

OYSTER RIVER COOPERATIVE SCHOOL DISTRICT

Policy Committee Meeting

June 13, 2018 3:30 – 5:00

Central Office

Agenda

I. Call to Order

- IMGAs – Service Animals – *Existing to be Replaced*
  - IMGAs – Drummond Woodsum Policy & Procedure- *To be Adopted*
- BB – School Board Legal Status
- BBBE – Unexpired Term Fulfillment – *Existing Policy*
  - BBBE – NHSBA – *Revised policy*
- BBBF – Student-Representative to the School Board
- BCA – School Board Member Ethics – *Existing Policy*
  - BCA – NHSBA - *Revised Policy*

**Next Meeting:** TBD

**EXISTING POLICY TO BE REPLACED**

OYSTER RIVER COOPERATIVE SCHOOL BOARD	Policy Code: IMGA
Draft to Policy Committee: August 4, 2011 Draft to SB for First Read: August 17, 2011 SB for Second Read/Adoption: September 7, 2011	Page 1 of 3

**SERVICE ANIMALS**

**Purpose**

This policy addresses the use of service animals within school buildings and on school grounds. As established and defined by the Americans with Disabilities Act and its accompanying regulations, individuals with disabilities shall be permitted to bring their service animals in school buildings or on school grounds in accordance with this policy.

**“Service Animal” Defined**

In accordance with 28 CFR 35.104 (effective March 15, 2011) a “service animal” is defined as:

Any dog that is individually trained to do or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purpose of this definition. The work or tasks performed by a service animal must be directly related to the handler’s disability. Examples of work or tasks include, but are not limited to, assisting individuals who are blind or who have low vision with navigation and other tasks, alerting individuals who are deaf or hard of hearing to the presence of people or sounds, providing non-violent protection or rescue work, pulling a wheelchair, assisting an individual during a seizure, alerting individuals to the presence of allergens, retrieving items such as medicine or telephone, providing physical support and assistance with balance and stability to individuals with mobility disabilities, and helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors. The crime deterrent effects of an animal’s presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or task for the purpose of this definition.

This definition shall be construed to include a “hearing ear dog,” “guide dog,” or “service dog,” as those terms are currently defined in NH RSA 167-D:3.

**Permissible Inquires**

The District will not make the inquiry about the nature or extent of an individual’s disability in determining whether to allow a service animal in a school building or on school grounds. When it is not patently obvious as to the role of the service animal, the District may ask whether the animal is required because of a disability and what work or task the animal as been trained to perform.

When a student or employee’s disability requires the presence of a service animal in a school building or on school grounds during the school day, the District shall also require annual submission of proof of current vaccinations and immunizations of the service animal and a current veterinary health certificate.

**Access to the School Buildings and Grounds**

In accord with federal regulations, individuals with disabilities shall be permitted to be accompanied by their service animal in all areas of District schools, where members of the public, participants in services, programs, or invitees, as relevant, are allowed to go.

**EXISTING POLICY TO BE REPLACED**

OYSTER RIVER COOPERATIVE SCHOOL BOARD	Policy Code: IMGA
Draft to Policy Committee: August 4, 2011 Draft to SB for First Read: August 17, 2011 SB for Second Read/Adoption: September 7, 2011	Page 2 of 3

**Animals for Children with Educational Disabilities or a Section 504 Plan**

If a student with an educational disability or a Section 504 Plan seeks to bring an animal on a school campus that is not a service animal, the request shall be referred to the IEP or Section 504 Team to determine whether the animal is necessary for the student to receive a free and appropriate education (FAPE).

**Management of Service Animals**

Service animals must be under control of their handlers. A service animal shall have a harness, leash, or other tether, unless either the handler is unable because of a disability to use a harness, leash, or other tether, or the use of a harness, leash, or tether would interfere with the service animal's safe, effective performance of work or tasks, in which case the service animal must be otherwise under the handler's control (e.g., voice control, signals, or other effective means).

