

OYSTER RIVER COOPERATIVE SCHOOL DISTRICT

Policy Committee Meeting

November 8, 2017 3:30 – 5:00

Central Office

Agenda

I. Call to Order

- AC – Nondiscrimination - *Proposed*
- JICK – Bullying/Cyberbullying - *Current Proposed*
- JLCE – Emergency Care and First Aid - *Current and NHSBA*
- GBCD – Background Investigation and Criminal Records Check – *Current/NHSBA/October 26, 2016 Proposed version*
- IJOC & R-R1- School Volunteers and Forms – *Current and October 26, 2016 version*

II. Policy Changes for Review from Requested Feedback

III. Questions/Discussion

**Next Meeting:** December 13 and January 10, 2018

OYSTER RIVER COOPERATIVE SCHOOL BOARD	Policy Code: AC
Date of Adoption: February 13, 2009 Review School Board First Read: March 13, 2013 School Board Second Read/Adoption: April 3, 2013 Returned to Policy for Review: 10/11/17 and <a href="#">11/08/17</a>	Page 1 of <a href="#">12</a> Category: Recommended

## NONDISCRIMINATION/EQUAL OPPORTUNITY

~~Discrimination against and harassment of Oyster River Cooperative school employees because of age, sex, race, creed, color, marital status, familial status, physical or mental disability, genetic information, national origin or sexual orientation are prohibited. Discrimination against and harassment of students because of sex, race, creed, color, age, marital status, familial status, physical or mental disability, national origin or sexual orientation are prohibited.~~

The Oyster River School District does not discriminate on the basis of disability, race, color, religion, national origin, ancestry, medical condition, genetic information, marital status, sex, age, sexual orientation, veteran status or gender identity and expression in its employment, programs and activities. The School District does not tolerate discrimination, harassment or retaliation on these bases and takes steps to insure students, employees and third parties are not subject to any discrimination or harassment in District programs or activities. The Board directs the school administration to implement a continuing program designed to prevent discrimination against all.

~~The Board directs the school administration to implement a continuing program designed to prevent discrimination against all applicants, employees, students and individuals with disabilities having access rights to school premises and activities.~~ The District will designate a Nondiscrimination Officer who will be responsible for ensuring compliance with all federal and state requirements relating to nondiscrimination. The Nondiscrimination Officer will be a person with direct access to the Superintendent.

The Board directs the administration to implement internal complaint procedures for resolving complaints of discrimination under this policy and to provide adequate notice of the availability of such complaint procedures.

The Board directs the administration to provide notice of compliance with federal and state civil rights laws to all applicants for employment, employees, students, parents, and other interested persons, as appropriate.

The District will require all persons, agencies, vendors, contractors, and other persons and organizations doing business with or performing services for the District to subscribe to all applicable federal and state laws pertaining to contract compliance.

The Oyster River School District responds promptly and effectively to allegations of discrimination, harassment, and retaliation. It promptly conducts investigations and takes appropriate action, including, but not limited to, disciplinary action, against individuals found to have violated its policies, as well as provides appropriate remedies to complaints and the Oyster River community.

Legal Reference: Equal Employment Opportunities Act of 1972 (P.L. 92-261 amending Title VII of the Civil Rights Act of 1964 (42 U.S.C. § 2000(e) et seq.)  
Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681 et seq.)  
Title VI of the Civil Rights Act of 1964 (P.L. 88-352)  
Age Discrimination in Employment Act of 1967 (29 U.S.C. § 621 et seq.)  
Equal Pay Act of 1963 (29 U.S.C. § 206)  
Rehabilitation Act of 1973 (Section 504) (29 U.S.C. § 794 et seq.); 34 CFR § 104.7, as amended  
Americans with Disabilities Act (42 U.S.C. § 12101 et seq.), as amended





OYSTER RIVER COOPERATIVE SCHOOL BOARD	Policy Code: JICK
Policy Committee Review: May 11, 2016	Page 1 of 7
<u>Legal Clarification Version</u>	Category: Priority
School Board First Read: May 18, 2016	
School Board Second Read/Adoption: June 1, 2016	
<u>Policy Committee Review: November 8, 2017</u>	

BULLYING AND CYBERBULLYING  
PUPIL SAFETY AND VIOLENCE PREVENTION

I. GENERAL STATEMENT OF POLICY

It is the policy of the Oyster River Cooperative School District that its students have an educational setting that is safe, secure, peaceful, and free from student harassment, also known as bullying or cyberbullying. The School District will not tolerate unlawful harassment of any type and conduct that constitutes bullying or cyberbullying as defined herein is prohibited. Retaliation or false accusations against a victim, witness, or anyone else who in good faith provides information about an act of bullying or cyberbullying is prohibited. All students are protected regardless of their status under the law. Any person violating this Policy may be subject to disciplinary action up to and including expulsion. Each building Principal is responsible for the implementation of this Policy.

II. BULLYING AND CYBERBULLYING DEFINED

1. "Bullying" is a single significant incident or a pattern of incidents involving a written, verbal, or electronic communication, or a physical act or gesture, or any combination thereof, directed at another student which:

(a) physically harms a student or damages the student's property;

(b) causes emotional distress to a student. For the purposes of this policy, the term "emotional distress" means distress that materially impairs the student's participation in academic or other school-sponsored activities. The term "emotional distress" does not include the unpleasantness or discomfort that accompanies an unpopular viewpoint;

(c) interferes with a student's educational opportunities;

(d) creates a hostile educational environment; or

(e) substantially disrupts the orderly operation of the school.

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

2. "Cyberbullying" is any conduct defined in paragraph 1 of this Section undertaken through the use of electronic devices which include, but are not limited to, telephones, cellular phones, computers, pagers, electronic mail, instant messaging, text messaging, and websites. Cyberbullying includes, but is not limited to, the following actions: harassing, teasing, intimidation, threatening, stalking or terrorizing another person by sending or posting inappropriate and hurtful e-mail messages, instant messages, text messages, digital pictures or images, or web site postings, including blogs or other use of technology.

