

OYSTER RIVER COOPERATIVE SCHOOL DISTRICT

Policy Committee Meeting

September 11, 2019 3:30 – 5:00

Central Office

Agenda

I. Call to Order

- IIB – Class Size – Existing
 - IIB – NHSBA Version
 - IIB-R – Proposed Draft Procedure
- ADB – Drug-Free Workplace/Drug-Free School – Existing
 - ADB – NHSBA Version
- AE – Accountability
- BCB – Board Member Conflict of Interest - Existing
 - BCB – NHSBA Version
- BDD – Board – Superintendent Relationship – Existing
 - BDD – NHSBA Version

- JEAB – Student District Placement – **to be deleted**

Next Meeting: October 9, 2019

OYSTER RIVER COOPERATIVE SCHOOL BOARD	Policy Code: IIB
Previously: IHB Reviewed by School Board No Changes: September 3, 2014 Back to Policy Committee: 1/7/15, 2/11/15, 3/11/15 & 4/8/15 School Board First Read: April 15, 2015 School Board Second Read/Adoption: May 6, 2015 <u>Policy Committee Review: September 11, 2019</u>	Page 1 of 1

CLASS SIZE

The Oyster River Cooperative School District will adhere to all state laws and regulations pertaining to class size. In the event of scheduling conflicts, staffing shortages, space limitations, fiscal limitations, or other issues that prevent a classroom from adhering class size regulations, the Superintendent or designee will contact the New Hampshire Department of Education and seek alternative compliance allowances through the applicable State procedures.

CLASS SIZE GUIDELINE

In an effort to provide the best possible education for all students in the Oyster River Cooperative School District it is the goal of the Oyster River Cooperative School Board to support the following guidelines related to class size.

Kindergarten	Not to exceed 18 students
Grades 1, 2 and 3	Not to exceed 20 students
Grades 4 and 5	Not to exceed 22 students
Grades 6, 7 and 8	Teams of not more than 90 students per 4 person team
Grades 9 through 12	In general not to exceed 22 students with the exception of those classes that may be above or below 22 students depending upon curriculum, activities, space limitations or for safety reasons. The Principal will be responsible for making these decisions.

Because resources (both space and staff) are limited it is understood that these are goals and not absolute limits and will not exceed state minimum standards guidelines.

Classes below 12 will be brought to the attention of the Superintendent for review and approval

Legal References:

N.H. Code of Administrative Rules, Section Ed 306.17, Class Size

NHSBA VERSION

IIB - CLASS SIZE

The District will adhere to all state laws and regulations pertaining to class size. In the event of scheduling conflicts, staffing shortages, space limitations, fiscal limitations, or other issues that prevent a classroom from adhering class size regulations, the Superintendent or designee will contact the New Hampshire Department of Education and seek alternative compliance allowances through the applicable State procedures.

For kindergarten through grade two (K-2), the District will strive to achieve a class size of no more than 20 students or fewer per teacher. For grades three through five (3-5), the District will strive to achieve a class size of no more than 25 students per teacher. In the middle and high schools, the District will strive to achieve a class size of no more than 25 students per teacher.

Legal References:

N.H. Code of Administrative Rules, Section Ed 306.17, Class Size

New Policy: September 2008

CLASS SIZE PROCEDURE

The Oyster River Cooperative School District Elementary Placement Procedure will use the following criteria to implement Policy IIB.

Every effort will be made by administration to bring both Mast Way and Moharimet Elementary Schools to functional capacity.

Every effort will be made by administration to create parity in grade level enrollment between the two schools.

To that end, the Superintendent will use the administrative team, as appropriate, to make placement decisions.

1. Placement of students will be made from a District-wide perspective.
2. No class will exceed more than 2 students above recommended level unless administration deems it in the best interest of the school.
3. Exceptions will be made based upon special services, busing or other unforeseen circumstances.
4. When a family enrolls with multiple children and one of the children would exceed enrollment limit, every consideration will be made to keep family in the same school.
5. Kindergarten placement will be no later than August 7th.
6. New students to ORCSD will be placed in the elementary school most appropriate to meet the goal of overall enrollment equity and/or grade level equity.
7. Students within walking distance of a respective elementary school will be allowed to attend that school
8. If a family moves within district, normally they will need to enroll the child at the school in which is designated as their school.
 - a. If the move happens mid-year, the family will need to provide transportation to the school the child is currently enrolled or meet a bus going to the school currently attending.
 - b. As of the beginning of the next school year, the child will need to attend the school designated by the district unless administration makes an exception under section 3.
9. Any new enrollee placement will be determined by August 7th.

