

Agenda Worksheet

School Administrative Unit #101
Wakefield School District Board Meeting:
Paul School Library
60 Taylor Way, Sanbornville, NH 03872
sau101.org

Date: Tuesday, January 30, 2024 at 6:00pm

1. CALL TO ORDER- Chair, followed by FLAG SALUTE

2. AGENDA REVIEW

3. PRESENTATIONS, PUBLIC HEARINGS

4. PUBLIC COMMENTS: Public's opportunity to speak to items on the agenda.

5. REPORTS

- a. School Administration
- b. Annual Report Cover Contest

6. CONSENT AGENDA

- a. AP Manifest- Batch #42507, \$86,703.28; Batch #42509, \$4,544.23; Batch #42489, \$9,730.68; Batch #42503, \$449.16; Batch #42506, \$300.00; Batch #42520, \$1,012.11
- b. Payroll Manifest- Batch #42472, \$215,463.71; Batch #42500, \$150.87; Batch #42511, \$5,843.00; Batch #42521, \$1,955.78; Batch #42522, \$416.66; Batch #42514, \$183,712.12

7. MEETING MINUTES

- a. WSB Non Public Minutes 1.2.24
- b. WSB Public Minutes 1.2.24

8. NEW BUSINESS

- a. Food Grant Permission
- b. Warrant Articles- Deliberative Session

9. POLICIES

- a. AC- 2nd Reading
- b. ADC- 2nd Reading
- c. EEAB- 2nd Reading
- d. JIA- withdraw
- e. GBA- withdraw
- f. EEAEC- withdraw
- g. GBED- withdraw
- h. JICG- withdraw
- i. GBEC- withdraw
- j. EEA
- k. JICC
- l. JICDD
- m. JICD
- n. JICK

- o. JIC
- p. ACE
- q. KED
- r. ACAC

10. FOLLOW-UP

11. PUBLIC COMMENTS: Public's opportunity to speak to items on the agenda.

12. NON-PUBLIC: RSA 91-A:3 II (c)

13. ADJOURNMENT:

PM

Upcoming: The next Wakefield School Board meeting will be held February 6, 2024

Agenda Worksheet

Statutory Reasons cited as foundation for the Nonpublic Sessions.

91-A:3, II (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 public meeting, and (2) requests that the meeting be open, in which case the request shall be granted.

91-A:3, II (b): The hiring of any person as a public employee.

91-A:3, II (c): Matters which, if discussed in public, would likely affect adversely the reputation of any person, other than a member of this board, unless such person requests an open meeting. This exemption shall extend to include 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.

91-A:3, II (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 averse to those of the general community.

91-A:3, II, (e): Consideration or negotiation of pending claims or litigation which has been threatened in writing or filed by or against this board or any subdivision thereof, or by or against any member thereof because of his or her membership therein, until the claim or litigation has been fully adjudicated or otherwise settled.

91-A:3, II (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.

91-A:3, II (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.

91-A:3, II (k): Consideration by a school board of entering into a student or pupil tuition contract authorized by RSA 194 or RSA 195-A, which, if discussed in public, would likely benefit a party or parties whose interests are averse to those of the general public or the school district that is considering a contract, including any meeting between the school boards, or committees thereof, involved in the negotiations.

91-A:3, II (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.

PAUL SCHOOL

60 Taylor Way
Sanbornville, NH 03872
P: (603) 522-8891
F: (603) 522-6143



Norma DiRocco, Principal
Ivy Leavitt-Carlson, Assistant Principal

January 2024- Administration Report

It is a new year at The Paul School and we are excited to be back and working together. Starting into the new year the administrative team has been working to create a concrete schedule of dates and times where teachers can learn together. On January 22nd the staff will get together for a teacher workshop day. On this day the staff will partake in a two hour suicide prevention training, look at data and begin to develop and align instructional practices. The 22nd will also be the staff's inaugural Crock Pot Cook Off. Staff members can either pay to participate or pay to eat the delicious meals that other staff members create. All proceeds from our event will go towards assisting family lunch debt.

Ski program has started and we are excited to have snow in the forecast. About 35 students participate in the program and it will run for the next five weeks. Clubs have started after school and students have been excited to participate in all different activities. Currently we have running, drama, 3D printing, word games, dungeons and dragons, board games, lego robots, chorus and fun and games club. We have approximately 100 students participating in our afterschool clubs. The next round of clubs will begin after February vacation.

At the end of the month students will be participating in their winter NWEA testing. We have been working with grade levels to set goals and determine best practices for supporting all students. Teachers are also working to begin work on modules for SAS testing to give students familiarity with the tools on the assessment. We look forward to sharing the incredible growth our students have made.

Committees have been working diligently on different components of supporting our school. The Health and Wellness Committee has a shared fruit bin that is available to students at the end of the day to take home healthy snacks. This has been helping to diminish food waste and create healthier options for students. The Curriculum Committee is working to identify power standards in ELA. They are also working to develop a vertical process for Science and Social Studies. In math the committee is looking at aligning standards with our resource Math in Focus.

*The Wakefield District affirms equal opportunity in all of its educational programs, activities and employment practices.
Ms. Sarah Howard serves as the coordinator for the Title IX, ESL, and 504, and can be reached at (603) 522-8891 ext 399.*

WAKEFIELD SCHOOL DISTRICT AP CHECK REGISTER

Report # 62979

Check Batch: 42507
Check Header: (N / A)
Check Numbers: (First) - (Last)
Check Dates: (Earliest) - (Latest)
Cash Account Numbers: (First) - (Last)
Bank Account Code: (N/A)
Check Authorization Code: AP
Minimum Check Amount: \$0.00
Sorted By:
Include Payable Information: No
Include Payable Dist Information: No
Include Authorization Information: Yes.

Batch #	Check #	Check Date	Vendor Code	Vendor Name	Electronic Amount	Check Amount
42507	22960	01/05/2024	1987	A&B LOCKSMITH	0.00	708.00
	22961	01/05/2024	9568	ACP FACILITY SERVICES	0.00	7,973.33
	22962	01/05/2024	1080	ADT COMMERCIAL LLC	0.00	299.04
	22963	01/05/2024	9009	ALLISON NEAL, NEW ENGLAND TUTORS, LLC	0.00	300.00
	22964	01/05/2024	9583	American School Counselor Association	0.00	179.00
	22965	01/05/2024	9426	BOOTHBY THERAPY SERVICES, LLC	0.00	192.50
	22966	01/05/2024	2308	BOSTON MUTUAL LIFE INSURANCE CO.	0.00	829.78
	22967	01/05/2024	9503	C&S COMMERCIAL FOOD EQUIPMENT SERVICES,	0.00	264.42
	22968	01/05/2024	958	CONSOLIDATED COMMUNICATIONS	0.00	146.58
	22969	01/05/2024	9588	DREAMBOX	0.00	5,057.36
	22970	01/05/2024	1840	ELAYNE ELLIS	0.00	32.03
	22971	01/05/2024	9088	ELDRIDGE TRANSPORTATION SERVICE	0.00	10,939.14
	22972	01/05/2024	9689	KAIN, ALLISON	0.00	85.00
	22973	01/05/2024	9688	Laurianne Soucy	0.00	273.23
	22974	01/05/2024	1993	MONARCH SCHOOL OF NEW ENGLAND	0.00	6,147.50
	22975	01/05/2024	192	NEW ENGLAND BACKFLOW, INC	0.00	595.00
	22976	01/05/2024	1366	NEW ENGLAND CENTER FOR CHILDREN	0.00	224.75
	22977	01/05/2024	9668	OPTIMUM TRANSPORTATION	0.00	1,350.00
	22978	01/05/2024	260	PARKER EDUCATION	0.00	5,787.45
	22979	01/05/2024	506	PIONEER MECHANICAL	0.00	240.00
	22980	01/05/2024	8827	POWERSCHOOL GROUP LLC	0.00	1,104.00
	22981	01/05/2024	688	ROCHESTER TRUCK REPAIR	0.00	13,995.15
	22982	01/05/2024	688	ROCHESTER TRUCK REPAIR	0.00	283.01
	22983	01/05/2024	688	ROCHESTER TRUCK REPAIR	0.00	2,093.10
	22984	01/05/2024	1209	ROCHESTER TRUCK REPAIR	0.00	180.00
	22985	01/05/2024	9633	SALMON PRESS, INC	0.00	7,982.00
	22986	01/05/2024	9530	SHI INTERNATIONAL CORP.	0.00	8,087.50
	22987	01/05/2024	9585	SOLIANT	0.00	9,864.59
				ST CHARLES SCHOOL		

