

WELLHEART CHARTERED PUBLIC SCHOOL  
POLICIES AND BOARD GOVERNANCE

**BBBD BOARD MEMBER REMOVAL FROM OFFICE**

Members of the Wellheart Charter School Board may be removed by a 2/3 vote of all Board members. Board members should only be removed as a result of reasons including but not limited to the following:

1. a breach of law
2. a significant, willful Board policy violation
3. failure to participate significantly in Board work

This mechanism is not intended to be used to stifle healthy dissent on the School Board, but rather to remove members from the School Board that are potentially materially damaging, or not participating in forward progress. This is a mechanism of last resort.

**BOARD MEMBER INDEMNIFICATION**

The members of the Board and the Director, administrators, employees and agents act as agents of Wellheart Chartered Public School. None of these individuals shall be placed in a position of personal liability for the performance of the responsibilities vested in them by parents/guardians or the state or federal government. In order to protect the individual members of the Board, the Director, administrators, employees and other agents, and the educational interest of the community, the Board shall purchase, from chartered public school funds, in the absence of governmental immunity or in coordination with governmental immunity, adequate insurance to indemnify Board members and agents of Wellheart Chartered Public School for their official actions in the service to Wellheart Chartered Public School. It is the intent of this policy to provide the members of the Board with the full protection of NH RSA 31:104 which protects Board members from civil damages for any vote, resolution, or decision made by that member acting in their official capacity in good faith and within the scope of their authority. This policy reflects the vote of the Board to indemnify and save harmless its members, Director, administrators, officers, employees and agents from personal financial loss and expense including reasonable legal fees and costs, if any, arising out of any claim, demand, suit, or judgment by reason of negligence or other act resulting in accidental injury to a person or accidental damage to or destruction of property, provided the above-reference individuals at the time of the accident resulting in the injury, damage or destruction were acting in the scope of their employment or office. It is also the intent of the Board to indemnify and save harmless its members, officers, Director, employees and agents from liability for civil rights suits in accord with NH RSA 31:106, NHSBA Code BIE.

**REGULAR BOARD MEETINGS**

In order to allow for full participation by all Board members and the public, regular meetings of the Wellheart Public Charter School Board will be held on \_\_\_\_\_ of the month or as determined by the Board at the annual meeting. The schedule of regular meetings will be posted on the school website. Meetings may be canceled or moved to another day by the Chair for good cause, after consultation with the other Board members and the school's Director. Under exceptional circumstances, an individual Board member may request at a regular meeting that a subsequent meeting be rescheduled. Consideration by the full Board will be given to such requests. All meetings will be duly noticed per NH RSA 91-A.

**SCHOOL BOARD MEETING PREPARATION**

Before actions by the Board are requested or recommended, school leadership will strive to provide adequate data and backup information to Board Members at least seven (7) calendar days in advance to assist them in reaching sound and objective decisions consistent with established goals.

**NON-PUBLIC SESSION**

The Board reserves the right to sit in non-public session when a majority of the members present and voting so vote. The vote to enter non-public session will be a recorded roll-call vote made in public session. As required by law, the motion calling for a non-public session will indicate the matters to be discussed and the statutory exception stated.

The Board may entertain a motion to hold a non-public session only for those purposes that the law recognizes. These purposes are:

1. The dismissal, promotion, compensation or disciplining of any employee.
2. The hiring of an employee.
3. Discussion of matters that are likely to adversely affect the reputation of a person other than a member of the Board.
4. Consideration of the acquisition, sale or lease of real or personal property.
5. Consideration or negotiation of pending legal claims or litigation.
6. Matters relating to the preparation and carrying out of emergency functions.

The Board shall record minutes of all non-public sessions. Those minutes will be made publicly available within 72 hours of the non-public session, unless the Board votes to seal those minutes. The Board may vote to seal minutes of a non-public session only by a two-thirds vote. The Board will only vote to seal minutes of non-public sessions if divulging such information would:

1. Adversely affect the reputation of a person other than a member of the Board.
2. Render a proposed Board action ineffective; or
3. Thwart safety considerations pertaining to terrorism or other emergency functions of the Board.

The Director or his/her designated representative may attend all non-public sessions, except those non-public sessions that pertain to Director's employment, at the pleasure of the Board.

**PUBLIC NOTIFICATION OF SCHOOL BOARD MEETINGS**

All School Board Meetings are open to the public. The Board will announce at least 48 hours in advance (excluding Sundays and legal Holidays) as stipulated in BEDB including the date, time, and place of all regular and special meetings and the major topics to be discussed.

The Board may need to hold an emergency meeting in the case where immediate un-delayed action is deemed to be imperative by the Chair, who shall employ whatever means are available to inform the public that a meeting is to be held. The minutes of the meetings shall clearly spell out the need for the emergency meeting.

## **AGENDA**

The Board of Trustees supports having a planned agenda which keeps the public advised of Board business and allows the Board to address its priorities and items of importance as they arise.

The order of business set forth in the meeting agenda may be changed by general consent or majority vote of the members present. Requests for reordering or revising the agenda should be directed to the Chair and be considered at the beginning of the meeting.

In the interest of time, certain housekeeping agenda items may be organized as one agenda item: Consent Agenda. Generally, these items have been reviewed by Board members through documentation received prior to the meeting and require no discussion. At the beginning of the meeting, the Chair will make suggestions of Board consent agenda items to be addressed with one motion. Board members have the option of accepting or rejecting the agenda items for the consent agenda.

Only items receiving a unanimous vote may be on the Consent Agenda.

Persons submitting suggested agenda items to the Director and the Chairman of the Board should strive to provide same at least seven (7) calendar days prior to a meeting.

The Director and the Chairman will decide what items are included on the agenda. Each Board meeting agenda will include Next Agenda, where board members can offer topics for consideration. Board members will receive the agenda with supporting materials prior to each meeting.

In accordance with RSA 91-A:2, meeting notice shall be posted in at least two (2) places, advising of each Board meeting at least 48 hours in advance. Wellheart Chartered Public School will post notice of its meetings on the school's website and in a publicly accessible location in the charter school.

## **BOARD POLICY PROCESS & ADOPTION**

Wellheart Chartered Public School policies serve as guidelines and goals for the successful and efficient functioning of our school.

The Board, representing the community of Wellheart Public Chartered School, is the legislative body which determines all questions of general policy to be employed in the conduct of the school.

The Board considers policy development its chief function, along with providing the wherewithal such as personnel, buildings, materials, and equipment for the successful administration, application, and execution of its policies.

The Board accepts the definition of a policy set forth by the New Hampshire School Boards Association:

Policies are principles adopted by the Board to chart a course of action. They tell what is wanted; they may include why and how much. Policies should be broad enough to indicate a line of action to be followed by the administration in meeting a number of problems; narrow enough to give clear guidance. Policies are guides for action by the administration, who then sets the rules, regulations and procedures to provide specific directions to school personnel. The policies of the Board are framed, and are meant to be interpreted, in terms of New Hampshire laws, rules and regulations of the State Board of Education and all other regulatory agencies within our local, county, state, and federal levels of government.

Changes in needs, conditions, purposes, and objectives may require revisions, deletions, and additions to the policies of present and future Boards. The Board will welcome suggestions for ongoing policy development.

Except for policy actions to be taken on emergency measures, the adoption of Board policies should follow this sequence which will take place at least at two regular or special meetings of the Board:

- 1. Policy Development and Recommendation:** Policies shall be developed and revised by the Governance Committee. Upon completion, the committee will vote to recommend the policies for presentation to the full Board for further discussion.
- 2. Board Discussion and Voting:** New or revised policies will be discussed at a meeting of the Board. These policies will then be presented for a vote at the subsequent Board meeting.
- 3. Public Notification:** New or revised policies will be announced and posted on the school's website at least two weeks before the Board's vote.
- 4. Public Input:** Concerned groups or individuals will have the opportunity to provide feedback on policy proposals at the Board meeting prior to the vote.

