

Guidance Document for Nonpublic Schools

Grievance Policy

Last Updated December 4, 2020

Introduction

The purpose of this guidance document is to assist schools in developing grievance policies which comply with relevant statutes and rules. Specifically, [NH Code of Administrative Rules, Ed 403.01 \(Ed 403.01\)](#) requires that schools have written policies which address the following issues:

1. Bullying;
2. Teacher misconduct;
3. Repayment (refund) of tuition; and
4. Child restraint practices.

Bullying

[Ed 403.01](#) requires that nonpublic schools adopt a written policy to protect all children from bullying and cyberbullying. In crafting a policy for your school, we recommend you examine the provisions set forth in [RSA 193-F](#) on Pupil Safety and Violence Prevention. As defined in [RSA 193-F:3](#), "Bullying" means 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 pupil which: physically harms a pupil or damages the pupil's property; causes emotional distress to a pupil; interferes with a pupil's educational opportunities; creates a hostile educational environment; or substantially disrupts the orderly operation of the school.

A written policy may contain, for example, the following items:

1. A statement prohibiting bullying of a pupil;
2. A statement prohibiting retaliation or false accusations against a victim or witness;
3. A statement on disciplinary consequences for a pupil who commits an act of bullying or falsely accuses another as a means of retaliation;
4. A procedure outlining the reporting requirements and the investigation of reports;
5. A response to remediate any substantiated incident of bullying, including, if deemed appropriate, imposing discipline and offering assistance to the victim or perpetrator.

Teacher Misconduct

[Ed 403.01](#) requires that nonpublic schools adopt a written policy to protect all children from teacher misconduct. In crafting a policy for your school, we recommend you examine the educator [Code of Conduct](#) (November of 2018) and the educator [Code of Ethics](#) (June 2018). This combined set of rules and

procedures, approved by the NH State Board of Education, was created to elevate the education profession and provide guidance to educators. Whereas the [Code of Ethics](#) outlines aspirational goals for educators, the [Code of Conduct](#) precisely describes inappropriate activities and due process when rules have not been followed. The overarching purpose is to provide guidance to educators in the decision making process involving interactions with students, community, colleagues, parents, and public. The original documents and ancillary guides can be found here:

- [Full Code of Conduct and Code of Ethics](#)
- [Guiding Principles: The Code of Ethics for New Hampshire Educators](#)
- [Code of Conduct for New Hampshire Educators](#)

A written policy on teacher misconduct may contain, for example, the following items:

1. Laws, regulations, and procedures relevant to educators;
2. The obligations of an educator to each student;
3. Examples of unprofessional conduct relative to:
 - a. The education profession;
 - b. Efforts to protect students from conditions which are harmful to their health and safety;
 - c. The ethical use of technology;
4. Reporting procedure for any suspected violation of the code of conduct; and
5. The investigative process by which allegations are investigated by the school.

Tuition Refund

[Ed 403.01](#) requires that nonpublic schools adopt a written policy including procedures to address complaints concerning the repayment (or refund) of tuition when a student leaves the school. We recommend schools craft clear guidelines on tuition repayment that are substantive and informative.

A written policy on tuition repayment may contain, for example, the following items:

1. Cost of attending the school, including tuition, room & board, books, field trips, technology, etc.;
2. Tuition payment options;
3. Process by which parents may request a refund;
4. Type(s) of refund(s) available; and
5. Instance(s) in which refunds are and are not allowable.

NOTE: Schools with an NHDOE approved special education program do not need a tuition repayment policy if private pay students do not attend. In this case please disclose whether or not your school accepts private pay students.

The Use of Child Restraint Practices

[RSA 126-U:1-14](#), [Ed 1200](#), and [Ed 400](#) require that all schools, including a nonpublic school subject to the approval authority of the State Board of Education, have a written policy and procedure for managing the

behavior of children. Such policy shall describe “how and under what circumstances restraint or seclusion is used and shall be provided to the parent, guardian, or legal representative of each child at such facility or school.”

As defined in [RSA 126-U:1,IV](#): “Restraint” means bodily physical restriction, mechanical devices, or any device that immobilizes a person or restricts the freedom of movement of the torso, head, arms, or legs.

As defined [RSA 126-U:1,V](#): "Seclusion" means 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, a lock, or other mechanical device or barrier.

The relevant statutes and rules must be read in conjunction with each other. Please review them in their entirety and then consider the following items in crafting a policy for your school:

1. The definition of restraint and seclusion as set forth in [RSA 126-U:1](#);
2. Examples of restraint and seclusion techniques;
3. Training provided to staff members who may employ restraint and seclusion techniques;
4. Circumstances that warrant the use restraint and seclusion by staff members; and
5. Interventions staff may employ that are not considered restraint and seclusion as set forth in [RSA 126-U:1](#).
6. If your school does not employ restraint and seclusion practices, include this in your policy. For example: "There are no circumstances under which restraint and seclusion would be used at the school."