

Hollis School Board
Monday*, August 27, 2018
Hollis Primary School

6:00 PM

All Times are estimates and subject to change without notice

***Please note day and location change**

- 5:00 HPS Building Tour
The School Board will be provided a tour of the Primary School. The public is welcome to join us at 5:00.
- 5:30 Call to Order
- 5:35 Agenda Adjustments
Approve Meeting Minutes
Nominations/Resignations/Correspondence
- 5:45 Public Input
- 5:55 Discussion
- HSTEP project update
 - Transportation
- 6:15 Deliberations**
- **To see what action the Board will take with regards to the Business Administrators recommendation regarding the retained fund balance**
 - **To see what action the Board will take with regards to policy memo submitted by Assistant Superintendent Bergskaug**
- 6:30 Non-public
- 6:40 Motion to adjourn



Business Office Memo

To: Superintendent Andy Corey

From: Kelly Seeley

Date: 8/23/2018

Re: Retained Fund Balance – Hollis School District (RSA 198:4-b.II)

It is my recommendation that the retained fund balance be maintained at its present funding level of \$152,000 for the following reasons:

- a) Ensures the retained fund balance is tax neutral as compared to last year's tax rate
- b) The school district's budget already contains a contingency fund of \$95,000
- c) The district has a maintenance trust fund if urgent repairs are required which can be used to supplement the retained fund balance with proper approvals

Please request the following motion be made at the September board meeting to define this year's retention amount:

MOTION BY MEMBER _____ TO RETAIN THE SUM OF UP TO ONE HUNDRED FIFTY TWO THOUSAND DOLLARS (\$152,000) OF SCHOOL FUND BALANCE FROM THE FY18 SCHOOL YEAR.

Hollis School Board Policy Committee

To: Andy Corey
From: Hollis School Board Policy Committee
RE: Policy Recommendations
Date: August 22, 2018

The HSB Policy Committee makes the following recommendations for the August 27, 2018 School Board meeting:

Present for a *First Reading*:

1. IJ: Instructional Materials
2. GCKC: Assignment of Building Keys to Professional Staff
3. GCG: Substitute Staff Employment
4. JKAA: Restraint

*Category P***INSTRUCTIONAL MATERIALS**

The Hollis School Board is legally responsible to approve and to provide for the necessary instructional materials used in the Hollis School District. Textbooks and instructional materials should provide quality learning experiences for students and:

Be matched to the appropriate skill levels of pupils

Enrich and support the curriculum

Stimulate growth in knowledge, literary appreciation, aesthetic value, and ethical standards

Be relevant and current

Present opposing sides of controversial issues

Be representative of the many religious, ethnic, and cultural groups and their contributions to our American heritage

Basic instructional course material in the fundamental skill areas of language arts, mathematics, science and social studies should be reviewed at intervals not exceeding five (5) years. All instructional materials must be sequential, and must be compatible with previous and future offerings.

Print instructional materials will be provided to students with disabilities in a timely manner as required in 34 CFR 300.210.

Legal Reference:

NH Code of Administrative Rules, Section Ed. [306.14](#) (e), Basic Instructional Standards

NH Code of Administrative Rules, Section Ed. [306.08](#), Instructional Resources

See the SAU 41 Regulations for Instructional and Library Media Materials

34 CFR 300.210 Purchase of Instructional Materials

1st Reading: October 20, 2005

2nd Reading: February 14, 2006

Adoption: March 9, 2006

1st Reading: August 1, 2018

Category R

ASSIGNMENT OF BUILDING KEYS TO PROFESSIONAL STAFF

It is the policy of the Hollis School District that professional staff members sign out keys/fobs to access their school building outside of normal school hours and contractual days. Non-contractual days will be at the discretion ~~at~~of the administration. No keys/fobs are issued without prior approval from the SAU.

1st Reading: October 11, 2006

2nd Reading: waived October 11, 2006

Approved: October 11, 2006

First Reading: August 1, 2018

Category R

SUBSTITUTE PROFESSIONAL STAFF EMPLOYMENT

The SAU 41 staff will maintain the database in the software system used for the substitute pool used to replace staff members. Only qualified substitutes will be entered into the software system for access to substitute openings within the school district.

