



Thursday, September 5, 2024

AGENDA

Regular Business Meeting
SAU 106 Boardroom

Justin Krieger, Superintendent
Katie Knutsen, Chair
Mark Sherwood, Vice Chair

1. 7:00 PM Call to Order – Chair
2. Roll Call – Minute Taker
3. Pledge of Allegiance
4. Student, Staff, Family Share
5. Delegates and Individuals
6. Approval of Minutes
7. Current Business
 - a. School Board Budget Review – INFORMATIONAL
 - b. SAU Organizational Chart – INFORMATIONAL
 - c. High School Canopy RFP – ACTION
 - d. Policies – ACTION
8. Administrator's Report
9. Personnel Report
10. Committee Reports/Reports of the School Board
11. Other Business
12. Nonpublic Session – if required.

<i>DATE</i>	<i>TIME</i>	<i>LOCATION</i>	<i>TYPE OF MEETING</i>
9/9/24	6:00 PM	SAU Boardroom	CIP
9/16/24	6:00 PM	SAU Boardroom	CIP
9/19/24	5:30 PM	SAU Boardroom	Strategic Plan
9/19/24	7:00 PM	SAU Boardroom	School Board
9/24/24	1:00 PM	SAU Boardroom	Facilities Committee



Upcoming Agenda Items

Description	Month
Annual Data Governance Plan	October
Annual Meeting & Election Calendar	September 19
Financials	October
Draft Warrant Articles	October
Assessment Calendar	October
Athletic Annual Report	October
CIP Recommendations	October/November
FY26 Default Budget	November

DRAFT – NOT APPROVED

Note: When feasible, TRSB meetings are videotaped. These meeting minutes reflect only a basic summary of the meeting topics, discussion, and action. The Vimeo recording of this meeting can be viewed at: <https://vimeo.com/trsd>
Materials presented at the board meeting may be viewed at: [School Board Meeting Agenda Materials](#)

Timberlane Regional School Board Meeting Minutes

**Regular Board Meeting
August 15, 2024
7:00 PM**

**Superintendent's Office
30 Greenough Road
Plaistow, NH**

Call to Order

Board Members Present

Donald Woodworth, Jack Sapia, Katie Knutsen, Mark Sherwood, Alyssa Kowalczyk,
Brienna Woodworth, Paul LeCain

Excused Absence: Shauna Manthorn, Kim McCormick

Seated at the Board Table

Justin Krieger, Superintendent
Sandra Allaire, Acting Assistant Superintendent

Administrators Present

Lucy Canotas, Director of Elementary Education
Fran DeCinto, Director of Human Resources
Maria Watkins, Business Administrator/CFO
Chris Martin, Executive Director of Operations and Special Projects

The Board went into a brief non-public at 7:03 pm.

MOTION: Mr. Sherwood motioned to enter non-public under 91-A:3, Paragraph II (c) Matters which, if discussed in public, would likely affect adversely the reputation of any person, other than a member of the public body itself, unless such person requests an open meeting. This exemption shall extend to any application for assistance or tax abatement or waiver of a fee, fine, or other levy, if based on inability to pay or poverty of the applicant. Seconded by Mr. Sapia Motion passed: 7-0-0

The Board was polled:

D. Woodworth – yes Knutsen – yes Sherwood – yes Sapia – yes B. Woodworth – yes
LeCain – yes Alyssa Kowalczyk - yes

DRAFT – NOT APPROVED

The Board returned to public session at 7:20 pm.

DELEGATES AND INDIVIDUALS

MOTION: Mr. Sherwood motioned to move the 30 minutes for Delegates and Individuals to the end of the meeting. Seconded by Mrs. Woodworth Motion passed: 7-0-0

APPROVAL OF MINUTES

MOTION: Mr. Woodworth motioned to accept the regular public meeting minutes of July 18, 2024 as amended. Seconded by Mrs. Woodworth Motion passed: 6-0-1 (Knutsen abstained)

MOTION: Mrs. Woodworth motioned to accept the non-public meeting minutes of July 18, 2024. Seconded by Mr. Sherwood Motion passed: 6-0-1 (Knutsen abstained)

CURRENT BUSINESS

a. Unassigned Fund Balance

Mr. Krieger reviewed the process which began back in May. Currently the number of the unassigned fund balance is \$16,390,237.00. Mr. Krieger broke that number down into two categories. He stated we have unanticipated revenue and unanticipated savings. He described the numbers that make up the revenue side. He also described the numbers that make up the savings side. Mr. Krieger explained those two primary components are what make up the unassigned fund balance.

Mr. Krieger explained the Board has the authority to retain 5% of the local tax assessment. That total is about \$70 million and if they choose, they could retain up to about \$3.5 million. The Board can make a decision tonight. The voters have the authority to decide how that money is to be spent and that would be done through a public hearing. If the Board votes to do that tonight, they would go to a special meeting and make the case to the voters and the voters are the ones who will make the decision if that money is going to be used for that purpose, and that purpose only.

Mr. Krieger further explained what will be submitted to the Department of Revenue and the New Hampshire Department of Education in September. It will be the unassigned fund

DRAFT – NOT APPROVED

balance number and that number will be used to offset the December/January tax bill that the residents will see. This offsets that localized tax revenue.

Mr. Sherwood made mention of the idea to take some of these additional revenues we have and using it in a way that will help offset future taxes by essentially prepaying off the principal of the lease.

Mr. Krieger explained they are able to make a prepayment on the lease, however, there is a penalty to doing that in the amount of around \$60,000. If that prepayment was made in the amount of \$3 million, they would be saving \$1.4 million in interest payments over the term of the lease.

Mr. Woodworth said the decision will be whether you want a long term benefit that is very significant, or do you want to have a significant immediate piece that would cost more over time.

Mrs. Woodworth confirmed that the voters would have the say as to whether to prepay the lease or not. Mr. Krieger stated that was correct.

Mrs. Woodworth asked if it was prepaid to save on the interest, would that be an amount every single year and would the end be now a year earlier.

Mrs. Watkins explained this would be for the first phase of the lease. If a prepayment of \$3 million is made, we will not have debt any longer. The savings would be prorated over the term of 20 years. If we prepay \$3 million for Phase 1, we won't have to pay the interest.

Mr. Woodworth asked if we would be earning interest on the \$3 million. Mrs. Watkins informed him it is not an interest bearing account.

Mr. LeCain believes it would be good to offer this to the voters to decide whether they want to save \$1.4 million in interest over 20 years for Phase 1.

Mrs. Woodworth asked if the voters turn it down and the money is returned to them, when would they see it. Mrs. Watkins stated it would be returned September 1, 2025 to offset the tax rate.

Mrs. Kowalczyk asked if the voters turn this down, could they have the ability to hold another special meeting in the event something happens that they could use the money for. Mr. Krieger said if the Board votes to retain the money, it is retained until it is either voted on by the public for what it would be used for or it gets returned September 1, 2025.

Mrs. Kowalczyk questioned when this public hearing would happen.

DRAFT – NOT APPROVED

Mr. Sapia said it needs to be held two weeks from the date the meeting is posted.

Mrs. Watkins suggested waiting until after October 1, 2024.

MOTION: Mr. LeCain motioned that the School Board authorizes retaining 5% of the net assessment and further notes that per RSA 198:4(b) prior to expending or retaining general funds, the School Board shall hold a prior special hearing on the action to be taken with such funds. Seconded by Mr. Woodworth. Motion passes: 6-1-0 (Mrs. Knutsen opposed)

MOTION: Mr. Sapia motioned to hold a special meeting to use the 5% retained to pay off the Phase 1 of the lease. Seconded by Mr. Sherwood. Motion passes: 7-0-0

b. FY2024 Encumbrances

Mrs. Watkins presented the Board with the list of FY2024 encumbrances that still need to remain open. She explained at the close of each fiscal year, there are typically still Purchase Orders that remain open from the prior fiscal year. An exception would be to allow the funds to carry forward for amounts that have become encumbered by a legally enforceable obligation prior to the close of the fiscal year. She is asking the Board to vote to encumber the funds necessary for fulfillment of those Purchase Orders. She also explained, should the encumbered funds not be fully expended, any residual funding will be returned as part of our unrestricted fund balance in the subsequent year.

MOTION: Mr. Woodworth motioned to approve the FY2024 encumbrances which total \$1,216,840.00 Seconded by Mr. Sapia. Motion passes 7-0-0

This will not impact the unassigned fund balance.

c. Concession Stand Refrigerator Donation

Mrs. Martin presented Mr. Fantasia's executive summary regarding the acceptance of a new refrigerator for the concession stand near the football field because the old one needs to be replaced. The Football Boosters, Boys' Lacrosse Boosters, and the Timberlane Tornadoes Program are offering to donate funds to cover the cost of the refrigerator which is \$6,200. This includes the cost of delivery and removal of the current refrigerator. Mrs. Martin explained the groups understand this refrigerator would become the property of the Timberlane Regional School District.