**Care of and Responsibility for Service Animals**

The District is not responsible for the care or supervision of a service animal. The owner or handler of the service animal shall be solely responsible for:

- Supervision and care of the animal, including feeding, exercising, clean-up and stain removal;
- Restraint of the animal at all times;
- Damages to the school buildings, property and vehicles caused by the animal;
- Injuries to students, employees, volunteers and visitors caused by the animal; and
- Annual submission of documentation of vaccinations and immunizations.

**Animals for Employees**

Use of a service animal by a qualified employee with a disability will be allowed when such use is necessary to enable the employee to perform the essential functions of his/her position or to enjoy the benefits of employment in a manner comparable to those similarly situated non-disabled employees.

**Circumstances Under Which a Service Animal Will Be Prohibited from Campus**

The Superintendent or other designee may ask an individual with a disability to remove a service animal from the campus or school event, or may even deny a request for use of a service animal on campus or at a school event if:

- The animal is out of control and the animal's handler does not take effective action to control it;
- The animal is not housebroken;
- The presence of the animal will require a fundamental alteration of the program or will significantly disrupt or interfere with the educational process;
- When the animal is to be used regularly during the school day or at school events, the handler fails to submit proof of current vaccinations and immunizations of the service animal and a current veterinary health certificate;
- To the extent applicable, the handler fails to comply with NH RSA 167-D.



OYSTER RIVER COOPERATIVE SCHOOL BOARD	POLICY CODE TO BE REPLACED	Policy Code: IMGA
Draft to Policy Committee: August 4, 2011		Page 3 of 3
Draft to SB for First Read: August 17, 2011		
SB for Second Read/Adoption: September 7, 2011		

If an animal is properly removed or prohibited from the premises, the District will continue to give the individual with a disability the opportunity to participate in District services, programs, or activities without having the service animal on the premises.

A decision to remove or prohibit a service animal from District schools may be appealed to the Superintendent of Schools.

**Legal References**

- Section 504 of the Rehabilitation Act - 29 U.S.C. 794
- Americans with Disabilities Act - 42 U.S.C. 12101 et seq.
- Nondiscrimination on the Basis of Disability, Title 28 CFR Part 35, Part 36
- NH RSA 167-D

**DRAFT TO REPLACE EXISTING IMGA POLICY**

<b>OYSTER RIVER COOPERATIVE SCHOOL BOARD</b>	<b>Policy Code: IMGA</b>
<b>Policy Committee Review: June 13, 2018</b>	<b>Page 1 of 3</b>

**SERVICE ANIMALS IN THE SCHOOLS**

The following rules shall govern the use of service animals by persons in the [Oyster River Cooperative](#) schools.

**A. General Conditions**

1. Qualified individuals with disabilities and service animal trainers are eligible to use service animals in school.

New Hampshire law defines a “service animal trainer” as any person who is employed to train dogs or is volunteering to raise dogs for a provider of service animals for persons with disabilities or an individual trainer who helps a person with disabilities to train his or her own service animal or an individual trainer who tests an animal to verify its eligibility for the New Hampshire service animal tag.

2. Use of a service animal by a person with a disability will be allowed in school when the animal is required to perform work or tasks directly related to the individual’s disability.
3. “Service animal” is defined as follows:
  - a. Any dog individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for purposes of this definition.
  - b. The work or tasks performed by a service animal must be directly related to the individual’s disability. Under state and federal law, work and tasks may include, but are not limited to:
    - (1) assisting individuals who are blind or have low vision with navigation and other tasks;
    - (2) alerting individuals who are deaf or hard of hearing to the presence of people or sounds;
    - (3) providing nonviolent protection or rescue work;
    - (4) pulling a wheelchair;
    - (5) assisting an individual during a seizure;
    - (6) alerting individuals to the presence of allergens;
    - (7) retrieving items such as medicine or a telephone;
    - (8) providing physical support and assistance with balance and stability to individuals with mobility disabilities;
    - (9) helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors. The crime deterrent effect of an animal’s presence and the provision of emotional support, well-being, comfort, or companionship does not constitute work or tasks for the purposes of the law.
4. The District will not be responsible for the training, feeding, grooming or care of any service animal permitted to attend school under this policy (except in the limited circumstances described in Section B.2.a). It shall be the responsibility of the individual with a disability or designated handler to ensure the proper care and supervision of the service animal.
5. All service animals must be kept on a harness, leash or tether (unless this prevents the animal from performing its specific work or tasks with the individual) in which case the animal must be under other control (e.g., hand signals or voice commands), and under the control of the individual with a disability or designated handler at all times.