5. **Policy Titling and Coding:** Before enactment, all policy proposals shall be appropriately titled and coded according to the subject matter and in accordance with the Board's policy manual codification system.

6. **Single Subject Limitation:** Each policy statement shall, whenever possible, be limited to one subject.

7. **Documentation and Inclusion:** Policies and amendments adopted by the Board shall be attached to and made a part of the minutes of the meeting at which they are adopted. They shall also be included in the school's policy manual, marked with the date of adoption and/or amendment.

8. **Effective Date:** Policies and amendments shall be effective immediately upon adoption unless a specific effective date is provided in the adopted resolution.

**Emergency Procedure:**

On matters of unusual urgency, the Board may waive the two-week limitation and take immediate action to adopt new or revise existing policies. When such immediate action is necessary, the Board shall inform concerned groups or individuals about the reasons for this necessity.

## **BOARD-EMPLOYEE COMMUNICATIONS**

The Board expects to maintain open channels of communication between itself and the employees. However, the basic line of communication will be through the Director.

### **1. Staff Communications to the Board**

All communications or reports to the Committee or any of its subcommittees from Directors, supervisors, teachers, or other staff members will be submitted through the Chair. This procedure does not deny the right of any employee to petition the Chair to be heard in cases where the Director may be directly involved.

Staff members are also reminded that Committee meetings are public meetings. As such, they provide an excellent opportunity to observe first hand the Committee's deliberations on problems of staff concern. Communications are expected to go through the Director or designee when the issues are not related to teacher participation in Board committees. The intent of this policy is to ensure the Director or his/her designee is fully aware of context to perform his/her leadership/management role.

### **2. Board Communications to Staff**

All official communications, policies, and directives of staff interest and concern will be communicated to staff members through the Chair. The Chair will develop appropriate methods to keep staff fully informed of the Committee's problems, concerns and actions.

### **3. Visits to Schools**

Individual Board members interested in visiting schools or classrooms will inform the Director or his/her designee of such visits and make arrangements for visitations through the Director or his/her designee. Such visits shall be regarded as informal expressions of interest in school affairs and not as "inspections" or visits for supervisory or administrative purposes. Official visits by Board members will be carried on only under Board authorization and with the full knowledge of the Director.

### **4. Social Interaction**

Staff and Board members share a keen interest in the school and in education generally, and it is to be expected that when they meet at social affairs and other functions, they will informally discuss such matters as educational trends, issues, and innovations. However, employees are reminded that individual Board members have no special authority except when they are convened at a legal meeting of the Board or vested with special authority by Board action. Therefore, discussions of personalities or personnel grievances by either party is prohibited.

**NON-DISCRIMINATION**

In accordance with RSA 193-B:3,ii(m) Wellheart Chartered Public School will not discriminate on the basis of race, color, gender, gender identity, or gender expression, national or ethnic origin, age, religion, creed, disability, veteran's status, sex, sexual orientation, socioeconomic or marital status, genetic information, pregnancy and pregnancy related medical conditions in the selection of students or staff, access to its educational programs and activities, with respect to employment terms and conditions or in the administration of the school or in any other way that is prohibited by law.

## **SCHOOL CLOSURE / DISSOLUTION PLAN**

### **1. Disposition of Assets**

In the event Wellheart Chartered Public School should cease operations for whatever reason, including the non-renewal or revocation of its Charter, the Board shall consult with the New Hampshire Department of Education to assure that contractual and financial obligations are met.

The planned sale and distribution of any assets shall assure first, that any financial obligations of the school are met. When possible, items of in-kind donation will be returned to their donor. Any remaining assets will be evenly distributed among the charter schools within a 25 mile radius of Wellheart Chartered Public School.

### **2. Education of Students**

In the event that the school shall cease operation for any reason, the Wellheart Chartered Public School Board shall consult with the New Hampshire Department of Education as to the disposition of students and student records maintained by the School. The School will retain student academic records in accordance with applicable law and will promptly forward such records to the department of education, and/or the student's district of residence

### **III. Closing Activities**

The board chair and treasurer will remain engaged to assist with closing activities and any necessary reports if the school closes. This responsibility will be communicated to each individual when they join the board.

## RECORD RETENTION SCHEDULE

### I. General

<b>Document</b>	<b>Retention Period</b>
Accident reports (employee)	6 years
Accident reports (student)	6 years after age of maturity for suit
Annual audit	6 years
Application for federal grants	6 years
Bank deposit slips	6 years
Budgets	6 years
Child labor permits	1 year
Class observation forms	1 year
Contracts	1 year
School meeting minutes	1 year
Enrollment reports	Permanent
Invoices	1 year
Ledger / journals	6 years
Medical benefits	1 year
Monthly reconciliations	1 year
Monthly financial status	1 year
Board meeting minutes	Permanent
Property inventories	6 years
Purchase orders	1 year
Supply orders	1 year
Telephone log sheets	1 year
Time cards	6 years
Transportation reports	1 year
Travel reimbursements	1 year
Treasurer's report	6 years

Voucher manifests	1 year
-------------------	--------

## II. Personnel Records

<b>Document</b>	<b>Retention Period</b>
Applications Employment Not employed	3 years, or if employed, term of employment
Interview documents Letters of recommendation Transcripts	3 years, or if employed, term of employment
Attendance records Leaves Requests for leaves	1 year
Miscellaneous correspondence for personnel	4 years
Teachers' master contract	Length of contract + 6 years

## III. Student Records

<b>Document</b>	<b>Retention Period</b>
Examples of student work	1 year
Health and physicals records Immunization record	Term of enrollment
Permanent record cards Progress Attendance Test scores (standardized) Academic	Permanent
Miscellaneous evaluation	Term of enrollment
Anecdotal records Disciplinary reports Medical reports (doctor) Excuses (parental) Insurance forms	Term of enrollment
Post high school placement	6 years
Registration form	1 year

**EMPLOYMENT REFERENCES AND VERIFICATION  
(PROHIBITING AIDING AND ABETTING OF SEXUAL ABUSE)**

The school shall act in good faith when providing employment references and verification of employment for current and former employees. The school, and its employees, contractors, and agents, are prohibited from providing a recommendation of employment, and/or from otherwise assisting any school employee, contractor, or agent in obtaining a new job or other employment if he/she or the school has knowledge of, or probable cause to believe that the other employee, contractor, or agent ("alleged perpetrator") engaged in illegal sexual misconduct with a minor or student. This prohibition does not include the routine transmission of administrative and personnel files.

In addition, this prohibition does not apply if:

1. The information giving rise to probable cause has been properly reported to a law enforcement agency with jurisdiction;
2. The information giving rise to probable cause has been reported to any other authorities as required by local, state or federal law (for instance New Hampshire Division of Children, Youth and Families "DCYF"), and
3. At least one of the following conditions applies:
  - a. The matter has been officially closed;
  - b. The school officials have been notified by the prosecutor or police after an investigation that there is insufficient information for them to proceed;
  - c. The school employee, contractor, or agent has been charged and acquitted or otherwise exonerated; or
  - d. The case or investigation remains open and there have been no charges filed against or indictment of the school employee, contractor, or agent within four years of the date on which the information was reported to a law enforcement agency.

**SEXUAL HARASSMENT, DISCRIMINATION, AND SEXUAL VIOLENCE –  
EMPLOYEES**

GENERAL STATEMENT OF POLICY Sexual harassment is a form of discrimination which violates Section 703 of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §2000e, et seq., and Title IX. Sexual violence is a physical act of aggression that includes a sexual act or sexual purpose.

**1. Purpose**

The purpose of this policy is to maintain a work environment that is free from sexual harassment and violence, or other improper or inappropriate behavior that may constitute harassment as defined below.

