to notify the Superintendent of the need for leave at least thirty days before commencement of the leave if it is foreseeable, or within forty-eight hours of learning of the need for the leave when unforeseen circumstances make it impossible to give thirty days’ notice. Written notice is requested when practicable. When written notice is not possible, notice may be given in person or by telephone with written follow-up.

## **Relationship of This Policy to FMLA and Collective Bargaining Agreements**

In cases where the need for leave is foreseeable and inadequate notice is given, the leave may be delayed until a suitable substitute has been found or until thirty days have elapsed from the time of notice, whichever occurs first.

### **Medical Certification**

Where not prohibited by a collective bargaining agreement, the School Board may require, at the employee's expense, medical certification for approval of FMLA leave. The Board may exercise its options under FMLA regulations to obtain a second and third opinion at the Board's expense and may request re-certification as authorized by FMLA.

### **Continuation of Health Insurance Coverage**

The Board will maintain the employee's health, dental and life insurance coverage throughout the term of the leave provided that the employee continues to pay his/her pre-existing share of the premiums for said coverage.

Should the employee provide notice of intent not to return to work from the unpaid leave, or fail to return as scheduled from the unpaid leave, the Board may terminate payment of its portion of premiums and require the employee to continue the coverage, if desired, under the provisions of COBRA. Further, the Board may seek recovery of the Board's share of premiums paid during an FMLA leave if the employee (1) fails to return to work after the end of FMLA or (2) terminates his/her employment with the Rochester School Department within thirty calendar days after the end of FMLA leave, unless the reason for failure to return or stay at work prohibits recovery under FMLA.

### **Special Rules for Instructional Personnel**

Instructional personnel, as defined in FMLA, will be subject to the special rules outlined in 29 CFR §§825.600 - 825.604

This policy is intended to implement, not expand, the minimum entitlements under FMLA regulations issued by the U.S. Department of Labor, except where they have been expanded through collective bargaining, state statute, or other policies of the Board. Any issues related to FMLA that are not expressly addressed in this or other Board policy, statute, or a current collective bargaining agreement will be implemented at the minimum level required by FMLA regulations.

Wherever a collective bargaining agreement has created benefits more favorable to the employee than those established by FMLA, the provisions of the collective bargaining agreement will be controlling for employees covered by that agreement.

### **Relationship of FMLA to Sick Leave**

It is the intent of the district to adhere to the minimum guidelines set forth in the federal Family Medical Leave Act or State Family Medical Leave Act, whichever is more stringent. The district intends to

administer FMLA using available and appropriate paid sick, vacation and personal leave first before any unpaid leave is taken. If the affected employee does not have any leave available, then FMLA will be unpaid for the entire 12 weeks or portion thereof. If paid leave time is available in excess of the FMLA period, then the employee must either return to work, have additional leave approved by the Superintendent or justify through written medical notice that additional time is needed. The additional time taken in excess of the FMLA guidelines will not be considered additional FMLA.

Any employee who has worked for the district for at least one year and/or 1,250 hours and who does not report to work due to sickness, or any other Family Medical Leave Qualified reason, will be considered on FMLA beginning on the fourth day of absence and will be promptly notified. The time from the fourth day until the time the employee returns to work will be allocated towards the 12 week maximum allowed Family and Medical Leave.

An FMLA notice will be posted in all district schools, buildings and locations where employees report to work. A complete copy of all applicable laws and statutes is available in the Superintendent's office and is available for review at the central office location only. Appointments should be made with the Benefits Specialist to secure time to review these laws if so desired.

**Adopted:** October 14, 1993

**Amended:** April 13, 2000

## **KBA-2**

### **PUBLIC'S RIGHT TO KNOW**

(Public Access to Records)

#### **GENERAL**

The School Board recognizes that parents and other citizens, and school and community groups may be concerned about the quality of public education and the effectiveness of school programs and activities, and may seek to become actively involved in planning for educational improvements.

Since community involvement in the educational process requires knowledge of that process, it is the policy of the Board that every citizen, shall have the right to inspect or obtain copies of "District records", which term shall have the same meaning as "governmental records" as that term is defined in the state's Right to Know law, RSA 91-A:1-a. Any citizen may, during regular District hours and subject to such regulation as the Superintendent may prescribe, have access to and inspect the District records in the possession of the District. All requests for access to or copies of District records should be made, in writing, through the Superintendent's office. Any board member or staff member who receives a request from a member of the public to see, receive or otherwise inspect any District record(s) ("Right to Know request") should immediately communicate that request to the Superintendent.