DRAFT – NOT APPROVED

Mr. Sapia stated he cannot support this. He doesn't believe we should accept this money. If something is broken on our campus, the District should be replacing it. He appreciates their offer but thinks we can do better than that.

MOTION: Mr. LeCain motioned to approve the donation as written in the Executive Summary in the amount of \$6,200.00. Seconded by Mrs. Woodworth Motion passes: 5-2-0 (Sapia, D. Woodworth opposed)

d. Policies

Mrs. Allaire presented Policy EFAA-Meal Charging, Policy EHAA-Computer, Security, E-mail and Internet Communications, Policy IHBAM – District Special Education Policy and Procedures Manual.

Mrs. Allaire spoke to Policy EFAA. The Board voted to accept it with some recommended changes to the language back in July. She explained this is back before the Board because they learned after the fact that the language was specifically recommended to our auditors and is something that is a legal stipulation that was recommended. They included the language back into the Policy. This policy is before the Board for reconsideration.

MOTION: Mr. Sherwood motioned to approve Policy EFAA with the original language. Seconded by Mr. LeCain Motion passes: 7-0-0

MOTION: Mr. Sherwood motioned to approve Policy EHAA and Policy IHBAM as a second read. Seconded by Mr. LeCain Motion passes: 7-0-0

e. Enrollment Update

Mrs. Canotas provided an enrollment update. She explained there has been some shifts in enrollment. They had been projecting for three 5th Grade teachers. Their enrollment dropped to 50 and their 2nd Grade went over their maximum class size last week and they needed to shift that position. Grade 5 in Danville is at maximum capacity but not over. Grade 2 exceeds maximum class size and Grade 4 is also at maximum capacity and they are fully staffed for that grade.

f. High School Canopy Removal RFP Recommendations

Mrs. Martin presented the proposal recommendation. They need to remove the existing concrete canopy over the front walkway at the high school due to deterioration, cracks and sagging. The request for proposal included three options for consideration.

DRAFT – NOT APPROVED

They received proposals from Energy Efficient Investments and Busby Construction. They are proposing to go with Energy Efficient Investments option 1 at \$47,765.00. This option includes demolition and removal of the concrete canopy only. The rust on the steel structure can be removed.

Mr. Sapia prefers holding off on this until the next meeting. He is concerned with the scope of work and doesn't understand why we would leave that steel up. It could potentially be a safety hazard. Originally, they were to take down the entire structure.

Mrs. Martin said they are only proposing to remove the concrete canopy.

Mr. LeCain stated he would like to take another look at it.

It was the consensus of the Board to hold off making a decision until the next meeting.

ADMINISTRATORS' REPORT

Mrs. Allaire described two annual events that happen this time of year. These two events are funded through federal grants. The first event was welcoming their kindergartners and 1st graders at Sandown North were also invited to join in a week long opportunity to become comfortable with the building, start relationships and get to know their teachers. The second event they will have next week will be welcoming their new teachers to the District. There are about 36 new teachers expected to attend.

Mrs. Martin provided a facilities update. The high school office staff will be moving back into their quarters on Monday. They are on track to have teacher classrooms and work space open on August 28th at the high school. There is a Professional Development Day on August 29th. With regards to Special Education, the addition of facilitators to our schools will be a real benefit and they are committed to training those individuals. She shared some comments that staff made as to what they bring to the District.

Mr. Krieger announced that Eric MacDonald has been appointed as the SRO for the Timberlane Regional School District from the Plaistow Police Department. He will start on August 26th.

They are looking to partner with the Budget Committee for scheduled facility tours that will be dovetailed with events happening in the schools.

Mr. Krieger updated the Board on a Title IX law change. They had legal training with the entire administrative team and are training specific administrators in the investigative process. They will need to do some policy changes to comply with the new law.

DRAFT – NOT APPROVED

They are deep into the budgeting process right now. Formal presentations to the Budget Committee will begin on September 26th.

PERSONNEL REPORT

Mr. Sherwood read the following names that were electronically approved on July 1, 2024. The professional nominations of Colette Faucher, Kindergarten Teacher, TLC; Elizabeth Cregg, Kindergarten Teacher, TLC. Professional resignation of Sandra McKeen, Special Education Teacher, Sandown North. The renomination of Kathryn Morris, Science Teacher, TRMS.

The following professional nominations were read into the record that were electronically approved on July 29, 2024. Clay LaPlante, Tech Education, Teacher; Karen Scherbon, Nurse, Sandown North.

The following names were read into the record that were electronically approved on August 5, 2024. Professional nominations of Kathleen Pritty, Special Ed Facilitator, TRMS/TRHS; Cassandra Allder, Special Ed Facilitator, Danville Elementary. Professional resignations of Jessica Warwick, Elementary School Teacher, Sandown North; Clay LaPlante, Tech Education/Integration, Sandown North.

Mrs. DeCinto presented her personnel report.

MOTION: Mr. Sherwood motioned to accept the professional nominations of Brianna Brown, Elementary Teacher at Pollard; Cheryl Remlin, Elementary Teacher at Danville; Wendy Bowen, Kindergarten Teacher at Danville; Lisa Trepaney, Elementary Teacher at Sandown North. Seconded by Mrs. Woodworth. Motion passes: 7-0-0

MOTION: Mr. Sherwood motioned to accept the professional resignation of Kathleen Scherbon, School Nurse at Sandown North. Seconded by Mrs. Woodworth. Motion passes: 7-0-0

Mrs. DeCinto presented her vacancy report and stated that most of those open positions have now been filled.

COMMITTEE REPORTS

Mrs. Woodworth – Strategic Planning met today. The next meeting is September 9, 2024.

Mr. Sherwood – The ad hoc committee who is investigating Kindergarten has covered an awful lot of ground. They are working on the financial implications and state funding.

DRAFT – NOT APPROVED

Mrs. Knutsen – Open houses will be held in late September. It will now be called Meet Your Teacher Night instead of Open House. They will be holding this in the evening as well.

Mr. Woodworth – He thanked Mr. Krieger and Mrs. Watkins for setting up opportunities for the Board members to help them understand the budget process and the budget more thoroughly. It was very helpful.

Mr. Sapia – He agreed with Mr. Woodworth. The CIP met and have made their calendar for the year. They are looking at presenting to the Budget Committee in mid-October.

DELEGATES AND INDIVIDUALS (cont'd)

Marianne Springer of Danville thanked the administrators and the school board for their clear discussion about the retention of the unassigned funds for the purpose of savings in the long term. She appreciates having the \$12 million being returned to the tax payers and she looks forward to their continued attentiveness to the financial concerns of the taxpayers.

There was no further public business before the Board.

MOTION: Mr. Sherwood motioned to enter non-public under 91-A:3, Paragraph II (c) Matters which, if discussed in public, would likely affect adversely the reputation of any person, other than a member of the public body itself, unless such person requests an open meeting. This exemption shall extend to any application for assistance or tax abatement or waiver of a fee, fine, or other levy, if based on inability to pay or poverty of the applicant. Seconded by Mrs. Woodworth Motion passed: 7-0-0

The Board was polled:

D. Woodworth – yes Knutsen – yes Sherwood – yes Sapia – yes B. Woodworth – yes
Alyssa Kowalczyk – yes LeCain - yes

Motion passed 7-0-0 to enter non-public at 9:00 pm.

The public meeting adjourned at 9:00 pm and the School Board will not be returning to public session.