WAKEFIELD SCHOOL DISTRICT
AP CHECK REGISTER

Batch #	Check #	Check Date	Vendor Code	Vendor Name	Electronic Amount	Check Amount
	22988	01/05/2024	9191	TORRES, LUIS	0.00	366.80
	22989	01/05/2024	1532	VERIZON WIRELESS	0.00	450.98
	22990	01/05/2024	9669	VOYA HOLDINGS, INC	0.00	534.60
	22991	01/05/2024	9680	WAUGH, ELIZABETH	0.00	137.44
Totals:					0.00	\$86,703.28

WAKEFIELD SCHOOL DISTRICT - SCHOOL BOARD AND SUPERINTENDENT
APPROVALS

Mary Collins
Mary Collins, School Board Chairman

Bob Ouellette
Bob Ouellette, School Board Vice Chairman

Sandrea Taliaferro, School Board Member

Brennan Peaslec, School Board Member

Robert DeColmacker
Robert DeColmacker, School Board Member

Carlene Stewart
Carlene Stewart, Treasurer

Anne Kebler
Anne Kebler, CEO

WAKEFIELD SCHOOL DISTRICT
Manual AP CHECK REGISTER

Report # 62982

Check Batch: 42509
Check Header: (N / A)
Check Numbers: (First) - (Last)
Check Dates: (Earliest) - (Latest)
Cash Account Numbers: (First) - (Last)
Bank Account Code: (N/A)
Check Authorization Code: AP
Minimum Check Amount: \$0.00
Sorted By:
Include Payable Information: No
Include Payable Dist Information: No
Include Authorization Information: Yes

Batch #	Check #	Check Date	Vendor Code	Vendor Name	Electronic Amount	Check Amount
42509	90296	01/05/2024	8926	IRVING ENERGY	0.00	611.26
	90297	01/05/2024	8927	IRVING ENERGY-PROPANE	0.00	3,932.97
Totals:					0.00	\$4,544.23

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WAKEFIELD SCHOOL DISTRICT
Manual AP CHECK REGISTER

Batch #	Check #	Check Date	Vendor Code	Vendor Name	Electronic Amount	Check Amount
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WAKEFIELD SCHOOL DISTRICT - SCHOOL BOARD AND SUPERINTENDENT
APPROVALS

Mary Collins
Mary Collins, School Board Chairman

Bob Ouellette
Bob Ouellette, School Board Vice Chairman

Sandrea Taliaferro, School Board Member

Brennan Peaslee, School Board Member

Robert DeCalmack
Robert DeCalmack, School Board Member

Carlene Stewart
Carlene Stewart, Treasurer

Anne Kebler
Anne Kebler, CEO

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2 Checks Listed.

WAKEFIELD SCHOOL DISTRICT

Manual AP CHECK REGISTER

Report # 62935

Check Batch: 42489
Check Header: (N / A)
Check Numbers: (First) - (Last)
Check Dates: (Earliest) - (Latest)
Cash Account Numbers: (First) - (Last)
Bank Account Code: (N/A)
Check Authorization Code: AP
Minimum Check Amount: \$0.00
Sorted By:
Include Payable Information: No
Include Payable Dist Information: No
Include Authorization Information: Yes

Batch #	Check #	Check Date	Vendor Code	Vendor Name	Electronic Amount	Check Amount
42489	90292	12/26/2023	669	EVERSOURCE	0.00	5,437.64
	90293	12/26/2023	8926	IRVING ENERGY	0.00	1,014.17
	90294	12/26/2023	8927	IRVING ENERGY-PROPANE	0.00	3,278.87
Totals:					0.00	\$9,730.68

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WAKEFIELD SCHOOL DISTRICT
Manual AP CHECK REGISTER

Batch #	Check #	Check Date	Vendor Code	Vendor Name	Electronic Amount	Check Amount
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WAKEFIELD SCHOOL DISTRICT - SCHOOL BOARD AND SUPERINTENDENT
APPROVALS

Mary Collins
Mary Collins, School Board Chairman

Bob Ouellette
Bob Ouellette, School Board Vice Chairman

Sandrea Taliaferro, School Board Member

Brennan Peaslee, School Board Member

Robert DeCormack
Robert DeCormack, School Board Member

Carlene Stewart
Carlene Stewart, Treasurer

Anne Kebler
Anne Kebler, CEO

9

3 Checks Listed.

WAKEFIELD SCHOOL DISTRICT
Manual AP CHECK REGISTER

Report # 62962

Check Batch: 42503
Check Header: (N / A)
Check Numbers: (First) - (Last)
Check Dates: (Earliest) - (Latest)
Cash Account Numbers: (First) - (Last)
Bank Account Code: (N/A)
Check Authorization Code: AP
Minimum Check Amount: \$0.00
Sorted By:
Include Payable Information: No
Include Payable Dist Information: No
Include Authorization Information: Yes

Batch #	Check #	Check Date	Vendor Code	Vendor Name	Electronic Amount	Check Amount
42503	90295	01/04/2024	1706	CHARTER COMMUNICATIONS	0.00	449.16
Totals:					0.00	\$449.16

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WAKEFIELD SCHOOL DISTRICT
Manual AP CHECK REGISTER

Batch #	Check #	Check Date	Vendor Code	Vendor Name	Electronic Amount	Check Amount
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WAKEFIELD SCHOOL DISTRICT - SCHOOL BOARD AND SUPERINTENDENT
APPROVALS

Mary Collins
Mary Collins, School Board Chairman

Bob Ouellette
Bob Ouellette, School Board Vice Chairman

Sandrea Taliaferro, School Board Member

Brennan Peaslee, School Board Member

Robert DeColfmaeker
Robert DeColfmaeker, School Board Member

Carlene Stewart
Carlene Stewart, Treasurer

Anne Kebler
Anne Kebler, CEO

1 Check Listed.

WAKEFIELD SCHOOL DISTRICT
AP CHECK REGISTER

Report # 62974

Check Batch: 42506
Check Header: (N / A)
Check Numbers: (First) - (Last)
Check Dates: (Earliest) - (Latest)
Cash Account Numbers: (First) - (Last)
Bank Account Code: (N/A)
Check Authorization Code: AP
Minimum Check Amount: \$0.00
Sorted By:
Include Payable Information: No
Include Payable Dist Information: No
Include Authorization Information: Yes

Batch #	Check #	Check Date	Vendor Code	Vendor Name	Electronic Amount	Check Amount
42506	22959	01/04/2024	9690	ACAPELLA TECHNOLOGIES, LLC	0.00	300.00
Totals:					0.00	\$300.00

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WAKEFIELD SCHOOL DISTRICT
AP CHECK REGISTER

Batch #	Check #	Check Date	Vendor Code	Vendor Name	Electronic Amount	Check Amount
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WAKEFIELD SCHOOL DISTRICT - SCHOOL BOARD AND SUPERINTENDENT
APPROVALS