Cross Reference: IIB – Class Size

OYSTER RIVER COOPERATIVE SCHOOL BOARD	Policy Code: ADB
DRAFT to Policy Committee: May 9, 2011 Date of First Read to School Board: May 25, 2011 School Board Second Read/Adoption: June 15, 2011 Policy Committee Review No Changes – November 9, 2012 Policy Committee Review – September 11, 2019	Page 1 of 1

DRUG-FREE WORKPLACE/DRUG-FREE SCHOOLS

The Oyster River Cooperative School District will provide a drug-free workplace in accordance with the Drug-Free Schools and Communities Act of 1988 and Amendments of 1989 and the Drug-free workplace requirements for Federal contractors, 41 U.S.C. §701. In compliance with these requirements, the District will:

1. Notify all employees, in writing, that the unlawful manufacture, distribution, dispensation, possession, or use of illicit drugs and alcohol is prohibited in the District's workplace and that any violation is subject to disciplinary action. Notification will be accomplished by distribution of this policy to all employees.
2. Provide a drug-free awareness program to inform employees about:
 - a. The dangers of illicit drugs in the workplace;
 - b. The District's policy of maintaining a drug-free workplace;
 - c. Available drug and alcohol counseling, rehabilitation, and employee assistance and/or re-entry programs; and
 - d. The penalty/penalties that may be imposed on employees for drug and alcohol violations occurring in the workplace.
3. Notify employees that, as a condition of employment in the District, they will agree to and abide by the terms of the policy and will notify the District of any drug statute conviction resulting from workplace conduct within five days of the conviction.
4. Establish the following as grounds for disciplinary action:
 - a. Working under the influence of alcohol or illegal drugs, no matter where consumed.
 - b. Having an unsealed container of alcohol or consuming alcohol on School property. (Any employee who finds any type of container of alcohol on School property should report it to the administration immediately.)
 - c. Consuming, possessing, or distributing alcohol or illegal drugs on school property or at official school functions not on school property.
 - d. Distribution or sale of a controlled substance is prohibited.
5. Alert the local law enforcement agency of suspected violations of the policy.
6. Take any of the following disciplinary actions (either alone or in combination) regarding an employee who is in violation of the policy:
 - a. Suspension
 - b. Termination of employment
 - c. Satisfactory participation in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state or local health or law enforcement, or other appropriate agency.
7. Make a good faith effort to continue to maintain a drug-free workplace through implementation of all the provisions of this policy. In so doing, the District will conduct a biennial review of its programs to determine their effectiveness and to ensure that the disciplinary sanctions are consistently enforced and changes are implemented, if needed.

Legal References:

RSA 193-B, Drug Free School Zones
41 USC Section 701 Et. seq., Drug-free workplace requirements for Federal contractors
Public Law 101-226, Drug-Free Schools and Communities Act Amendments of 1989

Cross Reference:

EEAEA – Mandatory Drug and Alcohol Testing – School Bus Drivers

ADB/ - DRUG-FREE WORKPLACE & DRUG-FREE SCHOOLS

A. Drug-Free Workplace

1. All District workplaces are drug- and alcohol-free. All employees and contracted personnel are prohibited from:
 - a. Unlawfully manufacturing, dispensing, distributing, possessing, using, or being under the influence of any controlled substance or drug while on or in the workplace, including employees possessing a "medical marijuana" card.
 - b. Distributing, consuming, using, possessing, or being under the influence of alcohol while on or in the workplace.
2. For purposes of this policy, a "controlled substance or drug" means and includes any controlled substance or drug defined in the Controlled Substances Act, 21 U.S.C. § 812(c), or New Hampshire Controlled Drug Act RSA 318-B.
3. For purposes of this policy, "workplace" shall mean the site for the performance of work, and will include at a minimum any District building or grounds owned or operated by the District, any school-owned vehicle, and any other school-approved vehicle used to transport students to and from school or school activities. It shall also include off-school property during any school-sponsored or school-approved activity, event or function such as a field trip or athletic event where students are under the jurisdiction, care or control of the District.
4. As a condition of employment, each employee and all contracted personnel will:
 - a. Abide by the terms of this policy respecting a drug- and alcohol-free workplace, including any administrative rules, regulations or procedures implementing this policy; and
 - b. Notify his or her supervisor of his or her conviction under any criminal drug statute, for a violation occurring on District premises or while performing work for the District, no later than five (5) days after such conviction.
5. In order to make employees aware of dangers of drug and alcohol abuse, the District will endeavor to:
 - a. Provide each employee with a copy of the District drug- and alcohol-free workplace policy;
 - b. Post notice of the District drug- and alcohol-free workplace policy in a place where other information for employees is posted;
 - c. Establish a drug-free awareness program to educate employees about the dangers of drug abuse and drug use in the work place, the specifics of this policy, including, the consequences for violating the policy, and any information about available drug and alcohol counseling, rehabilitation, reentry, or other employee-assistance programs.

B. District Action Upon Violation of Policy

An employee who violates this policy may be subject to disciplinary action; up to and including termination of employment. Alternatively, the Board may require an employee to successfully complete an appropriate drug- or alcohol-abuse, employee-assistance rehabilitation program.

The Board will take disciplinary action with respect to an employee convicted of a drug offense in the workplace, within thirty (30) days of receiving notice of a conviction. Should District employees or

contracted personnel be engaged in the performance of work under a federal contract or grant, or under a state contract or grant, the Superintendent will notify the appropriate state or federal agency from which the District receives contract or grant moneys of an employee/contracted personnel's conviction, within ten (10) days after receiving notice of the conviction.

The processes for disciplinary action shall be those provided generally to other misconduct for the employee/contractor personnel as may be found in applicable collective bargaining agreements, individual contracts, School Board policies, contractor agreements, and or governing law. Disciplinary action should be applied consistently and fairly with respect to employees of the District and/or contractor personnel as the case may be.

C. Drug-Free School Zone

Pursuant to New Hampshire's "Drug-Free School Zone" law (RSA Chapter 193-B), it is unlawful for any person to manufacture, sell prescribe administer, dispense, or possess with intent to sell, dispense or compound any controlled drug or its analog, within a "drug-free school zone". The Superintendent is directed to assure that the District is and remains in compliance with the requirements of RSA 193-B, I, and N.H. Ed. Part 316 with respect to establishment, mapping and signage of the drug-free zone around each school of the District.

D. Implementation and Review

- a. The Superintendent is directed to promulgate administrative procedures and rules necessary and appropriate to implement the provisions of this policy.
- b. In order to maintain a drug-free workplace, the Superintendent will perform a biennial review of the implementation of this policy. The review shall be designed to (i) determine and assure compliance with the notification requirements of section A.5.a, b and d; (ii) determine the effectiveness of programs established under paragraph A.5.c above; (iii) ensure that disciplinary sanctions are consistently and fairly enforced; and (iv) and identify any changes required, if any.

Legal References:

- *41 U.S.C. §101, et. Seq. - Drug-free workplace requirements for Federal contractors, and Federal grant recipients*
- *RSA Chapter 193-B Drug Free School Zones*
- *N.H. Admin. Code, Ed. Part 316*

NHSBA history: Revised and replaced September 2018.

NHSBA revision note: September 2018 - ADB, and its identical policy GBEC, are updated to (1) more accurately reflect the requirements of Federal law including a provision that organizations covered by the act establish a "drug-free awareness program", and (2) to clarify the obligations of the Superintendent under the New Hampshire Drug-Free Schools Zone law.

OYSTER RIVER COOPERATIVE SCHOOL BOARD	Policy Code: AE Category: Optional
Review/First Read School Board: December 5, 2012 Second Read/Adoption: December 19, 2012 Policy Committee Review: September 11, 2019	

ACCOUNTABILITY

The Oyster River Cooperative School Board directs the Superintendent to establish an accountability system in order to collect data needed for evaluation of the district's compliance with state and federal laws on school accountability.