Respectfully submitted,

Linda Mahoney
Recording Secretary

Approved by the School Board on

Timberlane Regional School Board
Meeting Minutes
August 15, 2024
Page 8 of 8

Timberlane Regional School District

Budget - School Board Expenses

Fiscal Year: 2024-2025

☐ Print accounts with zero balance

☐ Round to whole dollars

☐ Account on new page

☐ Exclude inactive accounts with zero balance

From Date: 7/1/2024

To Date: 6/30/2025

Definition: Budget Report

Account	Description	2025 Budget	2024 Budget	Variance	2024 Actual	2023 Actual	2022 Actual	2021 Actual	2020 Actual
100.2311.111.01.33.4.00000	Stipend - Sch Board	\$14,000.00	\$14,000.00	\$0.00	\$13,500.00	\$13,000.00	\$9,200.00	\$9,200.00	\$9,200.00
Column: [2025Budget]		Budget	FTE	Position Desc.					
Description: 8 SB Members at \$1,500 ea.		\$12,000.00							
Description: SB Chair Stipend		\$2,000.00							
Column Total:		\$14,000.00							
FUNC: SCHOOL BOARD STIPEND - 2311		\$14,000.00	\$14,000.00	\$0.00	\$13,500.00	\$13,000.00	\$9,200.00	\$9,200.00	\$9,200.00
100.2312.115.01.33.4.00000	Stipend - Sch Board Clerk	\$6,000.00	\$6,000.00	\$0.00	\$4,345.77	\$3,794.80	\$3,715.69	\$4,708.22	\$6,061.25
Column: [2025Budget]		Budget	FTE	Position Desc.					
Description: Stipend SB Clerk		\$6,000.00							
Column Total:		\$6,000.00							
100.2312.610.01.33.4.00000	Exp - Sch Bd/Bud Com	\$320.00	\$320.00	\$0.00	\$232.74	\$286.71	\$320.00	\$0.00	\$0.00
Column: [2025Budget]		Budget	FTE	Position Desc.					
Description: BudComm Supplies		\$320.00							
Column Total:		\$320.00							
FUNC: SCHOOL BOARD CLERK - 2312		\$6,320.00	\$6,320.00	\$0.00	\$4,578.51	\$4,081.51	\$4,035.69	\$4,708.22	\$6,061.25
100.2313.111.01.33.4.00000	Stipend - Treas./Asst. Treas.	\$5,050.00	\$9,850.00	(\$4,800.00)	\$5,050.00	\$5,050.00	\$4,250.00	\$3,400.00	\$3,400.00
Column: [2025Budget]		Budget	FTE	Position Desc.					
Description: Assistant Treasurer Stipend		\$250.00							
Description: Treasurer Stipend		\$4,800.00							
Column Total:		\$5,050.00							

Budget - School Board Expenses

From Date: 7/1/2024 To Date: 6/30/2025

Printed: 08/28/2024 2:27:40 PM Report: 2024.1.21 Page: 2

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Timberlane Regional School District

Budget - School Board Expenses

Fiscal Year: 2024-2025

☐ Print accounts with zero balance

☐ Round to whole dollars

☐ Account on new page

☐ Exclude inactive accounts with zero balance

From Date: 7/1/2024

To Date: 6/30/2025

Definition: Budget Report

Account	Description	2025 Budget	2024 Budget	Variance	2024 Actual	2023 Actual	2022 Actual	2021 Actual	2020 Actual
100.2318.330.01.33.4.00000	Legal Fees	\$204,800.00	\$200,000.00	\$4,800.00	\$187,190.91	\$272,776.27	\$219,930.87	\$194,512.91	\$248,242.98
Column: [2025Budget]	Budget	FTE	Position Desc.						
Description: Legal Fees	\$204,800.00								
Column Total:	\$204,800.00								
FUNC: LEGAL FEES - 2318		\$204,800.00	\$200,000.00	\$4,800.00	\$187,190.91	\$272,776.27	\$219,930.87	\$194,512.91	\$248,242.98
100.2319.115.01.33.4.00000	Stipend - Budget Com. Clerk	\$11,160.00	\$11,160.00	\$0.00	\$4,153.95	\$4,000.00	\$4,000.00	\$1,278.00	\$780.00
Column: [2025Budget]	Budget	FTE	Position Desc.						
Description: Budget Com.	\$11,160.00								
Column Total:	\$11,160.00								
100.2319.540.01.33.4.00000	Advertising-Recruitment/Legal	\$5,000.00	\$5,000.00	\$0.00	\$0.00	\$0.00	\$4,309.73	\$1,219.05	\$878.86
Column: [2025Budget]	Budget	FTE	Position Desc.						
Description: Advertising-Recruitment/Legal	\$5,000.00								
Column Total:	\$5,000.00								
100.2319.580.01.33.4.00000	Sch Bd Conferences	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$1,895.00
100.2319.610.01.33.4.00000	Supplies - Board	\$0.00	\$4,000.00	(\$4,000.00)	\$1,392.08	\$1,050.22	\$0.00	\$0.00	\$0.00
100.2319.643.01.33.4.00000	Information Access Fee - School Board	\$0.00	\$0.00	\$0.00	\$0.00	\$4,700.00	\$0.00	\$0.00	\$0.00
100.2319.810.01.33.4.00000	School Board Dues, NHSBA	\$18,000.00	\$18,000.00	\$0.00	\$11,077.44	\$11,242.44	\$15,312.44	\$14,888.49	\$15,766.64
Column: [2025Budget]	Budget	FTE	Position Desc.						
Description: School Board Dues, NHSBA	\$18,000.00								
Column Total:	\$18,000.00								

Timberlane Regional School District

Budget - School Board Expenses

Fiscal Year: 2024-2025

☐ Print accounts with zero balance

☐ Round to whole dollars

☐ Account on new page

☐ Exclude inactive accounts with zero balance

From Date: 7/1/2024

To Date: 6/30/2025

Definition: Budget Report

Account	Description	2025 Budget		2024 Budget	Variance	2024 Actual	2023 Actual	2022 Actual	2021 Actual	2020 Actual
100.2319.890.01.33.4.00000	Other Expenses	\$27,500.00		\$18,825.00	\$8,675.00	\$2,883.87	\$14,351.69	\$1,405.00	\$8,079.75	\$7,021.57
Column: [2025Budget]		Budget	FTE	Position Desc.						
Description: Other Expenses		\$27,500.00								
Column Total:		\$27,500.00								
FUNC: OTHER SCHOOL BOARD SERVICES - 2319		\$61,660.00		\$56,985.00	\$4,675.00	\$19,507.34	\$35,344.35	\$25,027.17	\$25,465.29	\$26,342.07
Grand Total:		\$359,830.00		\$355,155.00	\$4,675.00	\$285,059.53	\$384,233.18	\$327,264.76	\$292,454.22	\$330,552.00

End of Report



Timberlane Regional School Board

Superintendent of Schools

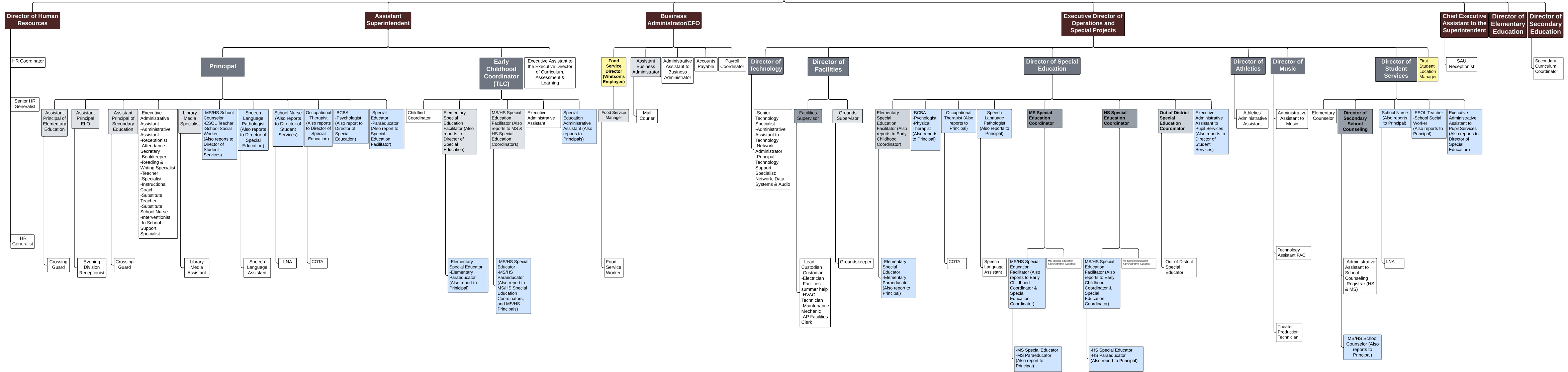


Diagram Key

- Direct Report to the Superintendent
- Secondary Supervisor of More than One Position
- Secondary/Tertiary Supervisor of One Position
- Contracted Service Employee
- Reports to more than One Supervisor



EXECUTIVE SUMMARY – Proposal Recommendation

August 15, 2024

Canopy Removal

The Timberlane Regional High School has a need to remove the existing canopy over the front walkway due to deterioration, cracks and sagging in the concrete structure. The Request for Proposal included 3 options for consideration:

Scope

Option 1: Demolition and removal of the concrete canopy.

Option 2: Demolition and removal of concrete canopy and structural steel, fill in holes with new concrete.

Option 3: Demolition and removal of concrete canopy, steel structures, and sidewalk. Replace approximately 3,000 sq.ft by 4" concrete sidewalk.

Bids

We received proposals from Energy Efficient Investments and Busby Construction.

Energy Efficient Investments:

Option 1: \$47,765.00

Option 2: \$51,056.00

Option 3: No bid.

Busby Construction:

Option 1: \$53,032.00

Option 2: \$82,960.00

Option 3: \$146,560.00

The recommendation is to approve Energy Efficient Investments for Option 1.

Rationale

- This is the most cost-effective proposal.
- We achieve our goal of creating a safe environment over the high school walkway.
- Leaving the metal structure in place allows us to add a canopy in the future if needed.