**DRAFT TO REPLACE EXISTING IMGA POLICY**

<b>OYSTER RIVER COOPERATIVE SCHOOL BOARD</b>	<b>Policy Code: IMGA</b>
<b>Policy Committee Review: June 13, 2018</b>	<b>Page 2 of 3</b>

6. The individual (in the case of a student, the student's parent(s)) is liable for any damage to school or personal property and any injuries to individuals caused by the service animal, consistent with any applicable laws.
7. Individuals with service animals may access the same areas that individuals without disabilities are authorized to access unless such access presents a legitimate safety risk to the animal and/or others or fundamentally alters the program.

**B. Administrative Review of Service Animals**

1. Whenever a service animal is in the school or on school property (and it is not obvious that the dog qualifies as a service animal, e.g., guide dog for a blind person), a building administrator or other authorized school official may ask:
  - a. Whether the service animal is required because of a disability;
  - b. What work or task(s) the animal has been trained to perform;
  - c. In the case of a service animal trainer, documentation of the individual's affiliation with a recognized organization as described in Section A.1 above.
2. When it is anticipated that a service animal is going to be in the school on a regular basis with an employee, student, volunteer, service animal trainer or other frequent visitor to the school, the individual using the service animal (or in the case of a student, the student's parent(s)) are strongly encouraged to notify the building administrator in advance.
  - a. The school shall not provide staff support to care for or control a service animal but may provide limited assistance to a student using a service animal as needed in a particular instance (i.e., accompanying a young student who takes a service animal outside to relieve itself).
  - b. Any handler (trainer, parent or other person) accompanying the service animal must have approval to work in the school from the New Hampshire Department of Education and undergo the State criminal background check.
3. Service animals must be properly licensed and vaccinated in accordance with New Hampshire law.

**C. Removal or Exclusion of Service Animals from School**

1. A building administrator or other authorized school official may require that a service animal be removed from the school or other school property under any of the following circumstances:
  - a. The service animal poses a direct threat to the safety of individuals at school, causes a significant disruption of school activities or programs, fundamentally alters the nature of any school program, or otherwise jeopardizes the safe operation of the school in a manner that cannot be eliminated by reasonable modifications;



**DRAFT TO REPLACE EXISTING IMGA POLICY**

<b>OYSTER RIVER COOPERATIVE SCHOOL BOARD</b>	<b>Policy Code: IMGA</b>
<b>Policy Committee Review: June 13, 2018</b>	<b>Page 3 of 3</b>

- b. The dog demonstrates that it is unable to perform reliably the work or tasks which it was represented as being able to perform (which is required to be defined as a service animal);
- c. The service animal is not under the full control of the person with a disability, or the authorized handler/trainer, and the individual does not take effective action to control the animal;
- d. The service animal is sick (i.e., vomiting, etc.), infested with parasites, has an infection of the skin, mouth or eyes, or otherwise presents a threat to the public health (applying the standard that would be applied to any other animal allowed on school premises); and/or
- e. The service animal demonstrates that it is not sufficiently trained to relieve itself outside the school building.

If a service animal is removed or excluded, the individual with a disability shall still be provided access to school facilities, programs and/or services.

**D. Miniature Horses**

Miniature horses are not defined as service animals under state or federal law. However, miniature horses which have been individually trained to perform specific work or tasks on behalf of an individual with a disability may be permitted in the schools in certain circumstances as a reasonable accommodation for a qualified individual with a disability, subject to certain restrictions deemed necessary in a school setting. Any such requests should be directed to the building administrator for consideration. If a miniature horse is approved, all the conditions in this policy shall apply.