Mary Collins, School Board Chairman

Bob Ouellette
Bob Ouellette, School Board Vice Chairman

Sandra Taliaferro
Sandra Taliaferro, School Board Member

Brennan Peaslee, School Board Member

Robert DeCoffmacker
Robert DeCoffmacker, School Board Member

Carlene Stewart
Carlene Stewart, Treasurer

Anne Kebler
Anne Kebler, CEO

13

1 Check Listed.

WAKEFIELD SCHOOL DISTRICT

Manual AP CHECK REGISTER

Report # 63038

Check Batch: 42520
Check Header: (N / A)
Check Numbers: (First) - (Last)
Check Dates: (Earliest) - (Latest)
Cash Account Numbers: (First) - (Last)
Bank Account Code: (N/A)
Check Authorization Code: AP
Minimum Check Amount: \$0.00
Sorted By:
Include Payable Information: No
Include Payable Dist Information: No
Include Authorization Information: Yes

Batch #	Check #	Check Date	Vendor Code	Vendor Name	Electronic Amount	Check Amount
42520	90298	01/08/2024	9608	BMO HARRIS BANK N. A.	0.00	1,012.11
Totals:					0.00	\$1,012.11

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WAKEFIELD SCHOOL DISTRICT
Manual AP CHECK REGISTER

Batch #	Check #	Check Date	Vendor Code	Vendor Name	Electronic Amount	Check Amount
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WAKEFIELD SCHOOL DISTRICT - SCHOOL BOARD AND SUPERINTENDENT
APPROVALS

Mary Collins
Mary Collins, School Board Chairman

Bob Ouellette
Bob Ouellette, School Board Vice Chairman

Sandrea Taliaferro, School Board Member

Brennan Peaslee, School Board Member

Robert DeCollmacker
Robert DeCollmacker, School Board Member

Carlene Stewart
Carlene Stewart, Treasurer

Anne Kebler
Anne Kebler, CEO

5

1 Check Listed.



Wakefield School Board Public Minutes

January 2, 2024

Held in Paul School Library

Draft

BOARD MEMBERS		ADMINISTRATORS	
Mary Collins, Chair	✓	Anne Kebler, Superintendent	✓
Bob Ouellette, Vice Chair	✓	Frank Markiewicz, Business Administrator Via Zoom	
Brennan Peaslee	✓	Sarah Howard, Special Ed Director	
Sandrea Taliaferro	✓	Norma DiRocco, Principal	
Robert DeColfmacker	✓	Ivy Levitt-Carlson, Assistant Principal	✓

Those Present: Rachael Lapierre, Relf Fogg, Mary Soares from Clearview TV

Mrs. Collins led those present in the salute to the flag at 6:09.

Reports

Transportation

Mrs. Taliaferro reported that they now have a van and a driver. The van will be lettered. One of the buses had \$13,000 in repairs. They will be adding more high school cluster stops.

Superintendents Report

Mrs. Kebler said it was so exciting to hear how well attended our annual holiday concert was. It is great to see our community come in and celebrate our students, The concert was so well done, thank you to Mrs. Sullivan, our music teacher, for coordinating this and showing off the talent of our students and thank you to all the staff who came after hours to help make it such a successful night. We look forward to continuing with the spirit of community throughout the school year.

We have recently been designated by the Department of Education as a school in need of "Additional Targeted support and Improvement" (ATSI). This is one of three designations a school might be given in New Hampshire, and it is as a result of three subgroups in our school which did not meet state cut scores in a variety of indicators. Our school leadership is meeting with the DOE department of accountability on Thursday, December 28th and further details will be brought to the board as we learn what expectations we must meet. The three subgroups that did not perform well are our students with disabilities population, economically disadvantaged students and students of a different race. The work we do the remainder of the year will include a focus on utilizing our interventions and special education staff to address the gaps these subgroups are showing.

I am excited to start the new year with a focus on finalizing our literacy standards with vertical planning to assure our teachers are consistently meeting the grade level standards and all staff are aware of all grade level expectations. To do this work, we will be using all non-instructional time

working with our staff to come to a consensus on our literacy standards. Non instructional time will include our staff meetings our leadership team meetings, teacher professional learning communities and professional development days. In November our staff worked on producing a "curriculum resource dump" which was an activity which allowed them to get a quick inventory of the curriculum resources that are being used in classrooms. This work will align nicely with the finalization of literacy standards with the standards work moving towards consistently matching our resources to our standards. There have been some dates established by our behavioral health team for monitoring our data regarding our SEL programming and we will work with the staff at our first staff meeting in January to determine at least 2 data days where we spend time monitoring the data teachers are gathering through the work, they are doing with our literacy standards. In addition, our district leadership team will be monitoring the work done monthly.

We believe that strong literacy skills are necessary for every content area we teach in our school and we will be looking at the many ways we use literacy when teaching/learning science, social studies, math and the arts. It is clear from the research that our best work is done when we do it collaboratively as a staff rather than in smaller silos. I am excited to embark on this endeavor and will report back to the board monthly on how our work is going. It is crucial that the time needed to do this work be carved out and structurally planned so that our teachers have the time they need to teach and do the work necessary for focused improved student achievement.

I am pleased with our budget process and want to commend all our department heads for getting the job in a timely manner. As a reminder, the Public Hearing on January 9th at 6:30 at the town hall is a great opportunity for the community to ask questions about the budget. I look forward to the continued support of the community which we saw during the budget process. Thank you to all who worked so hard to help get our budget approved.

Mrs. Kebler said the meeting with the DOE has been rescheduled. She said they had a very low participation rate for special ed in state testing. Mrs. Levitt-Carlson said there were fewer who opted out this year. Last year we sent the opt out forms home this year parents had to request the forms from the office. She said it's hard to have an accurate assessment when people opt out. Participation rate is a part of the score.

Homeschoolers are counted in the test scores for Wakefield. They did not have an opportunity to test so that counted against us. Those scores are marked at a zero. Mrs. Kebler said that Ms. Howard is developing a plan to determine why students are opting out. Participation, achievement, growth and equity are the four areas that are used for scoring. Mrs. Kebler said there are several designations that are used. The whole school did poorly, targeted and then there is one where subgroups did poorly. Some of our sub group did poorly.

Mr. Ouellette said if there are good reasons why we are doing poorly on the state test the community needs to know this. Mrs. Levitt-Carlson suggested looking at the raw data of the kids that did take the test. The state factors in the population that never took the test as part of our score. How did the kids who did take the test score? Mrs. Levitt-Carlson will pull that all together to share with the Board.

Discipline

Mrs. Levitt-Carlson told the Board that was happy with the results of the discipline report. Based on language being used by staff and students reflects the work they have done around MTSSB. Classroom teachers are using the language of PAWS. There has been a significant reduction in some of the behaviors as with compared with last year. She shared several graphs with the Board

which focused on specific areas like referrals per grade, referrals by days/months, physical aggression, a broad category, which includes horsing around on the playground. Also, action taken. Last year there were 100 ISS this year there have been 18. All categories have shown a significant decrease in referrals. A lot of write ups come from the bus ride home. She and Mrs. DiRocco have been riding the buses. She will be doing a reminder of bus behavior expectations within the next week. Bus safety will be part of that reminder.

Consent Agenda

Mr. DeColfmacker made a motion, seconded by Mrs. Collins, to approve the consent agenda. (Vote 3-2)

Meeting Minutes

Mr. DeColfmacker made a motion, seconded by Mr. Ouellette, to approve the public minutes of 12-19-23 with a correction. (Vote 5-0)

Old Business

Rochester AREA Agreement Committee

Mrs. Peaslee would like to start a committee to look at other models and see if there's a possibility of other schools interested in taking our students then see what it's going to take to get out of our AREA agreement.

