

Monadnock Regional School District & SAU #93
School Board Agenda
September 5th, 2023
In-Person MRMHS Library & Webinar Link 7:00 pm

Join [Zoom](#) Meeting:
ID: 87540850746 (US) +1 301-715-8592 Passcode: 614562

The public is encouraged to attend MRSD Board meetings.
Comments are welcome during the 'Public Comments' portions of the agenda.

"We collaborate not just to teach, but also to engage and educate every student in our district in an environment that is challenging, caring, and safe, while fostering lifelong learning."

1. CALL THE MEETING TO ORDER 7:00 pm
2. PUBLIC COMMENTS (15 minutes)
3. #celebrateMRSD
4. MATTERS THAT REQUIRE BOARD ACTION
 - a. * August 22, 2023 Minutes
 - b. * Manifest
 - c. * Emerson Window Project
 - d. * Retain FY23 Fund Balance
 - a. * Softball Field Sponsorship & Branding
 - e. Policies for 2nd Read:
 - i. ACAB- Harassment & Sexual Harassment School Employees-Retire/ACAB-R-Retire
 - ii. ACAC- Harassment & Sexual Harassment of Students/ACAC-R- Retire
 - iii. ACD- Commitment to Religious Neutrality
 - iv. AD- Educational Philosophy/School District Mission
 - v. ADB- Drug Free Workplace & Drug Free Schools
 - vi. ADC - Tobacco-Free Schools
 - vii. AE-Accountability
 - viii. AFA-Evaluation of Board Operational Procedures/AFA-R-Retire
 - ix. BDA-R- Catalog of Recurring School Board Policies
 - x. BBB-TA -Oath of Office
 - xi. JLCJA- Emergency Plan for Sports Related Injuries
 - xii. JICC and JICC-R- Student Conduct on School Busses
 - xiii. JHC- Student Early Release Precautions
 - xiv. JICDD- Student Discipline/Out-of-school Actions Superintendent Search Update
5. MATTERS FOR SCHOOL BOARD INFORMATION & DISCUSSION
 - a. Staffing Update
 - b. 2023/24 School Board Goals
6. SETTING NEXT MEETING'S AGENDA
7. PUBLIC COMMENTS (15 minutes)
8. NON-PUBLIC SESSIONS under RSA 91-A:3. II
 - a. * TBD as needed
9. ADJOURNMENT

**Indicates an item requiring action. The order of the agenda is subject to change.*

SINGLE DISTRICT SCHOOL ADMINISTRATIVE UNITS

RSA 94-C:3 – Single District School Administrative Units; Exemption. Single district school administrative units shall be considered the same as a single school district and shall be exempt from meeting the requirements of this chapter, except that they shall provide superintendent services pursuant to RSA 194-C:4

NONPUBLIC SESSIONS

RSA 91-A:3– II. Only the following matters shall be considered or acted upon in nonpublic session:

- (a) **The dismissal, promotion, or compensation of any public employee** or the disciplining of such employee, or the investigation of any charges against him or her, unless the employee affected (1) has a right to a meeting and (2) requests that the meeting be open, in which case the request shall be granted.
- (b) The **hiring** of any person as a public employee.
- (c) Matters which, if discussed in public, would likely adversely affect the **reputation** of any person, other than a member of the public body itself, unless such person requests an open meeting.
- (d) Consideration of the **acquisition, sale, or lease of real or personal property** which, if discussed in public, would likely benefit a party or parties whose interests are adverse to those of the general community.
- (e) **Consideration or negotiation of pending claims or litigation** which has been threatened in writing or filed by or against the public body or any subdivision thereof, or by or against any member thereof because of his or her membership in such public body, until the claim or litigation has been fully adjudicated or otherwise settled.
- (i) Consideration of matters relating to the **preparation for and the carrying out of emergency functions**, including training to carry out such functions, developed by local or state safety officials that are directly intended to thwart a deliberate act that is intended to result in widespread or severe damage to property or widespread injury or loss of life.
- (j) **Consideration of confidential, commercial, or financial information** that is exempt from public disclosure under RSA 91-A:5, IV in an adjudicative proceeding pursuant to RSA 541 or RSA 541-A.
- (k) Consideration by a school board of entering into a **student or pupil tuition contract** authorized by RSA 194 or RSA 195-A,
- (l) **Consideration of legal advice provided by legal counsel**, either in writing or orally, to one or more members of the public body, even where legal counsel is not present.

CALENDAR OF UPCOMING MRSD MEETINGS:

09/06/2023	Education & Technology Committee	6:00 pm	SAU Conference Room
09/12/2023	Finance & Facilities Committee	7:00 pm	SAU Conference Room
09/14/2023	Extra-Curricular Committee	6:00 pm	SAU Conference Room
09/14/2023	Superintendent Search Committee	6:30 pm	Wilcox Conference Center
09/21/2023	Policy Committee	7:00 pm	SAU Conference Room
09/25/2023	Superintendent Search Committee	6:30 pm	Wilcox Conference Center
09/26/2023	Budget Committee	7:00 pm	MRMHS Library
09/27/2023	Education & Technology Committee	6:00 pm	SAU Conference Room

Other Dates

09/30/2023 Homecoming MRMHS Fields

Meetings will be in person for all Board & Committee Members. The public is encouraged & welcome to attend either in person or through Zoom. Public comments are welcome in person during the ‘Public Comments’ portions of the agenda.

**** Please note: All Committee Meeting dates, times, and locations are posted in the SAU 93 Reception Lobby, on the MRSD website calendar, and in the schools and towns of MRSD. In the event of a snow day, the school board meeting will be planned for the following school day.****

Monadnock Regional School District (MRSD)
School Board Meeting Minutes
August 22, 2023
MRMHS Library/Zoom, Swanzey, NH

Members Present: Kristen Noonan, Scott Peters, Dan LeClair, Brian Bohannon, Edmond LaPlante, Betty Tatro, Cheryl McDaniel-Thomas, Lisa Steadman, Jennifer Strimbeck and Stephanie Lawlor. **Absent:** Eric Stanley, Gina Carraro and Jeff Cesaitis.

Administration Present: L. Walker, Superintendent, J. Rathbun, Assistant Superintendent and J. Morin, Business Administrator.

1. **CALL THE MEETING TO ORDER at 7:00 PM.** S. Peters called the meeting to order.

2. **PUBLIC COMMENTS:** There were no public comments.

3. **#CelebrateMRSD:**

a. L.Walker welcomed back the staff today. There were about 30 students in attendance at the Superintendent's picnic. **S. Lawlor arrives.** L.Walker mentioned the great job F. Ashworth and her staff did running the Beyond the Bell summer program. It was well attended by over 300 students in the two schools and it was a very popular program.

4. **MATTERS THAT BOARD ACTION:**

a. **2024/25 Budget Proposals:** S.Peters explained that the School Board had asked the administration to bring information to the Board on the following 2024/25 budget proposals: update to stipend values, expansion of the mentoring roles for both employees with an SOE and new hire teachers, District wide Curriculum Coordinator and/or restore the Curriculum Director position and benefits update for non-bargaining employees. The administration will bring the information at a future meeting.

b. **July 18, 2023 Meeting Minutes: MOTION:** C. McDaniel-Thomas **MOVED** to approve the July 18, 2023 School Board Meeting Minutes and Non-Public Meeting Minutes as amended. **SECOND:** S. Lawlor. **VOTE:** 9.434/0/1.132/2.435. **Motion passes.**

c. **Softball Field Sponsorship & Branding:** E.Stanley asked to put this on the agenda and he is not present tonight. This will be on a future agenda.

d. **Policies for 2nd Read:**

i. **BID-Payment of Services Rendered by School Officials: MOTION:** K. Noonan **MOVED** on behalf of the Policy Committee to update Policy BID-Payment of Services Rendered by School Officials with committee edits. **SECOND:** B.Tatro. **VOTE:** 10.565/0/0/2.435. **Motion passes.**

e. **Manifest: MOTION:** K. Noonan **MOVED** to approve the FY 24 manifest in the amount of \$3,068,243.79 as presented by the administration. **SECOND:** C. McDaniel-Thomas

VOTE: 10.565/0/0/2.435. **Motion passes.** **MOTION:** K. Noonan **MOVED** to approve the FY 23 manifest in the amount of \$626,385.35. **SECOND:** C. McDaniel-Thomas. **VOTE:** 10.565/0/0/2.435. **Motion passes.** J. Morin explained that the District is currently in the middle of the audit and does not have a number for the surplus yet.

f. Budget Transfer: J. Morin presented the following transfers to the Board for approval: A request from C. Woods in the amount of \$258,063 to contract for 2.5 Psychological Services positions that were not able to be filled and the funds to come from Psychological Services Salaries and benefits lines, a request from C. Woods in the amount of \$83,878 to contract for a social worker position that we were not able to fill and cover some of OOD Tuition budget reduction and the funds to come from Social Worker Salaries and benefits lines, a request from J. Rathbun in the amount of \$65,363 to move money from vacant Troy position to cover new Wellness Teacher at MTC and Cutler and the funds to come from Regular Instruction Salaries and benefits lines and a request from L. Spencer in the amount of \$13,026 to purchase 3 year digital licenses for World History and Economics and the funds to come from World Language Info Access line, Regular instruction Salaries line and Social Studies Subscription line. **MOTION:** K. Noonan **MOVED** to approve the 4 budget transfers as presented by the administration. **SECOND:** S. Lawlor **VOTE:** 10.565/0/0/2.435

g. Transfer from Carlton Fund for Stage Curtain and Rigging Repair: **MOTION:** C. McDaniel-Thomas **MOVED** to request a transfer from the Carlton Fund in the amount of \$43,496.00 for 2 new stage curtains and repair to the rigging. **SECOND:** B. Tatro. **DISCUSSION:** J. Morin will bring additional information on the Carlton Fund but she does know that Sadie and Mark Carlton left an amount of money for the music and performing arts at the school. The interest can be used but not the principal. The funds are kept with the Trustees of the Town of Swanzey. **VOTE:** 10.565/0/0/2.435. **Motion passes.**

h. Diligent Conference: K. Noonan affirmed that 4 people would be attending the Diligent Conference with encumbered funds and professional development funds.

i. 2023/24 School Board Goals: The Board was presented the 2023/24 School Board Goals.

By the final meeting of this board (3/5/2024), interview, select, and hire a new Superintendent to begin employment with the district on or before 7/1/2024

2. By 10/31/2023, document the School Board's educational philosophy and first long-term educational strategy, to be included in the FY2024/25 proposed budget: This is the work of the Educational Committee.

3. By 10/31/2023, complete the annual Capital Improvement Plan. Present recommendations for the next wave of SAU or MRMHS capital projects to be included in the proposed budget, a warrant article, or a specific strategy to fund either of the related trust funds via warrant article: If anything, this should be brought up for discussion.

4. At the second monthly board meeting from September through February, the board will receive a report and then study a specific cohort of students. On or before the end of this school board's term (3/11/2024), combine these studies with the work of this year's Education committee, and craft one or more continuous improvement initiatives for the cohort and/or the next generation of students

a. Proposed cohort

i. Grade 5 (class of 2031)

ii. Grade 8 (class of 2028)

iii. Grade 11 (class of 2025): The Board will ask J. Rathbun to discuss this data.

There will not always be a data report. There may be information to share and updated information from the cohorts. By the end of November hopefully have the States data.

b. Areas of study: Aligned with the Education Committee's defined measurement categories:

i. Ready for School

ii. Competency

iii. Growth

iv. Achievement

v. Work Ethic

vi. Behavior

vii. Attendance

viii. Nutrition

ix. Ready to Launch: The Superintendent and J. Rathbun will dive into Ready for School and Competency. In December discuss wellness and attendance. In January focus on the high school students, Ready to Launch and the Program of Studies. S. Lawlor commented that we need to focus on the whole child. **MOTION:** S.Peters **MOVED** to approve the 2023/24 School Board Goals as presented. **SECOND:** C. McDaniel-Thomas. **VOTE:** 10.565/0/0/2.435. **Motion passes.**

5. MATTERS FOR SCHOOL BOARD INFORMATION & DISCUSSION:

a. **Staffing Update:** L. Walker reported that there had been additional hires since the email and they are making good progress. S. Peters asked if the MESSA contract has helped. L. Walker said she is not sure but there are less people turning the positions down after they know the pay. If there is no staff to fill a position we will reallocate and look at how we move kids around in the schools. Principals know what has to be done in their individual schools. At this time there are no compliance concerns.

L. Walker explained over the summer there was an opportunity for the District to host 2 exchange students. L. Spencer, J. Rathbun and L. Walker accepted the students. It was unfortunate timing and she was not able to bring it to the Board. B. Tatro commented that the Board had authorized the Superintendent to hire staff over the summer and that is a similar situation. One student is from France and the other from Spain. This is a great opportunity. The host families are in Richmond and Swanzey.

b. **Policies for 1st Read:**

i. ACAB - Harassment & Sexual Harassment School Employees-Retire ACAB-R-Retire

ii. ACAC - Harassment & Sexual Harassment of Students/ACAC-R-Retire

iii. ACD - Commitment to Religious Neutrality

iv. AD - Educational Philosophy/School District Mission

v. ADB - Drug Free Workplace & Drug Free Schools

- vi. ADC - Tobacco-Free Schools
- vii. AE -Accountability
- viii. AFA -Evaluation of Board Operational Procedures/AFA-R-Retire
- ix. BDA-R- Catalog of Recurring School Board Policies
- x. BBB- TA -Oath of Office
- xi. JLCJA - Emergency Plan for Sports Related Injuries
- xii. JICC and JICC-R- Student Conduct on School Busses
- xiii. JHC - Student Early Release Precautions

xiv. JICDD - Student Discipline/Out-of-School Actions: K. Noonan thanked L. Steadman for all the work on the review of Book A. There were a lot of policies in Book A which the committee reviewed and updated with the appropriate dates. The J policies are regarding students and the B policies were a request by the chair or a technical advisory.

c. Superintendent Search: C. McDaniel-Thomas explained that the committee met with M. Munson of the Bryan Group. The meeting was effective and a lot of the ground work was done. On Sept. 14 the committee will conduct a survey to see what the Board is looking for in a new Superintendent. What we think is a good fit and develop criteria. Invitations from the committee to the Search Committee members will go out soon. School Board Members who attend the meeting will be asked to sign a confidentiality contract. The committee has not established a venue for either Zoom or present meetings. Non-Public Meetings will happen.

d. Board Education Goal: Baseline Data: J. Rathbun presented baseline data to the Board. He presented the results of the SAT and PSAT tests. These results are for the current Senior Class. The team has not discussed the summary of the SAT results. The PSAT is for the 8th and 9th graders as a practice. The English scores are average but there is a concern about the Math results. He also presented the report card grades. The results are not the same as the State test results. J. Rathbun will be joining the Math dept. to review the results. They are not apples to apples. The 2 tests do not compare. We will dig into Math. The students are doing better in the classrooms than on the test. J. Rathbun commented that you should be able to see growth. He said the Math teachers are certified and experienced. The teachers are focused on one thing and the State on another. It was asked if we were teaching to the test. L. Walker said we are not having that conversation but may have to. B. Bohannon commented that his frustration is that we are stuck in a cycle and do not know what to do. J. Rathbun explained that his message is heard loud and clear. That is why he is joining the team to break things down. E. LaPlante mentioned that private schools have higher test scores. It was mentioned that the test for private schools and public schools are not the same. L. Walker commented that it is not fair to compare the results. J. Rathbun explained that the SAT is the same everywhere. The SAT is aligned with the National Competencies. The PSAT and SAT are on a set date here at the school. The 8th, 9th and 10th graders take the PSAT at the same time. It is a testing environment for everyone. We should see improvements in Math. He will try to establish a way to do this report and also the classroom data and attendance data. He mentioned that there are more students taking AP classes. J. Rathbun also presented information on attendance, monthly and daily. It is interesting to look at the Seniors. There is a dip at the end of their Senior year. It was asked what happens if a student skips class. L. Walker said that there is an internal process. S. Lawlor asked if students miss

classes if they stay back. J. Rathbun explained if a student were to miss a class they do not receive credit. It is rare to fail and stay back in middle or high school. There is a focus on tardiness and attendance. Dismissals are an issue. At the elementary schools there are not the same problems, tardiness is not their fault.

e. MRMHS & Elementary Student Handbook: The Student Handbooks were presented to the Board to pick up. The Handbooks are approved by the administration.

f. Board Meetings: Elementary Travel & Tour Schedule:

i. 10/3 Gilsum:

ii. 11/7 Emerson:

iii. 12/5 Troy: S.Peters explained that he has scheduled the Board Meetings at the 3 elementary schools with a tour and architect walk through prior to the meeting.

g. Update on Resolutions: It was reported that the second proposed resolution regarding holding parents accountable was not well received by the Board of Directors. There was proposed language from the NHSBA but the group said no that it defeats the purpose of the intent. The other resolutions will go to the Delegate Assembly to be voted on.

h. ALMA Concerns: B. Bohannon commented that ALMA is very confusing to parents. It is not user friendly. Parental engagement is a very big roadblock. There is a level of frustration. J. Rathbun explained that he has had no parent feedback. There is a little feedback from the staff. Maybe this should be a Board conversation. B. Bohannon would like to discuss this. Maybe ask the parents at the Parent Teacher Conference in October. J. Rathbun explained that the elementary schools do not use ALMA. He explained that this is a million times easier. K. Noonan said this is not a Board discussion. B. Bohannon would like to have this conversation. He is not clear why we made the change. J. Rathbun explained that we changed from Powerschool due to the cost, not being able to get help and nothing but problems. ALMA handles data better on the administration end and is significantly better. B. Bohannon did not have this frustration with Powerschool J.Rathbun would like to have a conversation with parents.

6. SETTING NEXT MEETING'S AGENDA:

a. Superintendent Search Committee Update

b. Policies for a Second Read

c. Softball Field Sponsorship and Branding

7. Public Comments: S. Peters thanked L. Steadman for chairing the last Board Meeting.

8. ADJOURNMENT: MOTION: K. Noonan **MOVED** to adjourn the meeting at 9:34 PM. **SECOND:** C. McDaniel-Thomas **VOTE:** 10.565/0/0/2.435. **Motion passes.**

Respectfully submitted,

Laura L. Aivaliotis
Recording Secretary

VOTING KEY: Yes/No/Abstain/Absent

Policy Motions and Actions from July 13, 2023

ACAB- Harassment and Sexual Harassment of School Employees/ ACAB-R Employee Discrimination/Harassment and Title IX Sexual Harassment Complaint Procedures

MOTION: *To retire policy ACAB and corresponding ACAB-R.*

- Retired by NHSBA
 - Covered by ACAC "This Policy shall apply to all students, employees, and any third party who contracts with the District to provide services to District students or employees, upon District property or during any school program or activity"
-

ACAC- Harassment and Sexual Harassment of Students/ ACAC-R Student Discrimination/Harassment and Title IX Sexual Harassment Complaint Procedures

MOTION: *To update policy ACAC with NHSBA sample and committee edits and retire ACAC-R.*

- Change the title to match NHSBA
 - Keep definitions in existing policy
 - Policy ACAC covers items in ACAC-R
-

ACD Commitment to Religious Neutrality

MOTION: *To adopt NHSBA sample policy ACD.*

- Committee recommends adopting this policy
-

AD Educational Philosophy/School District Mission

MOTION: *To update policy AD with committee edits and carry these edits to policy GBEB.*

- Change the title to match NHSBA- "AD Philosophy of the School District"
 - Remove goals set in 2012
-

ADB Drug-Free Workplace & Drug-Free Schools

MOTION: *To update policy ADB with NHSBA sample policy and committee edits..*

- Committee edits as follows: Add D. 2. In order to maintain a drug free workplace, the Superintendent will perform a biennial review of the implementation of this policy. The review shall be designed to (i) determine and assure compliance with the notification requirements of section A.5.a and b; (ii) determine the effectiveness of programs established under paragraph A.5.c above; (iii) ensure that disciplinary sanctions are consistently and fairly enforced; and (iv) and identify any changes required.

ADC Tobacco-Free Schools

MOTION: *To update policy ADC with NHSBA title and carry these changes to policies GBED and JICG.*

- Committee edits as follows: Add D. 2. In order to maintain a drug free workplace, the Superintendent will perform a biennial review of the implementation of this policy. The review shall be designed to (i) determine and assure compliance with the notification requirements of section A.5.a and b; (ii) determine the effectiveness of programs established under paragraph A.5.c above; (iii) ensure that disciplinary sanctions are consistently and fairly enforced; and (iv) and identify any changes required.

AE Accountability

MOTION: *To adopt NHSBA sample policy AE.*

- Policy is not currently on the MRSD books.

AFA Evaluation of Board Operational Procedures/ AFA-R Evaluation of School Board Operational Procedures

MOTION: *To update policy AFA with committee edits and retire AFA-R.*

- Committee edit is to change 'from time to time to "annually" measure its performance against the stated objectives using a tool selected by the board chair
- AFA-R no longer needed

Policy Committee Work Not Needing Board Action

The Committee has reviewed the following items but found they match NHSBA and can be marked as "reviewed."

- AA- School District Legal Status
 - ABA- Volunteer Involvement
 - AC Non-Discrimination, Equal Opportunity Employment and District Anti-Discrimination Plan - clerical update of changing "Lisa Witte" to "Lisa Walker"
 - AC-E Contact Information for Human Rights Officers- clerical update of changing "Lisa Witte" to "Lisa Walker"
 - AC-R Nondiscrimination: Title IX Grievances- clerical update of small formatting error
 - ACE Procedural Safeguards Nondiscrimination on the Basis of Handicap/Disability
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Book	A: Foundations and Basic Commitments
Section	Series A
Title	Harassment and Sexual Harassment of School Employees
Code	ACAB
Status	Active
Adopted	September 1, 2020

HARASSMENT AND SEXUAL HARASSMENT OF SCHOOL EMPLOYEES

Harassment of school employees because of sex, gender identity, sexual orientation, race, creed, color, ancestry or national origin, marital status, familial status, physical or mental disability, religion, or genetic information are prohibited. Such conduct is a violation of Board policy and may constitute illegal discrimination under state and federal laws.

Any employee who engages in harassment or sexual harassment shall be subject to disciplinary action, up to and including discharge.

A. Harassment

Harassment includes, but is not limited to, verbal abuse, threats, physical assault and/or battery based on race, color, sex, sexual orientation, gender identity, religion, ancestry or national origin, age, genetic information or disability.

B. Sexual Harassment

Sexual harassment is addressed under federal and state laws and regulations. The scope and definitions of sexual harassment under these laws differ, as described below.

1. Title IX Sexual Harassment

Under the federal Title IX regulations, sexual harassment includes the following conduct on the basis of sex which takes place within the context of the school unit's education programs and activities:

- a. "Quid pro quo" sexual harassment by a school employee: Conditioning a school aid, benefit or service (such as a promotion or favorable evaluation) on an individual's participation in unwelcome sexual conduct;
- b. "Hostile environment" sexual harassment: Unwelcome conduct based on sex that a reasonable person would determine is so severe, pervasive and objectively offensive that it effectively denies an individual's equal access to the school unit's education programs and activities; or
- c. Sexual assault, dating violence, domestic violence and stalking as these terms are defined in federal laws.

2. Sexual Harassment Under Title VII and New Hampshire Law

Under another federal law, Title VII, and under New Hampshire law/regulations, sexual harassment is defined differently. The New Hampshire Commission for Human Rights law states that “[u]nwelcome sexual advances, requests for sexual favors, and other verbal, non-verbal or physical conduct of a sexual nature constitutes sexual harassment when:

- (a) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- (b) Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- (c) Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.”

C. Reports and Complaints of Harassment or Sexual Harassment

Any employee who believes they have been harassed or sexually harassed is encouraged to make a report to the Human Rights Officer/Title IX Coordinator. The Human Rights Officer/Title IX Coordinator is also available to answer questions and provide assistance to any individual who is unsure whether harassment or sexual harassment has occurred.

All reports and complaints regarding harassment or sexual harassment of employees shall be addressed through the Employee & Third-Party Unlawful Discrimination/ Harassment and Title IX Sexual Harassment Complaint Procedures (ACAB-R).

Legal References:

Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681 et seq.); 34 C.F.R. Part 106

Clery Act (20 U.S.C. §1092(f)(6)(A)(v) - definition of sexual assault)

Violence Against Women Act (34 U.S.C. § 1092(f)(6)(A)(v) – definition of sexual assault; 34 U.S.C. § 12291(a)(10) – dating violence; 34 U.S.C. §12291(a)(3) – definition of stalking; 34

U.S.C. §12291(a)(8) – definition of domestic violence)

Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d)

Americans with Disabilities Act (42 U.S.C § 12101 et seq.), as amended

Section 504 of the Rehabilitation Act of 1973 (Section 504) (29 U.S.C. § 794 et seq.), as amended

Title VII of the Civil Rights Act of 1964 (42 U.S.C. § 2000e, et. seq.; 29 C.F.R. § 1604.11)

Age Discrimination in Employment Act (29 U.S.C. § 623 et seq.)

Genetic Information Nondiscrimination Act of 2008 (42 U.S.C. § 2000ff et seq.)