Respectfully Submitted,

Karl Ingoldsby CEFP, CSFS, CBO



TRSD POLICY COMMITTEE'S RECOMMENDATIONS TO THE SCHOOL BOARD

September 5, 2024

First Read

Policy	Changes/Recommendations
AC - Nondiscrimination/Equal Opportunity and Affirmative Action	The sample policies were created by our legal counsel that reflect the changes to Title IX in the 2024 revision which took effect on August 1 st .
ACAA - Harassment of Students	The sample policies were created by our legal counsel that reflect the changes to Title IX in the 2024 revision which took effect on August 1 st .
ACAB - Harassment of Employees	The sample policies were created by our legal counsel that reflect the changes to Title IX in the 2024 revision which took effect on August 1 st .
JIE - Pregnant Students	The sample policies were created by our legal counsel that reflect the changes to Title IX in the 2024 revision which took effect on August 1 st .

Timberlane Regional School District	Policy Code: AC
Adopted: 01-01-83 Revised: 02-24-05, 05-06-10, 11-06-14, 06-02-16, 07-20-23	<u>Page 1 of 6</u>Page 1 of 4

NONDISCRIMINATION, EQUAL OPPORTUNITY ~~EMPLOYMENT AND~~ DISTRICT ANTI-DISCRIMINATION PLAN AFFIRMATIVE ACTION

~~A. Prohibition Against Discrimination of Students in Educational Programs and Activities.~~

~~Under New Hampshire law and Board policy, no person shall be excluded from, denied the benefits of, or subjected to discrimination in the District's public schools because of their age, sex, gender identity, sexual orientation, race, color, marital status, familial status, disability, religion, or national origin. Discrimination, including harassment, against any student in the District's education programs, on the basis of any of the above classes, or a student's creed, is prohibited. Finally, there shall be no denial to any person of the benefits of educational programs or activities, on the basis of any of the above classes, or economic status.~~

~~Harassment of students other than on the basis of any of the classes or categories listed above is prohibited under Board policy JICK, Pupil Safety and Violence Prevention.~~

~~B. Equal Opportunity of Employment and Prohibition Against Discrimination in Employment.~~

~~The School District is an Equal Opportunity Employer. The District ensures equal employment opportunities without regard to age, color, creed, disability, gender identity, marital status, national origin, pregnancy, race, religion, sex, or sexual orientation. The District will employ individuals who meet the physical and mental requirements, and who have the education, training, and experience established as necessary for the performance of the job as specified in the pertinent job description(s).~~

~~Discrimination against and harassment of school employees because of age, sex, race, creed, religion, color, marital status, familial status, physical or mental disability, genetic information, national origin, ancestry, sexual orientation, or gender identity are prohibited. Additionally, the District will not discriminate against any employee who is a victim of domestic violence, harassment, sexual assault, or stalking.~~

~~C. Policy Application.~~

~~This Policy is applicable to all persons employed or served by the District. It applies to all sites and activities the District supervises, controls, or where it has jurisdiction under the law, including where it (a) occurs on, or is delivered to, school property or a school sponsored activity or event on or off school property; or (b) occurs off of school property or outside of a school sponsored activity or event, if the conduct interferes with a student's educational opportunities or substantially disrupts the orderly operations of the school or school sponsored activity or event, as set forth in Board policy JICK, Pupil Safety and Violence Prevention. Examples of sites and activities include all District buildings and grounds, school buses and other vehicles, field trips, and athletic competitions.~~

Timberlane Regional School District	Policy Code: AC
Adopted: 01-01-83 Revised: 02-24-05, 05-06-10, 11-06-14, 06-02-16, 07-20-23	<u>Page 2 of 6</u>Page 1 of 4

~~D. District Anti-Discrimination Plan.~~

~~No later than October 15, 2020, the Superintendent shall develop and provide to the Board for approval, a coordinated written District Anti-Discrimination Plan (the "Plan") to include guidelines, protocols and procedures intended to prevent, assess the presence of, intervene in, and respond to incidents of discrimination.~~

~~Among other things, the Plan should include provisions, and recommendations with respect to resources, policies, complaint procedures, student education programs, Plan dissemination and training appropriate to carrying out the Plan objectives stated in the preceding paragraph. In developing the Plan, the Superintendent is encouraged to seek input from appropriate groups of the school and local community and coordinate with the District's Human Rights [Non-Discrimination] Officer and Title IX and 504 Coordinators.~~

~~No less than once every two years (off years from review of the District's Suicide Prevention Plan per Policy JLDDB), the Superintendent shall update the District Anti-Discrimination Plan, and present the same to the Board for review. Such Plan updates should be submitted to the Board in time for appropriate budget consideration.~~

~~E. Human Rights [or Non-Discrimination], Title IX, 504 and other Coordinators or Officers.~~

~~The Superintendent shall assure that District and/or building personnel are assigned to the positions listed below. Each year, the Superintendent shall prepare and disseminate as an Appendix AC-E to this Policy an updated list of the person or persons acting in those positions, along with their District contact information, including telephone number, email, postal and physical addresses.~~

~~The Appendix will also include current contact for relevant state and federal agencies including:
U.S. Department of Education, Office of Civil Rights
U.S. Department of Agriculture, Office of Civil Rights
N.H. Human Rights Commission
N.H. Department of Justice, Civil Rights Unit
N.H. Department of Education, Commissioner of Education~~

~~F. Complaint and Reporting Procedures.~~

~~Any person who believes that he or she has been discriminated against, harassed, or bullied in violation of this policy by any student, employee, or other person under the supervision and control of the school system, or any third person who knows or suspects conduct that may constitute discrimination, harassment, or bullying, should contact the District Human Rights Officer, or otherwise as provided in the policies referenced below under this same heading. Any employee who has witnessed, or who has reliable information that another person may have~~

Timberlane Regional School District	Policy Code: AC
Adopted: 01-01-83 Revised: 02-24-05, 05-06-10, 11-06-14, 06-02-16, 07-20-23	<u>Page 3 of 6</u>Page 1 of 4

been subjected to discrimination, harassment, or bullying in violation of this policy has a duty to report such conduct to his/her immediate supervisor, the District Human Rights Officer, or as provided in one of the policies or administrative procedures referenced below under this same heading. Additionally, employees who observe an incident of harassment or bullying are expected to intervene to stop the conduct in situations in which they have supervisory control over the perpetrator, and it is safe to do so. If an employee knows of an incident involving discrimination, harassment, or bullying and the employee fails to report the conduct or take proper action or knowingly provides false information in regard to the incident, the employee will be subject to disciplinary action up to, and including, dismissal.

Investigations and resolution of any complaints shall be according to the policies listed below and related administrative procedures or regulations. Complaints or reports regarding matters not covered in one or the other of those policies should be made to the District Human Rights Officer:

1. Reports or complaints of sexual harassment or sexual violence by employees or third party contractors should be made under Board policy ACAB;
2. Reports or complaints of sexual harassment or sexual violence by students should be made under Board policy ACAA;
3. Reports or complaints of discrimination on the basis of disability should be made under Board policy ACE; except for complaints regarding facilities accessibility by disabled non-students or employees, which should be made under Board policy KED; and
4. Reports or complaints of bullying or other harassment of pupils should be made under Board policy JICK.

G. Alternative Complaint Procedures and Legal Remedies.

At any time, whether or not an individual files a complaint or report under this Policy, an individual may file a complaint with the Office for Civil Rights (“OCR”), of the United States Department of Education, or with the New Hampshire Commissioner for Human Rights:

1. Office for Civil Rights, U.S. Department of Education, 5 Post Office Square, 8th Floor, Boston, MA 02109-3921; Telephone number: (617) 289-0111; Fax number: (617) 289-0150; Email: OCR.Boston@ed.gov

Note: Complaints to OCR must be filed in writing no later than 180 days after the alleged act(s) of discrimination. OCR may waive its 180 day time limit based on OCR policies and procedures.

2. New Hampshire Commission for Human Rights, 2 Industrial Park Drive, Concord, NH 03301; Telephone number: (603) 271-2767; Email: humanrights@nh.gov

Timberlane Regional School District	Policy Code: AC
Adopted: 01-01-83 Revised: 02-24-05, 05-06-10, 11-06-14, 06-02-16, 07-20-23	<u>Page 4 of 6</u>Page 1 of 4

~~Notwithstanding any other remedy, any person may contact the police or pursue a criminal prosecution under state or federal criminal law.~~

~~H. Retaliation Prohibited.~~

~~No reprisals or retaliation of any kind will be taken by the Board or by any District employee against the complainant or other individual on account of his or her their filing a complaint or report or participating in an investigation of a complaint or report filed and decided pursuant to this policy, unless that person knew the complaint or report was false or knowingly provided false information.~~

~~I. Administrative Procedures and Regulations.~~

~~The Superintendent shall develop such other procedures and regulations as are necessary and appropriate to implement this Policy.~~

~~J. Notice of Compliance.~~

~~The Superintendent will provide notice of compliance with federal and state civil rights laws to all applicants for employment, employees, students, parents, and other interested persons, as appropriate.~~

Legal References:

RSA 186:11, XXXIII, Discrimination

RSA 193:38, Discrimination in Public Schools

RSA 193-F, Student Safety and Violence Protection Act RSA 275:71, Prohibited Conduct by Employer RSA 354-A, State Commission for Human Rights The Age Discrimination in Employment Act of 1967, 29 U.S.C. 621, et seq.