Mrs. Collins made a motion, seconded by Mr. DeColfmacker, to have Mrs. Peaslee head the AREA agreement committee. (Vote 5-0)

Mrs. Collins made a motion, seconded by Mrs. Peaslee, to have Mr. DeColfmacker serve on the AREA agreement committee. (Vote 5-0)

Mr. Ouellette asked how many will serve on this committee. Mr. Ouellette suggested five to seven members. Mrs. Kebler would like to be on it. Mrs. Peaslee asked about having a teacher and a Special Ed educator. Mr. DeColfmacker liked that idea. Mrs. Colbath said she would like to be on the committee and so did Mrs. Soars, both having experience with AREA agreements. They will both send in letters of intent. Mrs. Kebler said she would put this out to the community. After some discussion it was decided by the Board that the committee will meet once a month on a Monday at 5:30. The letters of intent will be due on January 26th. Mrs. Peaslee and Mr. DeColfmacker will review the letters of intent on January 29th and make their choices.

Mrs. Peaslee made a motion, seconded by Mrs. Collins, to approve the AREA Agreement minutes of 10-16-23. (Vote 5-0)

Ratification of Teachers Salary Schedule.

Mrs. Taliaferro made a motion, seconded by Mr. Ouellette, that we approve additional raises for \$2,200 for fiscal year 2025 subject to voter approval and authorize the School Board Chair to sign the tentative agreement with the Teachers' Union.

Mrs. Taliaferro said with the increase in insurance costs some teachers were receiving less pay than they were the year before. She said the Board wanted to make an adjustment after they finished the para negotiations. They needed to adjust both teachers and paras to be competitive. She said we were losing staff that couldn't afford travel costs and increases in prices for

everything. This is a one time adjustment. Negotiations for the teachers CBA will take place next year. She said in the current CBA teachers would receive a 2% increase. She said the cost of living adjustment for last year was a 4.1% increase for social security. And this year it's an 8.7% increase. This adjustment is an average increase of 4.48% increase. We will need to adjust this next year to be competitive with surrounding schools. She said this is a good start. **(Vote 5-0)**

New Business

Policies (2nd Reading)

BEDG – Minutes

There was a discussion about the wording in this policy. Mrs. Taliaferro said the Board voted to keep the word 'will' instead of the NHSBA suggestion of 'should'. Mr. Fogg objected to changing the word from 'will' to 'should'.

Mrs. Peaslee made a motion, seconded by Mr. Ouellette, to have the word 'will' be put back into and approve policy BEDG and have it available for review at the next meeting. (Vote 4-1)

Mrs. Taliaferro asked about the policy where the Board voted to put the second comment back in but said it's not on the agenda. Mr. Fogg explained to the Board how the thirty minutes of public comment should work and that it's censorship to not let anyone relinquish their time to another person. Mrs. Kebler explained that wording is in policy BEDH and it was adopted by the present Board on February 7, 2023. She explained this was a separate policy from the one that was brought to the Board at the last meeting. Mrs. Collins said the Board approved that wording on one policy but refused to approve that wording in another policy. Mr. Fogg said that would be unconstitutional.

BEDB – Agenda Preparation and Dissemination

Mr. Ouellette made a motion, seconded by Mrs. Taliaferro, to approve Policy BEDB.

Mr. DeColfmacker, speaking to Mr. Fogg, said maybe we should stick to the policy for public comment that says, 'items on the agenda' to eliminate the time spent having conversations that have nothing to do with our night's work.

Mrs. Taliaferro rescinded her second and Mr. Ouellette rescinded his motion.

Mrs. Peaslee made a motion, seconded by Mrs. Collins, to eliminate the entire last paragraph from policy BEDB. (Vote 5-0)

Mrs. Peaslee made a motion, seconded by Mr. Ouellette, to approve policy BEDB. (Vote 4-1)

DAF – Administration of Federal Grant Funds

Mr. DeColfmacker made a motion, seconded by Mr. Ouellette, to approve policy DAF. (Vote 5-0)

JLDDDB – Suicide Prevention and Response

Mrs. Peaslee made a motion, seconded by Mr. Ouellette, to approve policy JLDDDB with the word building removed throughout the policy. (Vote 4-1)

Policies (1st Reading)

EEAB – Establishment of School Bus Routes

No changes in this policy.

Mr. DeColfmacker made a motion, seconded by Mrs. Taliaferro, that anytime a policy comes before the Board we receive the original and the proposed and any policies that coincide with the policy. (Vote 4-1)

AC – Non-Discrimination, Equal Opportunity Employment and Anti-Discrimination Plan

This is a combination of several policies.

AC-E – Annual Notice of Contact Information

Take out names and add: this information can be found _____.

ADC – Prohibitions Regarding Use and Possession of Tobacco Products

The Board talked about making combining this with the student policy and making one for students and staff.

Nominations/Hires/Resignations

FYI - Linda Lee Hooper non CDL Driver. They're waiting for the background checks to come back.

Non Public

Mr. Ouellette made a motion, seconded by Mr. DeColfmacker, to enter non public session under 91-A:3, 11 (c) at 8:15. Roll call vote: Collins aye, DeColfmacker aye, Ouellette aye, Taliaferro aye, Peaslee aye. (Vote 5-0)

The Board returned to Public Session at 8:30.

Adjournment

Mr. Ouellette made a motion, seconded by Mrs. Collins, to adjourn the meeting at 8:30 (Vote 5-0)

Respectfully submitted for approval at the next School Board meeting,

Priscilla Colbath
School Board Secretary

NON-DISCRIMINATION

The School Board in accordance with the requirements of the federal and state laws, and the regulations which implement those laws, hereby declares formally that it is the policy of the Board, in its actions and those of its employees, that there shall be no discrimination on the basis of age, sex, race, creed, color, marital status, physical or mental disability, national origin, or sexual orientation for employment in, participation in, admission/access to, or operation and administration of any educational program or activity in the school district.

Inquiries, complaints, and other communications relative to this policy and to the applicable laws and regulations concerned with non-discrimination shall be received the superintendent or his/her designee.

This policy of non-discrimination is applicable to all persons employed or served by the district. Any complaints or alleged infractions of the policy, law or applicable regulations will be processed through the grievance procedure. This policy implements PL 94-142, Section 504 of the Rehabilitation Act of 1973, Title II of the American with Disabilities Act, Title VI or VII of the Civil Rights act of 1964, Title IX of the Education Amendments of 1972, and the laws of New Hampshire pertaining to non-discrimination.

Legal Reference:

RSA 354-A:6, Opportunity for Employment without Discrimination a Civil Right
RSA 354-A:7, Unlawful Discriminatory Practices

The Age Discrimination in Employment Act of 1967
Title I of The Americans with Disabilities Act of 1990
Title VII of The Civil Rights Act of 1964 (15 or more employees)

Appendix: AC-4

Mr. Stephen Brown, Chairperson
Mr. Relf Fogg
Mrs. Bonnie Cyr
Mr. Robert Ouellette
Mrs. Norma Joy

Adopted by the Board: 15 November 2006
Reaffirmed by the Board: 15 January 2014

Policy AC: Non-Discrimination, Equal Opportunity Employment, and Anti-Discrimination Plan

Status: ADOPTED

Original Adopted Date: 07/01/1998 | Last Revised Date: 11/01/2019 | Last Reviewed Date: 11/01/2019