Legal References: 42 U.S.C. § 12101 et seq.  
28 C.F.R. §§ 35.104; 35.130(h); 35.136  
RSA 167-D

Cross Reference: AC-Nondiscrimination/Equal Opportunity and Affirmative Action

**DRAFT**

## **ADMINISTRATIVE PROCEDURE FOR SERVICE DOGS IN SCHOOLS<sup>1</sup>**

NOTE: This procedure must be read in conjunction with the School Board's policy addressing service animals in schools, which sets forth definitions, requirements, and other policy considerations related to service animals. As noted under the policy, this procedure involves complex issues and we recommend consulting with legal counsel before making changes to this sample procedure or any time service dog issues arise that are not specifically addressed here.

In order to address requests for persons with disabilities to be accompanied by a service dog in school, the School Department will take steps outlined in this procedure.

### **A. Students**

1. Parents/guardians of students with disabilities must notify the building administrator (or other authorized school official) of any request for the student to be accompanied, on a regular basis, by a service dog in school, on school property (including riding a school bus) or at a school-sponsored activity. Prior notice is required to allow the school to address the potential impact of the service dog on others in the school community (e.g., those with allergies or phobias to dogs).
2. Unless it is obvious that a dog qualifies as a service dog (e.g., a guide dog for a student who is blind), the building administrator or other school official should ask the parent/guardian the following two questions and should document the parent's/guardian's response:
  - a. Is the dog required because of the student's disability?
  - b. What work or task(s) has the dog been trained to perform?

If it is obvious that the dog qualifies as a service dog, or if the parent/guardian answers affirmatively to the first question and sufficiently describes the work/task(s) in response to the second question, then the student will be authorized to bring the dog to school, provided that the conditions in Policy ACAC are met and pursuant to the following procedural steps.

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<sup>1</sup> A miniature horse may qualify as a service animal. The administration should carefully review any such request and seek consultation on safety parameters that may need to be imposed. No other animal species qualifies as a service animal.



The school may not require the family to prove that the dog is trained, require a particular certification, or require a demonstration of the work or task the dog has been trained to perform.

3. The building administrator or other school official should confirm whether the student has been determined eligible for services under the Individuals with Disabilities Education Act (IDEA) or for accommodations under Section 504.
  - a. If the student has not been identified and determined eligible under IDEA or Section 504, s/he should be referred for evaluation under either of the laws, (while, in the interim, allowing the student to be accompanied by the service dog if Step 2 above has been satisfied).
  - b. Because only individuals with disabilities as defined by the Americans with Disabilities Act (ADA) and Section 504 are entitled to be accompanied by a service dog, if the student is found not to have a disability pursuant to these processes, then the school may at that point deny use of the service dog.
4. The school should convene a 504 team to address how the school will support the student's use of the service dog. The team should closely review and follow the School Board's service animal policy in deciding on any support, paying particular attention to the following:
  - a. The school will not be responsible for the handling, control, supervision, training, feeding, grooming or care of any service dog permitted to ride a school bus, attend school or school activities.
  - b. If the student is unable to control the service dog, the parent/guardian must provide a handler for the dog to ride the school bus, attend school or school activities [Note: a service dog must be under the control of a handler at all times; under no circumstances may a dog be controlled by a shock collar.].
  - c. The building administrator or other school official will ensure that any person (other than the student) who accompanies the service dog for handling or other purposes has undergone the State criminal background check.
  - d. The school may provide limited assistance to a student using a service dog as needed in a particular instance. For example, a school employee may accompany a young student when the student is taking a service dog outside to relieve itself [Note: a service dog must be housebroken.].
  - e. The building administrator or other school official should use his/her professional judgment in informing (in writing) other parents/guardians of the anticipated presence of a service dog. In response to such notice, the parents/guardians of children with allergies or phobias to dogs are encouraged to promptly notify a building administrator so that efforts may be undertaken to support all students. The building administrator/school official should also consider providing notice to employees who

- may encounter the dog during the school day, so that efforts can be undertaken to support affected employees.
- f. The parent/guardian shall provide the school sufficient documentation to show that the service dog is properly licensed and vaccinated.
  - g. The school may impose other reasonable measures on the parent/guardian in support of the service dog. For example, a parent may need to provide a crate that houses the dog during physical education or other activities in which the student participates without being accompanied by the service dog. The dog also must be clean and free of ticks and fleas at all times.
  - h. Parents/guardians are strongly encouraged to work with the school on a plan to gradually introduce the service dog into the school environment (i.e., bringing the dog to school or riding the bus first when other students are not present, and gradually having the dog present for longer times and/or when many potential distractions are present.).
5. The building administrator or designee may monitor the student's use of a service dog to ensure that it is being successfully managed and is under control at all times. The administrator/designee may also periodically assess and document whether all other Board policy and these procedures are being followed. School officials reserve the right to alter the service dog arrangements, including having the dog removed if warranted.

