

OYSTER RIVER COOPERATIVE SCHOOL DISTRICT

Policy Committee Meeting

November 18, 2021 3:30 PM

SAU - Conference Room

Agenda

I. Call to Order

- BHE – School Board Use of Email
- BB – School Board Legal Status
- BBA – School Board Powers & Duties
- IB – Academic Freedom
 - IB-R – Academic Freedom - Procedure
- GBI – Staff Participation in Political Activities

Next Regular Meeting: December 9, 2021

OYSTER RIVER COOPERATIVE SCHOOL BOARD	Policy Code: BHE <i>Previously BHEA</i>
Date of Adoption: July 20, 2011 , Code Change-Adopted School Board: May 2, 2012 Recently Adopted – No Changes: October 24, 2012 School Board/Superintendent Revision: January 13, 2014 & March 31, 2015 Annual Review Policy Committee: April 19, 2017-No Change Annual Review Policy Committee: April 11, 2018-No Change Board Annual Review: May 6, 2020 – No Change Annual Review Policy Committee: December 10, 2020 Board Annual Review: May 5, 2021	Page 1 of 1 Category: Recommended

SCHOOL BOARD USE OF EMAIL

~~The Right-to-Know law does not apply to isolated conversations between individual Board members outside of public meetings, unless those conversations were planned or intended for the purpose of discussing matters related to official business and the Board made decisions during them. However, the Right-to-Know law, specifically RSA 91-A:2-a and 91-A:1, also requires that “communications outside a meeting ... shall not be used to circumvent the spirit and purpose of” the law, namely to facilitate “the greatest possible public access to the actions, discussions and records” of the Board. To that end, all communications outside of a meeting among any 2 or more Board members, with exception of Board Committees and leadership, including but not limited to electronic mail (email) shall be limited to scheduling meetings and distributing information from the Superintendent.~~

~~A quorum of the Board will not use email or any other form of communication either simultaneously or sequentially to discuss or act upon a matter or matters over which the School Board has supervision, control, jurisdiction or advisory power. Use of email by School Board members should conform to the same standards of judgment, propriety, and ethics as other forms of School Board related communication. School Board members shall comply with the following guidelines when using email in the conduct of School Board responsibilities:~~

- ~~A. The School Board shall not use email as a substitute for discussions or deliberations at School Board meetings or for other communications or business properly confined to School Board meeting.~~
- ~~B. School Board members should be aware that email and email attachments received ~~or~~ regarding school business ~~are to be regarded as may be~~ public records which may be inspected by any person upon request, unless otherwise made confidential by law.~~
- ~~C. School Board members should avoid reference to confidential information about employees, students, or other matters in email communications because of the risk of improper disclosure. School Board members should comply with the same standards as school employees with regard to confidential information.~~
- ~~D. When using email for School Board business, School Board members will use their District assigned email addresses.~~

~~This policy affects public access to the Board and the public’s Right to Know. To protect that right, this policy requires a public hearing before it may be revised. Further, this policy may not be suspended except by a two-thirds vote at a public meeting. The Board must always fully comply with the letter and spirit of the Right to Know law that may not be suspended. This policy will be reviewed by the Board and all standing advisory committees annually before the end of April to ensure full awareness and compliance.~~

Legal Reference:

RSA 91-A:2-A, Communications Outside Meetings

Cross Reference:

- BHE-R- School Board Use of Email Procedure
- GBJ- Personnel Records
- JRA – Student Records & Information
- JICL – Student Computer & Internet Use
- GBEF & R- Employee Computer & Internet Use

OYSTER RIVER COOPERATIVE SCHOOL BOARD	Policy Code: BB
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 Policy Committee Review: June 13, 2018 - NO CHANGE Policy Committee Review: November 18, 2021	Page 1 of 1 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

OYSTER RIVER COOPERATIVE SCHOOL BOARD	Policy Code: BBA
Date of Adoption: September 21, 1988 Code/Title Change Adopted School Board: 5/2/12 Previously: HD Review First Read School Board: September 5, 2012 Second Read/Adoption School Board: September 19, 2012 Review by Policy Committee: March 8, 2017 – No Change Policy Committee Review: November 18, 2021	Page 1 of 1 Category Recommended

SCHOOL BOARD POWERS AND DUTIES

The Oyster River Cooperative School Board shall exercise all the powers and duties prescribed to them by applicable state and federal laws and rules of the New Hampshire State Board of Education and adopted School Board policy.