The Rehabilitation Act of 1973, 29 U.S.C. 705 and 794 Title II of The Americans with Disabilities Act of 1990, 42 U.S.C. 12101, et seq.

Title IV of the Civil Rights Act of 1964, 42 U.S.C. §2000c Title VII of The Civil Rights Act of 1964, 42 U.S.C. 2000d, et seq

Title IX of the Education Amendments of 1972, 20 U.S.C 1681, et seq NH Dept of Ed. Rule 303.01 (i), School Board Substantive Duties

The school district does not discriminate on the basis of sex and other protected categories in its education programs and activities, as required by federal and state laws and regulations.

The school district prohibits discrimination, including harassment, of school employees on the basis of:

- Race;
- Sex, sexual orientation, gender identity, sex stereotypes, sex characteristics, pregnancy or related conditions;
- Parental, family, or marital status;

Timberlane Regional School District	Policy Code: AC
Adopted: 01-01-83 Revised: 02-24-05, 05-06-10, 11-06-14, 06-02-16, 07-20-23	<u>Page 5 of 6</u> <u>Page 1 of 4</u>

- Color;
- Religion;
- Ancestry or national origin;
- Age;
- Disability; and
- Genetic information.

The school district prohibits discrimination, including harassment, of students on the basis of:

- Race (including traits associated with race involving hair texture, Afro hairstyles and protective hairstyles such as braids, twists, and locks);
- Sex, sexual orientation, gender identity, sex stereotypes, sex characteristics, pregnancy or related conditions;
- Parental, family, or marital status;
- Color;
- Religion;
- Ancestry or national origin; and
- Disability.

The Board directs the school administration to implement a continuing program designed to prevent discrimination against all applicants, employees, students, and other individuals having access rights to school premises, programs, and activities.

The school district has designated and authorized a Title IX Coordinator who is responsible for ensuring compliance with all federal and state requirements prohibiting discrimination, including sexual/sex-based harassment. The Title IX Coordinator is a person with direct access to the Superintendent.

The school district has implemented complaint procedures for resolving complaints of discrimination and harassment under this policy. The school district provides required notices of non-discrimination policies and complaint procedures, how they can be accessed, and the school district's compliance with federal and state civil rights laws and regulations to all applicants for employment, employees, students, parents, and other interested parties.

Legal References:

Equal Employment Opportunity Act of 1972 (P.L. 92-261), amending Title VII of the Civil Rights Act of 1965, 42 U.S.C. §§ 2000e to 2000e-17.

Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. §§ 1681-1688, as amended by 34 C.F.R. § 106.

Title VI of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000d to 2000d-7. Age Discrimination in Employment Act, 29 U.S.C. §§ 623-634.

Equal Pay Act of 1963, 29 U.S.C. § 206.

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

Timberlane Regional School District	Policy Code: AC
Adopted: 01-01-83 Revised: 02-24-05, 05-06-10, 11-06-14, 06-02-16, 07-20-23	Page 6 of 6 ~~Page 1 of 4~~

Americans with Disabilities Act, 42 U.S.C. §§ 12101-12213, as amended by 28 C.F.R. § 35.107.
Genetic Information Nondiscrimination Act of 2008, 29 U.S.C. §§ 2000ff to 2000ff-11.
Pregnant Workers Fairness Act, 42 U.S.C. §§ 2000gg to 2000gg-6. New Hampshire Human Rights Act, RSA 354-A:7, 354-A:27-28

Cross References:

Timberlane Regional School District Non-Discrimination Plan

ACAA- Harassment of Students

ACAA-R1 – Student Discrimination and Harassment Complaint Procedure

ACAA-R2 – Student Sex Discrimination/Harassment Complaint Procedure

ACAB – Harassment of Employees

ACAB-R1 – Employee Discrimination and Harassment Complaint Procedure

ACAB-R2 – Employee Sex Discrimination/Harassment Complaint Procedure

GBGB – Workplace Bullying

JICK – Bullying

JIE – Pregnant Students

Timberlane Regional School District	Policy Code: ACAA
Adopted: 09-02-10 Revised: 11-03-16	Page 1 of 5

HARASSMENT ~~AND SEXUAL HARASSMENT~~ OF STUDENTS

~~Harassment of students because of age, gender, gender identity and expression, race, creed, color, marital status, familial status, disability, national ethnic origin, economic status, genetics, retaliation, sexual orientation or any other characteristic protected under applicable federal or state law is prohibited. Such conduct is a violation of Board policy and may constitute illegal discrimination under state and federal laws.~~

~~Harassment includes, but is not limited to, verbal abuse based on age, gender, gender identity and expression, race, creed, color, marital status, familial status, disability, national ethnic origin, economic status, genetics, retaliation, sexual orientation or any other characteristic protected under applicable federal or state law. Complaints of pupil harassment and bullying (defined as insults, taunts or challenges, whether verbal or physical in nature, which are likely to intimidate or provoke a violent or disorderly response) may also be pursued under Board Policy JCK – Pupil Safety and Violence Prevention.~~

I. PURPOSE

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

~~Sexual harassment is against the law and is against school board policy. Any form of sexual harassment is strictly prohibited.~~

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

~~The District will investigate all complaints, formal or informal, verbal or written, of sexual harassment and will discipline any student who sexually harasses another student.~~

II. SEXUAL HARASSMENT/SEXUAL VIOLENCE DEFINED

~~Sexual harassment of students shall include, but is not limited to, unwelcome sexual advances, requests for sexual favors and other verbal, nonverbal or physical conduct of a sexual nature when:~~

- ~~1. The conduct or communication has the purpose or effect of demanding sexual favors in exchange for benefits;~~
- ~~2. Submission to, or rejection of, the conduct or communication is used as the basis for educational decisions affecting a student;~~
- ~~3. The conduct or communication is so severe, persistent or pervasive that it has the purpose or effect of unreasonably interfering with a student's educational performance or opportunities; or creates an intimidating, offensive or hostile educational environment.~~

Timberlane Regional School District	Policy Code: ACAA
Adopted: 09-02-10 Revised: 11-03-16	Page 2 of 5

~~Relevant factors to be considered will include, but not be limited to: did the student view the environment as hostile; was it reasonable to view the environment as hostile; the nature of the conduct; how often the conduct occurred and how long it continued; age and sex of the complainant; whether the alleged harasser was in a position of power over the student subjected to the harassment; number of individuals involved; age of the alleged harasser; where the harassment occurred; and other incidents of sexual harassment at the school involving the same or other students.~~

~~Examples of sexual harassment may include, but not be limited to: physical touching or graffiti of a sexual nature; displaying or distributing of sexually explicit drawings, pictures and written materials; sexual gestures or obscene jokes; touching oneself sexually or talking about one's sexuality in front of others; or spreading rumors about or rating other students or others as to appearance, sexual activity or performance.~~

~~III. SEXUAL HARASSMENT OR SEXUAL VIOLENCE AS SEXUAL ABUSE~~

~~Under certain circumstances, sexual harassment or sexual violence may constitute sexual abuse under New Hampshire law. In such situations, the District shall comply with all pertinent laws.~~

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

~~IV. AGE-APPROPRIATE SEXUAL HARASSMENT POLICY~~

~~Per the requirements of Ed 303.01(j), the School Board is required to establish a policy on sexual harassment, written in age appropriate language and published and available in written form to all students. This policy is intended to apply to middle-school and high-school aged students.~~

~~The Superintendent and building Principal(s) are charged with establishing policies, rules, protocols and other necessary age-appropriate information or materials for the District's elementary schools.~~

~~V. BY-PASS OF POLICY~~

~~Any individual with a sexual harassment complaint may choose to bypass this Policy and accompanying regulation and proceed directly to: N.H. Commission on Human Rights, at 2 Chenelle Dr., Concord, NH 03301, phone 603-271-2767 or US Department of Health & Human Services, Office for Civil Rights, Region 1, JFK Building, Room 1875, Boston, MA 02203, phone 617-565-1340.~~

Cross Reference:

ACAA-R Student Discrimination and Harassment Complaint Procedure
AC Nondiscrimination/Equal Opportunity
JCK Pupil Safety and Violence Prevention

Legal Reference:

Title IX of the Education Amendments of 1972 (20 USC § 1681 et seq.), NH RSA 193-F:3,
Title VI of the Civil Rights Act of 1964 (42 USC § 2000(d)) and NH Code Admin. R. Ed. 303.01(i)

Timberlane Regional School District	Policy Code: ACAA
Adopted: 09-02-10 Revised: 11-03-16	Page 3 of 5

The school district prohibits harassment of students on the basis of:

- Race;
- Sex, sexual orientation, gender identity, sex stereotypes, sex characteristics, pregnancy or related conditions;
- Parental, family, or marital status;
- Color;
- Religion;
- Ancestry or national origin; and
- Disability.