Qualifications, as determined by the Superintendent, and the process for becoming a substitute will be maintained on the SAU 41 website.

Any person not in the software system will not be employed by the HSD as a substitute.

Building secretaries will be responsible for greeting substitute staff, preparing them for their assignment, and reviewing the schedule of the building.

~~The Superintendent or designee shall maintain a list of qualified substitute teachers who may be called on to replace regular teachers who are absent. Such a list shall be filed with the principal of each school. Insofar as possible, the Principal or designee will call teachers on the substitute list for the grades and/or subjects for which they are listed. A teacher whose name does not appear on the substitute list may not be employed except when specifically approved by the Superintendent. Principals will be responsible for seeing that the work of the substitute is as effective as possible and will provide him/her with a planned program.~~

SUBSTITUTE PAY

The rate of pay for a substitute shall be set by the Hollis School Board and be subject to periodic review.

All ~~part time and substitute~~ employees must undergo a Criminal History Records Check prior to any employment.

See policy GBCD for Criminal History Records Check information.

Legal Reference:

RSA [189:13-a](#), School Employee and Volunteer Background Investigations

1st Reading: July 12, 2005

2nd Reading: October 20, 2005

Adoption: March 9, 2006

Use of Physical Restraint , Seclusion and Intentional Physical Contact

Physical restraint is only authorized when needed to protect the safety of the individual student and/or other students and employees in response to the threat of imminent, physical harm. The purpose of the physical restraint is to assist the student to regain emotional stability. "Physical restraint" occurs when a manual method is used to restrict a child's freedom of movement or normal access to his or her body. The use of restraint in schools is limited to physical restraint, and under limited circumstances involving transportation, mechanical restraint. RSA [126-U:6](#) Restraint shall be used only by trained personnel using extreme caution when all other interventions have failed or have been deemed inappropriate. RSA-U:5, I

Definitions: (RSA [126-U:1](#), IV)

1. "**Restraint**" means bodily physical restriction, mechanical devices, or any device that unreasonably limits freedom of movement. It includes mechanical restraint, physical restraint, and medication restraint used to control behavior in an emergency or any involuntary medication.

- "Medication restraint" occurs when a child is given medication involuntarily for the purpose of immediate control of the child's behavior.
- "Mechanical restraint" occurs when a physical device or devices are used to restrict the movement of a child or the movement or normal function of a portion of his or her body.
- "Physical restraint" occurs when a manual method is used to restrict a child's freedom of movement or normal access to his or her body.

"Restraint" shall not include:

- (a) Brief touching or holding to calm, comfort, encourage or guide a child so long as the limitation of freedom of movement of the child does not occur.
- (b) Temporary holding of the hand, wrist, arm, shoulder, or back for the purpose of inducing a child to stand , if necessary, and then walk to a safe location, so long as the child is in an upright position and moving toward a safe location.
- (c) Physical devices, such as orthopedically prescribed appliances, surgical dressings and bandages, and supportive body bands, or other physical holding when necessary for routine physical examinations and tests or for orthopedic, surgical, and other similar medical treatment purposes, or when used to provide support for the achievement of functional body position or proper balance or to protect a person from falling out of bed, or to permit a child to participate in activities without the risk of physical harm.

(d) The use of seat belts, safety belts, or similar passenger restraints during the transportation of a child in a motor vehicle.

(e) The use of force by a person to defend himself or herself or a third person from what the actor reasonably believes to be the imminent use of unlawful force by a child, when the actor uses a degree of such force which he or she reasonably believes to be necessary for such purpose and the actor does not immobilize a child or restrict the freedom of movement of the torso, head, arms, or legs of any child.

2. **School:** "A school operated by a school district; a chartered public school governed by RSA 194-B; a public academy as defined in RSA 194:23, II. It also includes a nonpublic school subject to the approval authority of the state board of education under RSA 186:11, XXIX; or a private/ public provider of any component of a child's individualized education program under RSA 186-C.