Category: Priority/Required by Law

~~~~~  
**ADOPTION/REVISION NOTES -**

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

- a. The November 2019 revision is intended to meet the basic policy requirements of SB263, (2019 N.H. Laws 282) while more extensive revisions to related NHSBA sample discrimination policies and procedures undergo review and revision. See NHSBA Revision Note, below.
- b. Additionally, this revision incorporates the provisions (revised) of previous NHSBA sample GBA, which has been withdrawn as of December 2019.
- c. **Many districts have adopted policies other than NHSBA's policies relative to discrimination, harassment, etc., and used different policy codes than NHSBA.** Districts should take extra care to cross-reference according to their own policies and policy codes.
- d. 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 spaces indicate areas which Boards must change/complete to reflect local personnel titles, policy references, duty assignments etc.
- e. Withdrawn and earlier versions of revised policies should be maintained as permanent records of the District. Some districts maintain a "Repealed/Revised" section within their manuals.
- f. {\*\*} indicates a reference to another NHSBA sample policy. A district should check its own current policies and codes to assure internal consistency.

**NHSBA history:** Revised - November 2019; September 2018; September 2008; February 2005; February 2004, July 1998

**NHSBA Notes, November 2019:** Sample policy AC was revised to reflect the 2019 passage of SB263, 2019 N.H. Laws Ch. 282, which among other things: (1) identifies education as a civil right protected under RSA 354-A;(2) expanded (or clarified) the list of classes protected against discrimination under state law; (3) created specific right of claimants or the state attorney General's office to bring discrimination complaints to the NH Human Rights Commission and Superior Court, and (3) requires each district to adopt a policy that sets the framework for developing a coordinated plan to prevent and address incidents of discrimination. The November 2019 revision is intended to meet the minimum requirements of SB263, while more extensive revisions to related NHSBA sample discrimination policies and procedures undergo review and revision. Additionally, incorporates the substantive provisions of former NHSBA sample policy GBA. **September 2018:** Addition of provision prohibiting discrimination in employment practices on the basis of gender identity is required by the passage of HB1319 (2018), which, among other things, amended RSA 354-A:6, and 354-A:7. **NHSBA Note, September 2014:** Addition of provision prohibiting discrimination on the basis of economic status, per RSA 186:11, XXXIII (effective July 2014). Addition of new paragraph prohibiting discrimination in employment matters against victims of domestic violence, harassment, sexual assault, or stalking, per RSA 275:71 (effective July 2014).

~~~~~  
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.

A. 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.

B. 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.

C. 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.

D. 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

Human Rights [or Non-Discrimination] Officer _____ [check district policies for title]

Title IX Coordinator _____ [check district policies (e.g., JBAA, GBAA?) for title]

504 Coordinator _____ [check district policies for title]

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

E. 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 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 GBAA{**};
2. Reports or complaints of sexual harassment or sexual violence by students should be made under Board policy JBAA{**};
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{**}.

F. 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(<https://simbli.eboardsolutions.com/SU/bplustdYSMOvcV8ARgaplusRwoVGQ==>)

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

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

G. 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 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

H. Administrative Procedures and Regulations.

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

I. 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.

District Policy History:

First reading: _____

Second reading/adopted: _____

District revision history:

Non-Discrimination, Equal Opportunity Employment, and Anti-Discrimination Plan

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.

A. 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.

B. 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.

Mrs. Mary Collins, Chairman
Mr. Bob Ouellette, Vice Chairman
Mr. Robert DeColfmaacker
Mrs. Brennan Peaslee
Mrs. Sandra Taliaferro

Adopted by the Board: 15 November 2006
Reaffirmed by the board: 15 January 2014
Approved by the Board:

Examples of sites and activities include all District buildings and grounds, school buses and other vehicles, field trips, and athletic competitions.

C. 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 JLDDBB 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.

D. 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 Superintendent shall assure that District and or building personnel are assigned to the positions listed below. Each year, the Superintendent shall prepare and disseminate the 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.

This information will be posted in the Paul school office, SAU office and school Website. In addition, this information will also be put in the Family Handbook as well as the staff handbook. This information will include current contact for relevant state and federal agencies such as U.S. Department of Education, Office of Civil Rights U.S. Department of Agriculture Office of Civil Rights

Mrs. Mary Collins, Chairman
Mr. Bob Ouellette, Vice Chairman
Mr. Robert DeColfmack
Mrs. Brennan Peaslee
Mrs. Sandra Taliaferro

Adopted by the Board: 15 November 2006
Reaffirmed by the board: 15 January 2014
Approved by the Board:

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

E. 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 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 ACAC
2. Reports or complaints of sexual harassment or sexual violence by students should be made under Board policy ACAC
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

F. Alternative Complaint Procedures and Legal Remedies.

Mrs. Mary Collins, Chairman
Mr. Bob Ouellette, Vice Chairman
Mr. Robert DeColfmaeker
Mrs. Brennan Peaslee
Mrs. Sandra Taliaferro

Adopted by the Board: 15 November 2006
Reaffirmed by the board: 15 January 2014
Approved by the Board:

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

G. 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 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.

Mrs. Mary Collins, Chairman
Mr. Bob Ouellette, Vice Chairman
Mr. Robert DeColfmaeker
Mrs. Brennan Peaslee
Mrs. Sandra Taliaferro

Adopted by the Board: 15 November 2006
Reaffirmed by the board: 15 January 2014
Approved by the Board:

TOBACCO PRODUCTS BAN SMOKE FREE WORKPLACE

The Wakefield School District will provide a Smoke-Free workplace.

Use and Possession of Tobacco Products is strictly prohibited in or on School Facilities and Grounds at all times by all persons.

Tobacco products means cigarettes, cigars, snuff, smokeless tobacco, smokeless cigarettes, products containing tobacco and tobacco in any other form.

Facilities shall include, but are not limited to: any place supported by public funds and which is used for the instruction of students enrolled in grades K through 12, including Administrative Offices, lounges, gymnasiums, rest rooms, libraries, storage facilities and school buses.

Signs shall be placed stating that use of tobacco products on school grounds is strictly prohibited.

It is the responsibility of the Building Principal or designee to enforce this policy. If the Principal or designee requests that a person violating this policy immediately cease and if that person refuses, it is the intent of this policy that the local police may be called. It shall then be the responsibility of the local police for all enforcement proceedings and applicable fines and penalties.

Statutory Reference:

RSA 155:64 - 76

RSA 126 – K:6 & K:7

Mrs. Connie Twombly, Chairperson
Mrs. Peggy Richards
Mr. Joseph Fleck
Ms. Sarah Hayes
Mrs. Desiree Tumas

Adopted by the Board: 6 December 2000
Reaffirmed by the Board: 6 May 2002

Policy ADC: Prohibitions Regarding Use and Possession of Tobacco Products, E-Cigarettes and E-Liquids in and on School Facilities and Grounds (tri-coded as ADC/JICG/GBED)

Status: ADOPTED

Original Adopted Date: 07/01/1998 | Last Revised Date: 11/01/2019 | Last Reviewed Date: 11/01/2019

Category: Priority/Required by Law

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**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.