3. Bullying or cyberbullying occurs when an action or communication defined in paragraphs 1 or 2 of this Section:



OYSTER RIVER COOPERATIVE SCHOOL BOARD	<u>Policy Code: JICK</u>
<u>Policy Committee Review: May 11, 2016</u>	<u>Page 2 of 7</u>
<u>Legal Clarification Version</u>	<u>Category: Priority</u>
<u>School Board First Read: May 18, 2016</u>	
<u>School Board Second Read/Adoption: June 1, 2016</u>	
<u>Policy Committee Review: November 8, 2017</u>	

(a) occurs on, or is delivered to, school property or a school-sponsored activity or event on or off school property; or

(b) occurs off of school property or outside of a school-sponsored activity or event, if the conduct interferes with a student's educational opportunities or substantially disrupts the orderly operations of the school or school sponsored activity or event.

4. "Parent" means parent, parents, or legal guardians.

5. "Perpetrator" is a student who engages in bullying or cyberbullying.

6. "School property" is all real property and all physical plant and equipment used for school purposes, including public or private school buses or vans.

7. "Victim" is a student against whom bullying or cyberbullying has been perpetrated.

8. Bullying in violation of this Policy need not rise to the level of unlawful harassment under Title IX of the Education Acts of 1972, the Americans With Disabilities Act, Title VI, or the Rehabilitation Act of 1974.

### III. REPORTING PROCEDURE

1. Any student who believes he/she has been a victim of bullying or cyberbullying shall report the alleged act to the building Principal. If a student is more comfortable reporting the alleged act to a person other than the building Principal, the student may contact any School District employee. The School District will respect the confidentiality of the victim and the perpetrator(s) as much as possible, consistent with the School District's legal obligations and the necessity to investigate allegations of alleged bullying and cyberbullying and to take appropriate remedial disciplinary action when such conduct has been substantiated. However, no disciplinary action can be taken against a perpetrator solely on the basis of a confidential report.

2. Any school employee, volunteer, or employee of a company under contract with the school or School District, who has witnessed or has reliable information that a student has been subjected to bullying or cyberbullying shall report the incident to the student's Principal. "Reliable information" shall include a parent's or student's claim that a student is the victim of bullying or cyberbullying.

3. All reports must be documented on the School District's Bullying/Cyberbullying Reporting Form. The victim or reporter shall provide copies of documents relating to the bullying or cyberbullying and/or save those documents so that the documents can be provided to the investigator. If a victim or reporter is either unwilling or unable to complete the School District's Bullying/Cyberbullying Reporting Form, the school employee who receives the oral report will promptly fill out the School District's Bullying/Cyberbullying Reporting Form, using, to the extent practicable, the reporter's or victim's own words to describe the alleged bullying or cyberbullying.

4. Upon receipt of a report of bullying or cyberbullying, the Principal shall within twenty-four (24) hours forward a written report to the Superintendent of the incident and the Principal or his/her designee's response to the initial report.

OYSTER RIVER COOPERATIVE SCHOOL BOARD	Policy Code: JICK
Policy Committee Review: May 11, 2016	Page 3 of 7
Legal Clarification Version	Category: Priority
School Board First Read: May 18, 2016	
School Board Second Read/Adoption: June 1, 2016	
Policy Committee Review: November 8, 2017	

5. The Principal shall by telephone and in writing by first-class mail, notify the parent of the victim and perpetrator within forty-eight (48) hours of receiving the School District's Bullying/Cyberbullying Reporting Form that a report of alleged bullying or cyberbullying was received and is being investigated in accordance with this Policy. The content of the notice shall comply with the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g.

6. The Superintendent may, within the forty-eight (48) hour time period in paragraph 5 of this Section, grant the Principal a written waiver from the notification requirement if the Superintendent deems such waiver to be in the best interest of the victim or perpetrator. The waiver shall not negate the school's responsibilities to comply with the remainder of this Policy.

§7. The Principal or his/her designee shall notify the Superintendent of all substantiated instances of bullying or cyberbullying. The Superintendent shall report to the School Board all substantiated instances of bullying and cyberbullying.

§8. Within ten (10) school days of completion of the investigation, the Principal shall notify the parents of the victim and perpetrator of the school's remedial action. In accordance with FERPA, the School District may not disclose to the parents of victims the educational records of perpetrators which include but are not limited to the discipline and remedial action assigned to the perpetrators.

#### IV. INVESTIGATION AND REMEDIAL ACTION

1. The Principal or his/her designee shall begin an investigation of the alleged acts of bullying or cyberbullying within five (5) school days of receiving the School District's Bullying/Cyberbullying Reporting Form. The goal of an investigation is to obtain an accurate and complete account of all incidents and circumstances deemed relevant to the allegations, to determine whether bullying or cyberbullying occurred, and to identify the student(s) responsible for the acts. These procedures are intended to protect the rights of a victim and perpetrator.

(a) The alleged perpetrator(s) will be provided the opportunity to be heard as part of the investigation.

(b) Privacy rights of all parties shall be maintained in accordance with applicable laws.

(c) The building principal/assistant principal shall keep a written record of the investigation process.

(d) The building principal/assistant principal may take interim remedial measures to reduce the risk of further bullying/cyberbullying, retaliation and/or to provide assistance to the alleged victim while the investigation is pending.

(e) The building principal/assistant principal shall consult with the Superintendent as appropriate concerning the investigation and any remedial measures or assistance provided.

(f) Consistent with applicable law, students may not be required to disclose or provide to the District the student's user name, password or other authenticating information to a student's personal social media account. However, District investigators may request a student or a student's



OYSTER RIVER COOPERATIVE SCHOOL BOARD	Policy Code: JICK
Policy Committee Review: May 11, 2016	Page 4 of 7
<u>Legal Clarification Version</u>	Category: Priority
School Board First Read: May 18, 2016	
School Board Second Read/Adoption: June 1, 2016	
<u>Policy Committee Review: November 8, 2017</u>	

parent/guardian voluntarily share printed copies of specific information from a student's personal social media account if such information is relevant to an ongoing investigation.

2. The Principal or his/her designee will complete the investigation within seven (7) school days after the Principal receives the School District's Bullying/Cyberbullying Reporting Form, except in cases where the Superintendent grants a written extension. The Superintendent, if necessary, may grant an extension of the time period for the completion of the investigation for up to an additional seven (7) school days. The Superintendent shall notify all parties in writing of the granting of an extension. The Principal or his/her designee will expedite the investigation of any claim involving physical violence or serious threats of harm.

3. To end bullying or cyberbullying and prevent its recurrence, the Principal or his/her designee will take such disciplinary action deemed necessary and appropriate, including but not limited to detention, in-house suspension, out-of-school suspension or referral to the Superintendent to consider long-term suspension or expulsion, and/or referral to law enforcement. Any discipline imposed will be in accordance with and consistent with the School Board's policies on student discipline.