RSA 354-A:7

NH Code Admin. R. Ed. 303.01(i) and (j)

Cross Reference:

ACAB-R- Employee & Third-Party Unlawful Discrimination/ Harassment and Title IX Sexual Harassment Complaint Procedure

AC - Nondiscrimination/Equal Opportunity and Affirmative Action

JICA-Hazing

Last Modified by Lillian Sutton on September 9, 2020



Book	A: Foundations and Basic Commitments
Section	Series A
Title	Employee Discrimination/Harassment and Title IX Sexual Harassment Complaint Procedures
Code	ACAB-R
Status	Active
Adopted	September 1, 2020

EMPLOYEE DISCRIMINATION/HARASSMENT AND TITLE IX SEXUAL HARASSMENT COMPLAINT PROCEDURES

The Board has adopted these employee procedures in order to provide prompt and equitable resolution of employee complaints of discrimination and harassment, including sexual harassment, as described in policies AC – Nondiscrimination/Equal Opportunity and ACAB – Harassment and Sexual Harassment of School Employees.

The complaint procedure in Section 2 may also be used, to the extent applicable, by visitors, including parents, volunteers and others having lawful access to the schools who wish to make a complaint of discrimination or harassment.

Complaints alleging harassment or discrimination against students based on a protected category should be addressed through the Board's Student Discrimination/Harassment and Title IX Sexual Harassment Complaint Procedures (ACAA-R).

Any individual who is unsure about whether discrimination or harassment has occurred and/or which complaint procedure applies is encouraged to contact the Title IX Coordinator.

Jeremy Rathbun- Title IX Coordinator
600 Old Homestead Hwy.
Swanzey, NH 03446
(603) 352-6955 Ext. 6956
jmorin@mrds.org

Section 1. Definitions

For purposes of these complaint procedures, the following definitions will be used. The Title IX Coordinator shall assess all reports and complaints to ensure that they are addressed under the appropriate policy and complaint procedure.

A. Discrimination/Harassment Complaint Procedure Definitions

1. "Discrimination or harassment": Discrimination or harassment on the basis of an individual's membership in a protected category, which, for employees, includes race, color, sex, sexual orientation, gender identity, age, religion, ancestry, national origin, genetic information or disability.
2. "Discrimination": Treating individuals differently, or interfering with or preventing them from enjoying the advantages or privileges afforded to others because of their membership in a protected category.
3. "Harassment": Oral, written, graphic, electronic, or physical conduct relating to an individual's actual or perceived

membership in a protected category that is sufficiently severe, pervasive, or persistent so as to interfere with or limit that individual's ability to participate in the school district's programs or activities by creating a hostile, intimidating or offensive environment.\

4. "Sexual harassment": Under New Hampshire law, this means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature in the following situations:

- a. Submission to such conduct is made either explicitly or implicitly a term or condition of a student's educational benefits;
- b. Submission to or rejection of such conduct by a student is used as the basis for decisions on educational benefits, or
- c. Such conduct has the purpose and effect of substantially interfering with a student's academic performance or creates an intimidating, hostile or offensive environment.

5. "Sexual orientation": Under New Hampshire law, this means "having or being perceived as having an orientation for heterosexuality, bisexuality, or homosexuality."

6. "Gender identity": Under New Hampshire law, this means "a person's gender-related identity, appearance, or behavior, whether or not that gender-related identity, appearance, or behavior is different from that traditionally associated with the person's physiology or assigned sex at birth."

7. "Complaint" is defined as an allegation that an employee or other third party has been discriminated against or harassed on the basis of race, color, sex, sexual orientation, gender identity, age, religion, ancestry, national origin, genetic information, or disability (and in regard to sex, conduct not otherwise addressed in the Title IX regulations and Section 3 of ACAB-R).

8. "Employee": Whenever the term "employee" is used in Section 2, it includes visitors or others who have a lawful basis to make a complaint of discrimination or harassment.

B. Title IX Sexual Harassment Complaint Procedure Definitions

1. "Title IX sexual harassment": Under the federal Title IX regulations, sexual harassment includes the following conduct on the basis of sex which takes place within the context of the school district's educational programs and activities:

- a. "Quid pro quo" sexual harassment by a school employee: Conditioning a school aid, benefit or service (such as a promotion or favorable evaluation) on an individual's participation in unwelcome sexual conduct;
- b. "Hostile environment" sexual harassment: Unwelcome conduct based on sex that a reasonable person would determine is so severe, pervasive, and objectively offensive that it effectively denies an individual's equal access to the school district's educational programs and activities; or
- c. Sexual assault, dating violence, domestic violence, and stalking as these terms are defined in federal laws.

2. "Report": Under the Title IX regulations, any individual may make a report of sexual harassment involving an employee, whether the individual is the alleged victim or not. A report must be made to the Title IX Coordinator. A report triggers certain actions by the HRO/Title IX Coordinator for the alleged victim of sexual harassment, but an investigation is not conducted unless a "Formal Complaint" is filed.

3. "Formal Complaint": Under Title IX, the alleged victim of sexual harassment can file a written complaint that triggers the complaint procedure in Section 3 of ACAB-R. Only a school employee (and in certain circumstances, the Title IX Coordinator) may file a formal complaint.

4. "Employee": For the purpose of this procedure, "employee" means an applicant for employment or a current employee of the school district.

Section 2. Discrimination/Harassment Complaint Procedure

This procedure should be used for any complaint of unlawful harassment or discrimination based on a protected category which does not involve Title IX sexual harassment.

A. How to Make A Complaint

1. An employee who believes they have been unlawfully harassed or discriminated against (as such terms are defined in Section 1.A.1-3) is encouraged to try to resolve the problem by informing the individual(s) that the behavior is unwelcome

or offensive and requesting that the behavior stop. This shall not prevent the employee from making an immediate complaint to the Title IX Coordinator.

2. Any employee who believes they have been harassed or discriminated against should report their concern promptly to the Title IX Coordinator.

A written complaint must include basic information concerning the allegation of harassment or discrimination (i.e., date, time, location, individual(s) who allegedly engaged in harassment or discrimination, description of the allegation).

3. Employees who are unsure as to whether unlawful discrimination or harassment has occurred, or who need assistance in preparing a written complaint, are encouraged to discuss the matter with the Title IX Coordinator.

4. Employees will not be retaliated against for reporting suspected discrimination or harassment, or for participating in an investigation. Retaliation is illegal under federal and state nondiscrimination laws, and any retaliation will result in disciplinary measures, up to and including discharge.

5. Any employee who believes they have been discriminated against or harassed is encouraged to utilize the school district's complaint procedure. However, employees are hereby notified that they also have the right to report incidents of discrimination or harassment to the: New Hampshire Commission for Human Rights 2 Industrial Park Drive Concord, NH 03301 and/or to the federal Office for Civil Rights, U.S. Department of Education, 5 Post Office Square, 8th Floor, Boston, MA 02109-3921 (telephone: 617-289-0111).

B. Complaint Handling and Investigation

1. The Title IX Coordinator will promptly inform the Superintendent and the person who is the subject of the complaint (respondent) that a complaint has been received.

2. The Title IX Coordinator may pursue an informal resolution of the complaint with the agreement of the parties involved. Any party to the complaint may decide to end the informal resolution process and pursue the formal process at any point. Any informal resolution is subject to the approval of the parties and the Superintendent, who shall consider whether the resolution is in the best interest of the school district and the parties in light of the particular circumstances and applicable policies and laws.

3. The Title IX Coordinator may implement supportive measures (consistent with any applicable collective bargaining agreement provisions) to reduce the risk of further discrimination or harassment while an investigation is pending. Examples of supportive measures include, but are not limited to, ordering no contact between the individuals involved; changing a work location or changing a work schedule.

4. The complaint will be investigated by a trained internal or external individual designated by the Superintendent and the Title IX Coordinator. Any complaint about an employee who holds a supervisory position shall be investigated by a person who is not subject to that supervisor's authority. Any complaint about the Superintendent should be submitted to the Chair of the Board, who should consult with legal counsel concerning the handling and investigation of the complaint.

5. The investigator shall consult with the Title IX Coordinator as agreed during the investigation process.

6. The respondent will be provided with an opportunity to be heard as part of the investigation. The complainant shall not be required to attend meetings with the respondent, but may choose to do so as part of an informal resolution process.

7. The complainant and the respondent may suggest witnesses and/or submit materials they believe are relevant to the complaint.

8. If the complaint is against an employee of the school district, any rights conferred under an applicable collective bargaining agreement shall be applied.

9. Privacy rights of all parties to the complaint shall be maintained in accordance with applicable state and federal laws.

10. The investigation shall be completed within 40 business days of receiving the complaint, if practicable. Reasonable extensions of time for good reason shall be allowed.

11. The investigator shall provide a written report and findings to the Title IX Coordinator.

C. Findings and Subsequent Actions

1. The Title IX Coordinator shall consult with the Superintendent concerning the investigation and findings.

2. If there is a finding that discrimination or harassment occurred, the Title IX Coordinator, in consultation with the Superintendent:

a. Shall determine what remedial action, if any, is required to end the discrimination or harassment, remedy its effect and prevent recurrence; and

b. Determine what disciplinary action should be taken against the individual(s) who engaged in discrimination or

harassment, if any.

3. Inform the complainant and the respondent in writing of the results of the investigation and its resolution (in accordance with applicable state and federal privacy laws).

D. Appeals

1. After the conclusion of the investigation, the complainant or respondent may seek an appeal of the findings solely on the basis of either: (a) prejudicial procedural error or (b) the discovery of previously unavailable relevant evidence that could significantly impact the outcome.

2. Appeals must be submitted in writing to the Superintendent within five business days after receiving notice of the resolution.

3. Upon receipt of a valid appeal, the Superintendent shall provide notice to the other party, along with an opportunity to provide a written statement within five business days.

4. The Superintendent shall review the available documentation and may conduct further investigation if deemed appropriate.

5. The Superintendent's decision on the appeal shall be provided to the parties within 10 business days, if practicable. The Superintendent's decision shall be final.

E. Records

The Title IX Coordinator shall keep a written record of the complaint process.

Section 3. Title IX Sexual Harassment Complaint Procedure

This section should be used only for complaints of Title IX sexual harassment as defined in Section 1.B.1.

A. How to Make A Report

1. Any individual who believes an employee has been sexually harassed (as this term is defined in Section 1.B.1) may make a report to the Title IX Coordinator.

2. If the individual making the report is the alleged victim, or if the alleged victim is identified by the individual making the report, the Title IX Coordinator will meet with the alleged victim to discuss supportive measures that may be appropriate in the particular circumstances and explain the process for filing a formal complaint.

a. Supportive measures are individualized measures designed to ensure the employee can continue to access and perform their work (such as requiring no contact between individuals, temporarily moving work locations or changing schedules, etc.).

b. Supportive measures may be continued even if the alleged victim chooses not to file a formal complaint, if appropriate under the particular circumstances.

3. The school district cannot provide an informal resolution process for resolving a report until a formal complaint is filed.

4. Employees will not be retaliated against for reporting sexual harassment, or for participating in an investigation. Retaliation is illegal under federal and state nondiscrimination laws, and any retaliation will result in disciplinary actions, up to and including discharge.

5. Any employee who believes they have been the victim of sexual harassment is encouraged to utilize the school district's complaint procedures. However, employees are hereby notified that they also have the right to report sexual harassment to the New Hampshire Commission for Human Rights 2 Industrial Park Drive, Concord, NH 03301 and/or to the federal Office for Civil Rights, U.S. Department of Education, 5 Post Office Square, 8th Floor, Boston, MA 02109-3921 (telephone: 617-289-0111).

6. The Superintendent shall be informed of all reports and formal complaints of sexual harassment.

B. How to Make A Formal Complaint

1. An alleged victim may file a formal written complaint requesting an investigation of alleged Title IX sexual harassment. The written complaint must include basic information concerning the allegation of sexual harassment (i.e., date, time, location, individual(s) who allegedly engaged in sexual harassment, description of the allegation). Employees who need

assistance in preparing a formal written complaint, are encouraged to consult with the Title IX Coordinator.

2. In certain circumstances, the Title IX Coordinator may file a formal complaint even when the alleged victim chooses not to. Examples include if the respondent (person alleged to have engaged in sexual harassment) has been found responsible for previous sexual harassment or there is a safety threat within the school district). In such cases, the alleged victim is not a party to the case but will receive notices as required by the Title IX regulations at specific points in the complaint process.

3. In accordance with the Title IX regulations, the Title IX Coordinator must dismiss a formal complaint under this Title IX procedure if a) the conduct alleged in the formal complaint does not constitute sexual harassment under the Title IX regulations and this policy; b) if the conduct alleged did not occur within the scope of the school district's educational programs and activities, or c) did not occur in the United States.

4. In accordance with the Title IX regulations, the Title IX Coordinator may dismiss a formal complaint under this Title IX procedure if: a) a complainant withdraws the formal complaint, or withdraws particular allegations within the complaint; b) the respondent is no longer employed by the school district, or c) there are specific circumstances that prevent the school district from gathering evidence sufficient to reach a determination regarding the formal complaint.

5. If a formal complaint is dismissed under this Title IX procedure, the Title IX Coordinator will promptly and simultaneously send written notices to the parties explaining the reasons. Parties have the opportunity to appeal dismissals in accordance with subsection I below.

6. If the conduct alleged potentially violates other laws, Board policies, and/or professional expectations, the school district may address the conduct under Section 2 or another applicable policy/procedure.

C. Administrative Leave

The Superintendent may place a respondent on administrative leave during the complaint procedure:

1. If there is a determination (following an individualized safety and risk analysis) that there is an immediate threat to the physical health or safety of an individual arising from the allegations of sexual harassment. Examples of such circumstances might include, but are not limited to, a continued threat of violence against a complainant by a respondent, or a respondent's threat of self-harm due to the allegations.

2. The respondent will be provided notice of the administrative leave and will be provided an opportunity to challenge the decision following the removal (this is an opportunity to be heard, not a hearing). The respondent has the burden to demonstrate why the emergency leave was unreasonable.

3. Any such decision to place an employee on administrative leave shall be made in compliance with any applicable disability laws, including Section 504 of the Rehabilitation Act and the Americans with Disabilities Act.

D. Notice to Parties of Formal Complaint

1. The Title IX Coordinator will provide to the parties written notice of the formal complaint and allegations of sexual harassment potentially constituting prohibited conduct under the Title IX regulations and this procedure. The notice will include:

- Notice regarding the complaint procedure and the availability of an informal resolution process;
- Sufficient details known at the time (including identities of parties, if known; the conduct alleged; and the date and location of the alleged incident, if known), with sufficient time to prepare before any initial interview (not less than five business days);
- As required by the Title IX regulations, a statement that the respondent is presumed not responsible for the alleged conduct and that a determination of responsibility will be made at the conclusion of the complaint), and that the parties may inspect and review evidence;
- Notice that the parties may each have an advisor of their choice (who may be an attorney) and that the parties may inspect and review evidence;
- Notice that knowingly making false statements or submitting false information during the complaint procedure is prohibited and may result in disciplinary action; and
- Notice of the name of the investigator, with sufficient time (no less than three business days to raise concerns of conflict of interest or bias.

2. If additional allegations become known at a later time, a notice of the additional allegations will be provided to the parties.
3. The Title IX Coordinator will discuss supportive measures with each party and implement such measures as appropriate.

E. Informal Resolution Process

After a formal complaint has been filed, and if the Title IX Coordinator believes the circumstances are appropriate, the HRO/Title IX Coordinator may offer the parties the opportunity to participate in an informal resolution process to resolve the complaint without completing the investigation and determination process. Informal resolutions cannot be used to resolve a formal complaint where a student is the complainant and the respondent is an employee.

Informal resolutions can take many forms, depending on the particular case. Examples include, but are not limited to, facilitated discussions between the parties; restorative justice; acknowledgment of responsibility by a respondent; apologies; disciplinary actions against a respondent or a requirement to engage in specific services; or supportive measures. Both parties must voluntarily agree in writing to participate in an informal resolution process, and either party can withdraw from the process at any time. The Superintendent must agree to the terms of any informal resolution reached between the parties. If an informal resolution agreement is reached, it must be signed by both parties and the school district. Any such signed agreement is final and binding according to its terms.

If an informal resolution process does not resolve the formal complaint, nothing from the informal resolution process may be considered as evidence in the subsequent investigation or determination.

F. Investigation

1. The complaint will be investigated by a trained internal or external individual designated by the Superintendent and Title IX Coordinator. Any complaint about an employee who holds a supervisory position shall be investigated by a person who is not subject to that supervisor's authority. Any complaint about the Superintendent should be submitted to the Chair of the Board, who should consult with legal counsel concerning the handling and investigation of the complaint.
2. The investigator shall consult with the Title IX Coordinator as agreed during the investigation process.
3. If the complaint is against an employee of the school district, rights conferred under an applicable collective bargaining agreement shall be applied, to the extent they do not conflict with the Title IX regulatory requirements.
4. Privacy rights of all parties to the complaint shall be maintained in accordance with applicable state and federal laws.
5. The investigator will:
 - a. Meet with each party after they have received appropriate notice of any meeting and its purpose, with sufficient time to prepare.
 - b. Allow parties to have their advisor at all meetings related to the complaint, although advisors may not speak on behalf of a party or interfere with the process.
 - c. Allow parties a reasonable opportunity to identify witnesses and submit favorable and unfavorable evidence.
 - d. Interview witnesses and conduct such other activities that will assist in ascertaining facts (site visits, review of documents, etc.).
 - e. Consider the evidence that is relevant and directly related to the allegations in the formal complaint.
 - f. During the course of the investigation, provide both parties with an equal opportunity to inspect and review any evidence that is obtained in the investigation that is directly related to the allegations in the formal complaint (including evidence which the school district does not intend to rely upon in reaching a determination of responsibility), and favorable and unfavorable evidence.
 - g. Prior to completion of the investigation report, provide each party and advisor (if any) the evidence subject to inspection and review, and provide the parties with ten business days to submit a written response. Consider the parties' written responses to the evidence prior to completing the investigation report.
 - i. Create an investigative report that fairly summarizes relevant evidence and send the report to the parties and advisors (if any), for their review and written responses within ten business days of receipt.
 - j. After receipt of the parties' written responses (if any), forward the investigation report and party responses to the assigned decision-maker.

6. The investigation shall be concluded within 40 business days if practicable. A reasonable extension of time for good reason shall be allowed.

G. Determination of Responsibility

1. The decision-maker shall provide the parties with the opportunity to submit written, relevant questions that the party wants to be asked of another party or witness within five business days of when the decision-maker received the investigation report and party responses.

a. The decision-maker shall explain to a party proposing questions if the decision-maker excludes a question as not relevant.

2. Each party shall be provided the opportunity to review the responses of another party and/or witness, and to ask limited written follow-up questions within five business days of receiving the answers.

3. Each party will receive a copy of the responses to any follow-up questions.

4. The decision-maker shall review the investigation report, the parties' responses, and other relevant materials, applying the preponderance of the evidence standard ("more likely than not").\

5. The decision-maker shall issue a written determination, which shall include the following:

a. Identification of all the allegations potentially constituting sexual harassment as defined in the Title IX regulations and this policy;

b. A description of the procedural steps taken from receipt of the formal complaint through the determination, including notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and meetings held;

c. A determination regarding responsibility as to each allegation and findings of fact supporting the determinations;

d. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the school district imposes on the respondent, and whether remedies designed to restore or preserve equal access to the school district's programs and activities will be provided to the complainant;

e. The school district's appeal procedure and permissible bases for the parties to appeal the determination.

6. The written determination shall be provided to the parties simultaneously. The determination concerning responsibility becomes final either on the date that the school district provides the parties with the written determination of the results of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which the appeal would no longer be considered timely.

H. Remedies, Discipline and Other Actions

1. Remedies

Remedies are measures used to ensure that the complainant has equal access to the school district's educational programs and activities following the decision maker's determination. Such remedies may include supportive measures and may include other appropriate measures, depending upon the determination and the needs of the complainant. The Title IX Coordinator is responsible for implementing remedies and providing any needed assistance to the Complainant.

2. Discipline and Other Actions

The following are examples of the types of disciplinary actions that may be imposed on an employee when there is a determination that they are responsible for one or more violations involving sexual harassment:

- Written warning.
- Probation.
- Demotion.
- Suspension without pay.
- Discharge.

The following are examples of other types of actions that may be imposed on an employee when there is a determination of responsibility:

- Performance improvement plan.
- Counseling.
- Training.
- Loss of leadership/stipend position.

I. Appeals

The parties have the opportunity to appeal a determination regarding responsibility, and from dismissals of formal complaints. Under the Title IX regulations, appeals are allowed on the following grounds:

1. A procedural irregularity that affected the outcome of the matter;
2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal of the formal complaint was made, that could affect the outcome of the matter; or
3. The Title IX Coordinator, investigator, or decision-maker had a conflict of interest or bias for or against complainants or respondents generally, or the individual complainant or respondent that affected the outcome of the matter.

An appeal must be filed in writing within five business days of receiving the determination, stating the grounds for the appeal, and including any relevant documentation in support of the appeal. Appeals submitted after this deadline are not timely and shall not be considered.

1. Appeals must be filed with the Superintendent, who will consider the appeal.
2. The Superintendent shall conduct an impartial review of the appeal, including consideration of the written record of the matter, and may consult with legal counsel or other school district officials in making their decision.
3. The Superintendent shall issue a written decision describing the result of the appeal and rationale for the result, and provide the written decision simultaneously to the parties. The decision will either deny the appeal; grant the appeal and remand to the decision-maker for further consideration; or grant the appeal by revising the disciplinary action(s).

J. Records

Records in connection with sexual harassment reports and the complaint process shall be maintained for a minimum of seven years.

Legal References:

Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681 et seq.); 34 C.F.R. Part 106

Clery Act (20 U.S.C. §1092(f)(6)(A)(v) - definition of sexual assault)

Violence Against Women Act (34 U.S.C. § 1092(f)(6)(A)(v) – definition of sexual assault; 34 U.S.C. § 12291(a)(10) – dating violence; 34 U.S.C. §12291(a)(3) – definition of stalking; 34 U.S.C. §12291(a)(8) – definition of domestic violence)

Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d)

Americans with Disabilities Act (42 U.S.C § 12101 et seq.), as amended

Section 504 of the Rehabilitation Act of 1973 (Section 504) (29 U.S.C. § 794 et seq.), as amended

Title VII of the Civil Rights Act of 1964 (42 U.S.C. § 2000e, et. seq.; 29 C.F.R. § 1604.11)

Age Discrimination in Employment Act (29 U.S.C. § 623 et seq.)

Genetic Information Nondiscrimination Act of 2008 (42 U.S.C. § 2000ff et seq.)

RSA 186:11; and 354-A

NH Code Admin. R. Ed. 303.01(i) and (j)

Cross Reference:

AC – Nondiscrimination/Equal Opportunity

ACAB – Harassment and Sexual Harassment of School Employees

Last Modified by Lillian Sutton on February 17, 2021



Book	A: Foundations and Basic Commitments
Section	Series A
Title	Harassment and Sexual Harassment of Students
Code	ACAC
Status	Active
Adopted	September 1, 2020

HARASSMENT AND SEXUAL HARASSMENT OF STUDENTS

Harassment of students because of age, sex, gender identity, sexual orientation, race, creed, color, ancestry or national origin, marital status, familial status, physical or mental disability, religion, or economic status is prohibited. Such conduct is a violation of Board policy and may constitute illegal discrimination under state and federal laws. School employees, fellow students, volunteers, visitors to the schools, and other persons with whom students may interact in order to pursue or engage in educational programs and activities, are required to refrain from such conduct.

Harassment and sexual harassment of students by school employees are considered grounds for disciplinary action, up to and including discharge. Harassment and sexual harassment of students by other students is considered grounds for disciplinary action, up to and including expulsion. The Superintendent will determine appropriate sanctions for harassment of students by persons other than school employees and students.

A. Harassment

Harassment includes, but is not limited to, verbal abuse and other offensive conduct based on of age, sex, gender identity, sexual orientation, race, creed, color, ancestry or national origin, marital status, familial status, physical or mental disability, religion or economic status. Harassment that rises to the level of physical assault, battery, and/or abuse and bullying behavior are also addressed by Board Policies JICI - Weapons on School Property and JICK- Public Safety and Violence Prevention Bullying.

B. Sexual Harassment

Sexual harassment is addressed under federal and state laws/regulations. The scope and definitions of sexual harassment under these laws differ, as described below.

1. Title IX Sexual Harassment

Under the federal Title IX regulations, sexual harassment includes the following conduct on the basis of sex which takes place within the context of the school district's educational programs and activities:

- a. "Quid pro quo" sexual harassment by a school employee: Conditioning a school aid, benefit or service (such as a better grade or a college recommendation) on an individual's participation in unwelcome sexual conduct;
- b. "Hostile environment" sexual harassment: Unwelcome conduct based on sex that a reasonable person would determine is

so severe, pervasive, and objectively offensive that it effectively denies an individual's equal access to the school unit's education programs and activities; or

c. Sexual assault, dating violence, domestic violence, and stalking as these terms are defined in federal laws.

2. Other Forms of Sexual Harassment

Some forms of sexual harassment may not meet the definition under Title IX (see paragraph 1, above) but is still prohibited under New Hampshire law.

The District defines other forms of "sexual harassment" as unwelcome sexual advances, requests for sexual favors, and other verbal, non-verbal or physical conduct of a sexual nature in the following situations:

- a. Submission to such conduct is made either explicitly or implicitly a term or condition of a student's educational benefits;
- b. Submission to or rejection of such conduct by a student is used as the basis for decisions on educational benefits, or
- c. Such conduct has the purpose and effect of substantially interfering with a student's academic performance or creates an intimidating, hostile or offensive environment.

C. Reports and Complaints of Harassment or Sexual Harassment

All school employees are required to report possible incidents of harassment or sexual harassment involving students to the Title IX Coordinator. Failure to report such incidents may result in disciplinary action.