Sexual harassment, discrimination and violence are against the law and school policy. Any form of sexual harassment, discrimination and/or violence is strictly prohibited.

It is a violation of this policy for any employee or third party to harass any person through conduct or communication of a sexual nature as defined by this policy.

“Employee” includes, but is not limited to all Wellheart Chartered Public School staff, administrators, volunteers and/or other such personnel whose employment or position is directed by the school.

“Third parties” include, but are not limited to parents, school visitors, service contractors or others engaged in school business, such as employees of businesses or organizations participating in cooperative work programs with the school and others not directly subject to school control.

Wellheart Chartered Public School will promptly investigate and effectively and equitably resolve all complaints, either formal or informal, verbal or written, of sexual harassment, discrimination or violence, and will take any and all steps it deems appropriate against any employee or third party who sexually harasses or is sexually violent toward another person. This may include warning, suspension or immediate discharge and/or removal from the premises to end sexual harassment and sexual violence and prevent its recurrence.

**2. Sexual Harassment / Sexual Violence Defined**

A. Sex discrimination is defined as discrimination in employment benefits or opportunities

based on a person’s sex and includes sexual harassment and sexual violence.

B. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors,

sexually motivated physical conduct or other verbal or physical conduct or communication of a sexual nature when:

1. Submission to that conduct or communication is made a term or condition, either explicitly or implicitly of an individual's employment; or
2. Submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's employment; or
3. That conduct or communication has the purpose or effect of substantially or unreasonably interfering with an individual's employment, or creating an intimidating, hostile or offensive employment environment.

A victim can be anyone affected by the conduct, not just the individual to whom the offensive conduct is directed.

C. Sexual harassment may include, but is not limited to:

1. Verbal harassment and/or abuse of a sexual nature;
2. Subtle pressure for sexual activity;
3. Inappropriate patting, pinching or other touching;
4. Intentional brushing against another;
5. Demanding sexual favors accompanied by implied or overt threats
6. Demanding sexual favors accompanied by implied or overt promises of preferential treatment;
7. Any sexually motivated unwelcome physical contact; or
8. Sexual violence that is a physical act of aggression that includes a sexual act or sexual purpose.

D. Sexual violence is a physical act of aggression that includes a sexual act or sexual purpose

perpetrated against a person's will or where a person is incapable of giving consent.

### **3. Reporting Procedures**

Any employee who believes he or she has been the victim of sexual harassment or sexual violence should report the alleged act(s) immediately to the Human Rights Officer.

A. If the report was given verbally, the Human Rights Officer must reduce it to written form within 24 hours. If the complaint involves the Director, the complaint shall be filed directly with the Board Chair.

B. Human Rights Officer: The Human Rights Officer is the person responsible for receiving oral or written reports of sexual harassment or sexual violence. The Board designates the Director or designee as the school Human Rights Officer to receive any report or complaint of sexual harassment and sexual violence.

The school shall post the name of the Human Rights Officer in conspicuous places throughout school buildings, including a telephone number and mailing address.

Failure to forward any sexual harassment or sexual violence report or complaint as provided herein will result in disciplinary action. If the complaint involves the Director, the complaint shall be filed directly with the Board Chair.

C. Submission of a complaint or report of sexual harassment or sexual violence will not affect an employees's standing, future employment, or work assignments.

D. The use of formal reporting forms provided by the school is voluntary. The school will respect the confidentiality of the complainant and the individual(s) against whom the complaint is filed as much as possible, consistent with the school's legal obligations and the necessity to investigate allegations of sexual harassment and sexual violence and take disciplinary action when the conduct has occurred. Neither the School nor the Board can guarantee anonymity.

#### **4. Investigation and Recommendation**

The Human Rights Officer, upon receipt of a report or complaint alleging sexual harassment or sexual violence shall immediately authorize an investigation. This investigation may be conducted by school officials or by a third party designated by the Board, if the complaint involves the Director or designee. The investigating party shall provide a written report of the status of the investigation within ten (10) working days to the Director or designee. If the Director is the subject of the complaint, the report shall be submitted to the Board Chair.

In determining whether alleged conduct constitutes sexual harassment or sexual violence, the school should consider the surrounding circumstances, the nature of the sexual advances, relationships between the parties involved and the context in which the alleged incidents occurred. Whether a particular action or incident constitutes sexual harassment or sexual violence requires a determination based on all the facts and surrounding circumstances.

The investigation may consist of personal interviews with the complainant, the individual(s) against whom the complaint is filed, and others who may have knowledge of the alleged incident(s) or circumstances giving rise to the complaint. The investigation may also consist of any other methods and documents deemed pertinent by the investigator. Students who are interviewed must have a parent or legal guardian present during the interview.

In addition, the school may take immediate steps, at its discretion, to protect the complainant pending completion of an investigation of alleged sexual harassment or sexual violence.

## **5. School Action**

A. Upon receipt of a recommendation that the complaint is valid, the school will take such disciplinary action as appropriate based on the results of the investigation. Such discipline may include but is not limited to a warning, training, temporary suspension, or dismissal. Any disciplinary actions will be in accordance with all laws. A complainant will not be informed of any disciplinary action taken against the accused, but they will be informed, in writing, that the claim was found valid and that appropriate action will be taken based on findings.

B. If the school determines that the alleged conduct did not constitute sexual harassment, both the complaining party and the accused will be informed of such. No disciplinary actions will be taken.

C. Conduct which does not rise to the level of sexual harassment, as defined by the policy, but is nonetheless inappropriate or in violation with other related Board policies, will be addressed on a case-by-case basis by the Director, who may order the offending employee to engage in some remedial action.

D. The complainant may appeal the investigation recommendations to the Director or designee (if the Director is under investigation, appeal is made to the Board).

## **6. Reprisal**

The school will discipline any individual who retaliates against another who reports alleged sexual harassment or sexual violence or who retaliates against any person who testifies, assists or participates in an investigation, proceeding or hearing relating to a sexual harassment or sexual violence complaint. Retaliation includes, but is not limited to, any form of intimidation, reprisal or harassment.

## **7 By-Pass of Policy**

Any individual with a sexual harassment complaint may choose to bypass this Policy and accompanying regulation and proceed directly to:

N.H. Commission on Human Rights, at 2 Chenelle Dr., Concord, NH 03301, phone 603-271-2767 or

US Department of Health & Human Services, Office for Civil Rights, Region 1, JFK Building, Room 1875, Boston, MA 02203, phone 617-565-1340.

## BACKGROUND INVESTIGATION AND CRIMINAL RECORDS CHECK

To help assure the safety of Wellheart Chartered Public School students, it is the policy of the Board that before any person is employed, or are otherwise placed into positions whereby they have frequent close contact with - or supervision of - students, that the administration conducts proper investigation into such person's background, including, without limitation, a criminal history records check under RSA 189:13-a –189:13-c.

### A. Definitions. As used in this policy:

1. "Applicant" shall mean and include an applicant for employment or any person seeking to serve in any position falling within the term "Covered Person" as defined below, who is selected by the school for further consideration for such position.

2. "Background investigation" means an investigation into the past employment and other background of an Applicant with the intent of determining whether:

a. The applicant/covered person is qualified for the position for which he/she has applied, will/would be assigned, or will/would perform, and

b. The applicant has been found guilty of any criminal activity or conduct that would make him/her ineligible or unsuitable for employment or service at the school.

3. "Conditional offer of employment" means an offer of employment extended to a selected Applicant subject to a successful completed criminal history record check (defined below) which is satisfactory to the school.

4. "Contractor" means a private business or agency or an employee or employees of the contractor which contracts with Wellheart Chartered Public School to provide services including but not limited to:

a. cafeteria workers,

b. school bus drivers,

c. custodial personnel,

d. any other direct service or services to students of the school.