4. Administrators have the discretion within the requirements of district policies on student discipline, to determine appropriate disciplinary consequences and/or interventions for violations of this policy based upon the relevant facts and circumstances in a particular case, including but not limited to the age and maturity of the students involved; the type and frequency of the behavior; a student's willingness to cooperate in the investigation and correct behavior; and the student's prior disciplinary record.

5. Besides initiating disciplinary action, the Principal or his/her designee may also take other remedial action deemed necessary and appropriate to end bullying or cyberbullying and prevent its recurrence including but not limited to requiring participation in peer mentoring, or other life skills groups; reassigning student's classes, lunch periods or transportation; and/or offering appropriate assistance to the victim or perpetrator.

6. At the time a bullying or cyberbullying report is made, the Principal or his/her designee in consultation with the Superintendent, shall develop a strategy to protect all students from any kind of retaliation.

7. The Principal or his/her designee must document his/her investigation results in a written report. The investigation report shall include documentation of the statements/interviews of the victim, perpetrator, and witnesses. Copies of any documents or other evidence (e.g., electronic communications) obtained during the investigation shall be attached to the report. The Principal or his/her designee's investigation report shall also include the Principal or his/her designee's findings of whether the report of bullying or cyberbullying was substantiated and the reasons why the report was or was not substantiated. If the report is substantiated, the Principal or his/her designee shall include in the investigation report recommendations for remediating the bullying or cyberbullying and shall, when appropriate, recommend a strategy to protect students from retaliation. If the report is not substantiated as bullying or cyberbullying but the conduct violates school rules or policies, the Principal or his/her designee shall specify the school rules or policies violated and make appropriate recommendations to address the violations.

~~8. The Principal or his/her designee shall notify the Superintendent of all substantiated instances of bullying or cyberbullying. The Superintendent shall report to the School Board all substantiated instances of bullying and cyberbullying.~~



OYSTER RIVER COOPERATIVE SCHOOL BOARD	Policy Code: JICK
Policy Committee Review: May 11, 2016 Legal Clarification Version School Board First Read: May 18, 2016 School Board Second Read/Adoption: June 1, 2016 Policy Committee Review: November 8, 2017	Page 5 of 7 Category: Priority

~~9. Within ten (10) school days of completion of the investigation, the Principal shall notify the parents of the victim and perpetrator of the school's remedial action. In accordance with FERPA, the School District may not disclose to the parents of victims the educational records of perpetrators which include but are not limited to the discipline and remedial action assigned to the perpetrators.~~

10. Since bullying or cyberbullying may begin again after several weeks or months have lapsed, the perpetrator in substantiated cases should be closely supervised. The victim should be encouraged to report any new problems to the Principal or his/her designee. The Principal or his/her designee should interview the victim regularly to make sure that there is no recurrence of bullying, cyberbullying, or retaliation. The Principal or his/her designee shall document all follow-up with the victim.

#### V. FILE RETENTION

The Principal will maintain in a separate confidential file the original completed School District's Bullying/Cyberbullying Reporting Form, investigatory interview notes and reports, findings made, the investigation report, including any decision for action, and other relevant investigatory materials, and maintain a copy of the file in the perpetrator's education record. The Principal shall also provide a copy of the file to the Superintendent.

#### VI. APPEAL

1. For non-disciplinary remedial actions where no other review procedures govern, the parents of the perpetrator and victim shall have the right to appeal the Principal or his/her designee's decision regarding their student to the Superintendent in writing within five (5) school days. The Superintendent shall review the Principal or his/her designee's decision and issue a written decision within ten (10) school days. If the aggrieved party is still not satisfied with the outcome, then the aggrieved party may file a written request for review by the School Board within ten (10) school days of the Superintendent's decision. The appeal shall state in writing why the appealing party is aggrieved, and the specific relief they are requesting.

2. The procedures in RSA 193:13, Ed 317, and the School District's discipline policies establish the due process and appeal rights for students disciplined for acts of bullying, cyberbullying, or retaliation.

#### VII. RETALIATION OR FALSE ACCUSATIONS

No person shall retaliate or make false accusations against a victim, witness, or anyone else who in good faith provides information about an act of bullying or cyberbullying. The School District will discipline any individual who retaliates or makes a false accusation or encourages others to retaliate or make a false accusation against a victim, witness, or anyone else who in good faith provides information, testifies, assists, or participates in an investigation, proceeding or hearing relating to an act of bullying or cyberbullying.

If a complaint or report is not made in good faith, the School District will take such disciplinary action deemed necessary and appropriate including but not limited to suspension, expulsion, or dismissal.

OYSTER RIVER COOPERATIVE SCHOOL BOARD	<u>Policy Code: JICK</u>
<u>Policy Committee Review: May 11, 2016</u> <u>Legal Clarification Version</u> <u>School Board First Read: May 18, 2016</u> <u>School Board Second Read/Adoption: June 1, 2016</u> <u>Policy Committee Review: November 8, 2017</u>	<u>Page 6 of 7</u> <u>Category: Priority</u>

VIII. POLICY NOTIFICATION/DISSEMINATION

1. Copies of this Policy shall be given to all employees, students and parents annually by publishing in the applicable handbook. Whenever new School District employees or students begin during the school year, they shall receive a copy of the appropriate handbook before commencing work or school attendance. The Superintendent or his/her designee shall also make all volunteers, and contractors who have contact with students and chartered public schools aware of this Policy.

2. The School District will post this Policy and a summary of the Policy on the School District's website and conspicuously in each school building in areas easily accessible to students and staff.

IX. TRAINING OF STAFF AND EDUCATING PARENTS AND STUDENTS

1. The School Administration shall develop age-appropriate methods of discussing the meaning, substance, and application of this Policy with parents and students in order to minimize the occurrence of bullying and cyberbullying and to identify, respond to, and report incidents of bullying or cyberbullying. In support of this policy, the Board promotes preventative educational measures to promote greater awareness of aggressive behavior, including bullying.

2. The School Administration shall provide training annually for employees, school volunteers, and contractors who have contact with students for the purpose of preventing, identifying, responding to, reporting incidents of bullying or cyberbullying, and implementing this Policy.

X. RECORDINGS IN STUDENT DISCIPLINE MATTERS

1. Recordings on School Buses. Pursuant to RSA 570-A:2, notice is hereby given that the School Board authorizes audio recordings to be made in conjunction with video recordings of the interior of school buses while students are being transported to and from school or school activities. A sign informing the occupants of school buses that such recordings may occur shall be posted on all buses.