Students, parents/legal guardians, and other individuals are strongly encouraged to report possible incidents of harassment or sexual harassment involving students to the Title IX Coordinator. The Title IX Coordinator is also available to answer questions and provide assistance to any individual who is unsure whether harassment or sexual harassment has occurred.

All reports and complaints of harassment or sexual harassment against students shall be addressed through the Student Unlawful Discrimination/Harassment and Title IX Sexual Harassment Procedures (ACAA-R).

Legal Reference:

Americans with Disabilities Act (42 U.S.C. §12101 et seq., as amended; 28 C.F.R. § 35.107)

Section 504 of the Rehabilitation Act of 1973 (Section 504) (29 U.S.C. § 794 et seq., as amended; 34 C.F.R. § 104.7)

Title IX of the Education Amendments of 1972 (20 USC § 1681, et seq.); 34 C.F.R. Part 106

Clery Act (20 U.S.C. §1092(f)(6)(A)(v) - definition of sexual assault)

Violence Against Women Act (34 U.S.C. § 1092(f)(6)(A)(v) – definition of sexual assault; 34 U.S.C. § 12291(a)(10) – dating violence; 34 U.S.C. §12291(a)(3) – definition of stalking; 34 U.S.C. §12291(a)(8) – definition of domestic violence)

Title VI of the Civil Rights Act of 1964 (42 USC § 2000d)

NH RSA 186:11; 193:38; 193:39; 354-A

NH Code Admin. R. Ed. 303.01(i) and (j)

Cross Reference:

ACAA-R – Student Unlawful Discrimination/Harassment and Title IX Sexual Harassment Complaint Procedures

AC – Nondiscrimination/Equal Opportunity and Affirmative Action

JICFA- Hazing

JIC- Unauthorized Communication Devices

JICI-Weapons on Property

JICK- Public Safety and Violence Prevention-Bullying

Last Modified by Lillian Sutton on September 9, 2020

TITLE IX SEXUAL HARASSMENT POLICY AND GRIEVANCE PROCESS**Category: Priority/Required by Law****Related Policies: AC, AC-E, GBEAB, JICK & JLF****ADOPTION/REVISION NOTES –**

Text between the highlighted lines “~ ~ ~”, and highlights in this sample should be removed prior to adoption.

- (a) This policy is intended to replace former samples JBAA and GBAA. This policy is intended to reflect the requirements of new federal regulations pertaining to Title IX of the Education Amendments Act of 1972. In general, the new regulations create a new definition of sexual harassment, require a district to respond promptly, equitably (to complainants and “respondents” (alleged perpetrators)), and in a manner that is not deliberately indifferent, whenever it has actual knowledge of sexual harassment in an educational program or activity of the District.
- (b) The new regulations create a complex process for addressing allegations of sexual harassment. Among other things, it makes a firm distinction between “reports” and “formal complaints” of sexual harassment, imposes different responsibilities upon the district and processes for each, changes the definition of sexual harassment, , and creates ancillary obligations relative to such things as training, record keeping, and dissemination. Because the numerous burdens imposed by the regulations (specific to sexual harassment under Title IX), NHSBA has determined not to include other forms of harassment (race, age, bullying, etc.) into this sample policy.
- (c) The Grievance Procedure included in this policy is structured according to requirements of the Title IX regulations. Because those requirements are numerous, and largely mandatory, NHSBA has included them as part of the policy. Districts may create additional, or more specific procedures, but any such additions, must apply equally to complainants and respondents. NHSBA strongly encourages Districts seeking to expand procedures or otherwise modify this policy to consult with the District’s attorney(s).
- (d) **Short term – Because the effective date of the regulations is August 14, 2020, NHSBA recommends that boards waive any policy requiring a pre-review by a policy committee and/or two readings, and approve on an emergency basis, and then reschedule the policy for a more complete review and approval. Additionally, it is important that districts implement the following as soon as possible:**
- a. **designation and training of a Title IX Coordinator;**
 - b. **training of all employees as to reporting requirement;**
 - c. **training of all personnel involved in ordinary disciplinary processes as to the prohibition of any disciplinary sanction relative to sexual harassment without a “determination of responsibility” following the Title IX Grievance Process.**
- (e) This policy includes several footnotes. Those without **yellow highlight** indicate footnotes we recommend leaving in the policy, while the highlights present options for districts to consider, information for the district to input, or simply, explanatory information, and should be removed.
- (f) **Highlighted language** or blank, underscored spaces indicate areas which Boards should review, change or complete to reflect local personnel titles, internal/ external policy references, duty assignments etc.
- (g) General – As with all sample policies, NHSBA recommends that each district carefully review this sample prior to adoption to assure suitability with the district’s own specific circumstances, internal coding system, current policies, and organizational structures. Highlighted language or blank, underscored

TITLE IX SEXUAL HARASSMENT POLICY AND GRIEVANCE PROCESS

spaces indicate areas which Boards must change/complete to reflect local personnel titles, policy references, duty assignments etc.

(h) **{**}** indicates a reference to another NHSBA sample policy. A district should check its own current policies and codes to assure internal consistency.



The definition of “Sexual Harassment” is found in **Section II.B of this Policy. Instructions for making a report or complaint of sexual harassment are found in Section **II.J.1**. The “Title IX Grievance Process” is Section III, and the procedure for filing a formal complaint to initiate the grievance process is found in Section III.A**

I. RESTATEMENT OF POLICY PROHIBITING DISCRIMINATION ON THE BASIS OF SEX.

Per Board policy AC, Title IX of the Education Amendments Act of 1972 (“Title IX”), as well as RSA 193:38, among others, the District does not discriminate on the basis of sex in its educational programs and activities, including employment and admissions. All forms of sex-based discrimination, including sexual harassment are prohibited in the District.

II. TITLE IX SEXUAL HARASSMENT POLICY.

A. Application of This Policy.

While all forms of sex-based discrimination are prohibited in the district, the purpose of this policy is to address, and only to address, *sexual harassment as defined in Title IX and **Sec. II.B***, below, that occurs within the educational programs and activities of the district, and to provide a grievance process for investigating and reaching a final determination of responsibility for a formal complaint of sexual harassment. The “Title IX Grievance Process” is set out in **Sec. III** below. While the District must respond to all “reports” it receives of sexual harassment, the Title IX Grievance Process is initiated only with the filing of a formal complaint.

The purpose of this Policy, however, is to address, and only to address, sexual harassment as defined in Title IX that occurs within the educational programs and activities of the district. For harassing conduct which does not meet the definition of sexual harassment under Title IX and this Policy, the District’s response will be governed under other applicable laws and policies per Board policy **{**}**AC, and policies referenced therein.

This Policy shall apply to all students, employees, and any third party who contracts with the District to provide services to District students or employees, upon District property or during any school program or activity.

Nothing in this policy will be construed to confer on any third party a right to due process or other proceedings to which student and employee respondents are entitled under this policy unless such right

TITLE IX SEXUAL HARASSMENT POLICY AND GRIEVANCE PROCESS

exists under law.¹ Volunteers and visitors who engage in sexual harassment will be directed to leave school property and/or be reported to law enforcement, the NH Division of Children, Youth and Families (DCYF), as appropriate. A third party under the supervision and control of the school system will be subject to termination of contracts/agreements, restricted from access to school property, and/or subject to other consequences, as appropriate.

The Superintendent shall have overall responsibility for implementing this Policy, and shall annually appoint a District Title IX Coordinator² as that position is described in Section II.C, below. The name and contact information for the Title IX Coordinator is set forth in Board Policy AC-E-^{***}, which policy shall be updated and disseminated annually with the Title IX Coordinator's name as set forth in Board policy AC-^{***}.

B. Definitions.

As used in this Policy and the Title IX Grievance Process, the terms below shall have the meaning ascribed.

“Actual knowledge” occurs when the District's Title IX Coordinator or **ANY** employee of one of the District's schools (other than a “respondent” or alleged harasser) receives a notice, report or information or becomes aware of sexual harassment or allegations of sexual harassment.

“Complainant” is an individual who is alleged to be the victim of conduct that could constitute sexual harassment, whether or not that person files a report or formal complaint.

“Days” shall mean calendar days, but shall exclude non-weekend days on which the SAU office is closed (e.g., holidays, office-wide vacations), or any weekday during the school year on which school is closed (e.g., snow days).

“Decision Maker” means persons tasked with: the responsibility of making initial determinations of responsibility (at times referred to as “initial decision maker”); or the responsibility to decide any appeal (at times “appeals decision maker”) with respect to formal complaints of sexual harassment in accordance with the Title IX Grievance Process.

“Determination of Responsibility” is the formal finding by the decision-maker on each allegation of Sexual Harassment contained in a Formal Complaint that the Respondent did or did not engage in conduct constituting Sexual Harassment Under Title IX.

1 [Remove this footnote] The status of respondents who are not students, applicants, or employees is not clear under the Regulations. The District has the right to dismiss a formal complaint at any time during the investigation or adjudication if the respondent is “no longer” employed or enrolled in the school system. However, there is no clear right to act against a third-party respondent for alleged sexual harassment before or after a formal complaint is filed and either adjudicated or dismissed. Consult the District's attorney if a third party is a respondent in a sexual harassment case.

2[REMOVE] A specific position titled “Title IX Coordinator” is now mandated by federal regulations. NHSBA recommends that the person appointed as Title IX Coordinator also be designated as the District's Human Rights or Anti-Discrimination Officer (see sample policy AC). This dual appointment will help assure that a case is processed appropriately as a Title IX or other harassment case as the circumstances require – either from the outset, or as the case progresses (i.e., moving a case to a different track, e.g., bullying, or from another track).

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“Formal Complaint” means a document filed by a complainant, the complainant’s parent/guardian, or the Title IX Coordinator, alleging sexual harassment against a respondent, and requesting that the district investigate the allegation of sexual harassment.

“Respondent” is an individual who is reported to be the individual accused of conduct that could constitute sexual harassment.

“Sexual harassment” prohibited under Title IX and by this policy *is conduct on the basis of sex* (including, without limitation, gender, sexual orientation, and/or gender identity), occurring in a school system education program or activity that satisfies one or more of the following:

1. A school district employee conditioning an aid, benefit, or service of an education program or activity on an individual’s participation or refusal to participate in sexual conduct irrespective of whether the conduct is welcomed by the student or other employee;
2. Unwelcome sex-based/related conduct determined by a reasonable person to be so severe, pervasive, **AND** objectively offensive that it effectively denies a person equal access to the education program or activity (this standard requires consideration of all the facts and circumstances, including, but not limited to, the ages and disability statuses of the harasser and victim and the number of individuals involved and their authority; **OR**
3. Sexual assault, dating violence, domestic violence, or stalking as defined in state or federal law.³

Behaviors that constitute sexual harassment may include, but are not limited to:

- i. Sexually suggestive remarks or jokes;
- ii. Verbal harassment or abuse;
- iii. Displaying or distributing sexually suggestive pictures, in whatever form (e.g., drawings, photographs, videos, irrespective of format);
- iv. Sexually suggestive gesturing, including touching oneself in a sexually suggestive manner in front of others;
- v. Harassing or sexually suggestive or offensive messages that are written or electronic;
- vi. Subtle or direct propositions for sexual favors or activities;
- vii. Touching of a sexual nature or groping; and

³[REMOVE] NHSBA has purposefully refrained from including statutory definitions for the terms in section 3 of the definition of sexual assault. If a district WISHES to include definitions, refer to 34 CFR 106.30(a), and the corresponding state statutes.

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- viii. Teasing or name-calling related to sexual characteristics or the belief or perception that an individual is not conforming to expected gender roles or conduct.

Note: incidents of the above conduct would still need to satisfy one or more of the criteria in paragraphs 1-3 of this definition.

Sexual harassment may be directed against a particular person or persons, or a group, whether of the opposite sex or the same sex.

The context of behavior can make a difference between conduct falling within the technical definition of Sexual Harassment Under Title IX, and conduct of a sexual nature that is offensive or hostile in itself, but which does not arise to the level within that definition. **District policies prohibit both, but for purposes of its Title IX obligations the District must address reports or complaints of conduct which may constitute sexual harassment as defined above, under this specific, limited scope Policy and Title IX Grievance Process.** Except as used in other laws (e.g., Title VII) or policies (e.g., Board policy JICK{**}) pertaining to harassment, including of a sexual nature, other than Title IX sexual harassment, all references to “sexual harassment” in this policy mean sexual harassment that meets the above definition.

Conduct that satisfies this definition is not sexual harassment for purposes of this policy if the conduct occurred (1) outside the United States or (2) under circumstances in which the school system did not have substantial control over both the harasser/respondent and the context in which the harassment occurred.

NOTE Regarding Concurrent Enrollment and Dual Enrollment, Extended Learning Opportunities, 3rd Party Distance Learning and Other Alternative Instructional Programs: Under federal regulations, in order for the District to have jurisdiction over conduct that would otherwise meet the definition above of sexual harassment, the District must have substantial control over both the respondent and the context in which the harassment occurred. In general, this will mean that unless such learning program is occurring upon district property, conduct otherwise meeting the definition of sexual harassment within that program, may not be subject to this policy.

“**Supportive Measures**” are free, non-disciplinary, non-punitive, individualized services and shall be offered to the complainant, and may be offered to the respondent, as appropriate. These measures may include, but are not limited to, the following:

1. Counseling;
2. Course modifications;
3. Schedule changes; and
4. Increased monitoring or supervision
5. [district may add additional types of supportive services (non-punitive/disciplinary)].

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Such measures shall be designed to restore or preserve equal access to the District's education programs and activities without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the District's educational environment and/or deter sexual harassment. Supportive measures shall remain confidential with exclusive exceptions stated required in **Sec. II.E**, below.

c. Title IX Coordinator.

The Title IX Coordinator shall respond promptly to all general reports as well as formal complaints of sexual harassment. the Title IX Coordinator shall receive general and specific reports of sexual harassment, and coordinate the District's responses to both reports and formal complaints of sexual harassment so that the same are prompt and equitable. In addition to any other specific responsibilities assigned under this Policy, or as assigned by the Superintendent, the Title IX Coordinator will be responsible for:

1. meeting with a complainant, and informing the parent/guardian once the Title IX Coordinator becomes aware of allegations of conduct that could constitute sexual harassment as defined in this Policy;
2. identification and implementation of supportive measures;
3. signing or receiving formal complaints of sexual harassment;
4. engaging with the parents/guardians of parties to any formal complaint of sexual harassment;
5. coordinating with District and school-level personnel to facilitate and assure implementation of investigations, and remedies, and helping to assure that the District otherwise meets its obligations associated with reports and complaints of sexual harassment;
6. coordinating with the Superintendent with respect to assignment of persons to fulfill the District's obligations, both general and case specific, relative to this Policy (e.g., investigator, decision makers, etc.; this may involve the retention of third party personnel.);
7. coordinating with District and school-level personnel to assure appropriate training and professional development of employees and others in accordance with **Sec. II.D** of this Policy; and
8. helping to assure that appropriate systems are identified and maintained to centralize sexual harassment records and data.

In cases where the Title IX Coordinator is unavailable, including unavailability due to a conflict of interest or other disqualifying reason (see **Sec. II.G, below**), the Superintendent shall assure that another person with the appropriate training and qualifications is appointed as acting Title IX Coordinator for that case, in such instances "Title IX Coordinator" shall include the acting Title IX Coordinators.

d. Training.

All District employees shall receive regular training relative to mandatory reporting obligations, and any other responsibilities they may have relative to this Policy.

Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, must receive training on the definition of sexual harassment, this Policy, the scope of the District's

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education program or activity, and how to conduct an investigation (including the requirements of the reporting and the Title IX Grievance Process, including hearings, appeals, and information resolution processes). The training must also include avoiding prejudgment of the facts, conflicts of interest and bias.

Decision-makers must also receive training on issues of relevance of questions and evidence, including when questions about the complainant's sexual predisposition or prior sexual behavior are not relevant.

Investigators must receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence.

Materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, must not rely on sex stereotypes, must promote impartial investigations and adjudications of formal complaints of sexual harassment, and must be made available to the public as provided in **Sec. II.H** of this Policy.

E. Confidentiality.

The District will respect the confidentiality of the complainant and the respondent as much as possible, however, some information may need to be disclosed to appropriate individuals or authorities. All disclosures shall be consistent with the District's legal obligations and the necessity to investigate allegations of harassment and take disciplinary action. Examples of required disclosure include:

1. information to either party to the extent necessary to provide the parties due process during the Title IX Grievance Process;
2. information to individuals who are responsible for handling the District's investigation and determination of responsibility to the extent necessary to complete the District's grievance process;
3. mandatory reports of child abuse or neglect to DCYF or local law enforcement (per Board policy JLF{**});
4. information to the complainant's and the respondent's parent/guardian as required under this Policy and or the Family Educational Rights and Privacy Act ("FERPA"); and
5. reports to the New Hampshire Department of Education as required under N.H. Code of Administrative Rules Ed 510 regarding violations of the NH Code of Conduct for Education Professionals.

Additionally, any supportive measures offered to the complainant or the respondent shall remain confidential to the extent that maintaining such confidentiality would not impair the ability of the school district to provide the supportive measures.

Except as specified above, the District shall keep confidential the identity of:

1. Any individual who has made a report or complaint of sex discrimination;
2. Any individual who has made a report or filed a formal complaint of sexual harassment;
3. Any complainant;

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4. Any individual who has been reported to be the perpetrator of sex discrimination⁴;
5. Any respondent; and
6. Any witness.

Any supportive measures provided to the complainant or respondent shall be kept confidential to the extent that maintaining such confidentiality does not impair the ability of the District to provide the supportive measures.

F. Retaliation Prohibited.

Retaliation against any person who makes a report or complaint, or against any person who assists, participates, or refuses to participate⁵ in any investigation of an act alleged in this Policy is prohibited. Actions taken in response to **materially** false statements made in bad faith, or to submitting **materially** false information in bad faith, as part of a report or during the Title IX Grievance Process do not constitute retaliation. A finding of responsibility alone is insufficient to conclude that a person made a materially false statement in bad faith. Complaints of retaliation with respect to reports or formal complaints of sexual harassment shall be filed under the District's general grievance process.

G. Conflict of Interest.

No person designated as a Title IX Coordinator, investigator, decision-maker, nor any person designated by the District to facilitate an informal resolution process, may have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.

H. Dissemination and Notice.

The District shall include in all student and employee handbooks, and shall make *[publicly available on the district's website] {OR, BUT only if the District does not maintain a website} [available to members of the public as government records]* the following information:

1. The District's policy of non-discrimination on the basis of sex (included in Board policy AC{**});
2. the title, name, office address, email address, and telephone number of the Title IX Coordinator (to be provided pursuant to Board policy AC{**} and its addendum, updated annually, AC-E {**});
3. the complaint process;
4. how to file a complaint of sex discrimination or sexual harassment;
5. how the District will respond to such a complaint; and
6. a statement that Title IX inquiries may be referred to the Title IX Coordinator or to the Assistant Secretary for Civil Rights.

⁴ 34 CFR 106.71 (a).

⁵ 34 CFR 106.71 (a).

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The same information shall be provided to all persons seeking employment with the District, or seeking to enroll or participate in the District's educational programs or activities.

Additionally, the District will make this Policy, as well as any materials used to train personnel as required under **Sec. II.D** *[publicly available on the district's website] {OR, BUT only if the District does not maintain a website} [available to members of the public as government records]*.

I. Records and Record Keeping.

1. For each report or formal complaint of sexual harassment, the District, through the Title IX Coordinator, must create, and maintain for seven (7) years, record of:
 - a. Any actions, including any supportive measures,
 - b. The basis for the District's conclusion that its response was not deliberately indifferent; and
 - c. Documentation which:
 - If supportive measures were provided to the complainant, a description of the supportive measures taken designed to restore or preserve equal access to the District's education program or activity; or
 - If no supportive measures were provided to a complainant, explains the reasons why such a response was not clearly unreasonable in light of the known circumstances.
2. In addition, the District shall maintain the following records for a minimum of seven (7) years:
 - a. Records for each formal complaint of sexual harassment, including:
 - Any determination regarding responsibility, including dismissals;
 - Any disciplinary sanctions imposed on the respondent;
 - Any remedies provided to the complainant designed to restore or preserve equal access to the District's education program or activity;
 - Any appeal and the result therefrom;
 - Any informal resolution process and the result therefrom;
 - b. All materials used to train Title IX Coordinators, investigators, and decision-makers.

J. Reports of Sexual Harassment, Formal Complaints and District Responses.**1. Report of Sexual Harassment.**

NOTE: *A report does not initiate the formal Title IX Grievance Process. That process is begun only upon the filing of a formal complaint under the procedures set out in II.J.3, and III.A, below.*

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Any person may report sexual harassment whether relating to her/himself or another person. **However, if any District employee – other than the employee harasser, or the Title IX Coordinator – receives information of conduct which may constitute sexual harassment under this Policy, s/he shall, without delay, inform the Title IX Coordinator⁶ of the alleged sexual harassment.** Failure to report will subject the employee to discipline up to and including dismissal.

A report of sexual harassment may be made at any time, in person, by mail, by telephone, electronic mail, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. Additionally, while the District strongly encourages reports of sexual harassment to be made directly to the Title IX Coordinator, the report may be made to **any** District staff member, including, for instance, a counselor, teacher or principal.

If the Title IX Coordinator is the alleged respondent, the report or formal complaint may be made directly to the Superintendent, who shall thereafter fulfill the functions of the Title IX Coordinator regarding that report/complaint, or delegate the function to another person.

NOTE: For any allegation of sexual assault on a student under the age of 18, such conduct shall be reported immediately to the DCYF per Board policy **{**}JLF**. If the alleged respondent (perpetrator) is a person holding a license or credential from the New Hampshire Department of Education (i.e., "credential holder"), then a report shall also be made pursuant to Board policy **{**}GBEAB**.

2. District Response to Report of Sexual Harassment.

The district will promptly respond when there is actual knowledge of sexual harassment, even if a formal complaint has not been filed. The district shall treat complainants and respondents equitably by providing supportive measures to the complainant⁷ and by following the Title IX Grievance Process prior to imposing any disciplinary sanctions or other actions that are not supportive measures against a respondent. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

As soon as reasonably possible after receiving a report of alleged sexual harassment from another District employee or after receiving a report directly through any means, the Title IX Coordinator shall contact the complainant to:

- i. discuss the availability of and offer supportive measures;
- ii. consider the complainant's wishes with respect to supportive measures;

6[REMOVED] The new regulations charge the District with "actual knowledge" or a report of sexual harassment as soon as any employee of the district (other than a respondent/alleged harasser) receives the information. Accordingly, it is imperative that Districts adequately train all employees of the District about reporting responsibilities beginning with school year 2020-21.

7 The Title IX Coordinator may offer supportive measures to a complainant, even if the information from the complainant does not/does not appear to meet the full definition of sexual harassment under this Policy. Districts should consult with counsel before it "imposes" any supportive measures against a respondent.

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- iii. inform the complainant of the availability of supportive measures with or without the filing of a formal complaint; and
- iv. explain to the complainant the process for filing a formal complaint.

3. Formal Complaints.

Pursuant to federal regulations, and this Policy, a formal complaint that contains an allegation of sexual harassment and a request that the District investigate the allegations is required before the District may conduct a formal investigation of sexual harassment or take any action (other than supportive measures) against a person accused of sexual harassment. **Once a formal complaint of sexual harassment is received by the Title IX Coordinator, s/he shall commence the Title IX Grievance Process set out in Sec. III below. The process for filing a formal complaint is set forth in Sec. III.A.**

4. Limitation on Disciplinary Action.

In no case shall the District impose disciplinary consequences or sanctions against a respondent who has been accused of conduct which may constitute sexual harassment, until the Title IX Grievance Process has been completed.

5. Emergency Removal and Administrative Leave.⁸

At any point after receiving a report or formal complaint of sexual harassment, the Title IX Coordinator (or other District official charged with a specific function under this Policy or the Title IX Process: e.g., investigator, decision maker, etc.) may request the Superintendent to direct that an individualized safety and risk analysis be performed to determine whether a respondent student is an immediate threat to the physical health or safety of any person. In the event that the safety and risk analysis determines that the respondent student does present an immediate threat to the physical health and safety of any person, the District may remove that student, provided that such removal is in full compliance with the IDEA, a student's IEP and or 504 plan if applicable. Such emergency removal shall not be disciplinary. However, the District must provide the respondent with notice and an opportunity to challenge the decision immediately following the removal, and shall continue to offer educational programming until a final determination is made pursuant to the Title IX Grievance Process.

The Title IX Coordinator shall keep the Superintendent of Schools informed of any employee respondents so that he/she can make any necessary reports to New Hampshire Department of Education in compliance with applicable administrative rules and the New Hampshire Code of Conduct for Educational Professionals. In appropriate cases, the Superintendent may place an employee respondent on non-disciplinary administrative leave pursuant to RSA 189:31.

⁸ [REMOVE] Emergency removal/administrative removal should not be seen as the equivalent or alternative to a disciplinary short or long-term suspension. The US DOE in the commentary to the regulations cautioned: The threshold for an emergency removal under § 106.44(c) is ... high to prevent recipients from using emergency removal as a pretense for imposing interim suspensions and expulsions. (85 Fed. Reg. Vol. 97, p. 30234). See also Sec. II.J.4.

TITLE IX SEXUAL HARASSMENT POLICY AND GRIEVANCE PROCESS**III. TITLE IX GRIEVANCE PROCESS.**

The Title IX Grievance Process is used only upon the filing of a formal complaint of sexual harassment as described in **Sec. III.A, below**. The provisions of Section I of the Policy are incorporated as part of the Title IX Grievance Process. Upon receipt of a formal complaint of sexual harassment, the Title IX Coordinator will coordinate the District's efforts to comply with its responsibilities related to the Title IX Grievance Process.