Such conduct is a violation of Board policy and may constitute illegal discrimination under state and/or federal laws.

School employees, fellow students, volunteers, visitors to the schools, and other individuals with whom students may interact in order to pursue or engage in education programs and activities, are required to refrain from such conduct.

A. Harassment

Harassment includes but is not limited to, verbal abuse and other unwelcome, offensive conduct based on the protected categories listed above. Harassment that rises to the level of physical assault, battery, and/or abuse, and/or bullying behavior are also addressed in Board Policies JICIA – Weapons, Violence and School Safety and JICK – Bullying.

B. Sexual/Sex-Based Harassment

Sexual Harassment and other forms of Sex-Based Harassment are addressed under federal and state laws/regulations. The scope and definitions of sexual/sex-based harassment under these laws differ, as described below.

1. Sex-Based Harassment Under Title IX

Under the federal Title IX law and its accompanying regulations, sex-based harassment includes harassment on the basis of sex, including sexual orientation, gender identity, sex stereotypes, sex characteristics, pregnancy, or related conditions, that is:

- a. “Quid pro quo” harassment by a school employee, agent, or other person authorized by the school district to provide aid, benefit, or service under an education program or activity, explicitly or impliedly conditioning the provision of such aid, benefit, or service (such as a better grade or college recommendation) on the individual’s participation in unwelcome sexual conduct.

Timberlane Regional School District	Policy Code: ACAA
Adopted: 09-02-10 Revised: 11-03-16	Page 4 of 5

- b. “Hostile environment” harassment: Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offense, and is so severe or pervasive that it limits or denies an individual’s ability to participate in or benefit from the school district’s education program or activity (i.e., creates a hostile environment). Whether a hostile environment has been created is a fact-based inquiry that includes consideration of a number of factors (identified in *ACAA-R2 – Student Sex Discrimination/Harassment Complaint Procedure*).
- c. Sexual assault, dating violence, domestic violence, and stalking, as these terms are defined in applicable federal laws/regulations.

2. Sexual Harassment Under New Hampshire Law

Under New Hampshire law, sexual harassment is defined 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

All employees (except employees designated by the school district as “confidential employees” in regard to sexual/sex-based harassment complaints) are required to report possible incidents of harassment involving students to the Human Rights Officer and Title IX Coordinator. Failure to report such incidents may result in disciplinary action.

Students, parents/guardians, and other individuals are strongly encouraged to report possible incidents of harassment involving students to the Human Rights Officer and Title IX Coordinator so that they can be appropriately addressed.

The Human Rights Officer and Title IX Coordinator are also available to answer questions and provide assistance to any individual who is unsure whether harassment has occurred. Reports of discrimination and harassment of students shall be addressed through *ACAA-R1 – Discrimination and Harassment of Students Complaint Procedure*. Reports of sex discrimination, including sexual/sex-based harassment, are addressed in *ACAA-R2 – Student Sex Discrimination/Harassment Complaint Procedure*.

Timberlane Regional School District	Policy Code: ACAA
Adopted: 09-02-10 Revised: 11-03-16	Page 5 of 5

Legal References: Americans with Disabilities Act, 42 U.S.C. §§ 12101-12213, as amended by 28 C.F.R. § 35.107.
Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794, as amended by 34 C.F.R. § 104.7.
Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. §§ 1681-1688, as amended by 34 C.F.R. § 106.
Title IV of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000c to 2000c-9.
New Hampshire Human Rights Act, RSA 354-A:7, RSA 354-A:27-28.

Cross Reference: ACAA-R1 – Student Discrimination and Harassment Complaint Procedure
ACAA-R2 – Student Sex Discrimination/Harassment Complaint Procedure
AC – Nondiscrimination/Equal Opportunity and Human Rights
ACAB – Harassment of Employees
ACAB-R1 – Employee Discrimination and Harassment Complaint Procedure
ACAB-R2 – Employee Sex Discrimination/Harassment Complaint Procedure
ACAD – Hazing
GBEB – Staff Conduct with Students
JFCK – Student Use of Cellular Telephones and Other Electronic Devices
JICIA – Weapons, Violence and School Safety
JICK – Bullying
JIE – Pregnant Students

Timberlane Regional School District	Policy Code: ACAB
Adopted: 09-02-10 Revised: 11-03-16	Page 1 of 7

HARASSMENT & ~~SEXUAL HARASSMENT~~ OF SCHOOL OF EMPLOYEES

Overview: ~~Timberlane Regional School District is committed to providing a work environment that is free of harassment based on sex, race, color, national origin, religion, age, military or veteran status, physical or mental disability, marital status, pregnancy, sexual orientation, gender identity, and any other characteristic protected by applicable law. TIMBERLANE REGIONAL SCHOOL DISTRICT recognizes the harmful effects of harassment and will not tolerate it.~~

~~TIMBERLANE REGIONAL SCHOOL DISTRICT requires all employees to report violations of this policy. TIMBERLANE REGIONAL SCHOOL DISTRICT will respond promptly to reports of harassment, and will take corrective and/or disciplinary action, as appropriate, in an effort to ensure that the goals of this policy are met. TIMBERLANE REGIONAL SCHOOL DISTRICT will not tolerate any form of retaliation against any employee who reports harassment or who participates in an investigation of a report or harassment.~~

Examples of Prohibited Harassment: ~~This policy prohibits offensive, intimidating, threatening, or otherwise unwelcome comments or conduct based on sex, race, color, national origin, religion, age, military or veteran status, physical or mental disability, marital status, pregnancy, sexual orientation, or gender identity. Examples of prohibited conduct include, but are not limited to:~~

- ~~• Written or spoken derogatory terms about sex, race, color, national origin, religion, age, military or veteran status, physical or mental disability, marital status, pregnancy, sexual orientation, or gender identity;~~
- ~~• Slurs and epithets;~~
- ~~• Unwelcome jokes;~~
- ~~• Insults;~~
- ~~• Threats of physical violence or harm to a person's property;~~
- ~~• Display or circulation of materials, items, or images that are degrading or~~
- ~~• disparaging to individuals or groups based on the characteristics listed above;~~
- ~~• Any other unwelcome conduct or comments directed at a person or group because of a particular protected characteristic (i.e. sex, race, age, etc.).~~

~~It is important to note that the types of conduct explained in this policy are prohibited regardless of the intent of the person(s) engaging in the conduct (i.e. to be intentionally offensive, a misguided attempt at humor, attempts at establishing a romantic relationship, etc.). Prohibited conduct includes conduct that is direct as well as indirect (e.g. overheard conversations, e-mail messages sent or forwarded by accident, etc.).~~

Specific Information About Sexual Harassment: ~~The formal definition of sexual harassment includes unwelcome sexual advances, requests for sexual favors and other verbal, physical, and non-physical conduct of a sexual nature when:~~

Timberlane Regional School District	Policy Code: ACAB
Adopted: 09-02-10 Revised: 11-03-16	Page 2 of 7

- Submission to or rejection of such conduct is made explicitly or implicitly a term or condition of employment;
- Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting that individual, or for awarding or withholding favorable employment opportunity, evaluation or assistance; or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's performance at work, or creating an intimidating, hostile, or offensive work environment.

Less formally, the types of conduct prohibited by this policy cover a wide range of inappropriate behaviors including, but not limited to, the actual coercion of sexual relations, unwelcome comments, jokes, innuendoes, sexually suggestive materials, and other unwelcome sexually oriented actions.

While it is not possible to list all of the types of conduct that might violate this policy, the following are some examples:

- Unwelcome sexual advances, whether they involve physical touching or not;
- Sexual epithets, jokes, vulgarity;
- Written or oral references to sexual conduct;
- Gossip regarding an individual's sex life;
- Comments regarding an individual's body;
- Comments about an individual's sexual activity, deficiencies, or prowess;
- Displaying sexually suggestive objects, pictures, cartoons, electronic images;
- Leering, staring, whistling, grabbing, pinching;
- Sexual flirtation;
- Brushing against someone's body;
- Sexual gestures;
- Suggestive or insulting comments;
- Inquiries into one's sexual experiences; and
- Discussion of one's sexual activities.