5. "Covered Person" shall mean every employee, stipend position (e.g., coach, trainer, drama coach, etc.), candidate, designated volunteer (whether direct or through a volunteer organization), or any other service where the contractor or employees of the contractor provide services directly to students of the school, or any applicant/person seeking to serve in any of those positions. NOTE: Only those volunteers who meet the definition of "Designated Volunteer" below are considered "Covered Person". See Board policy IJOC for additional provisions relating to all volunteers.

6. “Criminal History Records Check” or “CHRC” means a criminal history records inquiry under RSA 189:13-a – 13-c, conducted by the New Hampshire State Police through its records and through the Federal Bureau of Investigation.

7. “Designated Volunteer” is any volunteer who: *See Policy LJOC*. The Director or designee shall have the responsibility of determining whether a volunteer position is a “Designated Volunteer.”

8. “Educator Candidate” means a student at an institution of higher education who has been selected to participate in a K-12 educator preparation program (RSA 189:13-c, I(b)). This definition includes both Educator Candidates who are placed as student teachers.

9. “Section V Offense(s)” are those criminal offenses listed in RSA 189:13-a, V, as that list may be amended by the Legislature from time to time. The current of offenses may be accessed at: [Link: Section V Offenses - RSA 189:13-a](#), If the results of the record check disclose that the Applicant or Covered Person has either been convicted or is charged pending disposition of a violation or attempted violation of a Section V offense, that person shall not receive an offer or final offer of employment.

Section V Offense: If the results of the record check disclose that the Applicant or Covered Person has either been convicted or is charged pending disposition of a violation or attempted violation of a Section V offense, that person shall not receive an offer or final offer of employment:

- Capital Murder
- Endangering the Welfare of Child or Incompetent
- First Degree Murder
- Indecent Exposure and Lewdness
- Second Degree Murder
- Prostitution and Related Expenditures
- Manslaughter
- Child Pornography
- Aggravated Felonious Sexual Assault
- Possession of Child Sexual Abuse Images
- Sexual Assault (Misdemeanor Level)
- Certain Uses of Computer Services Prohibited
- Kidnapping

- Obscene Matter Offenses
- Trafficking in Persons (Human Trafficking)
- Computer Pornography/Child Exploitation Prevention

“Non-Section V Offenses” are all other criminal offenses, whether felonies or misdemeanors.

10. “Designee” shall mean, a person designated by the Director to receive and inspect results of the Criminal History Records Check (CHRC). Under RSA 189:13-a, II, the Designee for purposes of CHRC may only be an assistant Director, head of human resources, the personnel director, the business administrator or the finance director.

**B. Background Investigation and Restrictions on Hiring or Appointing Individuals with Revoked or Suspended Credentials.**

1. General Requirements. The Director will require a Background Investigation of any Applicant or Covered Person as defined in this policy, *including but not limited to reviewing the most recent NHED List of Revoked & Suspended Credentials*. The Director may assign the Background Investigation (but not the CHRC) to someone other than Designee, but the Background Investigation shall be completed prior to making a final offer of employment, approving the contract with an individual contracting directly with the school, student teacher, or a Designated Volunteer to work or serve within the school. For Covered Persons who are employed by a third-party contractor, the Director or Designee may waive the Background Investigation and instead rely on suitable assurances from the contracting company or agency regarding a background investigation. The requirement for a Criminal History Records Check under paragraph D, below, however, may not be waived.

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 until notified that they will not be hired. Failure to report will be treated in the same manner as falsification of information under Section C, below.

General record (e.g., checklist and or source documentation) of completion of a Background Investigation (but not copies of the results of a CHRC) shall be retained in an employee’s personnel file.

2. Prohibition against hiring/appointment of individuals with revoked or suspended credentials. Wellheart Chartered Public School will not hire any individual whose education license, certification or other credential (“credential”) issued by the Department of Education is currently revoked or suspended, unless: (1) the individual’s prospective employment would begin after the reinstatement of that individual's credential; or, (2) the individual retains an active endorsement in one or more areas in which the individual remains eligible for employment, even though the endorsement in another area is under revocation or suspension.

No person whose credential issued by the Department of Education has been revoked or is under current suspension, may be appointed as, or serve as, a volunteer for any service or activity, designated or otherwise. In the instance of a person with no current endorsement, the suspension or revocation would preclude hiring or appointing that person to any position within the school.

**C. False Information.** 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, withdrawal of any offer of employment, or immediate discharge from employment.

#### **D. Criminal History Records Check**

1. General. As part of the school's Background Investigation, each Applicant must submit to a Criminal History Records Check ("CHRC") through the State of New Hampshire in full compliance with RSA 189:13-a. No Covered Person/Applicant shall be employed, extended a Conditional Offer of Employment, or begin service in the school, until the Director, or designee, has initiated a CHRC. The Applicant shall provide the school with a criminal history records release form as provided by the New Hampshire State Police along with a full set of fingerprints taken by a qualified law enforcement agency according to RSA 189:13-a, II.

Refusal to provide the required criminal history records release form (with fingerprints) and any other required releases to authorize the CHRC will result in immediate disqualification of the Applicant/Covered Person and will not be considered for the position.

##### 2. Special Provisions for Educator Candidates & Bus Drivers.

a. Educator Candidates. Educator Candidates who are placed in the school as a student teacher shall undergo a CHRC prior to beginning in the school. For Educator Candidates in the school under a status other than student teacher (e.g., observation, Methods Course or Practicum student), the Director or Designee will determine whether to require a CHRC using the same parameters included in the Designated Volunteer definition, above.

b. Bus Drivers. Pursuant to RSA 189:13-a, VI and RSA 189:13-b, criminal history records checks for bus drivers shall be processed through the New Hampshire Department of Education ("NHED"). Although NHED will conduct the CHRC, the Director or designee shall require a Background Investigation in accordance with paragraph

3. Results of Criminal History Records Check. The results of the CHRC shall be delivered to the Director or designee who shall be responsible for maintaining their confidentiality. The Director or Designee shall destroy all results and reports of any CHRC within sixty (60) days of receiving said information.

4. Pending Charges or Convictions for Section V Offenses. If the results of the CHRC disclose that the Applicant has either been convicted of or is charged pending disposition of a violation or attempted violation of a Section V offense, that person shall not receive an offer or

final offer of employment. Additionally, the Director (not the Director's Designee), shall notify NHED through its Investigator or the Chief of the Governance Unit.

5. Non-Section V Offenses and/or Past Charges of Section V Offenses. If the results of a CHRC disclose that the Applicant has been charged (whether pending or previously concluded) with a Non-Section V Offense, or has been previously charged with a Section V Offense which the charge has been disposed of other than by a conviction, the Director or Designee shall take such information into account prior to hiring or assigning such Applicant. In making a determination regarding such an Applicant, the Director or Designee shall consider all reliable information, and assess whether, in light of the totality of the circumstances, the Applicant's suitability for the position sought with student safety being the priority consideration. (Circumstances the Director should consider, include, but are not limited to, nature and date of the charge, information about reduced charges, age at time of charge, relationship of the nature of the charged offense to the duties of the position sought).

If the Director chooses to nominate, appoint or assign an Applicant who has a history of conviction or pending charges of a Non-Section V Offense, or of past concluded charges of Section V Offenses that did not result in a conviction, then the final hiring decision or appointment of another Covered Person must be approved by the Board. Pursuant to regulations of the United States Dept. of Justice, and RSA 189:13-a, the Director may NOT share with the Board information directly gleaned from the CHRC regarding specific criminal charges, arrests, convictions etc., but may share the fact that they is nominating a person whose background investigation revealed information requiring the Director to apply the criteria established by the Board in the preceding paragraph.