A. Process for Filing a Formal Complaint of Sexual Harassment.

The Title IX Grievance Process is initiated by way of a formal complaint ("complaint" or "formal complaint") filed by the complainant, the complainant's parent/guardian, or the Title IX Coordinator. The complainant may file a complaint or choose not to file a complaint and simply receive the supportive measures. If the Complainant does not file a complaint, the Title IX Coordinator may sign a formal complaint, but only if initiating the grievance process against the respondent is not clearly unreasonable in light of the known circumstances, and in other cases where, in the exercise of good judgment and in consultation with the District's attorney as appropriate, the Title IX Coordinator determines that a grievance process is necessary to comply with the obligation not to be deliberately indifferent to known allegations of sexual harassment (e.g., reports of sexual assault, employee on student harassment, repeat reports, or the conduct in the complainant's report has not been adequately resolved through the provision of supportive measures). If the complaint is filed by the Title IX Coordinator, he/she is not a party to the action, and the District must comply with all of the provisions of the Title IX Grievance Process relative to respondents and complainants.

If no formal complaint is filed by the complainant or the Title IX Coordinator no disciplinary action may be taken against the respondent based upon conduct that would constitute sexual harassment under this policy.

Although there is no time limit per se to filing a formal complaint, for complaints initiated by the complainant or his/her parent/guardian, the complainant must be employed by the District or participating in or attempting to participate in the education program or activities of the District at the time of filing. Additionally, although the District will initiate the Title IX Grievance Process regardless of when the formal complaint is submitted, delays in reporting may significantly impair the ability of school officials to investigate and respond to the allegations.

At a minimum, a formal complaint must:

1. contain the name and address of the complainant and the student's parent or guardian if the complainant is a minor student;
2. describe the alleged sexual harassment,
3. request an investigation of the matter, and
4. be signed by the complainant or otherwise indicate that the complainant is the person filing the complaint.

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The complaint may be filed with the Title IX coordinator in person, by mail, or by email.⁹ Complaint forms may be obtained from the Title IX Coordinator *[or on the District and school websites]*.

B. Initial Steps and Notice of Formal Complaint.

1. The Title IX Coordinator will provide notice to the complainant and the complainant's parent/guardian (if the complainant is a non-eligible student under FERPA), and to the respondent (if known) and the respondent's parent/guardian (if the respondent is a non-eligible student under FERPA), as well as to any other known parties, of the following:
 - a. this Title IX Grievance Process, including any informal resolution process;
 - b. the allegations of sexual harassment potentially constituting sexual harassment, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview; "sufficient details" shall include to the extent known identities of persons involved, the conduct allegedly constituting sexual harassment, and the date and location of the incident;
 - c. a statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility will be made at the conclusion of the grievance process;
 - d. that each party may have an advisor of their choice, who may be, but is not required to be, an attorney;
 - e. that each party is entitled to inspect and review evidence; and
 - f. a reference to any provision in the District's code of conduct¹⁰ that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.
2. The Title IX Coordinator will contact the complainant to discuss and offer supportive measures.
3. The Title IX Coordinator may contact the respondent to discuss, and or impose, non-disciplinary supportive measures.
4. The Title IX Coordinator will examine the allegations in the formal complaint, to determine whether even if assumed true, the allegations are sufficient to sustain a finding of sexual harassment under this Policy. If the Title IX Coordinator was not involved with preparing the formal complaint, the Title IX Coordinator will contact the complainant to discuss the complaint and whether amendment is appropriate, in which case the process of **Sec. III.C.4** will apply.

⁹[REMOVE] If the school system has an electronic portal for reporting sexual harassment to the Title IX coordinator, note it in the text.

¹⁰ [REMOVE] NHSBA recommends that districts review their respective codes of conduct for a provision that prohibits making false statements or knowingly submitting false information during any investigation of discrimination, bullying or sexual harassment.

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5. If the formal complaint fails to satisfy the definition of sexual harassment in this Policy, the complaint shall be dismissed as provided in **Sec. III.G**, below.
6. If the complaint is not dismissed, then Title IX Coordinator will consult with the Superintendent as to whether the Title IX Coordinator should act as the investigator or whether a different District or other employee shall act in that capacity. At the same time, the Title IX Coordinator and the Superintendent shall appoint the person who shall make the initial determination of responsibility (initial decision maker). *[The District's policy contains additional language regarding appointment of decision maker. Can be optional language, e.g., {"Ordinarily the building principal shall serve as the initial decision maker..." or "The Superintendent, in consultation with the Title IX Coordinator, shall appoint an initial decision maker on a case-by-case basis."}¹¹]* In all cases, the investigator and the initial decision maker must be properly trained and otherwise qualified (see **Sec. II.D "Training"**, and **Section II.G "Conflict of Interest"**).
7. If the report alleges sexual harassment by the Superintendent, the Title IX Coordinator will inform the School Board Chair and the *[_____ {state title of alternate} Assistant Superintendent/BA/BM]*, the latter of whom shall have authority to seek guidance from the District's general counsel, but shall not delay the District's response to the report as outlined in this Policy.

c. **General Provisions and Additional Definitions Relative to Title IX Grievance Process.**

1. **Copies and Notices.** Except as specifically stated elsewhere in this Policy, for any document, information or material required to be delivered to a party or to a person assigned with responsibility under the Title IX Grievance Process, the manner of transmittal may be by electronic mail, regular mail or such other manner reasonably calculated to assure prompt delivery with evidence thereof (such as a commercial carrier or other receipted delivery). Hand delivery will only be permitted if made to the District official charged with the specific function under this Policy (e.g., Title IX Coordinator, Superintendent, investigator, decision maker(s), etc.). Any document required to be delivered to a minor or other non-eligible student, must also be delivered to the minor's parent/guardian. Copies should also be sent to a party's advisor if the information for the advisor has been previously communicated to the sending party. (Under federal regulations, copies of the investigative evidence, as well as the investigative report, must be forwarded to a party's advisor. See Sections **III.E.3**, and **III.E.4**).
2. **Risk Analysis and Emergency Removal.** At any point during the Title IX Grievance Process, the Title IX Coordinator may arrange for an individualized safety and risk analysis as described in **Sec. II.J.5**, following which a student may be removed.
3. **Administrative Leave.** At any point during the Title IX Grievance Process, the Superintendent, and at his/her own discretion, and with or without consulting the Title IX Coordinator, may place an employee on administrative leave pursuant to RSA 189:31.

¹¹[REMOVE] A district with enough trained personnel, can designate specific personnel as decision maker(s), or it may be addressed on a case-by-case basis. However, a decision maker must have adequate training as provided in Sec. II.D, and be free from conflict of interest as provided in Sec. II.G. Districts may find it more cost effective to retain an independent "decision maker", and even the investigator, rather than maintain staff trained in accordance with the standards discussed in Sec. II.D.

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4. Additional Allegations. If, in the course of an investigation, the District decides to investigate allegations about the complainant or respondent that were not included in the previous notice, the District shall simultaneously provide notice of the additional allegations to the parties whose identities are known.
5. No Interference with Legal Privileges. At no point in process will the Title IX Coordinator, the investigator, any decision maker, or any other person participating on behalf of the District, require, allow, rely upon, or otherwise use questions or evidence that constitutes, or seeks disclosure of, information protected under a legally recognized privilege (e.g., doctor/patient, attorney/client, clergy, etc.), unless the person holding such privilege (parent/guardian for minor student) has waived the privilege in writing to use the information with respect to the Title IX Grievance Process.
6. Consolidation of Complaints. The District may consolidate formal complaints of allegations of sexual harassment where the allegations of sexual harassment arise out of the same facts or circumstances and the formal complaints are against more than one respondent; or by more than one complainant against one or more respondents; or by one party against the other party. When the District has consolidated formal complaints so that the grievance process involves more than one complainant or more than one respondent, references to the singular “party”, “complainant”, or “respondent” include the plural, as applicable.
7. Remedies: Range of Disciplinary Sanctions and Remedial Actions Upon Final Determination of Responsibility.
 - a. “Disciplinary sanctions” are consequences imposed on a respondent when s/he is found responsible for sexual harassment under this Policy. Remedial actions are actions intended to restore or preserve a complainant’s equal access to the educational programs and activities of the District.
 - b. “Disciplinary sanctions” against an employee respondent may include any available sanction available for the discipline of employees, up to and including dismissal or non-renewal for any other violation of Board policy, NH Code of Conduct for Educational Professionals, applicable individual or collective bargaining contract, or state or federal laws or regulations.
 - c. “Disciplinary sanctions” against a student may include any available discipline or sanction, up to and including expulsion, under the policies, rules and procedures that establish the district’s comprehensive student code of conduct.
 - d. “Remedial actions” as to a respondent after a final finding of responsibility, whether employee or student, may include the imposition upon a responsible respondent of any additional non-disciplinary measures appropriate to effecting a remedy for sexual harassment, and may include such measures as no-contact requirements, scheduling adjustments, removal or exclusion from extracurricular activities, class reassignments, limits on future class registrations, restrictions on access to various spaces in the school buildings, reassignment of attendance, and similar measures fine-tuned to respond

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appropriately to the circumstances surrounding a successful complainant's right to access the district's program and activity.

Additional remedial actions may include recommendations that a school-wide or system-wide response is needed in order to respond to the sexual harassment in a way that is not clearly unreasonable under the circumstances. In such cases, the Superintendent shall provide additional staff training, harassment prevention programs, or such other measures as determined appropriate to protect the safety of the educational environment and/or to deter sexual harassment.

D. Timeframe of Grievance Process.

The District shall make a good faith effort to conduct a fair, impartial grievance process in a timely manner designed to provide all parties with a prompt and equitable resolution. It is expected that in most cases, the grievance process will be concluded through at least the determination of responsibility decision within **80 days** after filing the formal complaint.¹² In more complex cases, the time necessary to complete a fair and thorough investigation or other circumstances mean that a determination of responsibility cannot reasonably be made within that timeframe.

1. Summary of Grievance Process Timeline. *[With the exception of paras b&c, the below are timeframes recommended by NHSBA. Both para. b & c, however, are minimum timeframes mandated under the federal regulations.]*
 - a. Investigation 20 +/- days as the complexity of the case demands **(Sec. III.E.1)**
 - b. 10 days for reviewing information prior to conclusion of investigation
 - c. 10 days after receiving report to respond to report
 - d. 10 days for decision maker to allow initial questions
 - e. 10 days for responses to questions
 - f. 10 days for questions and responses to follow-up questions.
 - g. 10 days for determination of responsibility decision
 - h. 10 days for appeal (6 additional days for administrative steps)
 - i. 10 days for argument/statement challenging or supporting determination
 - j. 10 days for decision on appeal
2. Delays and Extensions of Time. At any stage of the grievance process, the District (through the Superintendent, or if the Superintendent is the respondent, the Title IX Coordinator or designee) may for good cause allow for temporary delays or extensions of time upon request of either party, or on his/her own initiative. Examples of good cause may include such things as availability of parties or witnesses, school or school administrative office holidays or vacations, referral back to an earlier stage of the grievance process, concurrent law enforcement or other agency activity, or

¹² **[REMOVE]** This time frame may be modified. The board should establish a realistic time frame that is achievable and may want to seek a recommendation from the board attorney. The board is required to provide a "prompt" resolution of formal complaints and should strive to balance the need for an expeditious process with the need to provide school officials and parties sufficient time for action at each step in the grievance process. Additional time is provided for the appeals phase of the process.

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need to obtain interpreters or accommodation of disabilities. For any such delay or extension of time, the Superintendent or the Title IX Coordinator will provide written notice to the parties of the delay/extension and the reason(s).

E. Investigation.

The Title IX Coordinator will coordinate the investigation. The investigator shall be as appointed pursuant to **Sec. III.B.5**.

1. The Title IX Coordinator may conduct the investigation, or, in consultation with the Superintendent, designate another qualified person to investigate. The investigation and investigator must:
 - a. Include objective evaluation of all relevant evidence, including inculpatory and exculpatory evidence. (Evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such evidence about the complainant's prior sexual behavior is offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the evidence concerns specific incidents of the complainant's prior sexual behavior with respect to the respondent and is offered to prove consent.)
 - b. Ensure that the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rests on the District and not on either of the parties;
 - c. Provide an equal opportunity for the parties to present witnesses, and other inculpatory and exculpatory evidence;
 - d. Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence;
 - e. Provide the parties with the same opportunities to have others present during any interview or other part of the investigation, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice. The investigator may restrict any others from participating, as long as the restrictions apply equally to both parties;
 - f. Provide, to a party (e.g., respondent or complainant – and parent/guardian as appropriate) whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate within the timeframes established in **Sec. III.D**, below.
 - g. Provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint;
2. Prior to completion of the investigative report, the District, through the Title IX Coordinator, must send to each party and party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties must have at least 10 days to submit a written response, which the investigator will consider prior to completion of the investigative report;

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3. The investigator must prepare a written investigative report that fairly summarizes relevant evidence, including, without limitation, witness credibility, discrepancies, inculpatory and exculpatory information, and relevant District policies, rules and regulations, and the manner in which the same were made known to the pertinent school populations or specific parties. The investigative report shall include a description of the procedural steps taken, starting with the receipt of the formal complaint, and continuing through the preparation of the investigative report, including any notifications to the parties, interview with parties and witnesses, site visit, and methods used to gather evidence.
4. The investigator shall provide the investigative report in hard copy or electronic format to the Title IX Coordinator, to each party and each party's advisor, if any. Each party will have 10 days from receipt to provide the Title IX Coordinator a written response to the investigative report.
5. It serves all parties when investigations proceed diligently and conclude within a reasonable time, which may vary case by case. In most cases, it is expected that the investigator will conclude the initial investigation, and provide the parties the evidence and other information required under **Sec. III.E.2**. Not more frequently than every other week, any party may request the Title IX Coordinator to obtain and provide the parties with a basic status report on the investigator's progress toward completion. In most cases, the investigator should conclude the investigation within **10-20 days/[NHSBA recommends]** after receiving a Formal Complaint.

F. Determination of Responsibility and Initial Decision Maker.

The determination of responsibility of the respondent shall be made by the initial decision maker as appointed pursuant to **Section III.B.5**.

1. Prior to making a determination of responsibility, the initial decision maker will afford each party **10 days [NHSBA recommends]** to submit written, relevant questions to the initial decision maker that the party wants asked of any party or witness.
2. The initial decision-maker must explain to the party proposing the questions any decision to exclude a question as not relevant. Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the question and evidence concern specific incidents of the complainants prior sexual behavior with respect to the respondent and are offered to prove consent¹³.
3. The initial decision maker will provide the questions to the party/witness, with copies to each party, and provide no less than **10 days/[NHSBA recommends]** for written responses, likewise to be provided to each party.
4. The initial decision maker will provide **5 days/[NHSBA recommends]** each for supplementary, limited follow-up questions and **5 days/[NHSBA recommends]** for answers, and may provide for

¹³**[REMOVE]** The Federal regulations neither provide a definition for consent, nor require a District to have a specific definition.

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additional rounds of follow-up questions, as long as the provision is extended to both parties equally.

5. The initial decision maker may not make any creditability determinations based on the person's status as a complainant, respondent or witness.
6. The respondent must be deemed to be not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.
7. The initial decision maker may impose disciplinary sanctions and remedies as described in Section III.C7, above.
8. The standard to be used for formal complaints in determining whether a violation has occurred and/or that the respondent is responsible is the preponderance of the evidence standard,¹⁴ which is only met when the party with the burden convinces the fact finder (the initial decision maker) that there is a greater than 50% chance that the claim is true (i.e., more likely than not).
9. The initial decision-maker must issue a written determination/decision within 10 days [NHSBA recommends] after the close of the period for responses to the last round of follow-up questions. The written "Initial Determination of Responsibility" must include:
 - a. Identification of the allegations potentially constituting sexual harassment;
 - b. A description of the procedural steps taken from the receipt of the formal complaint through the Initial Determination of Responsibility, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather evidence, and hearings held;
 - c. Findings of fact supporting the determination;
 - d. Conclusions regarding the application of the District's applicable codes of conduct, policies, administrative regulations or rules to the facts;
 - e. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility (i.e., whether or not the respondent is responsible for sexual harassment), and any disciplinary sanctions or remedies; and
 - f. The District's procedures and permissible bases for the complainant and respondent to appeal (as set forth in Section III.H, below).
10. The decision maker shall provide the Initial Determination of Responsibility to the Title IX Coordinator, the Superintendent and the parties simultaneously.

G. Dismissal of a Formal Complaint.

¹⁴ [REMOVE] The regulations allow districts to choose between the "preponderance of the evidence" or "clear and convincing" standard, as long as it applies the same standard to both employee and student cases. NHSBA recommends using the preponderance standard as that is the one used in all other cases heard within the school context. If a district determines to elect the higher evidentiary standard, it should consult with its private attorneys for language and advice.

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1. The District must dismiss a formal complaint with regard to Title IX sexual harassment if the alleged conduct:
 - a. Would not constitute sexual harassment, even if proved;
 - b. Did not occur in the District's education program or activity; or
 - c. Did not occur against a person in the United States.
2. The District may dismiss a formal complaint with regard to Title IX sexual harassment if at any time during the investigation or determination of responsibility stage(s):
 - a. A complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein;
 - b. The respondent is no longer enrolled or employed by the District; or
 - c. Specific circumstances prevent the recipient from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.
3. Prior to dismissal of a complaint, the person responsible at that stage shall consult with the Superintendent.
4. Upon dismissal of a formal complaint, the District must promptly send written notice of the dismissal and the reason(s) therefor simultaneously to the parties.

The dismissal of a formal complaint under Title IX does not preclude the District from continuing any investigation or taking action under other District policies, code of conduct or administrative rules/regulations. In some cases, the District may have an obligation to continue an investigation and proceed under a different policy or mandated process.

H. Appeals Process.

1. Either party may appeal the Initial Determination of Responsibility or the dismissal of a formal complaint or any allegation in a formal complaint by notifying the Superintendent in writing ("written appeal"), with a copy to the Title IX Coordinator. If there are multiple determinations of responsibility, the written appeal shall specify which ones are included in the appeal. The written appeal must be received by the Superintendent within **10 days [NHSBA recommends]** of the Initial Determination of Responsibility or written notice of dismissal being communicated to the parties.
2. An appeal under this Policy may only be based upon one or more of the following bases, which must be stated specifically in the party's written appeal:
 - i. Procedural irregularity that affected the outcome of the matter;
 - ii. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; or

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- iii. The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.
- iv. *[Additional bases may be added by a district if made available equally to both parties].*

Appeals for any other reason or upon any determination of responsibility not included in the written appeal will not be heard.

Appeals pertain only to the determination of responsibility and non-disciplinary remedies. Once a determination of responsibility is final per **Sec. III.I**, below, appeals of disciplinary sanctions may be made pursuant to the District's ordinary review process for discipline, or, to the extent applicable, any statutory or other processes provided under collective bargaining agreements or individual contracts.

- 3. Within **3 days** *[NHSBA recommends]* of receipt of the written appeal, the Superintendent shall appoint a decision maker for appeal ("appeals decision maker"),¹⁵ who must have adequate training as provided in **Section II.D**, be free from conflict of interest as provided in **Section II.G**, and may not be the same person as the initial decision maker, the person who ordered dismissal, the investigator(s), or the Title IX Coordinator. Upon the appointment of the appeals decision maker, the Superintendent shall provide a Notice of Appeal to each party and to the Title IX Coordinator, with a copy of the written appeal. The Notice of Appeal must include information about all deadlines and timeframes in the appeal stage.
- 4. Each party shall have **10 days** *[NHSBA recommends]* from the date the Notice of Appeal is delivered to the parties to submit to the appeals decision maker a written statement, with copies to the Superintendent, Title IX Coordinator, and other party a statement ("appeal statement") in support of, or challenging, the determination of responsibility or dismissal.
- 5. Each party shall provide copies of the appeal statement to the other party, the Superintendent, and the Title IX Coordinator at the same time the appeal statement is given to the appeals decision maker. If the basis of the appeal is newly available evidence affecting the outcome, the party shall submit such evidence or a summary of such evidence along with the party's appeal statement.
- 6. The appeals decision maker may refer an appealed issue back to a prior point in the grievance process, with written notice to the parties, the Superintendent and the Title IX Coordinator.
- 7. The appeals decision maker shall provide a written appeals decision after considering the record and the parties' appeal statements. The appeals decision maker will only overturn the Initial Determination of Responsibility upon a conclusion that it was clearly erroneous (i.e., either made on unreasonable grounds, or without any proper consideration of the circumstances). If the basis or one of the bases for the appeal was new evidence, the appeals decision maker may either make a determination of responsibility regarding that evidence, or refer it back to the appropriate stage

¹⁵ Although the school board is not precluded from serving as a decision maker with respect to appeals, before it may do so, each member of the board must meet both the training and conflict of interest requirements described in **Sections II.D and II.G**. Such training may be provided on an as-needed basis, but because of necessary timelines, the framework will need to be in place long before a case is appealed.

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of the Title IX Grievance Process. The written appeals decision will describe the result(s) of the appeal and the rationale, with copies provided to the parties, Superintendent and Title IX Coordinator, no more than 10 days [NHSBA recommends] after receiving the last of the parties' written statements per Section III.H.5.

- I. **Finality of Determination of Responsibility.** The determination regarding responsibility becomes final either on the date that the recipient, through the Superintendent, provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal of the Initial Determination of Responsibility would no longer be considered timely. The final determination shall be identified as the Title IX Decision.

Once the Title IX Decision is final, the District may implement remedies and disciplinary sanctions. The Title IX Coordinator is responsible for effective implementation of any non-disciplinary remedies, with the assistance of building and District administrative personnel, while disciplinary sanctions will be imposed by persons charged with such responsibilities under other Board policies, regulations or administrative procedures. The District may also proceed against the respondent or complainant pursuant to the District's applicable code of conduct or other Board policies, collective bargaining agreement, individual contract or administrative rules/regulations/procedures. The issue of responsibility for the conduct at issue shall not be subject to further review or appeal within the District.

- J. **Informal Resolution.**

At any time prior to reaching a determination regarding responsibility (but only after the filing of a formal complaint), the District may offer an optional informal resolution process¹⁶ (e.g., mediation, arbitration), provided that the District:

1. Provides written notice to the parties disclosing:
 - a. The allegations of the formal complaint;
 - b. The requirements of the information resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations, provided, however, that at any time prior to agreeing to an informal final resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint; and
 - c. Any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.
2. Obtains the parties' voluntary written consent to the informal resolution process; and

In no event may the District offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.

¹⁶[REMOVE] The regulations do not require districts to offer an information resolution process. When it does offer the process, it must adhere to the provisions included in this Sec. III.J.

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District Policy History:

NHSBA recommends that all districts adopt this sample policy as quickly as possible. Accordingly, we are recommending that districts waive any requirement of “2 readings” before adopting this policy. The board could also at the same time require that the policy be scheduled for review and revision over the succeeding months after the initial adoption.

Legal References:

Title IX of the Education Amendments of 1972, 20 U.S.C 1681, et seq 20 U.S.C. §1232g, Family Educational Rights and Privacy Act

34 CFR. Part 99, Family Educational Rights and Privacy Act Regulations

34 CFR 106.8, Designation of responsible employee and adoption of grievance procedures.

34 CFR 106.30, Definitions

34 CFR 106.44, Recipient’s response to sexual harassment

34 CFR 106.4, Grievance process for formal complaints of sexual harassment

34 CFR 106.71, Retaliation

RSA 193:38, Discrimination in Public Schools

NH Dept of Ed Rules Ed 303.01 (i), School Board Substantive Duties

Ed 303.01(j), Substantive Duties of School Boards; Sexual Harassment Policy

Legal References Disclaimer: *These references are not intended to be considered part of this policy, nor should they be taken as a comprehensive statement of the legal basis for the Board to enact this policy, nor as a complete recitation of related legal authority. Instead, they are provided as additional resources for those interested in the subject matter of the policy.*

When adopting this sample or variation of the same, a district should not include the NHSBA history or NHSBA policy notes appearing below. The district should, to the extent possible, include its own adoption/revision history, as well as the legal references and disclaimer as indicated above.

NHSBA history: New policy – June 2020.

NHSBA revision notes, June 2020, this new policy is intended to replace former samples JBAA and GBAA. This policy is intended to reflect the requirements of new federal regulations pertaining to Title IX of the Education Amendments Act of 1972. In general, the new regulations impose several procedural steps in responding to sexual harassment, create a new definition of sexual harassment, and require a district to respond promptly, equitably (to

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complainants and “respondents” (alleged perpetrators)), and in a manner that is not deliberately indifferent whenever it has actual knowledge of sexual harassment in an educational program or activity of the District.

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Book	A: Foundations and Basic Commitments
Section	Series A
Title	Student Discrimination/Harassment and Title IX Sexual Harassment Complaint Procedures
Code	ACAC-R
Status	Active
Adopted	September 1, 2020

STUDENT DISCRIMINATION/HARASSMENT AND TITLE IX SEXUAL HARASSMENT COMPLAINT PROCEDURES

The Board has adopted these employee procedures in order to provide prompt and equitable resolution of employee complaints of discrimination and harassment, including sexual harassment, as described in policies AC – Nondiscrimination/Equal Opportunity and ACAB – Harassment and Sexual Harassment of School Employees.

The complaint procedure in Section 2 may also be used, to the extent applicable, by visitors, including parents, volunteers and others having lawful access to the schools who wish to make a complaint of discrimination or harassment.