2. Use of Recordings. The District reserves the right to use audio/video on buses and video recording devices on District property to ensure the health, safety and welfare of all staff, students and visitors. Placement and location of such devices will be established in accordance with the provisions of Policy ECAF.

In the event a recording is used as part of a student discipline proceeding, such recording may become part of a student's education record. If a recording does become part of a student's educational record, the provisions of Policy JRA shall apply.

The Superintendent is authorized to contact the District's attorney for a full legal opinion in the event of such an occurrence.



OYSTER RIVER COOPERATIVE SCHOOL BOARD	Policy Code: JICK
Policy Committee Review: May 11, 2016	Page 7 of 7
<u>Legal Clarification Version</u>	Category: Priority
School Board First Read: May 18, 2016	
School Board Second Read/Adoption: June 1, 2016	
<u>Policy Committee Review: November 8, 2017</u>	

XI. BULLYING AS ABUSE AND CRIMINAL CONDUCT

Under certain circumstances (e.g., physical harm/touching, or damage to property) bullying or cyberbullying may constitute a violation of the Safe School Zones Act or abuse under RSA 169-C, the Child Abuse Reporting Act. In such situations, employees, volunteers and contractors shall comply with provisions of the School District's Policy concerning the Safe School Zones Act and the law which in part requires reporting to the Principal and requires the Principal to file a written report with the police within 48 hours and to notify the victim's parents/guardian that a report has been filed.

XII. SEXUAL HARASSMENT

Bullying or cyberbullying may constitute sexual harassment in which case it shall be subject to and be handled in accordance with the School District's Sexual Harassment and Sexual Violence Policy, not this Policy.

XIII. ANNUAL REPORT

The Superintendent shall prepare and submit an annual report of substantiated bullying/cyberbullying incidents on the form provided by the New Hampshire Department of Education. Such reports shall not contain personally identifiable information regarding students.

XIV. IMMUNITY

A School Administrative Unit employee, School District employee, school volunteer, student, parent, legal guardian, or employee of a company under contract to the School District, School Administrative Unit, or chartered public school, shall be immune from civil liability for good faith conduct arising from or pertaining to the reporting, investigation, findings, recommended response, or implementation of a recommended response under RSA 193-F.

Cross Reference:

JRB: Confidential Student Information



OYSTER RIVER COOPERATIVE SCHOOL BOARD	Policy Code: JLCE
DRAFT to Policy Committee: May 9, 2011 School Board First Read: March 5, 2014 School Board Second Read/Adoption: April 2, 2014 <a href="#">Policy Committee Review: November 8, 2017</a>	Page 1 of 1 <a href="#">Category: Priority</a>

### **EMERGENCY CARE AND FIRST AID**

The Oyster River Cooperative School Superintendent, in consultation with school health personnel, will ensure that procedures are implemented in the schools to provide for emergency care and first aid for students, school staff and visitors who are injured or become ill at school.

Appropriate staff will receive an orientation regarding the District's emergency care and first aid procedures, and each school will have designated staff who have received first aid and CPR training. Emergency cards will be maintained for all students.

Minor injuries and illnesses should be referred to the school nurse or other designated school staff for treatment. Treatment will be provided within the school in accordance with applicable laws and Board policies. In the event of a serious injury or illness, the individual may be transported to his/her physician or health facility, depending upon the particular circumstances.

Parents will be informed when their child is injured or becomes ill at school, and appropriate records will be kept by the school nurse.

**Authorization:**

In case of medical emergency, in the event that I/we cannot be reached, I/we authorize the Oyster River School District, its agents, employees, and other officers to procure and consent to any medical examination, diagnostic process or course of treatment, including transportation and hospital care, to be rendered to my/our child by or under that supervision of any duly licensed health care provider.

An accident report must be completed for all serious injuries.

**Legal References:**

RSA 200:40; 200-40-a,  
NH Code of Admin. R. 306.04(a)(19); 306.12(b)

**Cross Reference:**

JLCD - Administering Medications to Students

# NHSBA VERSION

## EBBC/JLCE - EMERGENCY CARE AND FIRST AID

(Download policy)

*Category: Priority/Required by Law*

All School personnel have responsibilities in connection with injuries and emergencies occurring in school and at school-sponsored events, which may be classified as follows: (1) administering first aid; (2) summoning medical assistance; (3) notifying administration; (4) notifying parents; and (5) filing accident/injury reports.

School personnel must use reasonable judgment in handling injuries and emergencies. Caution should be exercised not to minimize or maximize any injury or illness. All personnel will understand the proper steps to be taken in the event of an injury or emergency.

The Superintendent will ensure that at least one other person on staff, aside from the school nurse, has current first aid and cardiopulmonary certification (CPR). If the school nurse or licensed practical nurse is not available, the person(s) who have current first aid and CPR certification is authorized to administer first aid and CPR as needed.

The school will obtain at the start of each school year emergency contact information of parents or legal guardian for each student and staff member. See appendix JLCE-R for a sample form.

The school physician, school nurse, or specially trained staff members shall assist in the treatment of injuries or emergency situations. Such individuals have the authority to administer oxygen in case of a medical emergency, if available and if appropriate. This authorization extends to administering oxygen to students without prior notification to parents/guardians.

The school nurse or other designated personnel may administer other medications to students in emergency situations, provided such personnel has all training as is required by law. Such medication may also be administered in emergency situations if a student's medical action plan has been filed and updated with the school district to the extent required by law. The district will maintain all necessary records relative to the emergency administration of medication and will file all such reports as may be required.

Additionally, the school physician, school nurse, or specially trained staff members may also administer epinephrine to any student in case of a medical emergency, if appropriate. This authorization extends to administering epinephrine without prior notification to parents/guardians.

For significant injuries, the staff person witnessing the event must fill out an accident report, which must be submitted to administration so that he/she is informed and a basis is established for the proper processing of insurance claims and remediation if necessary.

The District makes it possible for parents to subscribe to student accident insurance at low rates. This program is offered each year during September. The District does not provide student accident insurance.

### **Naloxone/Narcan and Opioid Antagonists:**

The Board authorizes the District to obtain, store and administer naloxone/Narcan and/or other opioid antagonists for emergency use in schools.