6. Fees for Criminal History Records Check. Any applicant for whom the Board requires a CHRC check, or, in the instance of third-party contractors/organizations, the Covered Person's employer/organization, shall pay the actual fees and costs associated with the fingerprinting process and/or the submission or processing of the CHRC, unless otherwise determined by the Board.

**E. Conditional Offer of Employment.** Applicants 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 Investigation and CHRC, and a determination that there are no disqualifying pending charges or convictions. Any Applicant 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 school is entirely conditioned upon the results of a CHRC and Background Investigation being satisfactory to the school.

**F. Administrative Protocols/Procedures.** The Director is authorized to establish written protocols for Background Investigations, and such protocols may vary depending on the nature of the position(s) (e.g., verification of academic records and achievements for certified professionals, credit checks for personnel with fiscal responsibilities). The written protocols may include additional specific disqualifying misdemeanor or felony convictions or charges (e.g., prostitution, theft, etc.) in addition to the Section V Offenses.

**G. Contractor and Vendor Provisions.** The Director shall take such steps as are necessary to assure third party agreements which involve covered personnel to include a provision for such personnel to complete CHRCs and Background Investigations as required under this policy, as well as training and information relative to child sexual abuse prevention as required under RSA 189:13-a, XII.

**I. Training of Director/Designee.** The Director or any Designee shall complete such training relative to the reading and interpretation of criminal records as required by NHED.

**J. Reports of Criminal Offenses Post-Hire or Commencement of Service.**

When the school receives a notification of a Covered Person being charged with or convicted of a Section V Offense or other crime which is evidence of the individual's unsuitability to continue in their role, the Director 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 immediate discharge.

## VOLUNTEERS

The Board recognizes certain programs and activities can be enhanced through the use of volunteers who have particular knowledge or skills that will be helpful to members of the professional staff responsible for the conduct of those programs and activities.

The Director or designee shall be responsible for recruiting volunteers, reviewing their capabilities, availability and making appropriate placements. He/She shall not place or assign volunteers whose abilities are not in accord with Wellheart Chartered Public School needs. A volunteer may be asked to terminate his/her services when circumstances in the judgment of the Director or designee necessitate termination.

Any individual considered a “Designated Volunteer” shall submit to a criminal history records check, prior to being allowed to participate in any activity or program. A criminal history records check will recur every 2 years thereafter.

A Designated volunteer means any volunteer who:

1. Comes in direct contact with students on a daily basis;
2. Meets regularly with students;
3. Meets with students on a one-on-one basis;
4. Serves as an athletic or academic volunteer coach;
5. Serves as a volunteer mentor;
6. Any other volunteer so designated by the Director or designee Designated volunteers are subject to the provisions of Policy GBCD – Background Investigation and Criminal Records Check. The Designated volunteer is responsible for the fee to process the background investigation and criminal records check.

The Director or designee is to inform each volunteer about his/her requirements and responsibilities. Volunteers will receive orientation, including:

1. general job responsibilities;
2. information about school facilities, routines, and procedures, including safety and evaluation;
3. work schedule and place of work; and
4. expected relationship to regular staff.

The teaching staff member, with whom the volunteer is working, should have volunteer assignments and activities clearly defined in writing, or clearly articulated and

understood by the volunteer. Designated volunteers will receive appropriate training at the building level, consistent with their tasks and existing school policies and standards. This training shall be developed under the leadership of the Director in consultation with a designated coordinator.

Designated volunteers are expected to agree to the following conditions:

1. abide by all Board policies and School procedures while on duty as a volunteer.
2. sign a form releasing the School of any obligation if the volunteer becomes ill or receives an injury as a result of his/her volunteer services.

The Director or their designee shall also demonstrate to each volunteer the school's appreciation for his/her time and efforts in assisting the operation of the Wellheart Chartered Public School.

**SEXUAL HARASSMENT AND VIOLENCE - STUDENTS**

GENERAL STATEMENT OF POLICY Sexual harassment is a form of discrimination which violates Section 703 of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §2000e, et seq., and Title IX. Sexual violence is a physical act of aggression that includes a sexual act or sexual purpose.

**1. Purpose**

The purpose of this policy is to maintain a learning environment that is free from sexual harassment and violence, or other improper or inappropriate behavior that may constitute harassment as defined below.

Any form of sexual harassment or violence is strictly prohibited.

It is a violation of this policy for any student to harass another student through conduct or communication of a sexual nature as defined by this policy. It is a violation of this policy for any student to be sexually violent toward another student.

The school will investigate all complaints, either formal or informal, verbal or written, of sexual harassment or sexual violence and will discipline any student who sexually harasses or is sexually violent toward another student.

**2. Sexual Harassment / Sexual Violence Defined**

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct or other verbal or physical conduct or communication of a sexual nature when:

- Submission to that conduct or communication is made a term or condition, either explicitly or implicitly of obtaining an education; or
- Submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's education; or
- That conduct or communication has the purpose or effect of substantially or unreasonably interfering with an individual's education, or creating an intimidating, hostile or offensive educational environment.

Sexual harassment may include, but is not limited to:

- Verbal harassment and/or abuse of a sexual nature;
- Subtle pressure for sexual activity; Inappropriate patting, pinching or other touching;
- Intentional brushing against another;

- Demanding sexual favors accompanied by implied or overt threats;
- Demanding sexual favors accompanied by implied or overt promises of preferential treatment;
- Any sexually motivated unwelcome touching; or
- Sexual violence that is a physical act of aggression that includes a sexual act or sexual purpose.

### **3. Reporting Procedures**

Any student who believes he or she has been the victim of sexual harassment or sexual violence should report the alleged act(s) immediately to a school employee. That employee shall then report the allegation immediately to an appropriate school official, as designated by this policy.

A. Human Rights Officer: The Human Rights Officer is the person responsible for receiving oral or written reports of sexual harassment or sexual violence. If the report was given verbally, the Human Rights Officer shall reduce it to written form within 24 hours. The Board designates the Director or designee as the school Human Rights Officer to receive any report or complaint of sexual harassment and sexual violence.

The school shall post the name of the Human Rights Officer in conspicuous places throughout school buildings, including a telephone number and mailing address.

B. Failure to forward any sexual harassment or sexual violence report or complaint as provided herein will result in disciplinary action. If the complaint involves the Director, the complaint shall be filed directly with the Board.

C. Submission of a complaint or report of sexual harassment or sexual violence committed by a student will not affect the student's standing in school, grades, assignments, or right to attend school and receive an education.

D. The use of formal reporting forms provided by the school is voluntary. The school will respect the confidentiality of the complainant and the individual(s) against whom the complaint is filed as much as possible, consistent with the school's legal obligations and the necessity to investigate allegations of sexual harassment and sexual violence and take disciplinary action when the conduct has occurred.

### **4. Investigation and Recommendation**

The Human Rights Officer, upon receipt of a report or complaint alleging sexual harassment or sexual violence shall immediately authorize an investigation. This investigation may be conducted by school officials or by a third party designated by the Board, if the complaint involves the Director or designee. The investigating party shall provide a written report of the status of the investigation within ten (10) working days to the Director or designee. If the Director is the subject of the complaint, the report shall be submitted to the Board.

In determining whether alleged conduct constitutes sexual harassment or sexual violence, the school should consider the surrounding circumstances, the nature of the sexual advances, relationships between the parties involved and the context in which the alleged incidents occurred.

Whether a particular action or incident constitutes sexual harassment or sexual violence requires a determination based on all the facts and surrounding circumstances.

The investigation may consist of personal interviews with the complainant, the individual(s) against whom the complaint is filed, and others who may have knowledge of the alleged incident(s) or circumstances giving rise to the complaint. The investigation may also consist of any other methods and documents deemed pertinent by the investigator. Students who are interviewed must have a parent or guardian present during the interview.