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

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.

~~~~~  
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 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.

District Policy History:

First reading: _____

Second reading/adopted: _____

**Prohibitions Regarding Use and Possession of Tobacco Products, E-Cigarettes
and E-Liquids in and on School Facilities and Grounds (tri-coded as
ADC/JICG/GBED)**

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.

Mrs. Mary Collins, Chairman
Mr. Bob Ouellette
Mr. Robert DeColfmaeker
Mrs. Brennan Peaslee
Mrs. Sandra Taliaferro

Adopted by the Board: 6 December 2000
Reaffirmed by the Board: 6 May 2002
Approved by the Board:

"**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

Mrs. Mary Collins, Chairman
Mr. Bob Ouellette
Mr. Robert DeColfmaeker
Mrs. Brennan Peaslee
Mrs. Sandra Taliaferro

Adopted by the Board: 6 December 2000
Reaffirmed by the Board: 6 May 2002
Approved by the Board:

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 develop 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.

Mrs. Mary Collins, Chairman
Mr. Bob Ouellette
Mr. Robert DeColfmacker
Mrs. Brennan Peaslee
Mrs. Sandra Taliaferro

Adopted by the Board: 6 December 2000
Reaffirmed by the Board: 6 May 2002
Approved by the Board:

Policy EEAB: Establishment of School Bus Routes

Status: ADOPTED

Original Adopted Date: 09/01/2021 | Last Reviewed Date: 09/01/2021

Category: Recommended

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**ADOPTION/REVISION NOTES -**

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

- a. The content of this policy was formerly located in sample "-R" document EEA-R. Given recent experiences of districts with parent transportation challenges, NHSBA recommends adopting as a Board policy.
- 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.

NHSBA history: New policy - Sept. 2021

NHSBA revision notes, September 2021, see adoption note (a) above. See also Sept. 2021 revision notes for sample EEA.

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A. General Policy.

The Transportation Coordinator designated by the Superintendent pursuant to Board policy {**}EEA, in consultation with the Principal(s) and transportation provider shall establish bus routes, schedules and stops for all students eligible for transportation pursuant to Board policy {**}EEA. Routes will be over the most direct roads practicable for bus travel. Where an alternate route may be selected without sacrifice to efficiency or economy, preference will be given to that route serving the larger number of students more directly. Routes will be designed to employ as nearly as practicable the full carrying capacity of each bus trip. New routes will be established only when full capacity of the trips on existing routes has been reached or is imminent.

The purpose of bus scheduling shall be to achieve maximum service with a minimum fleet of buses consistent with rendering equitable service to all eligible students. The measure of service rendered shall be the total time between leaving a bus stop in the morning and returning thereto in the afternoon on a regular bus trip. To the greatest extent possible, routes, schedules and stops will minimize and balance the time students spend on buses. However, priority in distance to stops will be given to younger children.

Authorized bus stops shall be located at convenient intervals in places where students can be loaded or unloaded, cross highways and await arrival of buses with the utmost safety permitted based upon highway conditions, terrain, and visibility. Bus stops will be situated so that no student is required to walk more than 1 mile to reach a stop. Per RSA 189:8, the maximum distance to stops can be extended to 1 ½ miles for students residing in areas which are inaccessible by the District's established mode of transportation, provided that the vehicle, route and schedule have been approved by the commissioner of education. The number of bus stops on each trip shall be limited, consistent with the policy, so as to enable buses to maintain a reasonable timetable and schedule.

B. Process for Establishing Bus Routes and Stops. [adjust timelines, titles, etc. as appropriate for District and transportation contractor]

1. Transportation coordinator obtains student enrollment list in early July.
2. Transportation Coordinator and building Principal(s), evaluate past year's routes and stops, find houses of new students, and draft a route/stop proposal.

3. Proposed route and stop schedule is reviewed with Superintendent and/or designee.
4. In August Superintendent approves final route and stop schedule.¹
5. Routes and stops are posted on the District and school websites [and published in local newspapers].
6. Late enrollments and other factors may necessitate alteration of approved and publicized routes and stops.

C. Parent/Guardian Requests for Changes and Appeals.

1. Change Requests. Students entitled to transportation service will be assigned to a school bus and stop and will be expected to adhere to the assignment. Parent requests for changes in a child's regular bus assignment should be sent to the Transportation Coordinator. Bus assignment changes will be made based on the following criteria:
 - a. Request must be written by parent or guardian.
 - b. Space must be available.
 - c. Change in a student's regular bus assignment may be approved for the year, the half year, or the quarter. Changes for shorter periods will not be honored by the coordinator.
 - d. Emergency situations or one-day changes may be authorized on a case-by-case basis by the Principal or his/her designee. Any such one-time change must be requested in writing and in advance by the parent/guardian. The Principal/designee will coordinate the change directly.
2. Appeals of Change Requests.
 - a. Appeals under C.1 must be presented in writing to the Superintendent within 10 calendar days of the Transportation Coordinator's decision.
 - b. The Superintendent will review relevant information and consult with the parent/guardian, Principal and transportation contractor [or driver if employed by the district].
 - c. If the Superintendent perceives a safety concern or if there is agreement that a change or addition to the route/stop is justified, the Superintendent will immediately make the change *[if routes require board approval, then add]* on a temporary basis. Changes will be brought to the Board for confirmation at its next scheduled meeting].
 - d. If the Superintendent does not approve the request, the parent/guardian may request a review by the School Board. To initiate the review/appeal the parent/guardian must request review/appeal in writing to the Superintendent within 10 calendar days from the date of the Superintendent's decision.
 - e. The Board will hear the appeal as part of its next available agenda subject to the availability of the parent/guardian.
 - f. The Board will make its decision after hearing all appropriate information.

¹ [Delete footnote]. Some districts involve the School Board, while within Board authority, this can be problematic depending on Board availability. Boards could appoint sub-committee to carry out this function. For board or board committee, consider: "In August, the Superintendent or Transportation Coordinator presents the proposed route and stop schedule to the Board [Transportation Committee] for approval or revision."

ESTABLISHMENT OF SCHOOL BUS ROUTES

A. General Policy.

The Transportation Coordinator designated by the Superintendent pursuant to Board policy EEA, in consultation with the Principal(s) and transportation provider shall establish bus routes, schedules and stops for all students eligible for transportation pursuant to Board policy EEA. Routes will be over the most direct roads practicable for bus travel. Where an alternate route may be selected without sacrifice to efficiency or economy, preference will be given to that route serving the larger number of students more directly. Routes will be designed to employ as nearly as practicable the full carrying capacity of each bus trip. New routes will be established only when full capacity of the trips on existing routes has been reached or is imminent.

The purpose of bus scheduling shall be to achieve maximum service with a minimum fleet of buses consistent with rendering equitable service to all eligible students. The measure of service rendered shall be the total time between leaving a bus stop in the morning and returning thereto in the afternoon on a regular bus trip. To the greatest extent possible, routes, schedules and stops will minimize and balance the time students spend on buses. However, priority in distance to stops will be given to younger children.

Authorized bus stops shall be located at convenient intervals in places where students can be loaded or unloaded, cross highways and await arrival of buses with the utmost safety permitted based upon highway conditions, terrain, and visibility. Bus stops will be situated so that no student is required to walk more than 1 mile to reach a stop. Per RSA 189:8, the maximum distance to stops can be extended to 1 ½ miles for students residing in areas which are inaccessible by the District's established mode of transportation, provided that the vehicle, route and schedule have been approved by the commissioner of education. The number of bus stops on each trip shall be limited, consistent with the policy, so as to enable buses to maintain a reasonable timetable and schedule.

B. Process for Establishing Bus Routes and Stops.

1. Transportation coordinator obtains student enrollment list in early July.
2. Transportation Coordinator and building Principal(s), evaluate past year's routes and stops, find houses of new students, and draft a route/stop proposal.
3. Proposed route and stop schedule is reviewed with Superintendent and/or designee.
4. In August Superintendent approves final route and stop schedule.¹

Mrs. Mary Collins, Chairman
Mr. Bob Ouellette, Vice Chairman
Mrs. Sandra Taliaferro
Mr. Robert DeColfmaeker
Mrs. Brennan Peaslee

5. Routes and stops are posted on the District and school websites.
6. Late enrollments and other factors may necessitate alteration of approved and publicized routes and stops.