Individuals Covered by this Policy: This policy applies to all employees of the TIMBERLANE REGIONAL SCHOOL DISTRICT at every level. This policy also prohibits harassment of or by non-employees (vendors, Board Members, consultants, etc.) who come in contact with TIMBERLANE REGIONAL SCHOOL DISTRICT's employees. This policy prohibits conduct whether it is directed at men by women, at women by men, at men by men, or at women by women, and regardless of whether the conduct occurs on or off TIMBERLANE REGIONAL SCHOOL DISTRICT's premises or during or outside of working hours.

Mandatory Reporting Procedure: Employees must report any conduct that violates this policy using the "Reporting Procedure for Discrimination, Harassment, and Retaliation" below (referred to as the "Reporting Procedure"). Do not assume that TIMBERLANE

Timberlane Regional School District	Policy Code: ACAB
Adopted: 09-02-10 Revised: 11-03-16	Page 3 of 7

~~REGIONAL SCHOOL DISTRICT is aware of the problem. Each employee has a responsibility to report harassment. It is only through the active involvement of all employees that TIMBERLANE REGIONAL SCHOOL DISTRICT can prevent and correct harassment in the workplace.~~

~~Using TIMBERLANE REGIONAL SCHOOL DISTRICT's mandatory Reporting Procedure does not preclude an employee who has experienced conduct in violation of this policy from discussing the matter directly with the person(s) engaging in the offensive conduct. Employees who are offended by conduct are encouraged, but not required, to inform the person(s) engaging in the conduct of how they feel. This discussion may resolve the issue, but even if it is resolved the matter must still be reported through the Reporting Procedure.~~

~~Consequences for Violating the Policy: Violations of this policy, whether intended or not, will not be tolerated. Any employee who violates this policy will be subject to corrective and/or disciplinary action, up to and including termination of employment. Note that TIMBERLANE REGIONAL SCHOOL DISTRICT may take corrective and/or disciplinary action to address inappropriate conduct even if it does not rise to the level of unlawful harassment.~~

~~Retaliation will not be Tolerated: TIMBERLANE REGIONAL SCHOOL DISTRICT requires employees to report violations of this policy and will not tolerate any form of retaliation against an employee who makes a report or who participates in an investigation of a report under this policy. All incidents of retaliation must be immediately reported using the Reporting Procedure.~~

~~**Reporting Procedure for Discrimination, Harassment, and Retaliation:** Any employee who has observed, been made aware of, or experienced conduct in violation of our Policy Against Harassment or policy regarding Diversity and Equal Employment Opportunity (collectively referred to in this Reporting Procedure as the "Policies") must follow this reporting procedure to notify TIMBERLANE REGIONAL SCHOOL DISTRICT of the~~

~~problem so that the matter can promptly and thoroughly be investigated and appropriate action taken.~~

- ~~1. Notify the JOB TITLE(S) of CONTACT PERSON(S) of the conduct. An employee can report the matter to any (or more than one) of these individuals, orally or in writing.~~

- ~~• School Superintendent~~
- ~~• Human Resources Director~~
- ~~• Building Principal~~
- ~~• Supervisor/Manager~~

- ~~2. In the event that the report is about conduct engaged in by the Superintendent of the TIMBERLANE REGIONAL SCHOOL DISTRICT, the employee may choose to make~~

Timberlane Regional School District	Policy Code: ACAB
Adopted: 09-02-10 Revised: 11-03-16	Page 4 of 7

~~the report directly to the Chair of TIMBERLANE REGIONAL SCHOOL DISTRICT's School Board and may do so orally or in writing.~~

~~**Investigation:** TIMBERLANE REGIONAL SCHOOL DISTRICT will investigate reports made through this Reporting Procedure promptly and fairly. The investigation will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances. The investigation may be conducted internally, or, in appropriate circumstances, an outside investigator may be retained.~~

~~Investigations will typically include private interviews with the person filing the report and with witnesses. The person alleged to have violated the Policies will also typically be interviewed. Any employee asked to participate in an investigation is expected to cooperate fully and truthfully. When the investigation is complete, to the extent appropriate, TIMBERLANE REGIONAL SCHOOL DISTRICT will inform the person filing the report and the person alleged to have violated the Policies of the results of that investigation.~~

~~**Corrective/Disciplinary Action:** Any employee who has violated the Policies or otherwise acted inappropriately will be subject to corrective and/or disciplinary action, up to and including immediate termination of employment.~~

~~**Retaliation is Prohibited:** Employees who make reports in good faith under this Reporting Procedure and/or participate in good faith in any investigation under this Reporting Procedure have TIMBERLANE REGIONAL SCHOOL DISTRICT's assurance that it will not tolerate any form of retaliation against them for their participation in the process. Any concerns regarding retaliation must be reported using the Reporting Procedure.~~

Acknowledgment

~~I have received a copy of TIMBERLANE REGIONAL SCHOOL DISTRICT's Policy Against Harassment and Reporting Procedure for Discrimination, Harassment, and Retaliation, and have read them or had them read to me.~~

Employee's Printed Name

Employee's Signature

Date

Timberlane Regional School District	Policy Code: ACAB
Adopted: 09-02-10 Revised: 11-03-16	Page 5 of 7

The school district prohibits harassment of employees on the basis of:

- Race;
- Sex, sexual orientation, gender identity, sex stereotypes, sex characteristics, pregnancy or related conditions;
- Parental, family, or marital status;
- Color;
- Religion;
- Ancestry or national origin;
- Age;
- Disability; and
- Genetic information.

Such conduct is a violation of Board policy and may constitute illegal discrimination under state and/or federal laws.

A. Harassment

Harassment includes but is not limited to, verbal abuse, threats, physical assault/battery, and other unwelcome, offensive conduct based on the protected categories listed above. Harassment that rises to the level of physical assault, battery, and/or abuse is also addressed in Board Policy JICIA – Weapons, Violence and School Safety.

B. Sexual/Sex-Based Harassment

Sexual Harassment and other forms of Sex-Based Harassment are addressed under federal and state laws/regulations. The scope and definitions of sexual/sex-based harassment under these laws differ, as described below.

1. Sex-Based Harassment Under Title IX

Under the federal Title IX law and its accompanying regulations, sexual/sex-based harassment includes harassment on the basis of sex, including sexual orientation, gender identity, sex stereotypes, sex characteristics, pregnancy, or related conditions, that is:

- a. “Quid pro quo” harassment by a school employee, agent, or other person authorized by the school district to provide aid, benefit, or service under an education program or activity, explicitly or impliedly conditioning the provision of such aid, benefit, or service (such as a promotion or favorable evaluation) on the individual’s participation in unwelcome sexual conduct.
- b. “Hostile environment” harassment: Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offense, and is so severe or pervasive that it limits or denies an individual’s ability to participate in or benefit from the school district’s education program or activity (i.e., creates a hostile environment). Whether a hostile environment has been created is a fact-based inquiry that includes consideration of a number of factors (identified in ACAB-R2 – Employee Sex Discrimination/Harassment Complaint Procedure).

Timberlane Regional School District	Policy Code: ACAB
Adopted: 09-02-10 Revised: 11-03-16	Page 6 of 7

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

2. Sexual Harassment Under New Hampshire Law

Under New Hampshire law, sexual harassment is defined 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 an individual's employment;
- b. Submission to or rejection of such conduct by an employee is used as the basis for employment decisions affecting the employee; or
- c. Such conduct has the purpose and effect of substantially interfering with an employee's work performance or creates an intimidating, hostile, or offensive environment.

C. Reports and Complaints of Harassment

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

All reports and complaints of discrimination/harassment of employees shall be addressed through ACAB-R1 – Discrimination and Harassment of Employees Complaint Procedure or ACAB-R2 – Employee Sex Discrimination/Harassment Complaint Procedure.

Legal References:

Americans with Disabilities Act, 42 U.S.C. §§ 12101-12213, as amended by 28 C.F.R. § 35.107.
Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794, as amended by 34 C.F.R. § 104.7.

Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. §§ 1681-1688, as amended by 34 C.F.R. § 106.

Title VI of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000d to 2000d-7.

Title VII of the Civil Rights Act of 1965, 42 U.S.C. §§ 2000e to 2000e-17, as amended by 29 C.F.R. § 1604.11.

Age Discrimination in Employment Act, 29 U.S.C. §§ 623-634.

Genetic Information Nondiscrimination Act of 2008, 29 U.S.C. §§ 2000ff to 2000ff-11.

Pregnant Workers Fairness Act, 42 U.S.C. §§ 2000gg to 2000gg-6.

New Hampshire Human Rights Act, RSA 354-A:7.