In addition, the school may take immediate steps, at its discretion, to protect the complainant, students and employees pending completion of an investigation of alleged sexual harassment or sexual violence.

## **5. School Action**

A. Upon receipt of a recommendation that the complaint is valid, the school will take such action as appropriate based on the results of the investigation.

B. The complainant may appeal the investigation recommendations to the Director or designee (if the Director is under investigation, appeal is made to the Board).

C. The result of the investigation of each complaint filed under these procedures will be reported in writing to the complainant by the school. The report will document any disciplinary action taken as a result of the complaint.

## **6. Reprisal**

The school will discipline any individual who retaliates against another who reports alleged sexual harassment or sexual violence or who retaliates against any person who testifies, assists or participates in an investigation, proceeding or hearing relating to a sexual harassment or sexual violence complaint. Retaliation includes, but is not limited to, any form of intimidation, reprisal or harassment.

## **7. Right to Alternative Complaint Procedures**

These procedures do not deny the right of any individual to pursue other avenues of recourse, which may include filing charges with the Commissioner of Education, initiating civil action or seeking redress under state criminal statutes and/or federal law.

## **8. Sexual Harassment or Sexual Violence as Sexual Abuse**

Under certain circumstances, sexual harassment or sexual violence may constitute sexual abuse under New Hampshire law. In such situations, the charter school shall comply with said law.

Nothing in this policy will prohibit the school from taking immediate action to protect victims of alleged sexual abuse.

## **9. Discipline**

The school will take such disciplinary action it deems necessary and appropriate, including warning, counseling, suspension or immediate discharge to end sexual harassment and sexual violence and prevent its recurrence.

## **10. By-Pass of Policy**

Any individual with a sexual harassment complaint may choose to bypass this Policy and accompanying regulation and proceed directly to:

N.H. Commission on Human Rights, at 2 Chenelle Dr., Concord, NH 03301, phone 603-271-2767 or

US Department of Health & Human Services, Office for Civil Rights, Region 1, JFK Building, Room 1875, Boston, MA 02203, phone 617-565-1340.

## STUDENT DUE PROCESS

### 1. Graduated Age-Appropriate Responses to Misconduct

Teachers, or the Director will correct minor infractions in a proportionate and age-appropriate manner, consistent with School policies and procedures. Repeated infractions, or actions of a more serious nature, will prompt a conference of the student, a parent, a teacher, and the Director. The purpose of the conference will be to collaboratively seek a suitable and durable remedy.

Behavior that is chronic, criminal, or is otherwise egregious, may result in suspension or expulsion proceedings. The school shall afford due process and equal protection to any student involved in a proceeding that might result in suspension or expulsion. Hearsay and anonymous reports, in the absence of other evidence, will not suffice to impose suspension or expulsion. school practices regarding suspension or expulsion of students will implement RSA 193:13, as well as any other applicable state or federal laws, and will be construed in a manner consistent with RSA 186-C.

### 2. Disciplinary Actions

#### A. Suspension:

The Director or designee, in writing, may suspend students from the school for a period not to exceed ten (10) consecutive school days for:

1. Behavior that is detrimental to the health, safety, or welfare of students or school personnel;
2. Repeated and willful disregard of the reasonable rules of the school that is not remediated through the school's graduated age-appropriate responses to misconduct.

Regarding the duration of a suspension, the Director or designee shall consider the nature and degree of disruption caused to the school environment, the threat to the health and safety of students and school personnel, and the isolated or repeated nature of incidents forming the basis of disciplinary action. The school shall make educational assignments available to the suspended student during periods of suspension, including long-term suspension. No student who puts forth reasonable effort and diligence toward academic matters shall be penalized academically solely by virtue of missing class due to suspension.

#### B. Long-Term Suspension:

The Board may, following a hearing, extend the suspension of a student up to ten (10) additional consecutive school days for an act of:

1. Theft, destruction, or violence as defined in RSA 193-D;

2. Bullying pursuant to school policy when the student has not responded to targeted interventions and poses an ongoing threat to the safety or welfare of another student; or
3. Possession of a firearm, BB gun, or paintball gun.

### C. Expulsion

The Board of Trustees may expel any student from the school for an act that poses an ongoing threat to the safety of students or school personnel and that constitutes:

1. A repeated act of the kind justifying long-term suspension, as described in this policy;
2. Any act of physical or sexual assault that would be a felony if committed by an adult;
3. Any act of violence pursuant to RSA 651:5, XIII; or
4. Criminal threatening pursuant to RSA 631:4, II(a).

Before expelling a student under this policy the Board of Trustees shall consider each of the following factors:

1. The student's age;
2. The student's disciplinary history;
3. Disabilities, if any, of the student;
4. The seriousness of the violation or behavior committed by the student;
5. Whether the school has implemented positive behavioral interventions;
6. Whether a lesser intervention would properly address the violation or behavior committed by the student.

An expelled student will not attend school until reinstated by the Board. If requested prior to the start of a school year, the Board shall review the expulsion. A parent or guardian has the right to appeal an expulsion to the State Board of Education at any time while the expulsion remains in effect. The school will give effect to expulsions properly imposed by other charter schools, private schools and school districts unless the Board approves reinstatement of the student.

### **3. Gun-Free Schools Act**

Pursuant to the federal “Gun-Free Schools Act” (20 U.S.C. Section 7961), the Board of Trustees shall expel, for a period of not less than one (1) year, a student who is determined to have brought a firearm—as defined in 18 U.S.C. Section 921(a)—to a school, or to have possessed a firearm at a school.

### **4. Additional Authorities of the Director or Board of Trustees**

New Hampshire law gives the Director or designee the following additional authorities:

1. The Director may modify (RSA 193:13 VII) the expulsion and enrollment requirements under paragraphs IV and VI of RSA 193:13 on a case-by-case basis.
2. Notwithstanding any other provision of this policy, the Board of Trustees may reinstate (RSA 193:13 IX) a suspended or expelled student, except that expulsions of students under the Gun Free Schools Act shall not be reduced to less than one year.
3. The Board may offer enrollment, subject to all enrollment requirements and limitations, to a student suspended (RSA 193:13 I(b)) or expelled (RSA 193:13 III-c) from another New Hampshire public school or chartered public school.

## **STUDENT CONDUCT**

Inappropriate student conduct that causes material and substantial disruption to the school environment, interferes with the rights of others, or presents a threat to the health and safety of students, employees, and visitors on school premises is prohibited. Students are expected to maintain appropriate classroom behavior that allows teachers and staff to perform their professional duties effectively and without disruption.

Students will conduct themselves in a manner fitting to their age level and maturity and with respect and consideration for the rights of others while on school property or on property within the jurisdiction of the school; while on school owned and/or operated school or chartered vehicles; and/or while attending or engaged in school activities. Additionally, students may be disciplined for off-campus conduct in accordance with the provisions of Policy JICDD. Consequences for the misconduct will be fair and developmentally appropriate in light of the circumstances. Students who fail to abide by this policy and the administrative regulations supporting it may be disciplined for conduct which disrupts or interferes with the education program; conduct which disrupts the orderly and efficient operation of the school or school activity; conduct which disrupts the rights of other students to participate in or obtain their education; conduct that is violent or destructive; or conduct which interrupts the maintenance of a disciplined atmosphere.

Disciplinary measures include, but are not limited to:

- verbal correction and redirection
- removal from the classroom
- education to promote behavioral growth and personal accountability
- expecting the student to make a formal apology
- loss of privileges
- parent meeting
- act of service to the school community
- Lunch or after-school detention
- in- or out-of-school suspension
- probation
- expulsion.

A student who commits an assault against a student, employee, or visitor on school property or on property within the jurisdiction of the school; while on school-owned or school-operated chartered vehicles; while attending or engaged in school activities may be suspended by the Director or designee for an initial period not to exceed ten (10) school days with notification provided to the Board Chair. For the purposes of this policy, “assault” will mean an assault as defined in New Hampshire RSA 631 and related statutes.