3. **Seclusion:** " The involuntary placement of a child alone in a place where no other person is present and from which the particular child is unable to exit, either due to physical manipulation by a person, lock or other mechanical device or barrier. The term shall not include the voluntary separation of a child from a stressful environment for the purposes of allowing the child to regain self-control, when such separation is to an area which the child is able to leave."

4. **Serious Injury:** "Any harm to the body which requires hospitalization or results in the fracture of any bone, non-superficial lacerations, injury to any internal organ, second or third degree burns, or any severe, permanent , or protracted loss of or impairment to the health or function of any part of the body."

5. **Child:** " A person who has not reached the age of 18 years and who is not under adult criminal prosecution or sentence of actual incarceration resulting there from, either due to having reached the age of 17 years or due to the completion of proceedings for transfer to the adult criminal justice system under RSA 169-B:24, RSA 169-B:25, or RSA 169-B:26. "Child also includes a person in actual attendance at a school who is less than 22 years of age and who has not received a high school diploma."

6. **Director:** "Refers to the program director, school principal or other official highest in rank and with authority over the activities of a school or facility."

Procedures for Managing The Behavior of Students: (RSA [126-U:2](#))

The Superintendent is authorized to establish procedures for managing behavior requiring physical restraint. Such procedures shall be consistent with this policy and all applicable laws. The Superintendent is further authorized to establish any other procedures necessary to implement this policy and/or any other legal requirements.

Circumstances in Which Restraint May Be Used: (RSA [126-U:2](#))

Physical restraint will be used only when the physical action of a student creates a substantial risk of harm to self or others; and/or as a last resort when all other positive interventions have failed, or the level of immediate risk prohibits exhausting other means.

Physical restraint is appropriate only when a student is displaying physical behavior that presents substantial risk to the student or others, and considered when, in the opinion of the supervising adult, the threat is imminent. Persons implementing a restraint will use extreme caution, and will use the least amount of physical strength necessary to protect the student. The use of physical intervention should not exceed that necessary to avoid injury. The degree of physical restriction employed must be in proportion to the circumstances of the incident and the potential consequences. School administration may elect to contact the local law enforcement agency for support if necessary.

Physical restraint of a student will be conducted in a manner consistent with the techniques prescribed in the District approved training program, such as Crisis Prevention Intervention, for all trained personnel. Untrained staff is limited to physically intervention by using the minimal amount of physical contact with the student to protect the student and ensure the safety of others until trained staff is available. Untrained staff should request assistance from trained staff as soon as possible. The purpose of the physical restraint is to assist the student to regain emotional stability. It should last only as long as is necessary to accomplish this. To the extent possible, it will be conducted in such a way as to preserve the confidentiality and dignity of all involved.

Special Education Students:

When a restraint or seclusion is used for the first time on a child identified under the Individuals with Disabilities Education Act (IDEA) or Section 504, the school must convene a team meeting and review the IEP or 504 plan and make such adjustments as are indicated to eliminate or reduce the future use of restraint or seclusion. (RSA [126-U:14](#))

Parents of a child with a disability under IDEA or Section 504 may request a review at any time following an instance of restraint or seclusion and such request shall be granted if there have been multiple instances of restraint or seclusions since the last review. The team must convene the meeting within 21 days of the date of the received written request from the parent. Ed 1109.06(c).

Authorization and Monitoring of Extended Restraint: (RSA [126-U:11](#))

- (a). Physical restraint shall not be imposed for longer than is necessary to protect the student or others from the substantial and imminent risk of serious bodily harm.
- (b). Children in restraint shall be continuously and directly observed by district personnel trained in the safe use of restraint.(RSA [126-U:11, II](#))
- (c) No period of physical restraint of a student may exceed 15 minutes without the prior approval of a supervisory employee designated by the director to provide such approval.(RSA [126-U:11, III](#))

(d) No period of physical restraint of a student may exceed 30 minutes unless a face-to-face assessment of the mental, emotional, and physical well-being of the student is conducted by a designated professional authorized by the school or district administrator who is trained to conduct such assessments. (RSA [126-U:11](#), IV) The assessment shall also include a determination of whether the restraint is being conducted safely and for a purpose authorized by this chapter. Such assessments shall be repeated at least every 30 minutes during the period of restraint. Each such assessment shall be documented in writing and such records shall be retained by the facility or school as part of the written notification required in RSA [126-T:7](#), II.