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The school nurse or other properly trained staff member may administer such medication in emergency situations. Opioid antagonists will be available during the regularly scheduled school day. They may be available at other times at the discretion of the Superintendent.

The Superintendent is authorized to procure such medication on behalf of the District.

All such medication will be clearly marked and stored in a secure space in the school nurse's office or other appropriate location. Such medication will be locked at all times except when needed for administration. The school nurse is responsible for storing the medication consistent with the manufacturer's instructions.

Local law enforcement and emergency medical service personnel will be notified if such medication is administered by the District.

Records related to the administration of such medication shall be made and maintained by the school nurse. The school nurse will follow other first aid reporting protocols, as may be determined by other Board policy or administrative directive.

**NHSBA Note, September 2016:** Amendments to this Sample Policy are necessary due to the passage of SB 25, which adds a new statute, RSA 200:44-a, relative to pupil use of epinephrine; and SB 322, which amends RSA 200 by adding RS 200:53, :54, :55, :56 and :57, relative to the use of bronchodilators, spacers and nebulizers in school. Paragraph 6 of this Sample Policy is added to the requirements of new legislation. RSA 200:44-a and RSA 200:57 are added to the Legal References.

**NHSBA Note, April 2016:** Amendments to this policy include a new section relative to the obtaining and administration of naloxone/Narcan and other opioid antagonists by the District. These amendments are in response to significant NHSBA member feedback and request for policy guidance on this subject.

Please note this policy is required by law. However, the provisions relative to naloxone/Narcan are not required by law and are provided as guidance only. NHSBA recommends these provisions be reviewed by necessary school district staff and, if necessary, by local legal counsel prior to adoption.

**Legal References:**

*RSA 200:40, Emergency Care*

*RSA 200:40-a, Administration of Oxygen by School Nurse*

*RSA 200:44-a, Anaphylaxis Training Required*

*RSA 200:54, Supply of Bronchodilators, Spacers or Nebulizers*

*RSA 200:55, Administration of Bronchodilator, Space or Nebulizer*

*Ed 306.04(a)(21), Emergency Care For Students And School Personnel*

*Ed 306.12, School Health Services*

*Appendix: JLCE-R*

Revised: September 2016

Revised: October 2005, February 2007, August 2008, May 2014, April 2016



# CURRENT

OYSTER RIVER COOPERATIVE SCHOOL BOARD	Policy Code: GBCD
Date of Adoption: January 3, 2007	Page 1 of 2

## *BACKGROUND INVESTIGATION AND CRIMINAL RECORDS CHECK*

### *Background Investigation*

The Superintendent, or designee, shall conduct a thorough investigation into the past employment history, and other applicable background, of any person considered for employment with the district. This investigation shall be completed prior to making an offer of employment.

The Superintendent shall develop a background investigation protocol for use in completing background investigations and shall keep a written record of all background investigations which have been done.

As part of the application process, each applicant for a position shall be asked whether he/she has ever been convicted of any crime and whether there are any criminal charges pending against him/her at the time of application. The falsification or omission of any information on a job application or in a job interview, including, but not limited to, information concerning criminal convictions or pending criminal charges shall be grounds for disqualification from consideration for employment or immediate discharge from employment.

The Superintendent is responsible to establish all necessary internal procedures relative to the initiation and completion of the State and FBI criminal records check.

### *Criminal Records Check*

Each person considered for employment whose duties require regular contact with pupils must submit to a State and FBI Criminal Records Check.

### *Volunteers*

Volunteers may be subject to a background investigation/criminal records check as designated in Procedures for Policy IJOC – Volunteers.

### *Conditional Employment*

Persons who have been selected for employment may be hired on a conditional basis, pending a successful completion of State and FBI records checks.

OYSTER RIVER COOPERATIVE SCHOOL BOARD	Policy Code: GBCD
Date of Adoption: January 3, 2007	Page 2 of 2

*BACKGROUND INVESTIGATION AND CRIMINAL RECORDS CHECK (continued)*

*Final Offer of Employment*

A person who has been extended a conditional offer of employment may be extended a final offer upon the completion of criminal records check which is satisfactory to the Superintendent. No person shall be extended a final offer of employment if convicted of the following offenses, as referenced in RSA 189:13-a V: murder; child pornography; aggravated felonious sexual assault; felonious sexual assault, kidnapping; manufacturing, selling, administering, dispensing or distributing any controlled substance(s); or sexual misconduct within an educational setting; or where such a person has been convicted of the same conduct in another state, territory, or possession of the United States or in a foreign country. In addition to these felonies, a person may be denied a final offer if he/she has been convicted of any felony; such determination will be made on a case by case basis by the Superintendent.

The Superintendent or designee will:

When receiving notification of a felony conviction from the State Police, the Superintendent shall dismiss said person within 24 hours of receipt of such report, excluding Saturdays, Sundays or legally recognized holidays.

Additionally, a person may be denied a final offer of employment if the Superintendent becomes aware of other conduct which he/she determines would render the person unsuitable to perform the responsibilities of the position involved. Such determinations shall be made on a case by case basis.

*Additional Criminal Records Checks*

The Superintendent may require a criminal records check of any employee at any time.

# NHSBA VERSION

## GBCD - BACKGROUND INVESTIGATION AND CRIMINAL RECORDS CHECK

(Download policy)

*Sample Policy*

*Category: Priority/Required by Law*

*See also IJOC*

### **Background Investigation**

The Superintendent, or his/her designee, will conduct a thorough investigation into the past employment history, criminal history records, and other appropriate background of any applicant as defined in this policy. This investigation shall be completed prior to making a final offer of employment, approving the contract with an individual contracting directly with the District, or approving the assignment of an employee of a contractor, a student teacher, or designated volunteer to work within the District.

The Superintendent shall develop a background investigation protocol for use in completing a background investigation and shall keep a written record of all background investigations which have been done. For the purposes of this policy the term "applicant" shall include an applicant for employment by the District, an individual with whom the District may contract to provide services directly to students, any person identified by a contractor with the District whom the contractor proposes to assign to provide services directly to students, student teachers who are proposed to be placed in a District school, and designated volunteers. All applicants will be subject to a criminal records history check meeting the minimum requirements of law, however, the Superintendent's protocol may specify additional background check steps for specific groups of employees, such as verifying the educational achievements and employment history of an applicant for a teaching position. The Superintendent's protocol shall include a list of felonies and misdemeanors, in addition to those specified in RSA 189:13-a, V, convictions of which shall be disqualifying. The protocol shall require that an analysis be conducted of any pending charges or convictions for crimes not on the statutory list of disqualifying offenses to determine whether the applicant should be disqualified. The protocol shall take into consideration the time which has passed since the conviction, the facts and circumstances of the charge or conviction, evidence of successful rehabilitation and an extended period of lawful behavior. For charges pending disposition for offenses not on the statutory list of disqualifying offenses, which the applicant discloses or which come to light during the background check, the presumption of innocence shall apply, however, the Superintendent shall consider all reliable information in assessing the applicant's suitability. The Superintendent shall assess whether, in light of the totality of the circumstances, the pending charges or convictions raise reasonable cause to doubt the applicant's suitability for the position.