The Superintendent will ensure that the district's statistical reports are filed in a timely manner with the New Hampshire Department of Education.

Legal Reference:

RSA 189:28, Statistical Reports; Failure to File Reports
 RSA 193-H:4, Local Education Improvement Plan; Strategic Responses
 NH Code of Administration Rules, Section Ed. 306.23, Statistical Reports;
 Accountability

OYSTER RIVER COOPERATIVE SCHOOL BOARD	Policy Code: BCB
Date of Adoption: September 1970 previously-BBFA Dates of Revision: March 1997, March 2004 Review Policy Committee: September 12, 2012 Policy Committee Re-review: July 8, 2015 School Board First Read: July 15, 2015 School Board Second Read/Adoption: August 19, 2015 Policy Committee Review: September 11, 2019	Page 1 of 1 Category: Recommended

BOARD MEMBER CONFLICT OF INTEREST

As elected officials, the Oyster River Cooperative School Board members owe a duty of loyalty to the general public in protecting the school District's interests. Therefore, the Board declares that a conflict of interest is a personal, pecuniary interest that is immediate, definite, and demonstrable and which is or may be in conflict with the public interest.

A Board member who has a personal or private interest in a matter proposed or pending before the Board will disclose such interest to the Board, will not deliberate on the matter, will not vote on the matter, and will not attempt to influence other members of the Board regarding the matter. Additionally, Board Members should refrain from engaging in conduct or actions, that give the appearance of a conflict of interest, embarrass the Board, or personally embarrass another Board Member.

It is not the intent of this policy to prevent the District from contracting with corporations or businesses with which a Board Member is an employee. The policy is designed to prevent placing a Board Member in a position where their interest in the public schools and their interest in their place of employment (or other indirect interest) might conflict, and to avoid appearances of conflict of interest even though such conflict may not exist. It is the responsibility of the Board Member to declare a conflict of interest and to recuse themselves accordingly.

Relatives of the superintendent or School Board Members are not automatically disqualified from employment with the school district.

However, the superintendent or Board Member shall declare their relationship with the job applicant and will refrain from debating, discussing, or voting on a nomination or other issue. The job applicant is expected to declare their relationship with the Board Member as well.

This policy shall not apply to any person within such relationship or relationships who has been regularly employed by the Board prior to the inception of the relationship, the adoption of this policy, or a Board Member's election.

Legal References:

Marsh v. Hanover, 113 NH 667 (1973) and
Atherton v. Concord, 109 NH 164 (1968)

NHSBA VERSION

BCB - BOARD MEMBER CONFLICT OF INTEREST

As elected officials, school board members owe a duty of loyalty to the general public in protecting the school district's interests. Therefore, the Board declares that a conflict of interest is a personal, pecuniary interest that is immediate, definite, demonstrable, and which is or may be in conflict with the public interest.

A board member who has a personal or private interest in a matter proposed or pending before the Board will disclose such interest to the Board, will not deliberate on the matter, will not vote on the matter, and will not attempt to influence other members of the Board regarding the matter. Additionally, Board members should refrain from engaging in conduct or actions, that give the appearance of a conflict of interest, embarrass the Board, or personally embarrass another Board member.

It is not the intent of this policy to prevent the District from contracting with corporations or businesses with which a Board member is an employee. The policy is designed to prevent placing a Board member in a position where his or her interest in the public schools and his or her interest in his or her place of employment (or other indirect interest) might conflict, and to avoid appearances of conflict of interest even though such conflict may not exist. RSA 95:1 requires that "No person holding a public office, as such, in state or any political subdivision governmental service shall, by contract or otherwise, except by open competitive bidding, buy real estate, sell or buy goods, commodities, or other personal property of a value in excess of \$200 at any one sale to or from the state or political subdivision under which he holds his public office." Through the use of open competitive bidding or recusal of any Board member who has a conflict of interest, the Board will seek to obtain the best value for the district while avoiding impropriety or the appearance of impropriety.

Nepotism

The Board may employ a teacher or other employee if that teacher or other employee is the father, mother, brother, sister, wife, husband, son, daughter, son-in-law, daughter-in-law, sister-in-law, or brother-in-law of the Superintendent or any member of the Board. This paragraph shall also apply to any other person who shares the expenses of daily living with the Superintendent or any member of the Board. Such a relationship will not automatically disqualify a job applicant from employment with the school district.