C. Parent/Guardian Requests for Changes and Appeals.

1. Change Requests. Students entitled to transportation service will be assigned to a school bus and stop and will be expected to adhere to the assignment. Parent requests for changes in a child's regular bus assignment should be sent to the Transportation Coordinator. Bus assignment changes will be made based on the following criteria:
 - a. Request must be written by parent or guardian.
 - b. Space must be available.
 - c. Change in a student's regular bus assignment may be approved for the year, the half year, or the quarter. Changes for shorter periods will not be honored by the coordinator.
 - d. Emergency situations or one-day changes may be authorized on a case-by-case basis by the Principal or his/her designee. Any such one-time change must be requested in writing and in advance by the parent/guardian. The Principal/designee will coordinate the change directly.
2. Appeals of Change Requests.
 - a. Appeals under C.1 must be presented in writing to the Superintendent within 10 calendar days of the Transportation Coordinator's decision.
 - b. The Superintendent will review relevant information and consult with the parent/guardian, Principal and transportation contractor.
 - c. If the Superintendent perceives a safety concern or if there is agreement that a change or addition to the route/stop is justified, the Superintendent will immediately make the change.
 - d. If the Superintendent does not approve the request, the parent/guardian may request a review by the School Board. To initiate the review/appeal the parent/guardian must

Mrs. Mary Collins, Chairman
Mr. Bob Ouellette, Vice Chairman
Mrs. Sandra Taliaferro
Mr. Robert DeColfmacker
Mrs. Brennan Peaslee

request review/appeal in writing to the Superintendent within 10 calendar days from the date of the Superintendent's decision.

- e. The Board will hear the appeal as part of its next available agenda subject to the availability of the parent/guardian.
- f. The Board will make its decision after hearing all appropriate information.

Policy JIA: WITHDRAWN - Student Due Process

Status: ADOPTED

Original Adopted Date: 07/01/1998 | Last Revised Date: 03/01/2021 | Last Reviewed Date: 03/01/2021

Category: Withdrawn

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**ADOPTION/REVISION NOTES -**

All text between the highlighted lines "~~~~~" above and below, and all highlights within the policy 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 must review/change/complete to reflect local personnel titles, internal or 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 and earlier versions of revised policies should be maintained separately as part of the permanent records of the District.

NHSBA history: Withdrawn – March 2021; Revised – July 2019, September 2008, October 2005, November 1999 and July 1998

NHSBA revision notes, March 2021. NHSBA withdrew former sample policy JIA as part of revisions to sample policies JI, JIC and JICD to reflect 2020 amendments to RSA 193:13. The subject matter of former JIA is fully incorporated into sample JICD.

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WITHDRAWN [date district withdraws _____]

Former policy {**}JIA was withdrawn to correspond with revisions to Board policies {**}JI, {**}JIC and {**}JICD.

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## **Student Due Process Rights**

Students facing discipline will be afforded all due process rights given by law. The Superintendent or his/her written designee is authorized to suspend any student for ten days or less for violations of school rules or policies. Should the Superintendent desire to suspend a student for more than ten days, such student will be afforded a hearing before the school board. In addition to the provisions of this policy, the Board recognizes the application of all pertinent provisions of RSA 193:13 and associated Department of Education rules.

Student due process rights shall be printed in the Parent- Student Handbook and will be made available in other languages or presented orally upon request.

*Legal References:*

*RSA 189:15, Regulations*

*NH Code of Administrative Rules, Section Ed 306.04 (a)(3), Policy Department, Discipline*

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

*NH Code of Administrative Rules, Section Ed 317.04 (b) Disciplinary Procedures*

**Mrs. Janet Gagnon, Chairman**  
**Mrs. Priscilla Colbath**  
**Mrs. J. Lisbeth Olimpio**  
**Mr. Fred Elliott**  
**Mrs. Judith Nason**

**Adopted by the Board: 21 March 2001**  
**Reaffirmed by the Board: 17 October 2002**  
**Revised by the Board: 1 June 2011**

**Policy GBA: WITHDRAWN -Equal Opportunity Employment**

Status: ADOPTED

Original Adopted Date: 11/01/2019 | Last Reviewed Date: 11/01/2019

Category: WITHDRAWN

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**ADOPTION/REVISION NOTES –**

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

- a. With the 2019 passage of SB263 pertaining to discrimination in public schools, NHSBA is undertaking an overhaul and consolidation of many related policies. One component of that process will be to recode some existing policies such that the various non-discrimination/harassment policies are more centrally located. Accordingly, the substance of former GBA has been incorporated into revised sample policy AC, the latter of which includes some substantive changes to reflect both recent legislative changes, and the connection with other sample policies.
- 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.

**NHSBA history:** WITHDRAWN November 2019 – REPLACED/RECODED WITH ACGA.

**NHSBA note, November 2019,** Former policy GBA was withdrawn, with the substantive provisions of the former sample incorporated into sample policy AC. See sample policy AC for more complete information regarding the revisions.

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**WITHDRAWN NOVEMBER 2019**

Former policy GBA{\*\*} has been withdrawn, with the substance of the former policy incorporated into Board policy AC{\*\*}.

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**District Policy History:**

Date withdrawn:

District revision history:

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## **EQUAL OPPORTUNITY EMPLOYMENT**

The Wakefield School District will recruit and consider candidates without regard to gender, sexual orientation, race, color, religion, nationality, ethnic origin, age, or disability. When there are opportunities for promotions and qualifications are equal, consideration will be given first to employees.

The Wakefield School 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 without regard to gender, sexual orientation, race, color, religion, nationality, ethnic origin, age, or disability, except for reasons related to ability to perform the requirements of the job.

Inquiries, complaints, and other communications relative to this policy and to the applicable laws and regulations concerned with non-discrimination shall be received by the Superintendent or his/her designee.

This policy of non-discrimination is applicable to all persons employed or served by the district. Any complaints or alleged infractions of the policy, law or applicable regulations will be processed through the grievance procedure. This policy implements PL 94-142, Section 504 of the Rehabilitation Act of 1973, Title II of the American with Disabilities Act, Title VI or VII of the Civil Rights Act of 1964, Title IX of the Education Amendment of 1972, and the laws of New Hampshire pertaining to non-discrimination.

### **Legal Reference:**

*RSA 3540-A:7, Unlawful Discrimination Practices  
Appendix: AC-R*

**Mr. Stephen Brown, Chairperson  
Mrs. Bonnie Cyr  
Mr. Relf Fogg  
Mr. Robert Ouellette  
Mrs. Norma Joy**

**Adopted by the Board: 4 April 2001  
Reaffirmed by the Board: 17 October 2002  
Reaffirmed by the Board: 15 January 2014**



**Policy EEAEC: WITHDRAWN - Student Conduct on School Buses (Now see JICC)**

Status: ADOPTED

Original Adopted Date: 07/01/1998 | Last Revised Date: 09/01/2021 | Last Reviewed Date: 09/01/2021

Category: WITHDRAWN

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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.**

NHSBA history: Withdrawn - September 2021; Revised - April 2004, Nov. 1999, July 1998

NHSBA revision notes, September 2021, NHSBA withdrew sample EEAEC because the subject matter was the same as that included in JICC. Concurrent with the withdrawal of EEAEC, NHSBA also substantially restructured or revised most of its other transportation policies, including JICC. See revision notes to EEA and JICC for further information. See also Sept. 2021 revision notes for sample EEA.

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**WITHDRAWN on [date board votes to withdraw]**

Former policy {\*\*}EEAEC as duplicative of subject matter now entirely included within Board policy {\*\*}JICC. All reference in school handbooks or other District materials to EEAEC shall mean/refer to policy {\*\*}JICC.

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District Policy History:

First reading: _____
Second reading/adopted: _____

District revision history:

STUDENT CONDUCT ON SCHOOL BUSES

Students using district transportation must understand that they are under the jurisdiction of the school from the time they arrive on the bus until they exit the bus.

Pupils transported in a school bus shall be under the authority of the district and under control of the bus driver. Continued disorderly conduct or persistent refusal to submit to the authority of the driver shall be sufficient reasons for a pupil to be denied the privilege of transportation in accordance with the regulations of the board.

The driver of the bus shall be responsible for the orderly conduct of the pupils transported.

The superintendent or his/her designee will develop rules and regulations for conduct on buses and these shall be printed in the Parent-Student Handbook.

Resolution of Conflicts

A parent who wishes to request a change or exemption from any of the student transportation policies shall direct that request first to the transportation coordinator. If the parent is not satisfied by the ruling of the transportation coordinator, he or she may appeal the ruling within five days to the superintendent, the parent may request to appear before the board.