As part of the application process, each applicant shall be asked whether he/she has ever been convicted of any crime and whether there are any criminal charges pending against him/her at the time of application. The applicant will also be directed to report any criminal charges brought against him or her after the application is submitted and until either hired or notified that he or she will not be hired. The falsification or omission of any information on a job application, during the pendency of the application, or in a job interview, including, but not



limited to, information concerning criminal convictions or pending criminal charges, shall be grounds for disqualification from consideration for employment or immediate discharge from employment.

Any applicant for whom the Board requires a criminal history records check or their employer in the case of an employee of a contractor shall pay all fees and costs associated with the fingerprinting process and/or the submission or processing of the requests for the criminal history records check, unless otherwise determined by the Board.

### **Criminal History Records Check**

Each applicant must submit to a background check and a criminal history records check with the State of New Hampshire, including FBI national records. Refusal to provide the required criminal history records release form and any other required releases to authorize a background check will result in immediate disqualification and no further consideration for the position.

### **Volunteers**

Designated Volunteers are subject to a background investigation/criminal records check and the provisions of this policy. "Designated Volunteers" are defined and so designated pursuant to Policy IJOC. Volunteers not categorized as "Designated Volunteers" per Policy IJOC will not be subject to a background investigation or criminal records check.

### **Conditional Offer of Employment**

Persons who have been selected for employment may be given a conditional offer of employment, with the final offer subject to the successful completion of the background check, the State and FBI criminal history records check, and a determination that there are no disqualifying pending charges or convictions.

No applicant selected for employment shall be extended a conditional offer of employment until the Superintendent, or his/her designee, has initiated the formal State and FBI criminal history records check process and a background investigation.

Any person who is offered conditional employment, by way of individual contract or other type of letter of employment, will have clearly stated in such contract or letter of employment that his/her employment or approval to work within the District as a contractor or employee of a contractor is entirely conditioned upon the results of a criminal history records check and background check being satisfactory to the District.

### **Final Offer of Employment**

A person who has been extended a conditional offer of employment or conditional approval to work within the District as a contractor or employee of a contractor may be extended a final offer of employment or final approval upon the completion of a criminal history records check and a background check which is satisfactory to the Board.

No person with a conditional offer of employment shall be extended a final offer of employment if such person has charges pending or has been convicted of any crime listed in RSA 189:13-a, V; or where such person has been convicted of the same conduct in another state, territory, or possession of the United States; or where such person has been convicted of the same conduct in a foreign country.

In addition to the felonies listed as disqualifying in pertinent and applicable law, a person may be denied a final offer of employment if he/she has charges pending or has been convicted of any crime, either a misdemeanor or felony, provided the basis for disqualifying the candidate is job related for the position in question and is consistent with business necessity. Such determination will be made by the Superintendent in accordance with the established protocol and on a case-by-case basis. If the Superintendent chooses to nominate an applicant who has a history of conviction of a crime or with pending charges for a position that must be approved by the School Board, the School Board shall be informed of that history in non-public session.

The Superintendent, or designee, will transmit each applicant's Criminal Record Release Authorization Form and, where inked cards are used, the applicant's fingerprint cards to the State Police. The State Police will then conduct the criminal history records check and will provide the Superintendent with the applicant's criminal history record or confirmation that the individual does not have a record of being charged with or convicted of a crime. In accordance with RSA 189:13-a, III, only the Superintendent will review the criminal history record received from the State Police and shall destroy that document as required by law.

When the District receives a notification of an employee, contractor, contractor's employee, or volunteer being charged with or convicted of a disqualifying offense under RSA 189:13-a, the Superintendent's protocol, or other crime which is evidence of the individual's unsuitability to continue in their role, the Superintendent shall take immediate appropriate action to remove the individual from contact with students. Employees shall be placed on paid administrative leave, if not subject to and immediately discharged. The Superintendent will then take appropriate employment or other action, consistent with law and any applicable employment agreement or contract to address the individual's ongoing relationship with the District.

Additionally, a person may be denied a final offer of employment if the Superintendent becomes aware of other conduct which he/she determines would render the person unsuitable to perform the responsibilities of the position involved. Such determinations shall be made on a case-by-case basis.

### **Additional Criminal Records Checks**

The Board may require a criminal history records check of any employee, an individual with whom the District has contracted to provide services directly to students, any person identified by a contractor with the District who has been assigned to provide services directly to students, student teachers who are placed in a District school, and designated volunteers at any time.

### **Legal References:**

*RSA 189:13-a, School Employee and Volunteer Background Investigations  
Appendix GBCD-R: Sample Background Check, Criminal History Records Check  
Protocol*

Revised: September 2017

Revised: September 2016

Revised: November 1999, December 2004, August 2007, September 2010

NHSBA note, September 2017: This policy is revised to conform with the changes to RSA 189:13-a enacted by House Bill 556, Laws of 2017, Chapter 245. These changes require the District to assess whether convictions for felonies or misdemeanors, which are not on the list of



disqualifying crimes in state law, are nonetheless disqualifying and to perform the background and criminal history record checks on contractors, employees of contractors, and student teachers, who will be providing services directly to students.

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<a href="#">OYSTER RIVER COOPERATIVE SCHOOL BOARD</a>	<a href="#">Policy Code: GBCD</a>
<a href="#">Date of Adoption: January 3, 2007</a> <a href="#">Policy Committee Review: June 11, 2014 &amp; June 8, 2016</a> <a href="#">Attorney review and revisions to Policy 9/14/16</a> <a href="#">School Board First Read: October 19, 2016</a> <a href="#">Back to Policy Committee: October 26, 2016</a>	<a href="#">Page 1 of 3</a> <a href="#">Category: Priority</a>

### [Background Investigation and Criminal Records Check](#)

#### **Background Investigation**

The [Oyster River Cooperative School District](#) Superintendent, or his/her designee, shall conduct a thorough investigation into the past employment history, and other applicable background, of any person considered for employment with the District. This investigation shall be completed prior to making an offer of employment.