The Director will immediately report all incidents of assault to the local law enforcement authority. Such report shall be made by the Director to the local law enforcement authority immediately, by telephone or otherwise, and shall be followed within 48 hours by a report in

writing. If the alleged victim is a student, the Director shall also immediately notify the person responsible for the victim's welfare, as defined in RSA 169-C:3, XXII, that a report was made to the local law enforcement authority.

## Definitions

**1. Removal from the classroom:** occurs when a student is sent to the Director's office. It is within the discretion of the person in charge of the classroom to remove the student.

**2. Detention:** occurs when the student's presence is required either before, during or after-school nonschool hours for disciplinary action. The Director is authorized to establish guidelines or protocol for when detention shall be served either before, during or after school. Whether a student will serve detention, and the length of the detention, is within the discretion of the Director or the Director's designees.

**3. Suspension:** Suspensions may include in-school suspension, out-of-school suspension, and a restriction from activities or loss of eligibility. An in-school suspension means the student will attend school but will be temporarily isolated from one or more classes while under supervision. An in-school suspension will not exceed ten (10) consecutive school days. An out-of-school suspension means the student is removed from the school environment, which includes school classes and activities. An out of-school suspension will not exceed ten (10) days. A restriction from school activities means a student will attend school and classes and practice but will not participate in school activities.

**4. Probation:** a conditional suspension of a penalty for a definite period of time in addition to being reprimanded. The conditional suspension will mean the student must meet the conditions and terms for the suspension of the penalty. Failure of the student to meet these conditions and terms will result in immediate reinstatement of the penalty.

**5. Expulsion:** an action by the Board to remove a student from the school environment, which includes, but is not limited to, classes and activities, for a period of time set by the Board.

Due process in accordance with all applicable laws will be afforded to any student involved in a proceeding that may result in suspension, exclusion, or expulsion. Students expelled from school may be reinstated by the Board.

Following the suspension of a student receiving special education services, an informal evaluation of the student's placement will take place. The Individual Education Program (IEP) will be evaluated to determine whether it needs to be changed or modified in response to the behavior that led to the suspension.

If a special education student's suspensions, either in or out of school, equal ten (10) days on a cumulative basis, a staffing team will meet to determine whether the IEP is appropriate. It is the responsibility of the Director, to develop administrative regulations regarding this policy.

Students with Section 504 Plans shall also have disciplinary action in excess of ten (10) days be in accordance with all federal and state laws. If a student with a disability and a Section 504 plan is recommended for a long-term suspension a manifestation meeting shall be convened. If the

Section 504 Team determines that the student's conduct was not a manifestation of the student's disability, the disciplinary action shall proceed. If the Section 504 Team determines that the student's conduct was a manifestation of the student's disability, the long-term suspension shall not be imposed without an appropriate plan and placement put into place.

**STUDENT DISCIPLINE: OUT-OF-SCHOOL ACTIONS**

This policy outlines the Board's position on student behavior outside of school premises and hours. Although out-of-school and off-campus student conduct may fall beyond its jurisdiction, the Board acknowledges that certain behaviors may negatively impact the school, its property, or staff.

Consequently, the Board establishes that it or school administrators have the authority to apply disciplinary actions for specific out-of-school or off-campus conduct. Discipline may be warranted if the Director or designee deems such behavior significantly disrupts the school's educational mission, purpose, or objectives. Furthermore, any off-campus behavior with the potential to disrupt normal school operations may also result in disciplinary actions.

Examples of out-of-school and off-campus student conduct subject to discipline include, but are not limited to:

1. Damaging school property.
2. Damaging the private property of employees, students, or visitors.
3. Engaging in violence at or near the school's parking lot, before or after school hours.
4. Consuming alcohol, using tobacco, or using illegal drugs at or near the school bus stop, before or after school hours.
5. Cyber-Bullying and/or internet threats (see below)
6. Any additional action that the Board or administration deems to be detrimental to the overall success of academic endeavors. Cyber-Bullying and Internet Threats/

Additionally, the policy addresses cyberbullying and internet threats, recognizing their increasing prevalence and detrimental effects on students, staff, and performance. Cyberbullying encompasses various actions such as harassing, intimidating, or threatening others through inappropriate digital communication channels. The Board reserves the right to discipline individuals for actions not explicitly outlined in the policy but deemed detrimental to its objectives.

Victims of cyberbullying are encouraged to report incidents to a teacher or the Director and provide relevant evidence. The administration will thoroughly investigate all reports, and disciplinary measures may be taken against offenders if the behavior violates school rules, threatens violence or vandalism, disrupts the school's mission, or severely hampers its operations.

The school will not require or request that a student disclose or provide to the school the student's username, password or other authenticating information to a student's personal social media account. However, the school may request to a student or a student's parent/guardian that

the student voluntarily share printed copies of specific information from a student's personal social media account if such information is relevant to an ongoing school investigation. Staff members are mandated to report instances of cyberbullying or internet threats to the Director or designee, who will conduct an investigation. Disciplinary actions taken under this policy will align with the Board's existing student discipline policy, referencing related policies JIA, JIC, and JICK for further guidance.

## **BULLYING**

The Director and teachers are encouraged to assist the prevention of bullying by promoting positive behavior in reference to the Wellheart Chartered Public School virtues and instructive examples in the school curriculum.

This policy is intended to comply with New Hampshire RSA 193-F:4. The Director or designee shall ensure that this policy is implemented.

At minimum, the school administration shall distribute this policy annually to school employees, regular school volunteers, students, parents, and contractors, in the form of the family handbook and the employee handbook

### **I. Definitions**

A. Bullying: 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:

1. Physically harms the student or damages the student's property;
2. Causes emotional distress to the student;
3. Interferes with the student's educational opportunities;
4. Creates a hostile educational environment; or
5. Substantially disrupts the orderly operation of the school.

Bullying shall include 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.

#### **B. Key Terms:**

1. Cyberbullying: bullying, as defined in this policy, undertaken through the use of electronic devices.
2. Electronic devices: these include, but are not limited to, telephones, cellular phones, computers, pagers, electronic mail, instant messaging, text messaging, and websites.
3. Perpetrator: a person who engages in bullying or cyberbullying.

4. School property: all real property and all physical plant and equipment used for school purposes, including school buses or vans. The school's property includes its computer systems, communication systems, email systems, website, social media page(s) and any other technology under the control of the school.
5. Victim: a person against whom bullying or cyberbullying has been perpetrated.

## **II. Prohibited Behavior**

A. Bullying: The school hereby prohibits bullying. All references in this policy to bullying include cyberbullying. As allowed by New Hampshire law, the school reserves the right to investigate alleged bullying that: occurs on, or is delivered to, school property or a school sponsored activity or event on or off school property; or, 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, including transportation.

B. Retaliation: The school hereby prohibits retaliation against a victim, witness, or anyone else who in good faith provides information about an act of bullying. If a victim or witness, or a parent of a victim or witness, expresses to a staff member a belief that there may be retaliation, the Director or his/her designee shall develop and implement a plan to reduce the risk of retaliation. Each plan may be developed on a case-by-case basis. Possible elements of the plan may include, without limitation, minimizing contact and warning against retaliation.

C. False accusations: A student, employee, or volunteer found to have falsely and intentionally accused a person of bullying, whether as a first instance or as an act of retaliation, will be subject to the same range of remedial consequences as perpetrators of bullying.

## **III. Consequences of Bullying**

The school shall impose consequences to remediate substantiated incidents of bullying. These consequences will range from positive behavioral interventions to expulsion of students, dismissal of employees, and exclusion of volunteers.