Complaints alleging harassment or discrimination against students based on a protected category should be addressed through the Board’s Student Discrimination/Harassment and Title IX Sexual Harassment Complaint Procedures (ACAA-R).

Any individual who is unsure about whether discrimination or harassment has occurred and/or which complaint procedure applies is encouraged to contact the Title IX Coordinator.

Jeremy Rathbun- Title IX Coordinator
600 Old Homestead Hwy.
Swanzey, NH 03446
(603) 352-6955 Ext. 6959
jrathbun@mrsd.org

Section 1. Definitions

For purposes of these complaint procedures, the following definitions will be used. The Title IX Coordinator shall assess all reports and complaints to ensure that they are addressed under the appropriate policy and complaint procedure.

A. Discrimination/Harassment Complaint Procedure Definitions

1. “Discrimination or harassment”: Discrimination or harassment on the basis of an individual’s membership in a protected category, which, for students, includes age, sex, gender identity, sexual orientation, race, creed, color, ancestry or national origin, marital status, familial status, physical or mental disability, religion or economic status are prohibited.
2. “Discrimination”: Treating individuals differently, or interfering with or preventing them from enjoying the advantages or privileges afforded to others because of their membership in a protected category.
3. “Harassment”: Oral, written, graphic, electronic or physical conduct relating to an individual’s actual or perceived

membership in a protected category that is sufficiently severe, pervasive or persistent so as to interfere with or limit that individual's ability to participate in the school district's programs or activities by creating a hostile, intimidating or offensive environment.

4. Other forms of "sexual harassment": this means unwelcome sexual advances, requests for sexual favors, and other verbal, non-verbal or physical conduct of a sexual nature in the following situations:
 - a. Submission to such conduct is made either explicitly or implicitly a term or condition of a student's educational benefits;
 - b. Submission to or rejection of such conduct by a student is used as the basis for decisions on educational benefits; or
 - c. Such conduct has the purpose and effect of substantially interfering with a student's academic performance or creates an intimidating, hostile or offensive environment.
5. "Sexual orientation": Under New Hampshire law, this means "having or being perceived as having an orientation for heterosexuality, bisexuality, or homosexuality."
6. "Gender identity": Under New Hampshire law, this means "a person's gender related identity, appearance, or behavior, whether or not that gender-related identity, appearance, or behavior is different from that traditionally associated with the person's physiology or assigned sex at birth."
7. "Complaint" is defined as an allegation that a student has been discriminated against or harassed on the basis of race, color, sex, sexual orientation, gender identity, religion, ancestry, national origin or disability (and not otherwise addressed in the Title IX regulations and Section 3 of ACAAA-R).
8. Complaints of bullying not involving the protected categories or definitions described above may be addressed under Board Policy JICK – Bullying and Cyberbullying of Students.

B. Title IX Sexual Harassment Complaint Procedure Definitions

1. "Sexual Harassment": Under the federal Title IX regulations, sexual harassment includes the following conduct on the basis of sex which takes place within the context of the school district's education programs and activities:
 - a. "Quid pro quo" sexual harassment by a school employee: Conditioning a school aid, benefit or service (such as a better grade or a college recommendation) on an individual's participation in unwelcome sexual conduct;
 - b. "Hostile environment" sexual harassment: Unwelcome conduct based on sex that a reasonable person would determine is so severe, pervasive and objectively offensive that it effectively denies an individual's equal access to the school district's education programs and activities; or
 - c. Sexual assault, dating violence, domestic violence and stalking as these terms are defined in federal laws.
2. "Report": Under the Title IX regulations, any individual may make a report of sexual harassment involving a student, whether the individual is the alleged victim or not. School employees are required to report possible incidents of sexual harassment involving a student. A report must be made to the Title IX Coordinator. A report triggers certain actions by the Title IX Coordinator for the alleged victim of sexual harassment, but an investigation is not conducted unless a "Formal Complaint" (as defined below) is filed.
3. "Formal Complaint": Under the Title IX regulations, the alleged victim of sexual harassment can file a written complaint that triggers the complaint procedure in Section 3 of ACAAA-R. Only a student and/or their parent/legal guardian (and in certain circumstances, the Title IX Coordinator) may file a formal complaint.
4. "Student": For the purposes of this procedure, a student an individual who is enrolled or participating in the school district's education programs and activities, or is attempting to enroll or participate.

Section 2. Unlawful Discrimination/Harassment Complaint Procedure

This procedure should be used for any complaint of unlawful harassment or discrimination complaint based on a protected category which does not involve Title IX sexual harassment.

A. How to Make A Complaint

1. School employees are required to promptly make a report to the Title IX Coordinator if they have reason to believe that a student has been discriminated against or harassed.
2. Students (and others) who believe that they, or another student has been harassed or discriminated against should report their concern promptly to the Title IX Coordinator, or to the building principal (who will report the matter to the Title IX Coordinator).

3. The individual making the report must provide basic information in writing concerning the allegation of harassment or discrimination (i.e., date, time, location, individual(s) who alleged engaged in harassment or discrimination, description of allegation) to the Title IX Coordinator.
4. If an individual is unsure as to whether unlawful discrimination or harassment has occurred, or who need assistance in preparing a written complaint, they are encouraged to discuss the matter with the Title IX Coordinator.
5. Individuals will not be retaliated against for reporting suspected discrimination or harassment, or for participating in an investigation. Retaliation is illegal under federal and state nondiscrimination laws, and any retaliation will result in disciplinary action, up to and including discharge for employees, and expulsion for students.
6. Individuals are encouraged to utilize the school district's complaint procedure. However, individuals are hereby notified that they also have the right to report incidents of discrimination or harassment to the New Hampshire Commission for Human Rights, 2 Industrial Park Drive, Concord, NH 03301, , and/or to the federal Office for Civil Rights, U.S. Department of Education, 5 Post Office Square, 8th Floor, Boston, MA 02109-3921 (telephone: 617-289-0111)

B. Complaint Handling and Investigation

1. The Title IX Coordinator will promptly inform the Superintendent and the person who is the subject of the complaint (respondent) that a complaint has been received.
2. The Title IX Coordinator may pursue an informal resolution of the complaint with the agreement of the parties involved. Any party to the complaint may decide to end the informal resolution process and pursue the formal process at any point. Any informal resolution is subject to the approval of the parties and the Superintendent, who shall consider whether the resolution is in the best interest of the school district and the parties in light of the particular circumstances and applicable policies and laws.
3. The Title IX Coordinator may implement supportive measures to a student to reduce the risk of further discrimination or harassment to a student while an investigation is pending. Examples of supportive measures include, but are not limited to ordering no contact between the individuals involved or changing classes.
4. The complaint will be investigated by a trained internal or external individual designated by the Superintendent and the Title IX Coordinator. Any complaint about an employee who holds a supervisory position shall be investigated by a person who is not subject to that supervisor's authority. Any complaint about the Superintendent should be submitted to the Chair of the Board, who should consult with legal counsel concerning the handling and investigation of the complaint.
5. The investigator shall consult with the Title IX Coordinator as agreed during the investigation process.
6. The respondent will be provided with an opportunity to be heard as part of the investigation. The complainant shall not be required to attend meetings with the respondent, but may choose to do so as part of an informal resolution process.
7. The complainant and the respondent may suggest witnesses to be interviewed and/or submit materials they believe are relevant to the complaint.
8. If the complaint is against an employee of the school district, any rights conferred under an applicable collective bargaining agreement shall be applied.
9. Privacy rights of all parties to the complaint shall be maintained in accordance with applicable state and federal laws.
10. The investigation shall be completed within 40 business days of receiving the complaint, if practicable. Reasonable extensions of time for good reason shall be allowed.
11. The investigator shall provide a written report and findings to the Title IX Coordinator.

C. Findings and Subsequent Actions

1. The Title IX Coordinator shall consult with the Superintendent concerning the investigation and findings.
2. If there is a finding that discrimination or harassment occurred, the Title IX Coordinator, in consultation with the Superintendent shall:
 - i. Determine what remedial action, if any, is required to end the discrimination or harassment, remedy its effect and prevent recurrence; and
 - ii. Determine what disciplinary action should be taken against the individual(s) who engaged in discrimination or harassment, if any.
3. Inform the complainant and the respondent in writing of the results of the investigation and its resolution (in accordance with applicable state and federal privacy laws).

D. Appeals

1. After the conclusion of the investigation, the complainant or respondent may seek an appeal of the findings solely on the basis of either: (a) prejudicial procedural error or (b) the discovery of previously unavailable relevant evidence that could significantly impact the outcome.
2. Appeals must be submitted in writing to the Superintendent within five business days after receiving notice of the resolution.
3. Upon receipt of a valid appeal, the Superintendent shall provide notice to the other party, along with an opportunity to provide a written statement within five business days.
4. The Superintendent shall review the available documentation and may conduct further investigation if deemed appropriate.
5. The Superintendent's decision on the appeal shall be provided to the parties within 10 business days, if practicable. The Superintendent's decision shall be final.

E. Records

The Title IX Coordinator shall keep a written record of the complaint process.

Section 3. Title IX Sexual Harassment Complaint Procedure

This section should be used for complaints of as defined in Section 1.B.1.

A. How to Make A Report

1. School employees who have reason to believe that a student has been subjected to sexual harassment is required to promptly make a report to the Title IX Coordinator.
2. Students, parents/legal guardians or other individuals who believe a student has been sexually harassed are encouraged to make a report to the Title IX Coordinator.
3. If the individual making the report is the alleged victim, or if the alleged victim is identified by the individual making the report, the Title IX Coordinator will meet with the alleged victim to discuss supportive measures that may be appropriate in the particular circumstances and explain the process for filing a formal complaint.
 - a. Supportive measures are individualized measures designed to ensure the student can continue to access educational programs and activities (such as requiring no contact between individuals or changing classes).
 - b. Supportive measures may be continued even if the alleged victim chooses not to file a formal complaint, if appropriate under the particular circumstances.
4. The school district cannot provide an informal resolution process for resolving a report unless a formal complaint is filed.
5. Individuals will not be retaliated against for reporting sexual harassment, or for participating in an investigation. Retaliation is illegal under federal and state nondiscrimination laws, and any retaliation will result in disciplinary actions, up to and including discharge for employees, or expulsion for students.
6. Any student (or their parent/legal guardian) who believes they have been the victim of sexual harassment is encouraged to utilize the school district's complaint procedure. However, students (and their parents/legal guardians) are hereby notified that they also have the right to report sexual harassment to the New Hampshire Commission for Human Rights, 2 Industrial Park Drive, Concord, NH 03301 and/or to the Federal Office for Civil Rights, U.S. Department of Education, 5 Post Office Square, 8th Floor, Boston, MA 02109-3921 (telephone: 617-289-0111).
7. The Superintendent shall be informed of all reports and formal complaints of sexual harassment.

B. How to Make A Formal Complaint

1. An alleged student victim and/or their parent/legal guardian may file a formal written complaint requesting investigation of alleged Title IX sexual harassment. The written complaint must include basic information concerning the allegation of sexual harassment (i.e., date, time, location, individual(s) who allegedly engaged in sexual harassment, description of allegation, etc.). Students who need assistance in preparing a formal written complaint are encouraged to consult with the Title IX Coordinator.

2. In certain circumstances, the Title IX Coordinator may file a formal complaint even when the alleged victim chooses not to. Examples include if the respondent (person alleged to have engaged in sexual harassment) has been found responsible for previous sexual harassment or there is a safety threat within the school district. In such cases, the alleged victim is not a party to the case, but will receive notices as required by the Title IX regulations at specific points in the complaint process.
3. In accordance with the Title IX regulations, the Title IX Coordinator must dismiss a formal complaint if: a) the conduct alleged in the formal complaint does not constitute sexual harassment under the Title IX regulations and this policy; or b) if the conduct alleged did not occur within the scope of the school district's education programs and activities, or c) did not occur in the United States.
4. In accordance with the Title IX regulations, the Title IX Coordinator may dismiss a formal complaint if: a) a complainant withdraws the formal complaint, or withdraws particular allegations within the complaint; b) the respondent is no longer employed by or enrolled in the school district; or c) there are specific circumstances that prevent the school district from gathering evidence sufficient to reach a determination regarding the formal complaint.
5. If a formal complaint is dismissed under this procedure, the Title IX Coordinator will promptly and simultaneously send written notices to the parties explaining the reasons. Parties have the opportunity to appeal dismissals in accordance with subsection I below.
6. If the conduct alleged in a formal complaint potentially violates other laws, Board policies and/or professional expectations, the school district may address the conduct under the applicable policy/procedure.

C. Emergency Removal or Administrative Leave

The Superintendent may remove a student from education programs and activities on an emergency basis, or place an employee on administrative leave during the complaint procedure:

1. If there is a determination (following an individualized safety and risk analysis) that there is an immediate threat to the physical health or safety of an individual arising from the allegations of sexual harassment. Examples of such circumstances might include, but are not limited to, a continued threat of violence against a complainant by a respondent, or a respondent's threat of self-harm due to the allegations.
2. The respondent (and in the case of a student, their parent/legal guardian) will be provided notice of the emergency removal or administrative leave, and will be provided an opportunity to challenge the decision following the removal (this is an opportunity to be heard, not a hearing). The respondent has the burden to demonstrate why the emergency removal or administrative leave was unreasonable.
3. Any such decision shall be made in compliance with any applicable disability laws, including the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act and the Americans with Disabilities Act.

D. Notice to Parties of Formal Complaint

1. The Title IX Coordinator will provide to the parties written notice of the formal complaint and allegations of sexual harassment potentially constituting prohibited conduct under the Title IX regulations and this procedure. The notice shall include:

- Notice regarding the complaint procedure and the availability of an informal resolution process;
- Sufficient details known at the time (including identities of parties, if known; the conduct alleged; and the date and location of the alleged incident, if known), with sufficient time to prepare before any initial interview (not less than five calendar business days).
- As required by the Title IX regulations, a statement that the respondent is presumed not responsible for the alleged conduct and that a determination of responsibility will be made at the conclusion of the complaint); and that the parties may inspect and review evidence;
- Notice that the parties may each have an advisor of their choice (who may be an attorney), and that the parties may inspect and review evidence;
- Notice that knowingly making false statements or submitting false information during the complaint process is prohibited and may result in disciplinary action;
- Notice of the name of the investigator, with sufficient time (no less than three business days) to raise concerns of conflict of interest or bias.

2. If additional allegations become known at a later time, notice of the additional allegations will be provided to the parties.
3. The Title IX Coordinator will discuss supportive measures with each party and implement such measures as appropriate.

E. Informal Resolution Process

After a formal complaint has been filed, and if the Title IX Coordinator believes the circumstances are appropriate, the Title IX Coordinator may offer the parties the opportunity to participate in an informal resolution process to resolve the complaint without completing the investigation and determination process. Informal resolutions cannot be used to resolve a formal complaint where a student is the complainant and the respondent is an employee.

Informal resolutions can take many forms, depending on the particular case. Examples include, but are not limited to, facilitated discussions between the parties; restorative justice; acknowledgment of responsibility by a respondent; apologies; disciplinary actions against a respondent or a requirement to engage in specific services; or supportive measures. Both parties must voluntarily agree in writing to participate in an informal resolution process, and either party can withdraw from the process at any time. The Superintendent must agree to the terms of any informal resolution reached between the parties. If an informal resolution agreement is reached, it must be signed by both parties and the school district. Any such signed agreement is final and binding according to its terms.

If an informal resolution process does not resolve the formal complaint, nothing from the informal resolution process may be considered as evidence in the subsequent investigation or determination.

F. Investigation

1. The complaint will be investigated by a trained internal or external individual designated by the Superintendent and Title IX Coordinator. Any complaint about an employee who holds a supervisory position shall be investigated by a person who is not subject to that supervisor's authority. Any complaint about the Superintendent should be submitted to the Chair of the Board, who should consult with legal counsel concerning the handling and investigation of the complaint.
2. The investigator shall consult with the Title IX Coordinator as agreed during the investigation process.
3. If the complaint is against an employee of the school district, rights conferred under an applicable collective bargaining agreement shall be applied, to the extent they do not conflict with the Title IX regulatory requirements.
4. Privacy rights of all parties to the complaint shall be maintained in accordance with applicable state and federal laws.
5. The investigator will:
 - a. Meet with each party after they have received appropriate notice of any meeting and its purpose, with sufficient time to prepare.
 - b. Allow parties to have their advisor at all meetings related to the complaint, although advisors may not speak on behalf of a party or interfere with the process.
 - c. Allow parties a reasonable opportunity to identify witnesses and submit favorable and unfavorable evidence.
 - d. Interview witnesses and conduct such other activities that will assist in ascertaining facts (site visits, review of documents, etc.).
 - e. Consider evidence that is relevant and directly related to the allegations in the formal complaint.
 - f. During the course of the investigation, provide both parties with an equal opportunity to inspect and review any evidence that is obtained in the investigation that is directly related to the allegations in the formal complaint (including evidence which the school district does not intend to rely upon in reaching a determination of responsibility), and favorable and unfavorable evidence.
 - g. Prior to completion of the investigation report, provide each party and advisor (if any) the evidence subject to inspection and review, and provide the parties with ten calendar [or business] days to submit a written response.
 - h. Consider the parties' written responses to the evidence prior to completing the investigation report.
 - i. Create an investigative report that fairly summarizes relevant evidence and send the report to the parties and advisors (if any), for their review. The Parties may submit written responses to the report within ten business days

of receipt.

j. After receipt of the parties' written responses (if any), forward the investigation report and party responses to the assigned decision maker.

6. The investigation shall be concluded within 40 business days if practicable. Reasonable extension of time for good reason shall be allowed.

G. Determination of Responsibility

1. The decision maker shall provide the parties with the opportunity to submit written, relevant questions that the party wants asked of another party or witness within five business days of when the decision maker received the investigation report and party responses.

a. The decision maker shall explain to a party proposing questions if the decision maker excludes a question as not relevant.

2. Each party shall be provided the opportunity to review the responses of another party and/or witness, and to ask limited written follow-up questions within five business days of receiving the answers.

3. Each party will receive a copy of the responses to any follow-up questions.

4. The decision maker shall review the investigation report, the parties' responses and other relevant materials, applying the preponderance of the evidence standard ("more likely than not").

5. The decision maker shall issue a written determination, which shall include the following:

a. Identification of all the allegations potentially constituting sexual harassment as defined in the Title IX regulations and this policy;

b. A description of the procedural steps taken from receipt of the formal complaint through the determination, including notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and meetings held;

c. A determination regarding responsibility as to each allegation and findings of fact supporting the determinations;

d. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the school district imposes on the respondent, and whether remedies designed to restore or preserve equal access to the school district's programs and activities will be provided to the complainant;

e. The school district's appeal procedure and permissible bases for the parties to appeal the determination.

6. The written determination shall be provided to the parties simultaneously. The determination concerning responsibility becomes final either on the date that the school district provides the parties with the written determination of the results of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which the appeal would no longer be considered timely.

H. Remedies, Discipline and Other Actions

1. Remedies

Remedies are measures used to ensure that the complainant has equal access to the school district's education programs and activities following the decision maker's determination. Such remedies may include supportive measures, and may include other appropriate measures, depending upon the determination and the needs of the complainant. The Title IX Coordinator is responsible for implementing remedies and providing any needed assistance to the Complainant.

2. Discipline and Other Actions - Students

The following are of the types of discipline and other actions that may be imposed on a student when there is a determination that they are responsible for one or more violations involving sexual harassment:

- In or out of school suspension.
- Expulsion.
- Restorative justice.
- Requirement to engage in education or counseling program.

3. Discipline and Other Actions – Employees

The following are examples of the types of disciplinary actions that may be imposed on an employee when there is a determination that they are responsible for one or more violations involving sexual harassment:

- Written warning.
- Probation.
- Demotion.
- Suspension without pay.
- Discharge.

The following are examples of other types of actions that may be imposed on an employee when there is a determination of responsibility:

- Performance improvement plan.
- Counseling.
- Training.
- Loss of leadership/stipend position.

I. Appeals

The parties have the opportunity to appeal a determination regarding responsibility, and from dismissals of formal complaints. Under the Title IX regulations, appeals are allowed on the following grounds:

1. A procedural irregularity that affected the outcome of the matter;
2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal of the formal complaint was made, that could affect the outcome of the matter; or
3. The Title IX Coordinator, investigator, or decision maker had a conflict of interest or bias for or against complainants or respondents generally, or the individual complainant or respondent that affected the outcome of the matter.

An appeal must be filed in writing within five business days of receiving the determination, stating the grounds for the appeal and including any relevant documentation in support of the appeal. Appeals submitted after this deadline are not timely and shall not be considered.

1. Appeals must be filed with the Superintendent, who will consider the appeal.
2. The Superintendent shall notify the other party in writing of the appeal and will allow both parties to submit a written statement in support of, or challenging, the determination of the decision maker.
3. The Superintendent shall conduct an impartial review of the appeal, including consideration of the written record of the matter, and may consult with legal counsel or other school district officials in making their decision.
4. The Superintendent shall issue a written decision describing the result of the appeal and rationale for the result, and provide the written decision simultaneously to the parties. The decision will either deny the appeal; grant the appeal and remand to the decision maker for further consideration; or grant the appeal by revising the disciplinary or other action(s).

J. Records

Records in connection with sexual harassment reports and the complaint process shall be maintained for a minimum of seven years.

Legal References: Legal Reference: Americans with Disabilities Act (42 U.S.C. §12101 et seq., as amended; 28 C.F.R. § 35.107) Section 504 of the Rehabilitation Act of 1973 (Section 504) (29 U.S.C. § 794 et seq., as amended; 34 C.F.R. § 104.7) Title IX of the Education Amendments of 1972 (20 USC § 1681, et seq.); 34 C.F.R. Part 106 Clery Act (20 U.S.C. §1092(f)(6)(A)(v) - definition of sexual assault) Violence Against Women Act (34 U.S.C. § 1092(f)(6)(A)(v) – definition of sexual assault; 34 U.S.C. § 12291(a)(10) – dating violence; 34 U.S.C. §12291(a)(3) – definition of stalking; 34 U.S.C. §12291(a)(8) – definition of domestic violence) Title VI of the Civil Rights Act of 1964 (42 USC § 2000d) RSA 186:11; 193:38-39; and 354-A NH Code Admin. R. Ed. 303.01(i) and (j)

Cross Reference:

ACAA-R – Student Unlawful Discrimination/Harassment and Title IX
Sexual Harassment Complaint Procedures
AC – Nondiscrimination/Equal Opportunity and Human Rights
JICFA – Hazing
GBEB – Staff Conduct with Students
JICJ-Devices
JICI Weapons on School
JICK Public Safety and Violence Prevention-Bullying

Last Modified by Lillian Sutton on May 7, 2021

COMMITMENT TO RELIGIOUS NEUTRALITY

Category: Optional

ADOPTION/REVISION NOTES –

Text between the highlighted lines “~ ~ ~ ~”, and highlights in this sample should be removed prior to adoption.

- (a) *General – As with all sample policies, NHSBA recommends that each district carefully review this sample prior to adoption/revision to assure suitability with the district’s own specific circumstances, internal coding system, current policies, and organizational structures.*
- (b) **Highlighted language** or blank, underscored spaces indicate areas which Boards should review, change or complete to reflect local personnel titles, internal/ external policy references, duty assignments etc.
- (c) **{**}** indicates a reference to another NHSBA sample policy. A district should check its own current policies and codes to assure internal consistency.
- (d) *Withdrawn & earlier versions of revised policies should be maintained separately as part of the permanent records of the District.*

The Board understands that administration and staff must recognize students’ First Amendment religious rights, subject to reasonable rules and regulations. The Board further recognizes that the United States Constitution’s First Amendment imposes two equally important obligations on public schools.

First, schools must not forbid students acting on their own from expressing their personal religious views or beliefs. Second, schools may not endorse religious activity or doctrine and school employees may not coerce participation in religious activity.

The Board will act to give students the same rights to engage in religious activity and discussion, as they have to engage in other comparable activity. Generally, this means that students may pray in a non-disruptive manner during the school day when they are not engaged in school activity and instruction, subject to the same rules as apply to other speech.

All students should respect the individual religious choices and activities of other students.

District Policy History:

First reading: _____

Second reading/adopted: _____

District revision history:**Legal References:**

New Hampshire Constitution, Part I, Art. 5

20 U.S.C. 7904 (No Child Left Behind Act of 2001)

RSA 189:1-b, Freedom of Assembly, Freedom of Religion

COMMITMENT TO RELIGIOUS NEUTRALITY

When adopting this sample or variation of the same, a district should not include the NHSBA history or NHSBA policy notes appearing below. The district should, to the extent possible, include its own adoption/revision history, as well as the legal references and disclaimer as indicated above.

NHSBA history:

Revised: April 2010

New Policy: May 2006

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Book	A: Foundations and Basic Commitments
Section	Series A
Title	Educational Philosophy/School District Mission
Code	AD
Status	Active
Adopted	May 4, 1993
Last Revised	October 16, 2012

PHILOSOPHY OF THE SCHOOL DISTRICT

The Board will develop a mission statement for the District and the Board should review and revise the statement annually.

Goals and Mission of the Monadnock Regional School District

The goal of the Monadnock Regional School Board is to be the best school district in the state.