The Superintendent shall develop a background investigation protocol for use in completing a background investigation and shall keep a written record of all background investigations which have been done.

As part of the application process, each applicant for a position shall be asked whether he/she has ever been convicted of any crime **that has not been annulled by a court** and whether there are any criminal charges pending against him/her at the time of application. The falsification or omission of any information on a job application or in a job interview, including, but not limited to, information concerning criminal convictions **that have not been annulled by a court** or pending criminal charges, shall be grounds for disqualification from consideration for employment or immediate discharge from employment.

Any person for whom the Board requires a Criminal Records Check, [with the exception of substitutes, the District](#) shall pay all fees and costs associated with the fingerprinting process and/or the submission or processing of the requests for the Criminal Records Check, unless otherwise determined by the Board.

#### **Criminal Records Check**

Each person considered for employment by the Board whose duties require regular contact with pupils must submit to a State and FBI Criminal Records Check.

“Persons regularly in contact with students” means a person or persons who, in the performance of his/her duties, (1) comes in direct contact with pupils on a daily basis for any period of time, (2) meets regularly, e.g., once or twice a week, with students, including, but not limited to, an art, music, or physical education teacher, (3) a substitute teacher who comes in direct contact with pupils on a limited basis, or (4) any other persons whom the Superintendent believes, by virtue of their duties and contact with students, should appropriately undergo a Criminal Records Check.

The Superintendent is responsible to establish all necessary internal procedures relative to the initiation and completion of the State and FBI Criminal Records Check.

#### **Volunteers**

~~Designated~~ Volunteers are subject to a background investigation/criminal records check and the provisions of this policy. ~~“Designated Volunteers” are defined and so designated pursuant to Policy IJOC.—Volunteers not categorized as “Designated Volunteers” per Policy IJOC will not be subject to a background investigation or criminal records check.~~

#### **Conditional Employment**

Persons who have been selected for employment may be hired on a conditional basis, pending a successful completion of the State and FBI Criminal Records Check.

No selected applicant for employment shall be extended a conditional offer of employment until the Superintendent, or his/her designee, has initiated the formal State and FBI Criminal Records Check process and has completed a background investigation.



<a href="#">OYSTER RIVER COOPERATIVE SCHOOL BOARD</a>	<a href="#">Policy Code: GBCD</a> <a href="#">Category: Priority</a>
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Any person who is offered conditional employment, by way of individual contract or other type of letter of employment, will have clearly stated in such contract or letter of employment that his/her contract and continuation of employment is entirely conditioned upon the completion of a Criminal Records Check which is satisfactory to the District.

All persons employed under a conditional offer of employment may be covered under the District's health insurance program, at the sole discretion of the Board, and in accordance with Board policies and/or collective bargaining agreements, if applicable. However, any such coverage will immediately cease and will not be subject to extension under COBRA, if the Board does not tender the person a final offer of employment by reason of application of this Policy.

### Contract Services

**Any person performing contracted services and employees of the contractor whose duties require regular contact with students (e.g., bus drivers, service providers, cafeteria workers) or are designated by the Superintendent or School Board shall be subject to the State and FBI Criminal Records Check.**

### Final Offer of Employment

A person who has been extended a conditional offer of employment may be extended a final offer of employment upon the completion of a Criminal Records Check which is satisfactory to the Board.

No person with a conditional offer of employment shall be extended a final offer of employment if such person has charges pending or has been convicted of the following offenses, as referenced in RSA 189:13-a, V: murder; child pornography; aggravated felonious sexual assault; felonious sexual assault; **sexual assault**; kidnapping; manufacturing, selling, administering, dispensing or distributing any controlled substance(s) on school property; or sexual misconduct within an education setting; or where such person has been convicted of the same conduct in another state, territory, or possession of the United States, or where such person has been convicted of the same conduct in a foreign country.

In addition to the felonies listed above, a person may be denied a final offer of employment if he/she has charges pending or has been convicted of any **felony crime** such determination will be made by the Board, on a case by case basis.

~~The Superintendent, or designee, will transmit this policy to the State Police, who will then screen the criminal records check for any selected applicant for employment, or designated volunteer, and will notify the district whether the record of said selected applicant or volunteer contains any felony convictions.~~

**When the District receives a notification of a felony conviction from the State Police on a particular person which it finds unsatisfactory, the Superintendent shall dismiss said person within twenty-four (24) hours of the receipt of such report, excluding Saturdays, Sundays, or legally recognized holidays.**

Additionally, a person may be denied a final offer of employment if the Superintendent becomes aware of other conduct which he/she determines would render the person unsuitable to perform the responsibilities of the position involved. Such determinations shall be made on a case-by-case basis.



<a href="#">OYSTER RIVER COOPERATIVE SCHOOL BOARD</a>	<a href="#">Policy Code: GBCD</a> <a href="#">Category: Priority</a>
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### **Hiring Contracted Service Providers/Accepting Volunteers**

**The School District will not hire contracted service providers or accept the services of volunteers who would be disqualified from employment under this Policy.**

### **Additional Criminal Records Checks**

The [Superintendent and/or the](#) Board may require a Criminal Records Check of any employee at any time.

### **Legal Reference:**

RSA 189:13-a, School Employee and Designated Volunteer Criminal History Records Check  
**RSA 651:5,X(f) Questioning an applicant for employment**

### **Cross Reference:**

[IJO -R, R1 School Volunteers, Application Form, Confidential Form](#)

<b>OYSTER RIVER COOPERATIVE SCHOOL BOARD</b>	<b>Policy Code: IJOC</b>
<b>Date of Adoption: January 3, 2007</b>	<b>Page 1 of 1</b>

## VOLUNTEERS

The district recognizes the valuable contribution made to the total school program through volunteer assistance of parents and other citizens. In working with volunteers, a district staff member shall clearly explain the volunteer's responsibility. Volunteers will only function under supervision of a school employee.

The Superintendent or designee shall be responsible for developing and implementing procedures for the utilization of volunteers.

The voluntary help of citizens should be requested by staff through administrative channels to assist in conducting selected activities and/or to serve as resource persons. Staff members shall receive training in assignment of duties and supervision of volunteers.