However, the Board member shall declare his/her relationship with the job applicant and will refrain from debating, discussing, or voting on a nomination or other issue. In the case where the relationship is with the Superintendent, the Superintendent shall disclose the relationship to the Board as early as possible in the recruitment/selection process for the open position or in the case of someone currently employed by the district, before recommending any job related action pertaining to the individual. The Board shall determine whether, were the candidate selected, the supervisor - subordinate relationship between the Superintendent and the prospective employee will be sufficiently indirect, to not disqualify the candidate. If not disqualified, and prior to candidates for the position being screened and a nominee being selected, or the Board approving any job related action, the Superintendent and the Board shall agree on a mechanism to address the conflict of interest. Where practical, the Board may designate another district staff member to fulfill the role of the Superintendent for the selection of a nominee for the

NHSBA VERSION

position or take appropriate alternative steps. The job applicant is expected to declare his/her relationship with the Board member or Superintendent as well.

This shall not apply to any person within such relationship or relationships who has been regularly employed by the Board prior to the inception of the relationship, the adoption of this policy, or a Board member's election.

Legal References:

Marsh v. Hanover, 113 NH 667 (1973) and

Atherton v. Concord, 109 NH 164 (1968)

RSA 95:1, Public Officials Barred From Certain Private Dealings

Revised: May 2017

Revised: May 2007

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

NHSBA, Note: This policy is revised to incorporate the restrictions imposed by RSA 95:1. The policy recognizes the potential of a conflict of interest involving the Superintendent, this revision also adds a mechanism for addressing a conflict of interest between the Superintendent and a prospective district employee.

OYSTER RIVER COOPERATIVE SCHOOL BOARD	Policy Code: BDD
Date of Adoption: June 15, 1988 Date of Revision: March 1997- Code Revision:11/18/09- previously-BCD Review First Read School Board: September 5, 2012 Second Read/Adoption School Board: October 3, 2012 Policy Committee Review: September 11, 2019	Page 1 of 1 Category: Recommended

BOARD SUPERINTENDENT RELATIONSHIP

Policy-making is a primary function of the Oyster River Cooperative School Board. The execution of the policies is the primary function of the Superintendent or his or her designee.

The Board delegates its executive power to the Superintendent to manage the schools within the Board's policies. When the School Board is not in session and in the absence of policies, the Superintendent will make decisions based on law and best judgment.

Appendix : BDD-R – Superintendent Job Description

NHSBA VERSION

BDD - BOARD-SUPERINTENDENT RELATIONSHIP

The Board believes that policy-making is a primary function of the School Board and that the execution of those policies is the primary function of the Superintendent.

Delegation by the Board of its executive powers to the Superintendent provides freedom for the Superintendent to manage the schools within the Board's policies and frees the Board to devote its time to policy-making and appraisal functions.

The Superintendent is responsible for the administration of Board policies, the execution of Board decisions, the operation of school programs, for keeping the Board informed about school operations and issues.

Appendix : BDD-R

Reviewed: February 2004

Revised: November, 1999

Revised: July, 1998

OYSTER RIVER COOPERATIVE SCHOOL BOARD	Policy Code: JEAB
Policy Committee Review: February 4, 2014 School Board First Read: March 5, 2014 School Board Second Read/Adoption: April 2, 2014 Policy Committee Review: September 11, 2019 FOR DELETION	Page 1 of 1

STUDENT DISTRICT PLACEMENT

Oyster River students will attend the school housing the grade to which they have been assigned. At the elementary level a student will attend the school which serves the neighborhood in which he/she resides except as reassignment is necessary because of limited classroom capacity within a building or because of the limitations of efficient transportation, or when other circumstances warrant it. Effort will be made to ensure that the student completes the elementary program in the school which he/she initially enters following kindergarten.

Legal Reference:

NH Code of Administrative Rules, Section ED 302.02(l), Duties of the Superintendent
 NH Code of Administrative Rules, Section ED 306.14(a), Instructional Program;
 Appropriate Assignment of all Incoming Students