**B. Employees**

1. Any employee who wishes to request approval to be accompanied by a service dog at school should contact Human Resources [or other appropriate position/department] to establish that the criteria for a service dog have been met prior to bringing the dog to school.
2. An employee may be asked to provide documentation to establish his/her disability and the necessity that the work/task performed by the service dog be performed at school.
3. The Human Resources representative [or other appropriate position/department], in consultation with the employee's supervisor, will determine the reasonableness of the request and what restrictions, if any, may need to be placed upon the dog's presence in light of the nature of the employee's position and working environment.
4. Prior to approving a service dog, the Human Resources representative [or other appropriate school official] may need to confer with employees and parents/guardians of students who may be adversely affected by the presence of a dog in the school.
5. When a Human Resources representative [or other appropriate school official] approves the presence of a service dog for an employee, there will be an initial 30-day trial period to determine what impact, if any, the dog has had on the school. The school reserves the



right to make adjustments as to the dog's presence, including declining to permit the dog to continue to come to the school.

**C. Parents/Visitors/Third Parties**

1. To the extent possible, any parent/guardian, visitor, or other person who wants to visit the school or school grounds accompanied by a service dog is encouraged to provide prior notice to the building administrator or other authorized official.
2. Unless it is obvious that the dog qualifies as a service dog (e.g., a guide dog for an individual who is blind), the building administrator or other school official should ask the parent/guardian, visitor, or other third party the following two questions:
  - a. Is the dog required because of the individual's disability?
  - b. What work or task(s) has the dog been trained to perform?

If it is obvious that the dog qualifies as a service dog (e.g., a guide dog for a student who is blind), or if the individual answers affirmatively to the first question and sufficiently describes the work/task(s) in response to the second question, then he/she is authorized to be accompanied by the service dog on school grounds, subject to complying with the conditions set forth in Policy ACAC.

**D. Removal or Exclusion of Service Dogs from School**

The building administrator or other authorized official may require that a service dog be removed from the school or other school property if the individual fails to abide by the Board policy or these procedures. At any time that a dog acts aggressively toward any person in the school or harms a person, the dog shall immediately be removed.

Legal References: 42 U.S.C. § 12101 et seq.  
28 C.F.R. §§ 35.104; 35.130(h); 35.136  
RSA 167-D



<b>OYSTER RIVER COOPERATIVE SCHOOL BOARD</b>	<b>Policy Code: BB</b>
Date of Adoption: June 15, 1988 Dates of Revision: February 26, 1997, May 5, 1999 Code Revision: November 18, 2009 – previously BBB Review First Read School Board: September 5, 2012 Second Read/Adoption School Board: September 19, 2012 <a href="#">Policy Committee Review: June 13, 2018</a>	<b>Page 1 of 1</b> Category: Optional

## SCHOOL BOARD LEGAL STATUS

State law provides that public schools will be operated and maintained by local School Boards. As agents of the state, School Boards are required to implement state laws pertaining to public education and to carry out the rules of the State Board of Education.

The Board is an agent of the State and derives its authority from the New Hampshire Constitution, New Hampshire Statutes, and Rules of the State Board of Education.

Further, the Oyster River Cooperative School Board shall be responsible for establishing the structure, accountability, advocacy, and delivery of instruction in each school operated and governed in its district, consistent with SB-2.

### Number of Members

The Oyster River School Board shall consist of seven voting members. Voting members shall serve overlapping terms of three years, as required by law. There shall be one member each from Durham, Lee, and Madbury, and four members at-large.