Prohibition of Dangerous Restraint Techniques (RSA [126-U:4](#))

Use of the following restraint and behavior control techniques is prohibited:

- (a). Any physical restraint or containment technique that:
 - Obstructs a child's respiratory airway or impairs the child's breathing or respiratory capacity or restricts the movement required for normal breathing;
 - Places pressure or weight on, or causes the compression of, the chest, lungs, sternum, diaphragm, back, or abdomen of a child;
 - Obstructs the circulation of blood;
 - Involves pushing on or into the child's mouth, nose, eyes, or any part of the face or involves covering the face or body with anything, including soft objects such as pillows, blankets, or washcloths; or
 - Endangers a child's life or significantly exacerbates a child's medical condition.
- (b). The intentional infliction of pain, including the use of pain inducement to obtain compliance.
- (c). The intentional release of noxious, toxic, caustic, or otherwise unpleasant substances near a child for the purpose of controlling or modifying the behavior of or punishing the child.
- (d). Any technique that unnecessarily subjects the child to ridicule, humiliation, or emotional trauma.

Transportation: (RSA [126-U:12](#))

The school district will not use mechanical restraints during the transportation of children, specifically specialized transportation of a student, unless case-specific circumstances dictate that such methods are necessary. If mechanical restraint is necessary and documented in writing by a student's physician it must be clearly documented in a student's Individualized Education Program and agreed to by the parent or legal guardian whenever a special education student is transported using mechanical restraints, the Superintendent or designee will document in writing the reasons for the use of the mechanical restraints.

Whenever a student is transported to a location outside the school, the Superintendent or designee will ensure that all reasonable and appropriate measures consistent with public safety are made to transport or escort the student in a manner which:

- Prevents physical and psychological trauma;
- Respects the privacy of the child; and
- Represents the least restrictive means necessary for the safety of the child.

No teacher, administrator, student, or other person will subject a student to corporal punishment or condone the use of corporal punishment by any person under his or her supervision or control, except in self-defense or in exigent circumstances. Permission to administer corporal punishment will not be sought or accepted from any parent, guardian, or school official per school board policy

Seclusion

Seclusion may be used when a child's behavior poses a substantial and imminent risk and physical harm to the child and others, and may only continue until that danger has dissipated, "(RSA [126-U:5-a, I](#))

- (a) "May only be used by trained personnel after other approaches to the control of behavior have been attempted and have been unsuccessful, or are reasonable calculated to be unlikely to succeed based upon the history of actual attempts to control the behavior of a particular child" (RSA-U:5-a, II)
- (b) "Each use of seclusion shall be directly and continuously visually and auditorially monitored by a person trained in the safe use of seclusion." (RSA [126-U:5-b, II](#))
- (c) May not be used as a form of punishment of discipline and shall not be used in a manner that unnecessarily subjects the child to the risk of ridicule, humiliation or emotional or physical harm." (RSA [126-U:5-a.I,III.](#))

Conditions of Seclusion:

Seclusion may only occur in areas which:

- (a) "Are of a size which is appropriate for the chronological and developmental age, size and behavior of the children placed in them."
- (b) "Have a ceiling height that is comparable to the ceiling height of the other rooms in the building in which they are located."
- (c) "Are equipped with heating, cooling, ventilation and lighting systems that are comparable to the systems that are in use in the other rooms of the building in which they are located."
- (d) "Are free of any object that poses a danger to the children being placed in the rooms."

(e) "Have doors which are either not equipped with locks, or equipped with devices that automatically disengage the lock in case of emergency."

- Emergency includes, but is not limited to: the need to provide direct and immediate medical attention to the child, fire, the need to remove the child to a safe location during a building lockdown, or other critical situations that may require immediate removal of a child from seclusion to a safe location.

NOTICE

Unless prohibited by court order, the Hollis School District is required to make reasonable efforts to verbally notify the child's parent or guardian and guardian ad litem whenever seclusion or restraint has been used on the child. (RSA [126-U:7,I](#))

- Notification must be made as soon as practicable and in no event no later than the time of return to the child to the parent or guardian or the end of the business day, whichever is earlier.
- Notification shall be made in a manner calculated to give parent or guardian actual notice of the incident at the earliest practicable time.