Goal I - To improve the learning of all students in a culture of collective responsibility

Lagging Objectives:

- To have all schools make AYP in all areas for all students
- Create Data Teams in each school and at the district-level
- Develop Personalized Learning Plans for each student
- Revise the teacher supervision/evaluation model to include student performance/accountability

Leading Objectives:

- Align course competencies with common core
- Advance professional development directly related to student learning
- Further recognition of student achievements

Goal II - Develop a culture of lifelong learning beyond the faculty and throughout the greater MRSD community

Lagging Objectives:

- Invite community members into educational settings to expand real-life performance-based learning opportunities
- Encourage and create a wide variety of professional development models for educators
- Develop an informed and connected school board

Leading Objectives:

- To implement the professional development plan with fidelity and ensure understanding/endorsement by teachers and staff
- Develop mechanisms for communication between and among schools to ensure savings of resources, expertise, and best practice

Goal III - To improve the level of community awareness and involvement in Monadnock Regional School District and broaden the information available to stakeholders

Leading Objectives:

- Development of Monadnock Regional High School as the center of the community
- Develop improved working relationships between the school board, the district, and key stakeholders

Goal IV - To establish a long and short-term plan for fiscal accountability that will support and sustain the goals outlined in the strategic plan

Lagging Objectives:

- Establish a process for review of staffing patterns to maximize resources and ensure personnel required, while maintaining educational opportunities for students
- Maximize the usage of facilities at all buildings while maintaining or increasing opportunities for students

Leading Objective:

- Ensure that the primary objective of the district's financial planning is to reach a per pupil cost that is comparable to the NH state average

Policy References:

Category - Priority/Required by Law

Last Modified by Lillian Sutton on June 13, 2017

PHILOSOPHY OF THE SCHOOL DISTRICT

Category: Recommended

ADOPTION/REVISION NOTES –

Text between the highlighted lines “~ ~ ~”, and highlights in this sample should be removed prior to adoption.

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- (d) *Withdrawn & earlier versions of revised policies should be maintained separately as part of the permanent records of the District.*

The Board will develop a mission statement for the District. The Board should review and revise the statement annually.

District Policy History:

First reading: _____

Second reading/adopted: _____

District revision history:

Legal Reference:

NH Code of Administrative Rules, Section Ed. 306.05, School Philosophy, Goals, and Objectives

When adopting this sample or variation of the same, a district should not include the NHSBA history or NHSBA policy notes appearing below. The district should, to the extent possible, include its own adoption/revision history, as well as the legal references and disclaimer as indicated above.

NHSBA history: Revised: July, 2005
 Reviewed: February, 2004
 Revised: November, 1999
 Revised: July, 1998

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Book	A: Foundations and Basic Commitments
Section	Series A
Title	Drug-Free Workplace & Drug-Free Schools
Code	ADB
Status	Active
Adopted	May 4, 1993
Last Revised	December 18, 2018
Last Reviewed	July 1, 1998

DRUG-FREE WORKPLACE & DRUG-FREE SCHOOLS

Category: Priority-Required by Law

Identical Policy: ADB

Related Policy: JICH

A. Drug-Free Workplace

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

c. Establish a drug-free awareness program to educate employees about the dangers of drug abuse and drug use in the work place, the specifics of this policy, including, the consequences for violating the policy, and any information about available drug and alcohol counseling, rehabilitation, reentry, or other employee-assistance programs.

B. District Action Upon Violation of Policy

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

The Board will take disciplinary action with respect to an employee convicted of a drug offense in the workplace, within thirty (30) days of receiving notice of a conviction. Should District employees or contracted personnel be engaged in the performance of work under a federal contract or grant, or under a state contract or grant, the Superintendent will notify the appropriate state or federal agency from which the District receives contract or grant moneys of an employee/contracted personnel's conviction, within ten (10) days after receiving notice of the conviction.

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

C. Drug-Free School Zone

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

D. Implementation and Review

1. The Superintendent is directed to develop administrative procedures and rules necessary and appropriate to implement the provisions of this policy.

Legal References:

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

Last Modified by Lillian Sutton on December 20, 2018

DRUG-FREE WORKPLACE & DRUG-FREE SCHOOLS**Category: Priority-Required by Law****Identical Policy: GBEC****Related Policy: JICH****ADOPTION/REVISION NOTES –**

Text between the highlighted lines “~ ~ ~”, and highlights in this sample should be removed prior to adoption.

- (a) *General – As with all sample policies, NHSBA recommends that each district carefully review this sample prior to adoption/revision to assure suitability with the district’s own specific circumstances, internal coding system, current policies, and organizational structures.*
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 - b. Distributing, consuming, using, possessing, or being under the influence of alcohol while on or in the workplace.
2. For purposes of this policy, a "controlled substance or drug" means and includes any controlled substance or drug defined in the Controlled Substances Act, 21 U.S.C. § 812(c), or New Hampshire Controlled Drug Act RSA 318-B.
3. For purposes of this policy, "workplace" shall mean the site for the performance of work, and will include at a minimum any District building or grounds owned or operated by the District, any school-owned vehicle, and any other school-approved vehicle used to transport students to and from school or school activities. It shall also include off-school property during any school-sponsored or school-approved activity, event or function such as a field trip or athletic event where students are under the jurisdiction, care or control of the District.
4. As a condition of employment, each employee and all contracted personnel will:
 - a. Abide by the terms of this policy respecting a drug- and alcohol-free workplace, including any administrative rules, regulations or procedures implementing this policy; and
 - b. Notify his or her supervisor of his or her conviction under any criminal drug statute, for a violation occurring on District premises or while performing work for the District, no later than five (5) days after such conviction.
5. In order to make employees aware of dangers of drug and alcohol abuse, the District will

DRUG-FREE WORKPLACE & DRUG-FREE SCHOOLS

endeavor to:

- a. Provide each employee with a copy of the District drug- and alcohol-free workplace policy;
- b. Post notice of the District drug- and alcohol-free workplace policy in a place where other information for employees is posted;
- c. Establish a drug-free awareness program to educate employees about the dangers of drug abuse and drug use in the work place, the specifics of this policy, including, the consequences for violating the policy, and any information about available drug and alcohol counseling, rehabilitation, reentry, or other employee-assistance programs.

B. District Action Upon Violation of Policy

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

The Board will take disciplinary action with respect to an employee convicted of a drug offense in the workplace, within thirty (30) days of receiving notice of a conviction. Should District employees or contracted personnel be engaged in the performance of work under a federal contract or grant, or under a state contract or grant, the Superintendent will notify the appropriate state or federal agency from which the District receives contract or grant moneys of an employee/contracted personnel's conviction, within ten (10) days after receiving notice of the conviction.

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

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OPTIONAL - MAY ONLY BE ADOPTED UPON REQUEST BY A SYRINGE SERVICE PROGRAM ADMINISTRATOR - see 2nd paragraph of NHSBA revision note September 2018 below. Notwithstanding above paragraph, the board grants an exception to allow for a Syringe Service Program within the boundaries of the Drug-Free Zone of the [name of particular School], and as requested by [name of organization], a syringe service program administrator/operator as that terms is used in RSA 318-B:43 and 45.

D. Implementation and Review

- a. The Superintendent is directed to promulgate administrative procedures and rules necessary and appropriate to implement the provisions of this policy.
- b. In order to maintain a drug-free workplace, the Superintendent will perform a biennial review of the implementation of this policy. The review shall be designed to (i) determine and assure compliance with the notification requirements of section A.5.a, b and d; (ii) determine the

DRUG-FREE WORKPLACE & DRUG-FREE SCHOOLS

effectiveness of programs established under paragraph A.5.c above; (iii) ensure that disciplinary sanctions are consistently and fairly enforced; and (iv) and identify any changes required, if any.

District Policy Adoption & Revision History:

First reading: _____

Second reading/adopted: _____

District revision history:

Legal References:

41 U.S.C. §101, et. Seq. - Drug-free workplace requirements for Federal contractors, and Federal grant recipients

RSA Chapter 193-B Drug Free School Zones

N.H. Admin. Code, Ed. Part 316

Legal References Disclaimer: These references are not intended to be considered part of this policy, nor should they be taken as a comprehensive statement of the legal basis for the Board to enact this policy, nor as a complete recitation of related legal authority. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

When adopting this sample or variation of the same, a district should not include the NHSBA history or NHSBA policy notes appearing below. The district should, to the extent possible, include its own adoption/revision history, as well as the legal references and disclaimer as indicated above.

NHSBA history: Revised and replaced September 2018; Revised: April 2017; April 2010; February 2004; July 1998

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

The policy is further amended to include the **optional** language permitting local school boards to make an exception to the Drug Free School Zone restrictions for the purpose of allowing a "syringe service program" (i.e., "needle exchange program) when requested by a "syringe service program administrator".

Important note: Although a district may not adopt the optional provision regarding syringe service programs, districts should replace existing ADB/GBEC such that the policy better reflects the requirements of Federal law.

NHSBA revision note: April 2017 - Revised to reflect changes to federal and state law.

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**PROHIBITIONS REGARDING USE AND POSSESSION OF TOBACCO PRODUCTS,
E-CIGARETTES AND E-LIQUIDS
IN AND ON SCHOOL FACILITIES AND GROUNDS**

Category: Priority/Required by Law

Identical policies: GBED & JICG†

Related policy: IHAMA

ADOPTION/REVISION NOTES –

Text between the highlighted lines “~ ~ ~”, and highlights in this sample should be removed prior to adoption.

- (a) † This policy is coded in three sections, foundations (ADC), employee (GBED) and student (JICG), as it has provisions which apply generally, to employees and to students. The three policies used to be written separately for each section/application, but have now been merged into this one version. Districts may, but need not, maintain all three. If choosing to maintain one, NHSBA recommends using ADC, and further that the board formally withdraw the other two, with a permanent record of the withdrawn policy. See 2019 NHSBA Fall Update sample GBA for what record of a withdrawn policy might look like.
- (b) General – As with all sample policies, NHSBA recommends that each district carefully review this sample prior to adoption/revision to assure suitability with the district's own specific circumstances, internal coding system, current policies, and organizational structures.
- (c) Highlighted language or blank, underscored spaces indicate areas which Boards should review, change or complete to reflect local personnel titles, internal/ external policy references, duty assignments etc.
- (d) {**} indicates a reference to another NHSBA sample policy. A district should check its own current policies and codes to assure internal consistency.
- (e) Withdrawn & earlier versions of revised policies should be maintained separately as part of the permanent records of the District.

State law prohibits the use of any tobacco product, E-cigarette, or liquid nicotine in any facility or upon any grounds maintained by the District. Students and minors are further prohibited from possessing such items in or upon any facility, school vehicle, or grounds owned or maintained by the District.

- A. Definitions. These definitions shall also include any amendments to the referenced statutes as the same may be amended or replaced from time to time.**

"Tobacco product(s)" means any product containing tobacco including, but not limited to, cigarettes, smoking tobacco, cigars, chewing tobacco, snuff, pipe tobacco, smokeless tobacco, and smokeless cigarettes, as well as any other product or item included in RSA 126-K:2, XI.

**PROHIBITIONS REGARDING USE AND POSSESSION OF TOBACCO PRODUCTS,
E-CIGARETTES AND E-LIQUIDS
IN AND ON SCHOOL FACILITIES AND GROUNDS**

"Device" means any product composed of a mouthpiece, a heating element, a battery, and electronic circuits designed or used to deliver any aerosolized or vaporized substance including, but not limited to, nicotine or cannabis. Device may include, but is not limited to, hookah, e-cigarette, e-cigar, e-pipe, vape pen, e-hookah, as well as any other object or item defined in RSA 126-K:2, II-a.

"E-cigarette" means any electronic smoking device composed of a mouthpiece, a heating element, a battery, and electronic circuits that *may or may not contain* nicotine *or e-liquid*. This term shall include such devices whether they are manufactured as e-cigarettes, e-cigars, or e-pipes, or under any other product name as well as any other product or item included in RSA 126-K:2, II-b.

"E-liquid" means any liquid, oil, or wax product containing, but not limited to, nicotine or cannabis intended for use in devices used for inhalation as well as any other substance included or defined in RSA 126-K:2, II-c.

"Liquid nicotine" means any liquid product composed either in whole or in part of pure nicotine and propylene glycol and manufactured for use with e-cigarettes, as well as any other product or item included in RSA 126-K:2, III-a.

"Facility" is any place which is supported by public funds and which is used for the instruction of students enrolled in preschool programs and in all grades maintained by the District. This definition shall include all administrative buildings and offices and areas within facilities supportive of instruction and subject to educational administration, including, but not limited to, lounge areas, passageways, rest rooms, laboratories, classrooms, study areas, cafeterias, gymnasiums, maintenance rooms, and storage areas.

B. Students

No student shall purchase, attempt to purchase, possess or use any tobacco product, *device*, E-cigarette, *E-liquid*, or liquid nicotine in any facility, in any school vehicle or anywhere on school grounds maintained by the District.

Enforcement of the prohibition against students shall initially rest with building principals, or their designees, who may also report any violation to law enforcement, for possible juvenile, criminal or other proceedings as provided under state law. Additional consequences may be administered pursuant to printed student conduct rules.

C. Employees

**PROHIBITIONS REGARDING USE AND POSSESSION OF TOBACCO PRODUCTS,
E-CIGARETTES AND E-LIQUIDS
IN AND ON SCHOOL FACILITIES AND GROUNDS**

No employee shall use any tobacco product, *device*, E-cigarette, *E-liquid*, or liquid nicotine, in any facility, in any school vehicle or anywhere on school grounds maintained by the District.

Initial responsibility for enforcement of this prohibition shall rest with building principals, or their designees. Any employee(s) who violate(s) this policy is subject to disciplinary action which may include warning, suspension or dismissal. Violations may also be referred to appropriate law enforcement and/or other appropriate agencies for criminal or other proceedings as provided under state law.

D. All other persons

No visitor, contractor, vendor or other member of the public, shall use any tobacco product, *device*, E-cigarette, *E-liquid*, or liquid nicotine in any facility, in any school vehicle, or anywhere on school grounds maintained by the District.

The building principal(s), and where appropriate, other site supervisor (athletic director, vehicle driver, etc.), or their designee(s), shall have the initial responsibility to enforce this section, by requesting that any person who is violating this policy to immediately cease the use of tobacco products, E-cigarette or liquid nicotine. After this request is made, if any person refuses to refrain from using such products in violation of this policy, the principal, site supervisor, or designee may call contact the appropriate law enforcement agency(ies) for possible criminal or other proceedings as provided under state law.

E. Implementation and Notice - Administrative Rules and Procedures.

The Superintendent shall establish administrative rules and procedures to implement this policy, which rules and procedures may be building level and/or district-wide. Rules and procedures relating to student violations and resulting disciplinary consequences should be developed in consultation with building principal(s).

The Superintendent, working with the building principal(s), shall provide annual notice to employees, students and parents of the pertinent provisions of this policy (e.g., student or staff handbook) along with applicable administrative regulations and procedures, which may include prescribed consequences for violations of this policy. Such notice should include information that violation of this Policy could lead to criminal or other such proceedings.

Signs shall be placed by the District in all buildings, facilities and school vehicles stating that the use of tobacco products is prohibited.

**PROHIBITIONS REGARDING USE AND POSSESSION OF TOBACCO PRODUCTS,
E-CIGARETTES AND E-LIQUIDS
IN AND ON SCHOOL FACILITIES AND GROUNDS**

District Policy History:

First reading: _____

Second reading/adopted: _____

District revision history:

Legal References:

RSA 155:64 – 77, Indoor Smoking Act

RSA 126-K:2, Definitions

RSA 126-K:6, Possession and Use of Tobacco Products by Minors

RSA 126-K:7, Use of Tobacco Products on Public Educational Grounds Prohibited

Legal References Disclaimer: *These references are not intended to be considered part of this policy, nor should they be taken as a comprehensive statement of the legal basis for the Board to enact this policy, nor as a complete recitation of related legal authority. Instead, they are provided as additional resources for those interested in the subject matter of the policy.*

When adopting this sample or variation of the same, a district should not include the NHSBA history or NHSBA policy notes appearing below. The district should, to the extent possible, include its own adoption/revision history, as well as the legal references and disclaimer as indicated above.

NHSBA history: Revised – November 2019, September 2018, February 2004, November 1999, July 1998

**PROHIBITIONS REGARDING USE AND POSSESSION OF TOBACCO PRODUCTS,
E-CIGARETTES AND E-LIQUIDS
IN AND ON SCHOOL FACILITIES AND GROUNDS**

NHSBA revision notes: November 2019 - revised in response to 2019 N.H. Laws Ch. 259:109 (HB 511).

Revisions generally reflect expanded definitions of prohibited electronic devices whether for tobacco or cannabis (vaping etc.). **September 2018** – revised to include definitions and prohibitions relative to E-cigarettes and liquid nicotine, as well as reorganized for improved readability.

DISCLAIMER: This sample policy manual is copyrighted to the New Hampshire School Boards Association and is intended for the sole and exclusive use of NHSBA Policy Service Subscribers. No portion of this manual may be reproduced, copied, transmitted, distributed, in any form, except as needed for the development of policy by a subscribing district. The materials contained in the manual are provided for general information only and as a resource to assist subscribing districts with policy development. School districts and boards of education should consult with legal counsel and revise all sample policies and regulations to address local facts and circumstances prior to adoption. NHSBA continually makes revisions based on school districts' needs and local, state, and federal laws, regulations and court decisions, and other relevant education activity.



Book	A: Foundations and Basic Commitments
Section	Series A
Title	Tobacco-Free Schools
Code	ADC
Status	Active
Adopted	May 4, 1993
Last Revised	March 3, 2020

TOBACCO-FREE SCHOOLS

USE OF TOBACCO PRODUCTS STRICTLY PROHIBITED ON SCHOOL PREMISES

State law prohibits the use of any tobacco product, E-cigarette, or liquid nicotine in any facility or upon any grounds maintained by the District. Students and minors are further prohibited from possessing such items in or upon any facility, school vehicle, or grounds owned or maintained by the District.

A. Definitions. These definitions shall also include any amendments to the referenced statutes as the same may be amended or replaced from time to time.

"Tobacco product(s)" means any product containing tobacco including, but not limited to, cigarettes, smoking tobacco, cigars, chewing tobacco, snuff, pipe tobacco, smokeless tobacco, and smokeless cigarettes, as well as any other product or item included in RSA 126-K:2, XI.

"Device" means any product composed of a mouthpiece, a heating element, a battery, and electronic circuits designed or used to deliver any aerosolized or vaporized substance including, but not limited to, nicotine or cannabis. Device may include, but is not limited to, hookah, e-cigarette, e-cigar, e-pipe, vape pen, e-hookah, as well as any other object or item defined in RSA 126-K:2, II-a.

"E-cigarette" means any electronic smoking device composed of a mouthpiece, a heating element, a battery, and electronic circuits that may or may not contain nicotine or e-liquid. This term shall include such devices whether they are manufactured as e-cigarettes, e-cigars, or e-pipes, or under any other product name as well as any other product or item included in RSA 126-K:2, II-b.

"E-liquid" means any liquid, oil, or wax product containing, but not limited to, nicotine or cannabis intended for use in devices used for inhalation as well as any other substance included or defined in RSA 126-K:2, II-c.

"Liquid nicotine" means any liquid product composed either in whole or in part of pure nicotine and propylene glycol and manufactured for use with e-cigarettes, as well as any other product or item included in RSA 126-K:2, III-a.

"Facility" is any place which is supported by public funds and which is used for the instruction of students enrolled in preschool programs and in all grades maintained by the District. This definition shall include all administrative buildings and offices and areas within facilities supportive of instruction and subject to educational administration, including, but not limited to, lounge areas, passageways, rest rooms, laboratories, classrooms, study areas, cafeterias, gymnasiums, maintenance rooms, and storage areas.

B. Students

No student shall purchase, attempt to purchase, possess or use any tobacco product, device, E-cigarette, E-liquid, or liquid nicotine in any facility, in any school vehicle or anywhere on school grounds maintained by the District. Enforcement of the prohibition against students shall initially rest with building principals, or their designees, who may also report any violation to law enforcement, for possible juvenile, criminal or other proceedings as provided under state law. Additional consequences may be administered pursuant to printed student conduct rules.

C. Employees

No employee shall use any tobacco product, device, E-cigarette, E-liquid, or liquid nicotine, in any facility, in any school vehicle or anywhere on school grounds maintained by the District.

Initial responsibility for enforcement of this prohibition shall rest with building principals, or their designees. Any employee(s) who violate(s) this policy is subject to disciplinary action which may include warning, suspension or dismissal. Violations may also be referred to appropriate law enforcement and/or other appropriate agencies for criminal or other proceedings as provided under state law.

D. All other persons

No visitor, contractor, vendor or other member of the public, shall use any tobacco product, *device*, E-cigarette, *E-liquid*, or liquid nicotine in any facility, in any school vehicle, or anywhere on school grounds maintained by the District.

The building principal(s), and where appropriate, other site supervisor (athletic director, vehicle driver, etc.), or their designee(s), shall have the initial responsibility to enforce this section, by requesting that any person who is violating this policy to immediately cease the use of tobacco products, E-cigarette or liquid nicotine. After this request is made, if any person refuses to refrain from using such products in violation of this policy, the principal, site supervisor, or designee may contact the appropriate law enforcement agency(ies) for possible criminal or other proceedings as provided under state law.

E. Implementation and Notice - Administrative Rules and Procedures.

The Superintendent shall establish administrative rules and procedures to implement this policy, which rules and procedures may be building level and/or district-wide. Rules and procedures relating to student violations and resulting disciplinary consequences should be developed in consultation with building principal(s).

The Superintendent, working with the building principal(s), shall provide annual notice to employees, students and parents of the pertinent provisions of this policy (e.g., student or staff handbook) along with applicable administrative regulations and procedures, which may include prescribed consequences for violations of this policy. Such notice should include information that violation of this Policy could lead to criminal or other such proceedings.

Signs shall be placed by the District in all buildings, facilities and school vehicles stating that the use of tobacco products is prohibited.

Revision Dates: 3/3/2020, 1/22/2019

Policy References:

ADB – Drug Free Workplace/Drug-Free Schools

GBEC – Drug Free Workplace/Drug-Free School

GBED – Tobacco Free Workplace

JICG – Tobacco Use by Students

JICH – Drug and Alcohol Use by Students

IGAG – Teaching About Alcohol, Drugs, and Tobacco

Last Modified by Lillian Sutton on March 16, 2020

ACCOUNTABILITY*Category: Optional***ADOPTION/REVISION NOTES –**

Text between the highlighted lines “~ ~ ~”, and highlights in this sample should be removed prior to adoption.

- (a) *General – As with all sample policies, NHSBA recommends that each district carefully review this sample prior to adoption/revision to assure suitability with the district's own specific circumstances, internal coding system, current policies, and organizational structures.*
- (b) *Highlighted language or blank, underscored spaces indicate areas which Boards should review, change or complete to reflect local personnel titles, internal/ external policy references, duty assignments etc.*
- (c) *{**} indicates a reference to another NHSBA sample policy. A district should check its own current policies and codes to assure internal consistency.*
- (d) *Withdrawn & earlier versions of revised policies should be maintained separately as part of the permanent records of the District.*

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

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

District Policy History:

First reading: _____

Second reading/adopted: _____

District revision history:**Legal Reference:**

RSA 189:28, Statistical Reports; Failure to File Reports

RSA 193-H:4, Local Education Improvement Plan; Strategic Responses

NH Code of Administration Rules, Section Ed. 306.23, Statistical Reports; Accountability

When adopting this sample or variation of the same, a district should not include the NHSBA history or NHSBA policy notes appearing below. The district should, to the extent possible, include its own adoption/revision history, as well as the legal references and disclaimer as indicated above.

NHSBA history: New Policy: July 2005

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Book	A: Foundations and Basic Commitments
Section	Series A
Title	Evaluation of Board Operational Procedures
Code	AFA
Status	Active
Adopted	May 4, 1993
Last Revised	July 1, 1998

EVALUATION OF BOARD OPERATIONAL PROCEDURES

The School Board shall periodically establish realistic objectives related to Board procedures and relationships and shall, from time to time, measure its performance against the stated objectives.

The following areas of Board operations and relationships are representative of those in which objectives may be set and progress appraised:

1. Board meetings.
2. Policy development.
3. Fiscal management.
4. Board role in educational program development.
5. Board member orientation.
6. Board member development.
7. Board officer performance.
8. Board-Superintendent relationship.
9. Board-staff relationships.
10. Board-community relationships.
11. Legislative and government relationships.
12. Risk management.

Policy References:

Category - Recommended

Policy Cross References:

» [AFA-R - Evaluation of School Board Operational Procedures](#)

Last Modified by Lillian Sutton on June 13, 2017



Book A: Foundations and Basic Commitments

Section Series A

Title Evaluation of School Board Operational Procedures

Code AFA-R

Status Active

Adopted May 3, 1993

Last Revised July 1, 1998

EVALUATION OF SCHOOL BOARD OPERATIONAL PROCEDURES

Instructions

Each Board member and each administrator asked to evaluate the Board's effectiveness to rate the Board on each criterion, using a number on a scale from 1 to 5.

The Key: 1--Poor 2--Inadequate 3--Adequate 4--Good 5--Excellent

The Board Chairperson or Superintendent will collect all copies of the rating instrument, tally the scores, determine the composite average, and record it on the graph provided. Each member of the Board will be given a copy of the composite results.

Individual Rating	Composite Rating	Relationship with Superintendent
		Establishes written policies for the guidance of the Superintendent in the operation of the schools.
		Provides the Superintendent with a clear statement of the expectation of performance and personal qualities against which he/she will be measured periodically.
		Engenders confidence in the Superintendent by inviting communication from the Superintendent.
		Reaches decisions only on the basis of study of all available background data and consideration of the recommendation of the Superintendent
		Requests information through the Superintendent and only from staff members with the knowledge of the Superintendent
		Provides a climate of mutual respect and trust offering commendation whenever earned and constructive criticism when necessary.
		Matters tending to alienate either Board member or Superintendent are discussed immediately rather than being permitted to fester and deteriorate.