Cross Reference: BBBF: Student Representative of the School Board

### **Legal References:**

- RSA 189:1-a, Duty to Provide Education
- RSA 194:1-3, School Districts: General Powers and Duties
- RSA 186:5, State Board of Education Powers
- RSA 195:5, School Board; Powers and Duties
- RSA 197:1, General Powers and Duties of School Districts
- N.H. Code of Administrative Rules-Section Ed. 303, Duties of School Boards

**EXISTING POLICY**

<b>OYSTER RIVER COOPERATIVE SCHOOL BOARD</b>	<b>Policy Code: BBBE</b>
Date of Adoption: March 16, 1987 Date of Revision: 3/26/97, Code Revision: 11/18/99 previously BBE Review First Read School Board: September 5, 2012 Second Read/Adoption School Board: September 19, 2012 <a href="#">Policy Committee Review: June 13, 2018</a>	Page 1 of 1 Category: Optional

**UNEXPIRED TERM FULFILLMENT**

Vacancies shall be filled in accordance with state law.

**Legal Reference:**

RSA 197:26, School Meetings & Officers: Vacancies

RSA 671:33, School District Elections: Vacancies

## BBBE - UNEXPIRED TERM FULFILLMENT

(Download policy)

*Category: Optional*

Vacancies on the school board will be filled in accordance with the provisions of RSA 197:26. Appointees will serve until the next School District annual meeting.

### **For Cooperative School Boards:**

Vacancies on the Cooperative School Board will be filled in accordance with the provisions of RSA 671:33. Appointees will serve until the next Cooperative School District election.

**NHSBA Note, September 2012:** RSA 671:33 was amended, effective August 2012. The amendments change the manner in which vacancies on cooperative school boards are filled. This sample policy reflects those changes. The manner in which "traditional" school boards fill vacancies under RSA 197:26 remains unchanged.

### **Legal Reference:**

*RSA 197:26, School Meetings & Officers: Vacancies*

*RSA 671:33, School District Elections: Vacancies*

Revised: September 2012

Revised: July, 1998, November 1999, February 2004, August 2006

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OYSTER RIVER COOPERATIVE SCHOOL BOARD	Policy: BBBF
Date of Adoption: April 16, 1987 Code/Title Change Adopted School Board: 5/2/12 Previously: JJ Review First Read School Board: September 5, 2012 Second Read/Adoption School Board: September 19, 2012 <a href="#">Policy Committee Review: June 13, 2018</a>	Page 1 of 1 Category: Optional

## STUDENT-REPRESENTATIVES TO THE SCHOOL BOARD

The Oyster River Cooperative Board may choose to add one or more student representatives from the District high school. Student-representatives will serve one-year terms. Student-representatives will have a non-binding vote which will be recorded in the minutes. Student-representatives will be excluded from all non-public sessions the School Board enters.

Student-representatives will be chosen by a vote of the high school student body, in accordance with the provisions of RSA 194:23-f.

Student-representatives are expected to:

- (1) Attend all school board meetings;
- (2) Represent all high school students within the District;
- (3) Present to the School Board specific proposals and ideas from the high school student body;
- (4) Serve as a liaison between students, and the School Board;
- (5) Keep the student body informed of School Board business and actions;
- (6) Comply with all School Board policies relative to students and Board members, when Applicable; and
- (7) Comply with School Board Code of Ethics.

### **Legal References:**

RSA 189:1-c, School Board Student Member  
RSA 194:23-f, High School Student as a Board Member

## EXISTING POLICY

OYSTER RIVER COOPERATIVE SCHOOL BOARD	Policy Code: BCA
Review First Read School Board: September 5, 2012 Second Read/Adoption School Board: September 19, 2012 Correct clerical oversight reviewed by Board: March 6, 2013 Policy Committee Review – No Changes – August 19, 2015 <a href="#">Policy Committee Review: June 13, 2018</a>	Page 1 of 1 Category: Recommended

### SCHOOL BOARD MEMBER ETHICS

Each board member shall comply with the following ethical provisions:

1. Attend all regularly scheduled Board meetings, insofar as possible, and become informed concerning issues to be considered at those meetings.
2. Make decisions only after full discussion at public 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.
3. Seek systematic communications with students, staff, and members of the community.
4. Work respectfully with other Board members to achieve the educational goals of the school district by encouraging the free expression of opinions by all Board members.
5. Communicate to other Board members and the Superintendent expressions of public reaction to Board policies and school programs.
6. Be informed 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 board associations.
7. Support the employment of those persons best qualified to serve as school staff, and insist on a regular and impartial evaluation of all staff.
8. Respect the confidentiality of information that is privileged under applicable law or is received in confidence or executive session.
9. Recognize that no individual member has authority to speak or act for the entire Board, except as specifically designated to do so by Board action.
10. Recognize that final Board actions will be supported by all members of the Board; take no private action that will compromise the Board or administration; and refrain from private actions which undermine or compromise official Board action.
11. Display and demonstrate courtesy and decorum toward fellow Board members at all public meetings and in all public statements.
12. Engage in respectful, public discourse and refrain from disparaging individuals on the basis of their gender, sexual orientation, and other personal differences and affiliations.
13. Avoid being placed in a position of conflict of interest, and refrain from using my Board position for personal or partisan gain.

Appendix BCA-R

Cross Reference: BCB – Board Member Conflict of Interest

**BOARD MEMBER ETHICS**

*Category: Recommended*

*See also Appendix BCA-R*

In order to fulfill its duty under state law to provide education to pupils within the District, the Board adopts the following expectations for each of its members.

AS A MEMBER OF THE SCHOOL BOARD, AND IN ACCORDANCE WITH MY OATH OF OFFICE, I WILL STRIVE TO IMPROVE PUBLIC EDUCATION BY STRIVING TO ADHERE TO THE FOLLOWING EXPECTATIONS:

1. Attend all regularly scheduled Board meetings, insofar as possible, and become informed concerning issues to be considered at those meetings.
2. Understand that the Board, as governing body, does not manage the District, but rather sets the broad goals and standards for the District by way of policies adopted by a quorum of the Board at proper meetings under the Right-to-Know law.
3. Be informed about current educational issues by individual study and through information, such as those sponsored by my state and national school board associations.
4. Make decisions and take votes based upon the available facts, the full deliberation of the Board, and my independent judgment, and refuse to surrender or subordinate that judgement to any individual or special interest group.
5. Work respectfully with other Board members by encouraging the free expression of differing opinions and ideas.
6. Seek opportunities for the Board to establish systematic communication channels with students, staff, and members of the community.
7. Recognize that as a general principle the District and its students benefit when Board decisions, which have been made following consideration of all sides and vote of a quorum, receive the subsequent support of the whole Board, whenever practicable.
8. Respect the confidentiality of information that is privileged under applicable law or is received in confidence or non-public session.
9. Recognize that individual Board members are without authority to act relative to School District business, and that I may not individually commit the Board to any action except as specifically designated to do so by Board action.
10. Understand the chain of command and refer problems or complaints to the proper administrative office per applicable School Board policies.
11. Work with the other Board members to establish effective Board policies and foster a relationship with the District administration toward the effective implementation of those policies and management of the District operations, personnel and facilities.



**BOARD MEMBER ETHICS**

- 12. Communicate to the Superintendent and to the Board (only as consistent with the Right-to-Know law) expressions of public reaction to Board programs, policies and other Board actions.
- 13. Present personal criticisms concerning District operations, staff, etc. to the Superintendent, not to District staff, the public, or unnecessarily at a Board meeting.
- 14. Establish policies and protocols for systematic communications with students, staff, and members of the community. Support the employment of those persons best qualified to serve as school staff, and insist on a regular and impartial evaluation of all staff.

*See also: Appendix BCA-R*

Legal References:

*189:1-a "Duty to Provide Education"; and RSA 189:1 "Days of School"*

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**NHSBA history:** Revised: May 2018; May 2006; November 1999  
Reviewed: February 2004

**NHSBA revision note: May 2018** - This sample policy has been: (a) revised to include language to better reflect that, while school board decisions tend to be more effective and successful when supported by all members (after a majority vote), individual members do not at any time lose their individual right to express dissent; (b) amended to include provisions better identifying the distinction between governance and management; and (c) generally reorganized for better flow.