**Legal Reference:**

RSA 189:13-a, School Employee Volunteer Background Investigations

## SCHOOL VOLUNTEERS

The [Oyster River Cooperative School](#) Board supports the use of community resources, including volunteers, to complement and support instructional programs and extracurricular activities in the schools. Volunteers work in partnership with, under the supervision of, and at the request of school administrators and staff.

The purposes of the volunteer program are to:

1. Assist teachers in providing more individualized instruction and enrichment opportunities for students; assist staff with school projects; supervise or chaperone student activities; and perform clerical work;
2. Build an understanding of and support for school programs among interested citizens; and
3. Strengthen school/community relations.

Prospective volunteers must complete an application form and confidentiality agreement.

~~Reference checks will be performed for all prospective volunteers. Designated volunteers~~

~~Volunteers~~ will also be required to undergo a criminal records check as per Policy GBCD.

~~“Designated volunteers” include any volunteers~~ [Volunteers include any individuals](#) who work with students on a one-to-one basis, come in direct contact with students on a daily basis or meets regularly with students, volunteers who supervise students on school trips and any other volunteers as deemed appropriate by the school principal.

Applications will be screened and approved by the school principal. The school principal is authorized to use their discretion to decline an application or terminate the services of a volunteer if they determine it is in the best interests of the school department for any reason.

The school principal must approve all volunteer assignments before volunteers begin work. The supervising staff member is responsible for giving volunteers a clear understanding of the duties, procedures and expectations necessary to perform their assignments.

All volunteers who are approved to work with students and/or in support of school programs are expected to comply with the following requirements.

1. Volunteers shall attend any required volunteer orientation/training sessions provided by the school district.
2. Volunteers will work with students under the immediate supervision and direction of authorized school staff.
3. Volunteers shall perform only such duties and tasks specifically approved and assigned by an administrator or supervising staff member. Any concerns about students should be referred to appropriate school staff.
4. Volunteers must keep all student and staff information strictly confidential. Volunteers may not access, review, disclose or use confidential student or staff information without specific authorization from a school administrator. This requirement applies even after a volunteer stops performing services for the schools.
5. Volunteers will conduct themselves in a professional manner and comply with all Board policies, school rules and directions from school personnel.

[Cross Reference: IJOC-R, R1 – Volunteer Application Form, Confidentiality Form](#)

[GBCD – Background Investigation and Criminal Records Check](#)

[GBEB – Staff Conduct with Students](#)

[Legal Reference: RSA 189:13-a -School Employee and Designated Volunteer Criminal History Records Check](#)



OYSTER RIVER COOPERATIVE SCHOOL DISTRICT

**VOLUNTEER APPLICATION FORM**

THE FOLLOWING INFORMATION IS REQUESTED TO HELP US COORDINATE  
VOLUNTEER SERVICES AND TO ENSURE STUDENT SAFETY.

Full Name: \_\_\_\_\_

Permanent Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ E-mail Address: \_\_\_\_\_

Date of Birth (required for background check): \_\_\_\_\_

Area(s) of interest for volunteering: \_\_\_\_\_

Children in **Oyster River schools** (names and grades):

List any education, training, or experiences you have had which would help us in meeting the needs of our students:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

References: List three persons who can comment on your character and abilities whom we may contact.

Name	Address	Phone	Relationship

**BACKGROUND:**

The following information is asked of all individuals who volunteer to work with our children to help insure the safety of our students.

Have you ever been charged with or investigated for sexual abuse or harassment of another person? Yes \_\_\_ No \_\_\_

Have you ever been convicted of a crime (other than a minor traffic offense)? Yes \_\_\_ No \_\_\_

Have you ever entered a plea of guilty or "no contest" (nolo contendere) to any crime (other than a minor traffic offense)? Yes \_\_\_ No \_\_\_

Has any court ever deferred, filed or dismissed proceedings without a finding of guilty and required that you pay a fine, penalty or court costs and/or imposed a requirement as to your behavior or conduct for a period of time in connection with any crime (other than a minor traffic offense)? Yes \_\_\_ No \_\_\_

If you answered YES to any of the previous questions, provide full details below, including with respect to court actions, the date, offense in question, and the address of the court involved (attach additional page(s) if necessary).

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If you have lived outside of New Hampshire, please identify the states and dates:

---

Refusal to provide authorization for reference and/or criminal records checks (if required) and/or providing false or misleading information on this application shall constitute sufficient reason to deny approval to serve as a volunteer or termination as a volunteer in the Oyster River Cooperative Schools.

I understand that the Oyster River Cooperative Schools performs reference checks on all volunteers and conducts criminal records checks on designated volunteers (and that I will have to complete additional paperwork if a criminal records check is required). I authorize persons and entities contacted by the School District in connection with this application to provide information about me. I expressly waive in connection with any request for or provision of such information, any claims, including without limitation, defamation, emotional distress, invasion of privacy, or interference with contractual relations that I might otherwise have against the school department, its agents and officials or against any provider of such information. I further understand that if I am approved as a volunteer, that I will be required to sign a Volunteer Confidentiality Agreement and attend a Volunteer Orientation.

\_\_\_\_\_  
Applicant Signature

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

---

**OFFICE USE ONLY**

\_\_\_\_\_ Application reviewed for completeness

~~\_\_\_\_\_ References checked (attach documentation)~~

\_\_\_\_\_ Criminal record checked (attach documentation) OR \_\_\_\_\_ Criminal record check not required for volunteer position.

Application approved: \_\_\_\_\_

Application denied: \_\_\_\_\_

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

**OYSTER RIVER COOPERATIVE SCHOOL DISTRICT**

**VOLUNTEER CONFIDENTIALITY AGREEMENT**

I understand that as a volunteer in the Oyster River Cooperative School District that ALL student and staff information is confidential. I agree not to access, review, disclose or use confidential student or staff information without specific authorization from a school administrator. I also understand that even when I am no longer a volunteer in the schools, any confidential information I have learned must continue to be kept confidential. I understand that any breach of these confidentiality requirements will result in my immediate termination as a volunteer and may result in legal action against me.

I understand that I must comply with all Board policies and school rules applicable to school staff as well as all directions from school administrators and staff while serving as a volunteer. I further understand that my authorization to serve as a volunteer may be terminated at the discretion of the Superintendent and school principal at any time if they determine it is in the best interest of the Oyster River Cooperative School District.

\_\_\_\_\_  
Signature of Volunteer

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of District designee

\_\_\_\_\_  
Date