Cross Reference:

ACAB-R1 – Employee Discrimination and Harassment Complaint Procedure

ACAB-R2 – Employee Sex Discrimination/Harassment Complaint Procedure

AC – Nondiscrimination/Equal Opportunity and Affirmative Action

Timberlane Regional School District	Policy Code: ACAB
Adopted: 09-02-10 Revised: 11-03-16	Page 7 of 7

ACAA – Harassment of Students

ACAA-R1 – Student Discrimination and Harassment Complaint Procedure

ACAA-R2 – Student Sex Discrimination/Harassment Complaint Procedure

GBGB – Workplace Bullying

ACAD – Hazing

JICIA – Weapons, Violence and School Safety

JIE – Pregnant Students

Timberlane Regional School District	Policy Code: JIE
Adopted: 07-99 Reviewed: 02-24-05	Page 1 of 1

PREGNANT ~~AND MARRIED~~ STUDENTS

~~Marital, maternal, or paternal status shall not affect the rights and privileges of students to receive a public education.~~

~~Pregnant students shall be permitted to continue in school in all instances when continued attendance has the sanction of the expectant mother's physician. The Board may require a physician's statement of activity limitations.~~

~~See also policy IHBCA.~~

The Board has adopted this policy to comply with its obligations not to discriminate in its education programs and activities against students based on a student's current, potential, or past pregnancy or related conditions. The Title IX Coordinator is responsible for implementing this procedure, in consultation with the Superintendent, Human Rights Officer, and others as appropriate.

For the purposes of this policy, pregnancy or related conditions include:

- Pregnancy, childbirth, termination of pregnancy, or lactation;
- Medical conditions related to pregnancy, childbirth, termination of pregnancy, or lactation; or
- Recovery from pregnancy, childbirth, termination of pregnancy, lactation, or related medical conditions.

A. Notifications

When a student or their parent/guardian informs any school district employee of a student's pregnancy or related condition(s), the employee must promptly provide the student or the parent/legal guardian with the Title IX Coordinator's contact information so that the Title IX Coordinator can take any necessary actions to ensure the student's equal access to the school district's education programs and activities. The employee should also notify the Title IX Coordinator of the pregnancy or related condition(s), unless the employee reasonably believes that the Title IX Coordinator has already been notified.

Once the Title IX Coordinator is informed of a student pregnancy, they shall inform the student (or the parent/legal guardian if they informed the Title IX Coordinator), of the school district's obligations (outlined below) and provide a copy of Board Policy AC.

B. Reasonable Modifications

1. Reasonable modifications to the school district's policies, procedures, and practices shall be made to prevent sex discrimination and ensure equal access to education programs and activities, based on the student's individualized needs. The Title IX Coordinator will consult with the student regarding any such modifications. Modifications that fundamentally alter the nature of an education program or activity are not considered "reasonable" under Title IX regulations.

2. The student has the discretion to accept or decline each reasonable modification offered. If a student accepts a modification, the Title IX Coordinator will see that it is implemented.

3. Reasonable modifications may include, but are not limited to:

- a. Breaks during class to express breast milk, breastfeed, or attend to health needs associated with pregnancy or related conditions (such as eating, drinking, or using the restroom);
- b. Intermittent absences to attend medical appointments;
- c. Access to online or homebound education;
- d. Change in schedule or course sequence;
- e. Extensions of time for coursework and rescheduling of tests and examinations;
- f. Allowing a student to sit or stand, or carry or keep water nearby;
- g. Counseling;
- h. Changes in physical space or supplies (such as access to a larger desk or a footrest);
- i. Elevator access; and/or
- j. Other reasonable changes in policies, procedures, or practices.

C. Voluntary Access to Separate and Comparable Portions of Education Programs or Activities

- 1. If the school district offers a separate and comparable portion of an education program or activity, the student must voluntarily agree to participate in such program or activity.

D. Voluntary Leave of Absence

- 1. The school district shall allow a student to voluntarily be absent from school to cover, at a minimum, the period of time deemed medically necessary by the student's licensed health care provider.
- 2. When the student returns to the school district's education programs and activities, they shall be reinstated to the academic status, and to the extent practical, any extracurricular status, that they held prior to the voluntary leave.

E. Lactation Space

- 1. The student shall be able to access a lactation space, other than a bathroom, that is clean, shielded from view, free from intrusion from others, and may be used by the student for expressing breast milk or breastfeeding as needed.

F. Limits on Requiring Documentation

- 1. The Title IX Coordinator shall not require supporting documentation from the student, except to the extent it is necessary and reasonable to determine the reasonable modifications to make or to determine whether additional specific actions are needed.
- 2. Examples of situations where requiring supporting documentation is not necessary and reasonable include, but are not limited to, when the student's need for a specific action under this procedure is obvious, such as when a pregnant student needs a larger uniform or desk, needs break time, etc. Supporting documentation is also not necessary and reasonable if a specific action is available to other students who are not pregnant or have related conditions.

3. The Title IX Coordinator shall not require a student who is pregnant or has related conditions to provide certification from a healthcare provider or any other person that the student is physically able to participate in a class, program, or extracurricular activity unless:

- a. The certified level of physical ability or health is necessary for participation in the class, program, or extracurricular activity;
- b. The school district requires such certification of all participating students; and
- c. The information obtained is not used as a basis for discrimination against the student.

Legal References:

Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. §§ 1681-1688; 34 C.F.R. § 106.40.

RSA 193:38.

RSA 354-A:27-28.

Cross Reference:

AC – Nondiscrimination/Equal Opportunity and Affirmative Action

ACAA – Harassment of Students

ACAA-R2 – Student Sex Discrimination/Harassment Complaint Procedure

Job Postings

AS OF 9/2/24

JobId	Category	Position Type	Additional Title	Location	Date Posted	Closing Date	Date Available	For Fiscal Year	Time To Fill	AppCount
High School Teaching										
4882	High School Teaching	World Language - French	Part Time French Teacher cc1556	Timberlane Regional High School	5/7/2024	Open until filled	8/28/2024	2024-2025	119	4
Special Education										
4850	Special Education	Psychologist	School Psychologist cc 1422	Atkinson Academy	3/29/2024	Open until filled	8/28/2024	2024-2025	158	0
4800	Special Education	Psychologist	School Psychologist cc1708	Timberlane Regional High School	1/26/2024	Open until filled	8/28/2024	2024-2025	221	1
4849	Special Education	Psychologist	School Psychologist cc2145	Sandown North	3/29/2024	Open until filled	8/28/2024	2024-2025	158	0
4852	Special Education	Speech and Language Pathologist	Spech Language Pathologist cc2242	Sandown North	3/29/2024	Open until filled	8/28/2024	2024-2025	158	1
4900	Special Education	Special Education Facilitator	Special Education Facilitator cc2721	Timberlane Regional Middle School	5/16/2024	Open until filled	5/16/2024	2024-2025	83	2
4904	Special Education	Special Education Teacher	Special Education Teacher - Intensive Needs cc199	Timberlane Regional High School	5/16/2024	Open until filled	8/28/2024	2024-2025	110	2
4935	Special Education	Special Education Teacher	Special Education Teacher cc186	The Learning Center at Sandown Central	6/20/2024	Open until filled	8/28/2024	2024-2025	75	3
4956	Special Education	Special Education Teacher	Special Education Teacher/Case Manager cc299	Sandown North	7/9/2024	Open until filled	8/28/2024	2024-2025	56	0
4940	Special Education	Special Education Teacher	Special Education Teacher/Case Manager cc492	Timberlane Regional Middle School	6/21/2024	Open until filled	8/28/2024	2024-2025	74	1
4794	Special Education	Special Education Teacher	Special Education Teacher/Case Manager cc963	Sandown North	1/19/2024	Open until filled	8/15/2024	2024-2025	228	11
4909	Special Education	Speech and Language Asst.	Speech Language Assistant cc2585	Atkinson Academy	5/20/2024	Open until filled	8/28/2024	2024-2025	106	4
4856	Special Education	Speech and Language Pathologist	Speech Language Pathologist cc 1316	Timberlane Regional School District	3/29/2024	Open until filled	8/21/2024	2024-2025	158	1
4851	Special Education	Speech and Language Pathologist	Speech Language Pathologist cc 212	Pollard School	3/29/2024	Open until filled	8/21/2024	2024-2025	158	1
4855	Special Education	Speech and Language Pathologist	Speech Language Pathologist cc 747	Pollard School	3/29/2024	Open until filled	8/21/2024	2024-2025	158	1
4853	Special Education	Speech and Language Pathologist	Speech Language Pathologist cc2218	Timberlane Regional High School	3/29/2024	Open until filled	8/21/2024	2024-2025	158	1
4673	Special Education	Speech and Language Pathologist	Speech Language Pathologist cc885	Sandown North	6/12/2023	Open until filled	8/28/2024	2024-2025	449	2
Student Services										
4933	Student Services	School Nurse	School Nurse cc2183	Sandown North	6/20/2024	Open until filled	8/28/2024	2024-2025	75	3