## **IV. Protection of All Students**

This policy protects all students regardless of their status under the law. This protection includes students of other schools who are on or in the vicinity of school grounds, or participating in a school-sponsored activity or event, or riding a bus transporting school scholars. The school shall afford due process and equal protection of the law to all persons involved in alleged cases of bullying.

## **V. Allegations**

A. Procedure to allege bullying: Any student who is the victim or a witness of bullying should inform school employee—preferably the Director—of the alleged acts immediately. Any school employee, volunteer, or contractor who witnesses or receives an allegation of bullying

shall inform the Director as soon as possible. All good-faith reports are encouraged. However, hearsay and anonymous reports will not suffice to impose disciplinary action. If the Director is directly and personally a subject of the allegations, the Board Chair or

designee shall perform the Director's duties related to the alleged incident

B. Parental notification of allegations: Within 48 hours of receiving an allegation of bullying, the Director or his/her designee shall notify the parents of the alleged victim and the alleged perpetrator. Parental notification may be made by telephone, in writing, or by in-person conference. The date, time, location, and medium of communication will be noted and included in the final report. All notifications will comply with the Family Educational Rights and Privacy Act ("FERPA", 20 USC 1232g).

As required by RSA 193-F:4 II(i), the Director may, within the 48-hour notification period, waive the notification requirement if the Director deems such waiver to be in the best interest of the victim or perpetrator.

Any such waiver granted will be in writing. Granting of a waiver will not negate the school's other responsibilities in this policy.

C. Investigation of allegations: Within five (5) school days of being informed of allegations, but not before completing the parental notification of allegations, the Director shall initiate an investigation by designating an Investigator of the allegations, and specifying the manner in which the investigation will be documented and the time within which it will be completed. The Director may serve as the Investigator. In the conduct of the investigation, the Investigator shall consider this policy's definitions, which reproduce state law.

The investigation may include documented interviews with the alleged victim, the alleged perpetrator, and any witnesses. Each individual will be interviewed separately and at no time will the alleged victim and alleged perpetrator be interviewed together during the investigation.

Consistent with applicable law, the school may neither require nor request that a student or student's family disclose or provide to the school the student's username, password, or other authenticating information for any personal electronic communication account of the student. If the alleged bullying was in whole or in part cyberbullying, the Investigator may ask any person in possession of information to provide the school with printed copies of relevant electronic communications.

The Director or designee may grant in writing an extension of the time period for the investigation and documentation of reports for up to an additional seven (7) school days, if necessary. The Director or designee shall notify in writing all parties involved of the granting of an extension.

The Investigator shall generate an investigation report, including enumerated findings of fact. Among the findings of fact should be references to specific elements of the definitions in this policy. If the Investigator is the Director's designee, the Investigator shall submit the report to the Director.

## **VI. Substantiated Incidents**

A. Remediation: The Director shall decide how to remediate substantiated incidents of bullying, retaliation, or false accusation. Remedial measures may include, without limitation, one or more of the following:

1. Positive behavioral intervention;
2. Imposition of disciplinary consequences up to and including expulsion;
3. Offered assistance to the victim or perpetrator;
4. Measures designed to further prevent bullying, retaliation, or false accusation.

The Director shall put the remedial measures in writing. Any suspension or expulsion must comply with RSA 193:13 and the school policy on Due Process (Policy JIA).

B. Annual reporting to NH DOE: Annually, the school shall report substantiated incidents of bullying to the New Hampshire Department of Education. Pursuant to FERPA (20 U.S.C. 1232g) such reports shall not contain any personally identifiable information of any student.

## **VII. Reporting of Investigations and Remediations**

Within ten (10) school days of completion of the investigation—and within the boundaries and satisfying the requirements of applicable state and federal law including FERPA—the Director shall notify, via telephone and in writing, the parents of the alleged or substantiated victim and perpetrator of the findings of the investigation.

On the next school day after notifying the parents, the Director shall meet—in person, separately, privately, and confidentially—with each involved student to notify them of the findings.

## **VIII. Appeals**

A parent who is aggrieved by the outcome of the schools's investigation or remedial measures may use the school's Grievance Process (Policy ACG) to appeal for review of the investigation and remedial measures.

## **IX. Training**

For the purpose of preventing, identifying, responding to, and reporting incidents of bullying, the school shall provide annual training on this policy for school employees, regular volunteers, and contractors who have significant contact with students.

## **REPORTING CHILD ABUSE**

New Hampshire law requires the reporting of child abuse or neglect to the Division for Children, Youth and Families of the New Hampshire Department of Health and Human Services (DCYF). Any school employee or school official having reason to suspect that a child has been abused or neglected, as defined in RSA 169-C:3 II or XIX respectively, shall report the same to DCYF. The reporting person shall notify the Director or designee that a report has been made. The report will conform to the requirements of RSA 169-C:30. Anyone participating in good faith in the making of the report will have the immunity described in RSA 169-C:31.

New Hampshire RSA 169-C:3 II defines "abused child" as any person who has not reached his eighteenth birthday who has been:

- Sexually abused; or
- Intentionally physically injured; or
- Psychologically injured so that said child exhibits symptoms of emotional problems generally recognized to result from consistent mistreatment or neglect; or
- Physically injured by other than accidental means; or
- Subjected, by any person, to human trafficking as defined in RSA 633:7; or
- Subjected to an act prohibited by RSA 632-A:10-d.

New Hampshire RSA 169-C:3 XIX defines "neglected child" as any person who has not reached his eighteenth birthday:

- Who has been abandoned by his or her parents, guardian, or custodian; or
- Who is without proper parental care or control, subsistence, education as required by law, or other care or control necessary for the child's physical, mental, or emotional health, when it is established that the child's health has suffered or is likely to suffer serious impairment; and the deprivation is not due primarily to the lack of financial means of the parents, guardian, or custodian; or
- Whose parents, guardian or custodian are unable to discharge their responsibilities to and for the child because of incarceration, hospitalization or other physical or mental incapacity; Provided, that no child who is, in good faith, under treatment solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination by a duly accredited practitioner thereof shall, for that reason alone, be considered to be a neglected child under this chapter.

RSA 169-C:30 requires that “An oral report shall be made immediately by telephone or otherwise, and followed within 48 hours by a report in writing, if so requested, to the department. Such report shall, if known, contain the name and address of the child suspected of being neglected or abused and the person responsible for the child's welfare, the specific information indicating neglect or the nature and extent of the child's injuries (including any evidence of previous injuries), the identity of the person or persons suspected of being responsible for such neglect or abuse, and any other information that might be helpful in establishing neglect or abuse or that may be required by the department.”

RSA 169-C:31 provides that “Anyone participating in good faith in the making of a report pursuant to this chapter or who provides information or assistance, including medical evaluations or consultations, in connection with a report, investigation, or legal intervention pursuant to a good faith report of child abuse or neglect, is immune from any liability, civil or criminal, that might otherwise be incurred or imposed. Any such participant has the same immunity with respect to participation in any investigation by the department or judicial proceeding resulting from such report.”

## **KCD Policy**

## **EBZ POLICY**

### **CHEMICAL POLICY**

The Wellheart Chartered Public School strives to ensure a safe educational environment for students, faculty and staff. In furtherance of this directive, the School will undertake efforts to reduce or eliminate the use of toxic chemicals for cleaning and pest control, wherever possible.

The Director shall engage and negotiate with all vendors, including custodians, maintenance personnel and pest control specialists, to ensure that such vendors minimize use of toxic chemicals wherever possible. The Director will explore alternatives to toxic chemical usage when engaging with such vendors.

All school staff, faculty and employees are prohibited from utilizing “self help” procedures in pest control and may not bring in pesticides, including ant-traps, without the written approval of the Director. Further, staff, faculty and employees may only use School approved cleaning products, and are prohibited from bringing in their own cleaning supplies without prior written approval from the Director.