Written notice to the principal and the SAU Director of Student Services by the school employee who used the seclusion or restraint, or if unavailable the employee's supervisor, must be provided within five (5) business days after the use of seclusion or restraint (RSA [126-U:7, II](#))

Written Notification must include the following information (RSA [126-U:7, II](#)):

- The date, time and duration of the seclusion or restraint.
- A description of the actions of the child before, during and after the occurrence.
- A description of any other relevant events preceding the use of seclusion or restraint, including the justification or initiation the use of restraint,
- The names and persons involved in the occurrence
- A description of the actions of the facility or school employees involved before, during and after the occurrence
- A description of any interventions used prior to the use of the seclusion or restraint
- A description of restraint used, including any holds used and the reason the hold was necessary
- A description of any injuries sustained by, any medical care administered to, the child, employees, or other before, during or after the use of seclusion or restraint.
- A description of any property damage associated with the occurrence.

- A description of actions taken to address the emotional needs of the child during and following the incident.
- A description of future actions to be taken to control the child's problem behaviors.
- The name and position of the employee completing the notification.
- The anticipated date of the final reports.

Unless prohibited by court order, the principal or his/her designee shall within 2 business days of receipt of the written notification, "send or transmit by first class mail or electronic transmission to the child's parent or guardian and the guardian ad litem the information contained in the notification." (RSA [126-U:7](#), III)

All cases involving serious injury or death to a child subject to restraint or seclusion, the Hollis School District shall, notify the Commissioner of the Department of Education, the Attorney General, and the Disability Rights Center. The notice shall include the elements referenced above. (RSA [126-U:10](#), II)

Intentional Physical Contact with a Child

Whenever a school has "intentional physical contact with a child which is in response to a child's aggression, misconduct or disruptive behavior, a representative of the Hollis School District will make reasonable efforts to promptly notify the child's parent or guardian. (RSA [126-U:7](#), IV)

- (a) Notification shall be made no later than the time of the return of the child to the parent or guardian or at the end of the business day, whichever is earlier.
- (b) Notification shall be made in a manner calculated to give the parent or guardian actual notice of the incident at the earliest practicable time.
- (c) Written Notice , within five (5) business days of the occurrence shall include the following:
 - The date and time of the incident;
 - A brief description of the actions of the child before, during and after the occurrence;
 - the names of the persons involved in the occurrence;
 - A brief descriptions of the actions of the facility or school employees involved before, during and after the occurrence;
 - A description of any injuries sustained by, and any medical care administered to, the child, employees, or other before, during, or after the incident.

SCHOOL RESOURCE OFFICERS AND EMERGENCY RESPONDERS

The School Resource officer is considered a contractor of the school district and the Physical Restraint, Intentional Physical contact and Seclusion provisions apply. Documentation and Notification requirements of this policy shall be consistent with the district policy and procedure.

However, nothing in this policy, prohibits the school resource officer (SRO), or other emergency responders, from utilizing restraint, including mechanical restraint, when deemed necessary by the officer to complete the necessary functions of the duties assigned to them by their Employment Agency.

DUTY TO REPORT VIOLATION

When a school employee has reason to believe that the action of another constituted a violation of the restraint and seclusion law and misconduct, or suspected misconduct, pursuant to ED 50, the employee must report this incident to the building administrator or superintendent's designee within 24 hours of the suspected misconduct.

The Superintendent of Schools shall develop a procedure and ensure that all employees are aware of, and understand, their duty to report suspected violations of the restraint and seclusion law. In situations where it is determined that no violations occurred, documentation, including the evidence used to make the determination, must remain on file in the Office of Student Services at the SAU.

Statutory & Regulatory References

RSA [126-U](#)

ED 1113.04-1113.08, 1114.07, 111.08

First Reading: August 11, 2014

Second Reading: September 8, 2014

Third Reading: Waived

Approved: September 8, 2014

First Reading: August 1, 2018