Individuals making Right-to-Know requests are encouraged to discuss their requests with the Superintendent to insure the request is stated in a manner that will focus on the records desired and avoid being unnecessarily overbroad. Carefully tailored requests often can be fulfilled more promptly and help avoid resources being expended to retrieve and prepare material which exceeds what is actually being sought. Members of the public are encouraged to make their requests in writing and to include a specific description of the desired record(s). Right to Know requests for District records will not be denied if such request is not in writing. If the person making the request refuses to put the request in writing, the staff member receiving the request shall put the request in writing and shall provide the person with a copy.

#### **DEFINITION**

District records are defined as specific, pre-existing documents, writings, letters, memoranda, e-mails, images, or other information kept or maintained by the District in any physical form (written, visual, electronic, digital, etc.). They are not information that staff might have to gather or compile from numerous sources. Access to District or governmental records shall not be construed to require a public body or agency to compile, cross-reference, or assemble information into a form in which it is not already kept or reported by that body or agency. Access to work papers, personnel data, and other confidential information under RSA 91-A:5, IV shall not be provided.

#### **AVAILABILITY**

Records requested under the Right-to-Know law which are not exempt under RSA 91-A:5 (or otherwise) will be made available immediately when such records are so available for such release. If such records are not immediately available, if a determination needs to be made if such records exist, or if a determination needs to be made whether such records are exempt from public disclosure, the Superintendent will, within five (5) business days of the request, respond to the requestor, in writing, acknowledging receipt of the request and providing a statement of the time reasonably necessary to determine whether the request shall be granted or denied. The Superintendent or designee may contact the person making the request if the request is unclear or will be time consuming or onerous to fulfill to determine if the person will clarify the request or agree to narrow the request. Any clarification or narrowing of the request shall be documented in writing and a copy of the re-formed request provided to the person making the request.

Records will be reviewed in their entirety by either the Superintendent or his/her designee before they are released in order to ensure that no confidential or exempted information is disclosed. District legal counsel may be consulted as necessary.

Records exempted from disclosure by RSA 91-A:5 or other law will not be disclosed. If a member of the public requests records that are determined to be exempt from disclosure under RSA 91-A:5 or other law, the Superintendent will respond to the requestor, in writing, including a statement of the specific exemption authorizing the withholding, and a brief explanation of how the exemption applies to the record(s) withheld.

Originals and one-of-a-kind documents must be viewed in the presence of a staff member or copied for the requester in accordance with District policy. If an original document is lost or destroyed because it was released to a requester, the employee who released it will be held responsible for the loss.

A governmental record in electronic form shall no longer be subject to disclosure pursuant to this section after it has been initially and legally deleted. For purposes of this paragraph, a record in electronic form shall be considered to have been deleted only if it is no longer readily accessible to the District. The mere transfer of an electronic record to a readily accessible "deleted items" folder or similar location on a computer shall not constitute deletion of the record.

### **COPIES**

In this section, "to copy" means the reproduction of original records by whatever method, including but not limited to photography, photostatic copy, printing, or electronic or tape recording.

Electronic records may be provided via e-mail or on a portable storage device (thumb drive), if the requestor so requests and if such records can practically be delivered electronically. To protect the integrity of the District's computer system, a thumb drive for this purpose must either be provided by the requestor in unopened manufacturer's packaging or purchased at cost from the District.

If a computer, photocopying machine, or other device maintained for use by a District is used by the public body or agency to copy the governmental record requested, the District is permitted to charge a fee for producing the record.

The fee schedule is as follows:

1. Photo Copies will be charged at 25 cents per side for letter or legal size, to cover the cost of paper, copy machine operation, and staff time.
2. Publications printed for public distribution will be charged at 25 cents per page per side if they must be copied, or at the actual cost of production if still in stock for distribution, unless the in stock copies available were produced for free public distribution.
3. Computer generated reports will be charged at actual production cost. At the time of adoption of this policy, the rate is \$1 per page.
4. Maps, prints and other large documents are charged at the rate per square foot that the city pays its vendors to produce such records.
5. Any documents that have a charge fixed by Statute or Ordinance will be charged at that rate.

No cost or fee shall be charged for the inspection or delivery, without copying of records, whether in paper, electronic, or other form.

**Adopted:** April 8, 1993

**Amended:** October 8, 1998

**Reviewed:** October 9, 2014