		Provides opportunity and encouragement for professional growth of the Superintendent.
		Provides time for the Superintendent to plan.
		Takes the initiative in maintaining a professional salary for the Superintendent comparable with salaries paid for similar responsibility in and out of the profession.

Individual Rating	Composite Rating	Community Relationships
		Encourages attendance of citizens at Board meetings.
		Actively fosters cooperation with various news media for the dissemination of formation about the school program.
		Ensures a continuous planned program of public information regarding the schools.
		Participates actively in community affairs.
		Channels all concerns, complaints, and criticisms of the school system through the Superintendent for study with the expectation that he/she will report back to the Board if action is required.

Individual Rating	Composite Rating	Individual Relationships
		Protects the Superintendent from unjust criticism and the effort of vocal special interest groups.
		An individual Board member does not commit him/herself to a position in answer to an inquiry or in public statements unless Board policy is already established and clear or the question addressed to him/her requires merely a recitation of facts about the school system.
		Encourages citizen participation in an advisory capacity in the solution of specific problems.
		Is aware of community attitudes and the special interest groups which seek to influence the district's program.

Policy Cross References:» [AFA - Evaluation of Board Operational Procedures](#)**Last Modified by Lillian Sutton on June 13, 2017**

Policy Motions and Actions from August 10, 2023

BDA-R- Catalog of Recurring School Board Policies

MOTION: *To update policy BDA-R with committee edits.*

- Reorder motions to go from January to December
 - Add suggested motions from email sent by Scott Peters
-

BBB-TA -Oath of Office

MOTION: *To adopt NHSBA sample advisory BBB-TA.*

- This policy is a good technical advisory for the board to be aware of
-

JLCJA- Emergency Plan for Sports Related Injuries

MOTION: *To adopt NHSBA sample policy JLCJA with highlighted items included.*

- This policy is required by law
-

JICC - Student Conduct on School Busses

MOTION: *To update policy JICC with NHSBA sample.*

- Adds some updated language to our current policy
-

JHC- Student Early Release Precautions

MOTION: *To update policy JHC with NHSBA sample.*

- Slight clerical edits are needed on the sample
-

JICDD- Student Discipline/Out-of-school Actions

MOTION: *To update policy JICDD with NHSBA sample.*

- Updates to coincide with law
-

Committee work not requiring board action

- Refer appendix JICC-R to administration for them to get the bus company opinion



Book	B: School Board Governance and Operations
Section	Series B
Title	Catalog of Recurring School Board Policies
Code	BDA-R
Status	Active
Adopted	September 6, 2016
Last Revised	June 1, 2021
Prior Revised Dates	4/7/2020, 9/6/2019, 8/13/2019

Monadnock Regional School District

BDA-R, Catalog of Recurring School Board Motions

Last Updated: 04/07/2020

1. Title: Review Policy DFA

Timing: First Board Meeting in July

Motion: *"To approve the review of Policy DFA as written"*

Rationale: The policy needs to be reviewed annually with a vote of the Board so that the policy can be marked with a 'Reviewed' date

Policy References: DFA

RSA/Federal References: RSA 197:23-a, RSA 383:22

2. Title: Review Policy JLDDB

Timing: First Board Meeting in July

Motion: "To approve the review of Policy JLDDB as written"

Rationale: The policy needs to be reviewed every two years with a vote of the Board so that the policy can be marked with a 'Reviewed' date

Policy References: JLDDB RSA/Federal References: RSA 193-J

3. Title: Approve Instructional Plan

Timing: First Board Meeting in July

Motion: *"To approve the instructional plan as written for school year ____/____"*

Rationale: The plan needs to be reviewed annually with a vote of the Board so that Administration can move forward with curriculum purchases and resource planning

Policy References: IJ
Materials and Resources

NH Dept of Education: Ed 306.141(a)(4), Instructional
Ed 306.08,

Instructional Resources

4. Title: Independent Auditor

Timing: First Board Meeting in July

Motion: "To approve the business office to engage "_____ " as the independent auditor for the xxxx/xxxx school year"

Rationale: The School Board is responsible for approving an independent financial auditor for each fiscal year

Policy References: DIE

RSA/Federal References: RSA 97:25, RSA 671:5

5. Title: Student Tuition Rate

Timing: First Board Meeting in July

Motion: "To set the student tuition rate for to \$_____, and \$_____ for Special Education students"

Rationale: At the beginning of each fiscal year the fully burdened tuition rate is identified for each student type. This rate is charged to families or districts who choose to send out of district students to an MRSD school

Policy References: JFAB

RSA/Federal References: RSA 193:4

6. Title: Review Student Handbooks

Timing: First Board Meeting in August

Motion: No motion - review only

Rationale: Annual review, tradition

Policy References: CHCA

RSA/Federal References:

7. Title: Support Staff Appreciation Lunch

Timing: Last Board Meeting in October

Motion: "To publicly thank and appreciate our support staff by providing a lunch meal on "_____ " (mm/dd)

Rationale: The School Board has a tradition of providing lunch to all support staff one day each year to coincide with National Support Professionals Day

Policy References:

RSA/Federal References:

8. Title: Annual Proposed Operating Budget

Timing: At or before the annual joint meeting of the Budget Committee and the School Board (mid-October to mid-November)

Motion: "To set the proposed operating budget for the next fiscal year in the amount of \$x.xx"

Rationale: To ensure that an operating budget is proposed in a time to develop warrant articles, the proposed budget number must be established by the board

9. Title: Warrant Articles

Timing: Last Meeting in December (or sooner)

Legal Deadline: 2nd Tuesday in January

Motion: "To create a warrant article that shall read as follows: _____"

Rationale: The School Board is responsible for approving the language of each individual warrant article

Policy References:

RSA/Federal References: RSA 40:13

10. Title: Warrant Articles in Plain English

Timing: Last Meeting in December (or sooner)

Motion: "To describe warrant article #___ using the following language: _____"

Rationale: Any descriptive language used to describe the board's position or rationale for a warrant article must be approved by the School Board before it can be published

Policy References:

RSA/Federal References:

11. Title: Approve the High School Program of Studies

Timing: Last Meeting in January

Motion: "To approve the High School Program of Studies for the xxxx/xxxx School Year as presented"

Rationale: Annual approval no later than the end of January so course sign-ups can occur

Policy References: IFD

RSA/Federal References:

12. Title: CRC Edit of Warrant Articles in Plain English

Timing: Last Meeting in January

Motion: "To authorize the Community Relations Committee to edit the 'warrant articles in plain English' following the MRSD deliberative session"

Rationale: There is a narrow window of time between the deliberative session and the deadline to provide the warrant articles in plain English to various media outlets

Policy References:

RSA/Federal References:

14. Title: Board Officers**Timing: First Meeting after Annual Town Vote (March)**

Motion: *"To nominate "_____ " to the role of "_____ " (e.g. chairman, vice chair)*

Rationale: Each year when Board Membership changes the leadership roles of the board must be voted and approved

Policy References: BDA, BDB

RSA/Federal References: RSA 91-A:2

15. Title: Board Member Annual Ethics Review**Timing: First Meeting after Annual Town Vote (March)**

Motion: No motion required.

Rationale: All members shall review the board's ethics policy BCA, and each board member shall sign BCA-R in witness of the Board Chair and Superintendent

Policy References:

RSA/Federal References:

16. Title: Committee Memberships**Timing: Second Meeting after Annual Town Vote (April)**

Motion: *"To approve the committee appointments made by the board chair"*

Rationale: At the first meeting of the School Board the (newly appointed) chairman is responsible for appointing committee members. The Board must then approve the appointments

Policy References: BDA, BDE

RSA/Federal References:

17. Title: Certified Staff Renewal**Timing: Late March / Early April****Legal Deadline: April 15th**

Motion: *"To approve the renewal of "_____ " as recommended by the Superintendent.*

Rationale: The School Board is responsible for approving the renewal of all teachers, principals, guidance, nurses, specialists, SAU Admins, minus any non-renewals presented by the Superintendent

Policy References: GCF

RSA/Federal References: RSA 189:39, RSA 189:14

18. Title: Teacher Appreciation Lunch**Timing: April**

Motion: *"To publicly thank and appreciate our teaching staff by providing a lunch meal on "_____ " (mm/dd)*

Rationale: The School Board has a tradition of providing lunch to all teachers one day during teacher appreciation week

Policy References:

RSA/Federal References:

20. Title: Superintendent Evaluation**Timing: First Meeting in May****Motion:** *"To endorse the performance evaluation of Superintendent _____ for the xxxx/xxxx school year***Rationale:** In 2019 the board approved an update to policy CBI that calls for the evaluation process to begin in April, and be collated/summarized by the first board meeting in May**Policy References:** CBI **RSA/Federal References:**

21. Title: Non-Certified Staff Renewal**Timing: Late May / Early June****Legal Deadline: Last Day of School****Motion:** *"To approve the renewal of "_____ " as recommended by the Superintendent.***Rationale:** The School Board is responsible for approving the renewal of all non-certified staff (e.g. Paras, Maintenance, etc.), minus any non-renewals presented by the Superintendent**Policy References:** GDF**RSA/Federal References:**

22. Title: End of Year Accounts Payable**Timing: First Meeting in June****Motion:** *"To authorize the business office to write checks weekly, and to authorize "_____", "_____", and "_____" to sign the weekly manifest at the SAU office through the end of the fiscal year***Rationale:** As the fiscal year comes to a close, the business office needs to pay all outstanding bills without waiting for the school board to meet, especially in the final days of the year after the board's last meeting in June**Policy References:** DK**RSA/Federal References:** RSA 197:23-A

23. Title: End of Year Encumbrance**Timing: First/Second Meeting in June****Motion:** *"To encumber unspent funds from the xxxx/xxxx school year in the amount of \$_____ for the purpose of "_____"***Rationale:** If the fiscal year ends with a positive balance, the board is empowered to encumber specific amounts for specific projects that carry over into the next fiscal year**Policy References:** DIA**RSA/Federal References:** RSA 198:4-a (III)

24. Title: Food Service Accounts Receivable**Timing: Last Meeting in June****Legal Deadline: June 30th****Motion:** *"To transfer funds in the amount of \$_____ from the food supplemental fund to Monadnock Nutritional Services to reduce their accounts receivable balance to zero*

Rationale: Federal Law mandates that public school Nutritional Services must end the fiscal year with a positive balance or a balance of zero. Student debt is not canceled.

Policy References: DBJ

RSA/Federal References: RSA 32:10, 282-A:71,III [1]

25. Title: Data Governance Plan

Timing: Last Meeting in June

Legal Deadline: June 30th

Motion: *"To approve the data governance plan as presented for the coming school year"*

Rationale: Numerous federal laws (e.g. COPPA, FERPA) require the annual review and renewal of the data governance plan

Policy References: EHAB

RSA/Federal References: RSA 186:66 * Student Information Protection and Privacy, 15 U.S.C. §§ 6501-6506 * Children's Online Privacy Protection Act (COPPA), etc.

Jul 29, 2023,
6:38 PM (11 days
ago)

Scott Peters

to me

Between 4 & 5

Title: NHSBA Resolutions

Timing: Last Board Meeting in July

Motion: *To submit the following proposed resolutions to NHSBA for the annual School Board Association meeting*

- *Suggestion 1*
- *Suggestion 2*
- *Suggestion 3, etc.*

Rationale: Annual request, tradition

Policy References:

RSA/Federal References:

Between 6 & 7

Title: Proposed Budget Ideas

Timing: Last Board Meeting in August / First Board Meeting in September

Motion: *For Administration to include recommendations and potential cost for the following initiatives in the proposed budget:*

- *Suggestion 1*
- *Suggestion 2*
- *Suggestion 3, etc.*

Rationale: Annual request, tradition

Policy References:

RSA/Federal References

OATH OF OFFICE*Category: Technical Advisory**Related Policies: BBB, BBBE & BCA
Related Form: BBB-F*

*This document is a technical advisory only, intended to provide school boards and school district officers guidance and information relative to the Constitutional and statutory requirements relative to the oath of office. **As a technical advisory, no action by the Board is required.***

School board members, as well as school district moderators, clerks, treasurers and other elected, re-elected, appointed or re-appointed, district officers, are required to take an oath of office pursuant to Pt. II, Article 84 of the New Hampshire Constitution. See also RSA 92:2, and RSA 42:1 (applicable to school districts per RSA 194:1). Unfortunately, the statutes applicable to the timing and manner of giving or administering the oath for school district officers are sprinkled throughout various titles and chapters of the New Hampshire Revised Code Annotated (i.e., “RSA”).

A. Term of Office. Under RSA 671:3, the term of office for district officers runs from officer’s election (or appointment), until the election and qualification of a successor. The oath of office is an essential and the last “qualification” to serve as an official. Accordingly, the term of office for an officer begins upon taking the oath¹ following the conditions outlined in section B below. Conversely, **the person holding the office before the election** (or appointment if no vacancy) whether it is someone who did not run again, or ran and was not declared the winner, **will hold office until the newly elected person takes the oath.**

B. Time and Place for Taking Oath.

- 1. Elections.** With few exceptions², **if no recount is requested**, a person elected to a school district office should be sworn as soon after the Friday following the election.
 - a. **If a recount is requested, and the originally declared winner is affirmed**, then that person may take the oath as soon as practicable after the declaration of recount results.
 - b. **If a different person is declared the winner after a recount, and no appeal** of the result is taken, then the newly declared winner may take the oath and office on the sixth day following the recount.
 - c. **If a different person is declared the winner after the recount, and an appeal is taken**, that newly declared winner (i.e. after the recount) does **not** take the oath or take office until after a final ruling on the appeal.
- 2. Failure to Timely Take Oath.** Under RSA 42:6, a person elected to office is guilty of a violation if s/he fails to take the oath within 30 days of the election. Additionally, under RSA 652:12, that office is deemed vacant, tantamount to forfeiture of the office by that person.
- 3. Appointments.** Persons **appointed** to office take the oath of office (vacancy or non-elected) upon their appointment.

¹ The one exception is the district treasurer whose term begins after the later of the beginning of the fiscal year or the taking of the oath. I.e., the treasurer can be sworn in at the same time as other elected officers, whose terms would begin upon the swearing in, but the treasurer’s term does not begin until the new fiscal year. See RSA 671:6.

² Most notable exceptions are: (1) the treasurer, see footnote 1, and (2) if a candidate ran unopposed, AND no write-in candidate received one vote for that office, the candidate may take office/the oath as soon as the results are declared and the annual meeting has concluded (see RSA 671:32 , 669:10, II & 669:30).

OATH OF OFFICE**C. Who May Administer the Oath.**

The power to administer oaths for school district officers is given to the district moderator, clerk, assistant moderator, any sitting member of the school board, and any justice of the peace. See RSA 92:5, 197:19, 19-a, and 20.

D. Form, Place and Manner.

1. **Form.** The form of the oath (i.e., the oath itself), is as proscribed in the N.H. Constitution. See Section E, below, and NHSBA sample BBB-F. Under RSA 92:3, the word "*affirm*" may be substituted for "*swear*," in the form of the oath; and the words "*This you do under the pains and penalties of perjury*," instead of "*So help you God*."
2. **Place.** There are no specific requirements relative to where the oath may be administered. Many districts swear their newly elected officers in at a school board or other public meeting, but that is not required.
3. **Manner/Ceremony.** Other than the form of the oath itself, the only requirement as to administration of the oath is that the person giving the oath raise her/his right hand. RSA 92:4.

E. Certificate of Oath. The person administering an oath is required to "file a certificate" of the oath with the District Clerk (c/o SAU). All Certificates of Oath of Office shall be maintained as records of the District. See NHSBA sample form BBB-F.

Legal References:

N.H. Constitution, Pt. II, Art. 84
RSA Chapter 42, Oaths of Town Officers
RSA Chapter 92, Tenure and Oath of Office in Certain Cases
RSA 197:19, Moderator
RSA 197:19-a, Assistant Moderator
RSA 197:20, Clerk
RSA 652:12, Vacancies
RSA Chapter 669, Town Elections
RSA Chapter 671, School District Elections
N.H. Election Procedure Manual (Accessible on website of the N.H. Secretary of State, Elections Division)

Legal References Disclaimer: *These references included as additional resources for those interested in the subject matter of the technical advisory, are not intended as a comprehensive or exclusive compilation of applicable laws.*

NHSBA history: New Technical Advisory, March 2022.

w/p-update/2022-U1 Spring/BBB-TA Oath of Office 2022-U1 (1)

DISCLAIMER: This sample is provided for general information only and as a resource to assist NHSBA member Districts. This Technical Advisory is not to be considered legal advice. School Districts and Boards of education should consult with legal counsel to address local facts and circumstances prior to adoption. NHSBA continually makes revisions based on school Districts' needs and local, state and federal laws, regulations and court decisions, and other relevant education activity.

EMERGENCY PLAN FOR SPORTS RELATED INJURIES and ADDITIONAL PROTOCOLS FOR ATHLETICS PARTICIPATION

Category: Priority/Required by Law

*Related Policies: EBBB, EBBC, EBCA, JJIB,
JLCE/EBBC, JLCEA & JLCJ*

Related Administrative Procedures: JJA-R

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ADOPTION/REVISION NOTES –

Text between the highlighted lines “~~~~”, and highlights in this sample should be removed prior to adoption.

- (a) **NOTE** – Newly enacted RSA 200:40-c requires an emergency plan for sports related injuries for school districts with any grades 4-12. It is optional for grades preK – 3.
- (b) General – As with all sample policies, NHSBA recommends that each district carefully review this sample prior to adoption/revision to assure suitability with the district’s own specific circumstances, internal coding system, current policies, and organizational structures.
- (c) **Highlighted language** or blank, underscored spaces indicate areas which Boards should review, change or complete to reflect local personnel titles, internal/ external policy references, duty assignments etc.
- (d) **{**}** indicates a reference to another NHSBA sample policy. A district should check its own current policies and codes to assure internal consistency.
- (e) Withdrawn & earlier versions of revised policies should be maintained separately as part of the permanent records of the District.

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- A. **Creation of Plan.** No later than August 1, 2022,¹ the Superintendent or his/her designee **[in consultation with each building Principal, the Athletic Director/Coordinator _____, district athletic trainer(s) and school nurse(s)]**, shall establish a “Sports Injury Emergency Action Plan” (at times referred to in this policy as the “Plan”) for responding to serious or potentially life-threatening injuries sustained from sports or other school sponsored athletic activities. The Sports Injury Emergency Action Plan shall:

- a. Document the proper procedures to be followed when a student sustains a serious injury or illness while participating in school sponsored sports or other athletic activity;
- b. List the employees, team coaches, and licensed athletic trainers in each school who are trained in first aid or cardiopulmonary resuscitation;

¹**[Delete footnote.]** The “effective date” language pertaining to RSA 200:40-c (see 2021 N.H. Laws Chapter 210, Pt. III, §210:2) suggests that districts which begin the 2022-23 school year before September 1, 2022 might have until the beginning of the 2023-24 to develop and institute the plan. NHSBA cautions against that reading and recommends that districts wishing to wait until the 2023-24 school consult with private counsel.

**EMERGENCY PLAN FOR SPORTS RELATED INJURIES and
ADDITIONAL PROTOCOLS FOR ATHLETICS PARTICIPATION**

- c. Identify the employees, team coaches, or licensed athletic trainers responsible for carrying out the emergency action plan;
 - d. Identify the activity location, address, or venue for the purpose of directing emergency personnel;
 - e. Identify the equipment and supplies and location thereof needed to respond to the emergency;
 - f. Identify the location of any automated external defibrillators and personnel trained in the use of the automated external defibrillator; and
 - g. Document policies related to cooling for an exertional heat stroke victim consistent with guidelines established by the American College of Sports Medicine and the National Athletic Trainers' Association.
- B. Dissemination of Sports Injury Emergency Action Plan.** The Sports Injury Emergency Action Plan shall be posted within each school and disseminated to, and coordinated with, pertinent emergency medical services, fire department, and law enforcement.
- c. Additional Written Protocols and Procedures Required.** No later than August 1, 2022, the Superintendent or his/her designee [in consultation with each building Principal, the Athletic Director/Coordinator, district athletic trainer(s) and school nurse(s)], shall develop written procedures and protocols as described below:
- 1. Hydration, Heat Acclimatization and Wet Globe Temperature – protocols relating to hydration, heat acclimatization and wet bulb globe temperature as established by the American College of Sports Medicine and the National Athletic Trainers' Association;
 - 2. Student Medical History – procedures for obtaining student-participant medical information for each student athlete prior to engaging in sports. Such information must include:
 - a. injury or illness related to or involving any head, face, or cervical spine;
 - b. cardiac injury or diagnosis;
 - c. exertional heat stroke;
 - d. sickle cell trait;
 - e. asthma;
 - f. allergies; or
 - g. diabetes.

**EMERGENCY PLAN FOR SPORTS RELATED INJURIES and
ADDITIONAL PROTOCOLS FOR ATHLETICS PARTICIPATION**

Access, filing, and confidentiality of student-participant medical information shall be managed in accordance with the Family Educational Rights and Privacy Act (FERPA), and the Health Insurance Portability and Accountability Act (HIPAA)².

3. **Student Return to Play** - Procedures governing a student's to return to play after a sports or illness related injury pertaining to this policy are in addition to the return to play provisions specific to head injuries set forth in Board policy {**}JLCJ, and copies of the procedures must be maintained at the SAU office and available to the Department of Education and public upon request.
- D. **Annual Review and Update**. The Superintendent and/or designee shall assure that the Sports Injury Emergency Action Plan, and all procedures and protocols adopted pursuant to this policy are reviewed no less than annually and updated as necessary. Copies of the updated Plan and procedures should be provided to the Board no later than the start of each school year.
- E. **Inclusion of Sports Injury Emergency Action Plan with Emergency Response Plan**. The Sports Injury Emergency Action Plan shall be included with each school's annual Emergency Response Plan (see Board policy {**}EBCA).

District Policy History:

First reading: _____

Second reading/adopted: _____

District revision history:

Legal References:

20 U.S.C. §1232g, Family Educational Rights and Privacy Act (FERPA)

² [Delete footnote.] As most districts are aware, HIPAA does not apply to student records, including health records, maintained by the District. Accordingly, maintaining such information in the same manner as other student health records should be sufficient. Consult with District counsel for specific inquiries.

**EMERGENCY PLAN FOR SPORTS RELATED INJURIES and
ADDITIONAL PROTOCOLS FOR ATHLETICS PARTICIPATION**

34 C.F.R. Part 99, Family Educational Rights and Privacy Act Regulations

RSA 200:40-c, Emergency Plan for Sports Related Injuries

Legal References Disclaimer: These references are not intended to be considered part of this policy, nor should they be taken as a comprehensive statement of the legal basis for the Board to enact this policy, nor as a complete recitation of related legal authority. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

When adopting this sample or variation of the same, a district should not include the NHSBA history or NHSBA policy notes appearing below. The district should, to the extent possible, include its own adoption/revision history, as well as the legal references and disclaimer as indicated above.

NHSBA history: New policy – Sept. 2021

NHSBA Notes, September 2021: This new sample policy was created to facilitate compliance with RSA 200:40-c, as enacted by passage of SB 148 Part III, which requires the creation of emergency plans for sports related injuries, protocols for gathering health records from student-athletes engaging in sports, and procedures overseeing return to play following injury.

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STUDENT CONDUCT ON SCHOOL BUSES

Category: Recommended

*Related Policies: EEA, JIC & JICD
Related Administrative Procedures: JICC-R*

ADOPTION/REVISION NOTES –

Text between the highlighted lines “~ ~ ~”, and highlights in this sample should be removed prior to adoption.

- (a) The 2021 update to JICC corresponds to changes to most of NHSBA sample policies relating to transportation, including the withdrawal of redundant sample policy EEAEC. In adopting the revisions to JICC – or adopting it in the first instance – districts should assure that they withdraw EEAEC. Because policy references can often be found in handbooks, procedures and other such documents, a district withdrawing EEAEC should retain a “withdrawn” copy in the manual, with direction that “All reference to EEAEC found in external materials shall mean / refer to policy JICC.”*
- (b) General – As with all sample policies, NHSBA recommends that each district carefully review this sample prior to adoption/revision to assure suitability with the district’s own specific circumstances, internal coding system, current policies, and organizational structures.*
- (c) Highlighted language or blank, underscored spaces indicate areas which Boards should review, change or complete to reflect local personnel titles, internal/ external policy references, duty assignments etc.*
- (d) {**} indicates a reference to another NHSBA sample policy. A district should check its own current policies and codes to assure internal consistency.*
- (e) Withdrawn & earlier versions of revised policies should be maintained separately as part of the permanent records of the District.*

Students using school buses and other District transportation are under the jurisdiction of the School from the time they board the bus until they exit the bus. Additionally, Board policy {**}JICDD applies to “out-of-school” student conduct, including, but not limited to, conduct at or near school bus stops.

The Superintendent or his/her designee will develop rules and regulations for conduct on buses. See District administrative School Bus Conduct Rules {**}JICC-R and these shall be printed in the Parent-Student Handbook, made available on the District and/or school website, and provided in other languages as needed.

Failure to abide by the School Bus Conduct Rules Continued, disorderly conduct or persistent refusal to submit to the authority of the driver may result in a student to be denied or suspended from the privilege of transportation in accordance with the RSA 189:9-a, and applicable District rules and procedures. See {**}JICC-R. Additionally, conduct on District transportation is subject to additional interventions, supports or consequences as provided in the Student Code of Conduct [or other such rules as termed by the district].