Legal References:

- RSA 189:1-a, Duty to Provide Education
- RSA 195:5, Cooperative School Districts: School Board Powers and Duties
- N.H. Code of Administrative Rules-Section Ed. 303.01, Duties of School Board

OYSTER RIVER COOPERATIVE SCHOOL BOARD	Policy Code: IB
Date of Adoption: November 30, 1998 Date of Revision: November 9, 1999 First Read to SB: September 21, 2011 Second Read/Adoption to SB: October 5, 2011 Review by Policy Committee: September 10, 2014 First Read School Board: September 17, 2014 Second Read/Adoption School Board: October 1, 2014 Policy Committee Review: October 13, 2021 & Nov. 18, 21	Page 1 of 1 Category: Optional

ACADEMIC FREEDOM

~~The Oyster River Cooperative teacher is entitled to freedom in the classroom in discussing his/her assigned subject matter or current issues, makes every effort to be accurate, should exercise appropriate restraint, and respect the opinions of others.~~

“Academic freedom” is the opportunity of educators and students to study, investigate, present, interpret, and discuss facts and ideas relevant to the curriculum and course being taught, giving consideration to the maturity level of the students.

The Oyster River School District supports academic freedom for their teachers.

Teachers should be accurate, show respect for the opinions of others, and at all times comply with Board Policy GBI – Staff Participation in Political Activities, regarding staff political activities and speech.

Nothing in this policy should be construed to prohibit the (i) teaching of historical subjects, including for instance, discrimination, (ii) discussions related to current events, or (iii) efforts to promote equity and/or inclusion.

Cross Reference:

- IMC – Controversial Topics, Speakers and Programs
- AC – Nondiscrimination/Equal Opportunity
- ACE – Nondiscrimination on the Basis of Handicap/Disability
- ACE-R – Special Education Procedural Safeguards Handbook

GBI – Staff Participation in Political Activities {When adopted}

Legal References:

RSA 193:40 Prohibition on Teaching Discrimination

OYSTER RIVER COOPERATIVE SCHOOL BOARD	Policy Code: IB-R
Policy Committee Review: October 13, 2021 & Nov. 18, 21	Page 1 of 1

ACADEMIC FREEDOM PROCEDURE

[State law requires teachers to be aware of the HB2 Language.](#)

[In no event may a teacher instruct, advocate or train that one identified group is:](#)

- [1. Inherently superior or inferior to people of another identified group.](#)
- [2. Inherently racist, sexist, or oppressive, whether consciously or unconsciously.](#)
- [3. Should be discriminated against or receive adverse treatment; or](#)
- [4. Should not treat members of other identified groups equally.](#)

Cross Reference:

[IB – Academic Freedom](#)

[GBI – Staff Participation in Political Activities {When adopted}](#)

[Legal References:](#)

[RSA 193:40 Prohibition on Teaching Discrimination](#)

OYSTER RIVER COOPERATIVE SCHOOL BOARD	Policy Code: GBI
Review to Policy Committee: August 25, 2011 Policy Committee Review: October 13, 2021 & Nov. 18, 2021	Page 1 of 1 Category: Optional

STAFF PARTICIPATION IN POLITICAL ACTIVITIES

The Oyster River School Board recognizes that employees of the school district have certain civic rights. Employees, as citizens, have a right to engage in political activities. Nevertheless, this right to engage in political activities may be reasonably conditioned by the School Board as an employer. This policy defines the types of conduct that are not permitted.

Employees will not advocate their personal political views or engage in political activities defined in this policy during hours of official employment. Employees will not exploit students in any way to promote their personal political views. Employees will not misrepresent their political views as those of the school division. Examples of activities that are not permitted include:

1. Representing personal political views as those of the school district; employees should always take adequate precautions to distinguish between their personal political views and those of the school district.
2. Interfering with colleague's exercise of political and citizenship rights and responsibilities; and
3. Using school district privileges, school division resources, including but not limited to the District e-mail system or working time to promote political candidates or for partisan political activities.

It is the intent of this policy that political activities be narrowly defined to mean only "partisan political activities." Partisan political activities would include the posting of political circulars or petitions, collection and/or solicitation of campaign funds, solicitations for campaign workers and other activities of a clearly partisan nature, including those activities relating to local, state, or federal elections.

Nothing in this policy is to be construed as precluding discussion of [contentious viewpoints, including discrimination, in current events or historical subjects, or](#) conducting mock elections, debates, conventions or similar simulated political activities, where [such discussion or the](#) activity is primarily intended [as part of a larger course of academic instruction, as an educational experience.](#)

[District employees as public employees have a full right to publicly discuss and give opinions as an individual on their own time on all matters concerning any government entity and its policies. This policy recognizes public employee freedom of expression as set forth in RSA Chapter 98-E and other law and is intended to address only employee speech when the employee is engaging in his or her work as an employee and is speaking in furtherance of the employee's official duties.](#)

Legal Reference:

RSA 193:40, Prohibition on Teaching Discrimination
[RSA Chapter 98-E Public Employee Freedom of Expression](#)