If a student is to lose the privilege of riding the bus (“transportation suspension”), advance warning will be given, except for misconduct that threatens or the health, safety or welfare of other students,

STUDENT CONDUCT ON SCHOOL BUSES

staff or any other person. Parents/guardians of students who have had bus privileges suspended have a right to appeal the suspension within 10 calendar days to the person who issued the original suspension. Transportation suspensions exceeding 20 days must be approved by the Board. Transportation suspensions shall not begin until the next school day following the day written notification of suspension is sent to the pupil's parent/guardian. The Superintendent shall include such appeal and review procedures in the **School Bus Conduct Rules** referenced in the preceding paragraph. Transportation suspensions may extend to all District transportation according to the **Student Bus Conduct Rules**.

Students transported in a school bus shall be under the authority of the District and under control of the bus driver. The driver of the bus, along with the bus monitor, if applicable, is responsible for the orderly conduct of the students transported. Each driver and monitor has the support of the Board in maintaining good conduct on the bus.

District Policy History:

First reading: _____

Second reading/adopted: _____

District revision history:

Legal References:

RSA 189:6-a, School Bus Safety

RSA 189:9-a, Pupils Prohibited for Disciplinary Reasons

NH Code of Administrative Rules, Section Ed. 306.04(d)(1), School Safety

NH Code of Administrative Rules, Section Ed. 306.04(f)(4), Student Discipline

Legal References Disclaimer: These references are not intended to be considered part of this policy, nor should they be taken as a comprehensive statement of the legal basis for the Board to enact this policy, nor as a complete recitation of related legal authority. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

When adopting this sample or variation of the same, a district should not include the NHSBA history or NHSBA policy notes appearing below. The district should, to the extent possible, include its own adoption/revision history, as well as the legal references and disclaimer as indicated above.

NHSBA history. Revised – Sept. 2021, October 2005

STUDENT CONDUCT ON SCHOOL BUSES

NHSBA revision notes. September 2021, This sample policy amended to clarify that the District has authority over student behavior on any official District transportation. **See also Sept. 2021 revision notes for sample EEA.**

w/p-update/2021-U2/in.rtf

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| | |
|--------------|---|
| Book | J: Students |
| Section | Series J |
| Title | Student Rules & Conduct on the School Bus |
| Code | JICC-R |
| Status | Active |
| Adopted | May 4, 1993 |
| Last Revised | November 1, 1999 |

STUDENT RULES AND CONDUCT ON THE SCHOOL BUS

1. Pupil shall arrive at the bus stop at least five (5) minutes before the bus is scheduled to arrive.
2. Pupil shall wait in a safe place, clear of traffic until the bus stops, the door is open, red flashing lights are on, and the driver has directed you to proceed.
3. Pupil shall wait in an orderly line and avoid horseplay.
4. Pupil shall cross the road or street in front of the bus only after the bus has come to a complete stop and upon the direction of the driver (10-foot minimum crossing distance).
5. Pupil shall go directly to an available or assigned seat when entering the bus and move in toward the window. At that time, they must fasten their seat belt, which they are required to wear (On vehicles so equipped).
6. Pupil shall remain seated until they have reached their designated stop and the bus has come to a complete stop. Aisles and exits must be kept clear at all times and the emergency door will be used for emergencies only.
7. Everyone shall observe classroom conduct and obey the driver promptly and respectfully. The driver is in complete charge of the bus and his/her decisions and requests must be followed.
8. Pupil is permitted to carry only objects that can be held on his/her lap.
9. Pupil shall refrain from throwing or passing objects on, from or into buses.
10. Pupil shall refrain from eating and drinking on the bus.
11. Pupil shall respect the rights and safety of others.
12. Pupil shall refrain from leaving or boarding the bus at locations other than assigned stops at home or school. Students may ride only the bus that they have been assigned. (Exceptions will only be made with a note from a principal.)
13. Pupil is prohibited from extending head, arms or objects out of the bus windows. Students will not be allowed to lower windows without permission of the driver.
14. Only authorized riders will be permitted on the bus.
15. When necessary, students will be expected to sit three passengers to a seat.
16. Pupil is prohibited from using tobacco, alcohol, drugs, or any controlled substance. The police will be notified whenever a student is involved with the possession and/or use of alcohol, drugs, or any illegal substances.

17. Pupil shall refrain from the use of profane language, obscene gestures, excessive noise, fighting, wrestling or acts of physical aggression on the bus.
18. Pupil shall not carry hazardous material, nuisance items, and animals onto the bus.
19. Pupil is prohibited from hitching rides via bumper or other parts of the bus.
20. Students/Parents will be held responsible for any and all damages to the bus perpetrated by the student.

There may be circumstances that could result in immediate suspension from the bus -- such disciplinary action to be at the discretion of the appropriate school administrator. The following procedure will be used whenever rules 1 through 15 have been committed:

FIRST OFFENSE will result in a letter of warning with a copy sent to the student's parents/guardians, and a copy kept on file in the School Administrator's Office and the Transportation Office.

SECOND OFFENSE will result in a three-day suspension from bus privileges. Parents must be notified prior to the implementation of the detention. It becomes the parents/guardians' responsibility to transport or arrange other transportation for their children home after a suspension.

THIRD OFFENSE will result in an immediate five (5) day suspension from ANY bus. (This includes field trips, sports events or any activities.)

- All suspensions represent school days, not calendar days.

For infractions 16 through 20 the following procedures will be followed:

FIRST OFFENSE will be an immediate minimum 3 (3) day suspension from ALL buses.

SECOND OFFENSE will be an immediate minimum ten (10) day suspension from ALL buses.

THIRD OFFENSE will result in the immediate suspension from ANY bus. "RSA 189:9 -- Pupils prohibited for Disciplinary Reasons. Notwithstanding the provisions of RSA 189:6-8, the Superintendent, or his representative as designated in writing, is authorized to suspend the right of pupils from riding in a school bus when said pupils fail to conform to the reasonable rules and regulations as may be promulgated by the school board. Any suspension to continue beyond twenty (20) school days must be approved by the school board. Said suspension shall not begin until the next school day following the day notification of suspension is sent to the pupil's parent or legal guardian.

I. If a pupil has been denied the right to ride a school bus for disciplinary reasons, the parent or guardian of that pupil has right of appeal within ten (10) days of suspension to the authority that suspended this pupil's right.

II. Until the appeal is heard, or if the suspension of pupil's right to ride the school bus is upheld, it shall be the parents' or guardians' responsibility to provide transportation to and from school for that pupil for the period of the suspension.

Policy References:

RSA 189:9, 189:6-8

Reference Policies: EEACC & EEA-R

Policy Cross References:

- » EEA - Student Transportation
- » EEA-R - Student Transportation Services
- » JICC - Student Conduct on School Buses

Last Modified by Lillian Sutton on July 6, 2017

SCHOOL BUS CONDUCT RULES*Category: Recommended**Related Policies: EEA & JICC**Related Administrative Guidelines: EEAE-R***ADOPTION/REVISION NOTES –****Text between the highlighted lines “~ ~ ~ ~”, and highlights in this sample should be removed prior to adoption.**

- (a) *These sample regulations replace previous JICC-R, and EEAE. They are not intended as school board policy, but rather administrative regulations and procedures to help administrators implement related board policies EEA & JICC. As with all administrative regulations, the scope and breadth are subject to school board policies and review, as well as applicable law.*
- (b) *As these are administrative regulations, adoption may be deferred until the 2022-23 school year.*
- (c) *Because this sample is not intended as a board policy, neither the original adoption, nor revisions / amendments to the same, require approval by the board any more than other administrative regulations or procedures promulgated under the superintendent's direction.*
- (d) *General – As with all sample policies, NHSBA recommends that each district carefully review this sample prior to adoption/revision to assure suitability with the district's own specific circumstances, internal coding system, current policies, and organizational structures.*
- (e) **Highlighted language** or blank, underscored spaces indicate areas which Boards should review, change or complete to reflect local personnel titles, internal/ external policy references, duty assignments etc.
- (f) **{**}** indicates a reference to another NHSBA sample policy. A district should check its own current policies and codes to assure internal consistency.
- (g) *Withdrawn & earlier versions of revised policies should be maintained separately as part of the permanent records of the District.*

In order to ensure the safety of all students riding District provided school buses, appropriate behavior is required for all students. Transportation to and from school is an extension of the classroom and should be considered part of the school day. The issue of safety requires students to be on their best behavior while on school buses or vehicles.

The [**Student Code of Conduct**_____]¹ applies to students at all times when being transported on school buses or other District provided transportation to and from school or school activities. Thus, while students may lose the privilege to ride the bus or other District transportation due to students' failure to maintain the behavioral expectations, students may also be subject to interventions and/or disciplinary consequences for the same behaviors according to the **Student Code of Conduct**.

A. Behavioral Expectations & Rules for School Buses and Other District Provided Transportation.

¹ **[Delete footnote.]** Name of consolidated behavioral and disciplinary rules which establish the District's "system of supports and consequences" per RSA 193:13, XI. For further information see NHSBA samples JIC and JICD.

SCHOOL BUS CONDUCT RULES

[Add/subtract rules as deemed appropriate.]

1. Students should arrive at the bus stop at least five (5) minutes before the bus is scheduled to arrive. The bus cannot wait for those who are not on time. If a student misses the bus, it is the parent/guardian's responsibility to transport the student to school.
2. Students shall wait in a safe place, clear of traffic until the bus stops, door is open, red flashing lights are on, and the driver has directed students to get on the bus.
3. Students shall wait in an orderly line and avoid horseplay.
4. Students may cross the road or street only in front of the bus only after the bus has come to a complete stop and upon direction of the driver (10-foot minimum crossing distance).
5. Students shall go directly to an available or assigned seat when entering the bus and move in toward the window.
6. Students shall remain seated until they have reached their designated stop and the bus has come to a complete stop. Aisles and exits must be kept clear at all times and emergency door will be used for emergencies only.
7. Students shall observe normal classroom conduct and obey the driver promptly and respectfully. The driver is in complete charge of the bus and his/her decisions and requests must be followed.
8. Students shall not engage in verbal abuse and/or use abusive language to others.
9. Students may carry only objects that can be held safely on his/her own lap. Musical instruments, athletic equipment bags and the like must be placed in the area designated by the driver.
10. Students shall refrain from throwing or passing objects on, from or into buses.
11. Students shall refrain from eating and drinking on the bus. *[Schools differ greatly on this particular rule, especially relative to sports activities. Modify as appropriate.]*
12. Students shall respect the rights and safety of others.
13. *[This rule differs depending on the grade levels. Modify as needed.]* Students may ride only the bus that they have been assigned, and students may only board or exit at their assigned stops . (Exceptions will only be made with a note from a Principal or Principal's designee.)
14. Students are prohibited from extending head, arms or objects out of the bus windows, and are not allowed to open windows without permission of the driver.
15. Only authorized riders are permitted on the bus.
16. When necessary, students will be expected to sit three passengers to a seat. *[Implementation of this rule may depend on a district's transportation contract.]*
17. Students are strictly prohibited from possessing or using tobacco, alcohol, drugs, or any

SCHOOL BUS CONDUCT RULES

controlled substance. In addition to any interventions or consequences pursuant to these rules or the **[Student Code of Conduct]**,² The police will be notified whenever a student is involved with the possession and/or use of alcohol, drugs, or any illegal substances.

18. Students shall not use profane language or obscene gestures, and shall make any excessive noises while on the bus.
19. Fighting, wrestling or acts of physical aggression are strictly prohibited.
20. Students shall not deface or otherwise damage the bus, the driver's or any other students belongings while on the bus. Students/Parents will be held responsible for any and all damages to the bus caused by the student by way of vandalism or other intentional or reckless conduct.
21. Pupil shall not carry hazardous material, nuisance items or animals onto the bus.
22. Students are prohibited from hitching rides via bumper or other parts of the bus.

B. Response and Consequences for Misconduct on School Buses.

Students not adhering to the above expectations may receive consequences as described below. However, **when a student engages in any conduct that threatens or impacts the health or safety of students, staff or others, the Principal, Transportation Coordinator or Superintendent may impose more significant and immediate consequences including lengthier transportation suspensions.**

The following will generally apply to violations of expectations **2 through 16**:³

First Referral: will result in a letter of warning with a copy sent to the student's parents/guardians, and a copy kept on file in the School Administrator's Office and the Transportation Coordinator.

Second Referral: will result in one (1) hour after school detention. Parents/guardians must be notified prior to the implementation of the detention. It becomes the parents/guardians' responsibility to transport or arrange other transportation for their children home after a detention.

Third Referral: will result in an immediate five (5) day suspension from District transportation to and from school.

The following will generally apply to violations of expectations **2 through 16**:⁴

First Referral: will be an immediate five (5) day from all District transportation.

Second Referral: will be an immediate ten (10) day from all District transportation.

² **[Delete footnote.]** See footnote 1.

³ **[Delete footnote.]** Adjust numbers if adding/subtracting expectations.

⁴ **[Delete footnote.]** Adjust numbers if adding/subtracting expectations.

SCHOOL BUS CONDUCT RULES

Third Referral: will result in the immediate suspension from all District transportation. “RSA 189:9 – Pupils prohibited for Disciplinary Reasons.

C. General Provisions Relating to Transportation/Bus Suspensions.

All transportation suspensions are measured by school days, not calendar days. Repeat transportation suspensions or suspensions over five (5) days will apply to all District transportation, including to and from school, as well as any school sponsored activity or program (e.g., field trips, athletic competitions, etc.).

Transportation suspensions shall not begin until the next school day following the day written notification of suspension is sent to the pupil’s parent/guardian.

Any suspension to beyond twenty (20) school days must be approved by the school board.

If a pupils transportation privileges have been suspended for violations of the behavior rules or other disciplinary reasons, the parent or guardian of that pupil has right of appeal within ten (10) days of suspension to the authority who issued the suspension.

The Board should consult with counsel regarding the procedures to apply at any Board review or appeal regarding suspension of an individual’s transportation privileges.

Until any appeal is heard, or if the suspension of pupil’s privileges to ride the school bus is upheld, it shall be the parents’ or guardians’ responsibility to provide transportation to and from school for that pupil for the period of the suspension.

D. Audio and Video Surveillance on School Buses.

Video cameras may be used on school buses to monitor student behavior. Audio recordings in conjunction with video recordings may also be captured on school buses, in accordance with the provisions of RSA 570-A:2. See Board policy {**} ECAF – Audio & Video Surveillance on School Buses.

E. Students with Disabilities:

Students with disabilities will be discipline in accordance with federal state law including the Individuals with Disabilities Education Act and Section 504 of the Rehabilitation Act, as set forth in the procedures developed by the administration.

District Policy History:

First reading: _____

Second reading/adopted: _____

District revision history:

Legal References:

RSA 189:6-a, School Bus Safety

SCHOOL BUS CONDUCT RULES

RSA 189:9-a, Pupils Prohibited for Disciplinary Reasons

RSA 193:13, Suspension and Expulsion of Students

***Legal References Disclaimer:** These references are not intended to be considered part of this policy, nor should they be taken as a comprehensive statement of the legal basis for the Board to enact this policy, nor as a complete recitation of related legal authority. Instead, they are provided as additional resources for those interested in the subject matter of the policy.*

When adopting this sample or variation of the same, a district should not include the NHSBA history or NHSBA policy notes appearing below. The district should, to the extent possible, include its own adoption/revision history, as well as the legal references and disclaimer as indicated above.

NHSBA history: Revised – Sept. 2021

NHSBA revision notes, September 2021, revisions to JICC-R were part of complete restructuring of NHSBA samples relative to student transportation services (see related policies referenced at top of this sample). **See also Sept. 2021 revision notes for sample EEA.**

w/p-update/2021-U2 Fall/JICC-R Student Conduct Regs 2021-U2 (v5)

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| | |
|--------------|----------------------------|
| Book | J: Students |
| Section | Series J |
| Title | Released Time for Students |
| Code | JHC |
| Status | Active |
| Adopted | May 4, 1993 |
| Last Revised | November 1, 1999 |

STUDENT RELEASE PRECAUTIONS

All school personnel are to be instructed to refuse requests for children to leave the school grounds once they have come to the school or have been deposited there from the school buses or other vehicles. Children shall not leave the school grounds from the time they arrive until the time of their departure for home except as follows:

- a. No school or grade may be dismissed before the regular hour for dismissal except with the approval of the Office of the Superintendent of Schools.
- b. No teacher may permit any individual student to leave school prior to the regular hour of dismissal except by permission of the Principal or his/her designated representatives.
- c. No student may be permitted to leave school prior to the dismissal hour for any reason unless permission of the parent or guardian has been first secured, nor sent home unless a responsible adult is at the home. Any student being released during the school day must be released through the school office when he/she leaves and must report to the office when he/she returns, except that Students who are ill may also be released through the Nurse's office. Students will be released only when legally authorized by the parent or legal guardian. Students traveling on school buses to school-sponsored activities will return from the activity on the bus unless released to their parents.

Policy References:

Category - Recommended

Last Modified by Lillian Sutton on July 6, 2017

STUDENT EARLY RELEASE PRECAUTIONS*Category: Recommended*

School district staff will not permit a student to leave school during the school day unless the student is accompanied by the student's parent/guardian, or other person so authorized by the school district and the student's parents/guardians. In all situations, the Principal shall approve the early release.

School officials will presume that each parent has equal authority to exercise rights of visitation, removal of the student from school, the right to inspect and review educational records, and all other rights and privileges extended to parents. Requests from parents asking the school to restrict the release of a student to the other parent will not be honor unless accompanied by a court order or other legally binding document which corroborates the request.

The Principal is authorized to establish additional procedures necessary to ensure the proper and safe release of students. Such procedures must adhere to the following rules:

1. Students will only be released to the parent, guardian, or written designee of the parent or guardian, or to other individuals or agencies as permitted or required by law.
2. The District will release a student to either parent unless the District has a valid court order directing otherwise or unless the parent requesting the release is only entitled to supervised visitation. If district staff have concerns about releasing the student to a parent, the student may be held while additional precautions are taken, including, but not limited to, verifying custody orders, contacting the other parent or contacting appropriate authorities.
3. Students who are 17 years old and living independently and students 18 years old or older must validate their own attendance and dismissal.
4. Telephone requests for early dismissal of a student shall be honored only if the caller can be positively identified as the student's parent or guardian. The parent or guardian will still be required to enter the school building and sign the student out.
5. If it is determined that a student who is ill or sick should be taken home, the school nurse will contact the student's parent or guardian to arrange for an early release. The school nurse will also notify the Principal.

Revised: September 2009

Reviewed: October 2004

Revised: July 1998, November 1999

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| | |
|--------------|--|
| Book | J: Students |
| Section | Series J |
| Title | Student Discipline for Out of School Actions |
| Code | JICDD |
| Status | Active |
| Adopted | November 1, 1999 |
| Last Revised | May 7, 1999 |

STUDENT DISCIPLINE/OUT-OF-SCHOOL ACTIONS

The Board recognizes that out-of-school and off-campus student conduct is not normally the concern of the Board. However, the Board also recognizes that some out-of-school and off-campus conduct may have an adverse effect upon the school, school property, or school staff.

Therefore, it shall be the policy of this Board that the Board or school administrators may impose disciplinary measures against students for some out-of-school or off-campus conduct.

Discipline may be imposed if such out-of-school conduct causes a significant disruption or substantial interference with the school's educational mission, purpose, or objectives. Additionally, any off-campus or out-of-school behavior that has a strong potential to disrupt normal school operations may also be met with appropriate disciplinary actions.

Out-of-school and off-campus student conduct that may subject a student to discipline include, but is not limited to:

1. Damaging school property;
2. Violence at or near the school's bus stop, either before or after the school day;
3. Drinking alcohol, using tobacco products, or using illegal drugs at or near the school bus stop, either before or after the school day;
4. Damaging the private property of school staff or employees; or
5. Any other activity the Board or administration determines impedes the general welfare of scholastic activities.

Cyber-Bullying and Internet Threats

Reports and/or allegations of cyberbullying will be addressed in accordance with the provisions of Board policy JICK.

Consistent with applicable law, the District will not require or request that a student disclose or provide to the District the student's user name, password or other authenticating information to a student's personal social media account.

However, the District 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 District investigation.

RSA 189:70, Educational Institution Policies on Social Media

Revised: September 2015

Revised: May 2006, August 2007, August 2008, September 2010

Last Modified by Lillian Sutton on May 22, 2019

STUDENT DISCIPLINE/OUT-OF-SCHOOL ACTIONS*Category: Recommended**See Also JIA, JIC, JICK***ADOPTION/REVISION NOTES –*****Text between the highlighted lines “~ ~ ~”, and highlights in this sample should be removed prior to adoption.***

- (a) *General – As with all sample policies, NHSBA recommends that each district carefully review this sample prior to adoption/revision to assure suitability with the district's own specific circumstances, internal coding system, current policies, and organizational structures.*
- (b) *Highlighted language or blank, underscored spaces indicate areas which Boards should review, change or complete to reflect local personnel titles, internal/ external policy references, duty assignments etc.*
- (c) *{**} indicates a reference to another NHSBA sample policy. A district should check its own current policies and codes to assure internal consistency.*
- (d) *Withdrawn & earlier versions of revised policies should be maintained separately as part of the permanent records of the District.*

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However, the District 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 District investigation.

District Policy History:

First reading: _____

Second reading/adopted: _____

District revision history:

Legal References:

RSA 189:70, Educational Institution Policies on Social Media

When adopting this sample or variation of the same, a district should not include the NHSBA history or NHSBA policy notes appearing below. The district should, to the extent possible, include its own adoption/revision history, as well as the legal references and disclaimer as indicated above.

NHSBA history: Revised: September 2015

Revised: May 2006, August 2007, August 2008, September 2010

NHSBA Revision Note, September 2015: Minor change in third paragraph. Two paragraphs added to section relating to cyber-bullying and internet threats. Such changes are in response to RSA 189:70, effective September 2015. RSA 189:70 prohibits school districts from requiring students to provide information relative to personal social media accounts. Districts may request certain information if such information is relative to an ongoing investigation. However, such information cannot be demanded or required. Last change is the addition of Legal References.

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| Total Vacancies 2023/24 | Count | Current Vacancies 2023/24 | Count |
|-------------------------------|-------|--|-------|
| Paraprofessional | 17 | Paraprofessional | 9 |
| Special Ed Teacher | 7 | Special Ed Teacher | 2 |
| Social Worker | 2 | Social Worker | 1 |
| Buildings & Grounds | 1 | Buildings & Grounds | 1 |
| Nurse | 2 | Nurse | 1 |
| Reading Specialist | 1 | Reading Specialist | 1 |
| School Psychologist (.5) | 1 | School Psychologist (.5) | 1 |
| Spanish Teacher | 1 | Spanish Teacher | 1 |
| School Counselor (.6) | 1 | School Counselor (.6) | 1 |
| Science Teacher | 2 | Science Teacher | 0 |
| Elementary Teacher | 6 | Elementary Teacher | 0 |
| Math Teacher | 2 | Math Teacher | 0 |
| Art Teacher | 1 | Art Teacher | 0 |
| Administrative Assistant | 1 | Administrative Assistant | 0 |
| Wellness Interventionist | 1 | Wellness Interventionist | 0 |
| Speech Pathologist | 2 | Speech Pathologist | 0 |
| School Psychologist | 2 | School Psychologist | 0 |
| ASL Interpreter | 1 | ASL Interpreter | 0 |
| Principal | 1 | Principal | 0 |
| Assistant Principal | 1 | Assistant Principal | 0 |
| Social Studies Teacher | 1 | Social Studies Teacher | 0 |
| Woodworking Teacher | 1 | Woodworking Teacher | 0 |
| Grant - School Counselor (.5) | 1 | Grant - School Counselor (.5) | 0 |
| English Teacher | 3 | English Teacher | 0 |
| School Counselor | 2 | School Counselor | 0 |
| District Data Specialist | 1 | District Data Specialist | 0 |
| Intervention Teacher | 1 | Intervention Teacher | 0 |
| | | Contracted Services (Potential): School Psychologist (2), ASL Interpreter (1), Speech Pathologist (2) | |
| 9/5/2023 | 63 | 9/5/2023 | 18 |

MRSD School Board

Strategic Goals 2023/24

Board Approved 8/22/2023

1. By the final meeting of this board (3/5/2024), interview, select, and hire a new Superintendent to begin employment with the district on or before 7/1/2024
2. By 10/31/2023, document the School Board's educational philosophy and first long-term educational strategy, to be included in the FY2024/25 proposed budget
3. By 10/31/2023, complete the annual Capital Improvement Plan. Present recommendations for the next wave of SAU or MRMHS capital projects to be included in the proposed budget, a warrant article, or a specific strategy to fund either of the related trust funds via warrant article
4. At the second monthly board meeting from September through February, the board will receive a report and then study a specific cohort of students. On or before the end of this school board's term (3/11/2024), combine these studies with the work of this year's Education committee, and craft one or more continuous improvement initiatives for the cohort and/or the next generation of students
 - a. Proposed cohort
 - i. Grade 5 (class of 2031)
 - ii. Grade 8 (class of 2028)
 - iii. Grade 11 (class of 2025)
 - b. Areas of study: Aligned with the Education Committee's defined measurement categories:
 - i. Ready for School
 - ii. Competency
 - iii. Growth
 - iv. Achievement
 - v. Work Ethic
 - vi. Behavior
 - vii. Attendance
 - viii. Nutrition
 - ix. Ready to Launch