Statutory Reference:

RSA 189:6-9

Appendix JICC & EEA-R

Mrs. Judith Nason, Chairperson
Mrs. J. Lisbeth Olimpio
Mrs. Vivian Macedo
Mr. Stephen Brown

Adopted by the Board: 6 December, 2000
Reaffirmed by the Board: 6 May, 2002
Revised by the Board: 16 November, 2005
Revised by the Board: 6 March 2013

Policy GBED: Possession of Tobacco Products (dually coded with ADC/JICG)

Status: ADOPTED

Original Adopted Date: 07/01/1998 | Last Revised Date: 11/01/2019 | Last Reviewed Date: 11/01/2019

Category: Priority/Required by Law

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**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.

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

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.

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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 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.

District Policy Adoption & Revision History:

First reading: _____

Second reading/adopted: _____

District revision history:

USE OF TOBACCO PRODUCTS STRICTLY PROHIBITED IN/ON ALL SCHOOL FACILITIES AND/OR GROUNDS

No person shall use any tobacco product in any facility maintained by the School District, nor on any of the grounds of the District.

"Tobacco products" means cigarettes, cigars, snuff, smokeless tobacco, smokeless cigarettes, products containing tobacco, and tobacco in any other form.

"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, libraries, and storage areas.

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

It is the responsibility of the building principal(s), or designee, to initially enforce this policy by requesting that any person who is violating this policy to immediately cease the use of tobacco products. After this request is made, if any person refuses to refrain from using tobacco products in violation of this policy, the principal or designee may call the local police who shall then be responsible for all enforcement proceedings and applicable fines and penalties.

Students

No student shall purchase, attempt to purchase, possess or use any tobacco product in any facility, in any school vehicle or anywhere on school grounds maintained by the District.

Enforcement of this prohibition shall initially rest with building principals, or their designees, who may report any violation to the local police department. In accordance with state law, the police department shall be responsible for all proceedings and applicable fines and penalties.

The principal will develop regulations which cover disciplinary action to be taken for violations of this policy. These regulations will be communicated to students by means deemed appropriate by the principal. In addition to disciplinary actions taken by the school, criminal penalties for fines may result from violations of this policy.

Employees

No employee shall use any tobacco product 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. The principal may report violations to the local police department. In accordance

Mrs. Norma Joy Chairperson
Mrs. Bonnie Cyr
Mrs. Beth Seldin
Mr. Robert Ouellette
Mrs. Stephen Brown

Adopted by the Board: 4 April 2001
Revised by the Board:
Reaffirmed by the Board: 17 October 2002
Reaffirmed by the Board: 3 November 2010
Revised by the Board: 7 June 2017

with state law, the police department shall be responsible for all proceedings and applicable fines and penalties.

The principal will develop and implement the appropriate means of notifying employees of the possible disciplinary consequences of violating this policy. Any employee(s) who violate(s) this policy is subject to disciplinary action which may include warning, suspension or dismissal. In addition, fines or other penalties may result from enforcement of these prohibitions by other law enforcement officials.

All other persons

No visitor shall at any time use tobacco products in any facility, in any school vehicle, or anywhere on school grounds maintained by the District.

Responsibility for enforcement of this prohibition shall rest with all School District employees who may report violations to the local police department. In accordance with state law, the police department shall be responsible for all proceedings and applicable fines and penalties.

Statutory References:

RSA 155:64 – 77, Indoor Smoking Act

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

Reviewed: June 2004

Revised: November, 1999

Revised: July, 1998

Mrs. Norma Joy Chairperson
Mrs. Bonnie Cyr
Mrs. Beth Seldin
Mr. Robert Ouellette
Mrs. Stephen Brown

Adopted by the Board: 4 April 2001
Revised by the Board:
Reaffirmed by the Board: 17 October 2002
Reaffirmed by the Board: 3 November 2010
Revised by the Board: 7 June 2017

Policy JICG: Prohibitions Regarding Use and Possession of Tobacco Products, E-Cigarettes, and E-Liquids in and on School Facilities and Grounds (tri-coded as ADC/GBED/JICG)

Status: ADOPTED

Original Adopted Date: 07/01/1998 | Last Revised Date: 11/01/2019 | Last Reviewed Date: 11/01/2019

Category: Priority/Required by Law

ADOPTION/REVISION NOTES -

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

- 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.
- 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.
- {**} indicates a reference to another NHSBA sample policy. A district should check its own current policies and codes to assure internal consistency.
- Withdrawn & earlier versions of revised policies should be maintained separately as part of the permanent records of the District.

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

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.

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 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.

District Policy History:

First reading: _____

Second reading/adopted: _____

District revision history:

TOBACCO PRODUCTS BAN**USE OF TOBACCO PRODUCTS STRICTLY PROHIBITED IN/ON ALL
SCHOOL FACILITIES AND/OR GROUNDS**

No person shall use any tobacco product in any facility maintained by the School District, nor on any of the grounds of the District.

Tobacco products means cigarettes, cigars, snuff, smokeless tobacco, smokeless cigarettes, products containing tobacco, and tobacco in any other form.

"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.

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

It is the responsibility of the building principal(s), or designee, to initially enforce this policy by requesting that any person who is violating this policy to immediately cease the use of tobacco products. After this request is made, if any person refuses to refrain from using tobacco products in violation of this policy, the principal or designee may call the local police who shall then be responsible for all enforcement proceedings and applicable fines and penalties.

Students

No student shall purchase, attempt to purchase, possess or use any tobacco product in any facility, in any school vehicle or anywhere on school grounds maintained by the District.

Enforcement of this prohibition shall initially rest with building principals, or their designees, who may report any violation to the local police department. In accordance with state law, the police department shall be responsible for all proceedings and applicable fines and penalties.

The principal will develop regulations which cover disciplinary action to be taken for violations of this policy. These regulations will be communicated to students by means deemed appropriate by the principal. In addition to disciplinary actions taken by the school, criminal penalties for fines may result from violations of this policy.

**Mrs. Priscilla Colbath, Chairperson
Mrs. Janet Gagnon
Mrs. J. Lisbeth Olimpio
Mrs. Judith Nason
Mr. Peter Kasprzyk**

**Adopted by the Board: 4 April 2001
Reaffirmed by the Board: 17 October 2002
Revised by the Board: 7 September 2011**

Employees

No employee shall use any tobacco product in any facility in any school vehicle or anywhere on school grounds maintained by the District.

TOBACCO PRODUCTS BAN

(continued)

Initial responsibility for enforcement of this prohibition shall rest with building principals, or their designees. The principal may report violations to the local police department. In accordance with state law, the police department shall be responsible for all proceedings and applicable fines and penalties.

The principal will develop and implement the appropriate means of notifying employees of the possible disciplinary consequences of violating this policy. Any employee(s) who violate(s) this policy is subject to disciplinary action which may include warning, suspension or dismissal. In addition, fines or other penalties may result from enforcement of these prohibitions by other law enforcement officials.

All other persons

No visitor shall at any time use tobacco products in any facility, in any school vehicle, or anywhere on school grounds maintained by the District.

Responsibility for enforcement of this prohibition shall rest with all school District employees who may report violations to the local police department. In accordance with state law, the police department shall be responsible for all proceedings and applicable fines and penalties.

Legal References:

RSA 155:64 – 76, Indoor Smoking Act

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

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

Mrs. Priscilla Colbath, Chairperson
Mrs. Janet Gagnon
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Mrs. Judith Nason
Mr. Peter Kasprzyk

Adopted by the Board: 4 April 2001
Reaffirmed by the Board: 17 October 2002
Revised by the Board: 7 September 2011

Policy GBEC: Drug-Free Workplace / Drug Free Schools (dually coded as ADB/GBEC)

Status: ADOPTED

Original Adopted Date: 07/01/1998 | Last Revised Date: 09/01/2018 | Last Reviewed Date: 09/01/2018

Category: Priority-Required by Law

~~~~~  
**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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- 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.

**NHSBA history:**

Revised and replaced September 2018.

Revised: April 2017; April 2010; February 2004; July 1998

**NHSBA revision note: September 2018** - GBEC (and its identical policy ADB) is 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 GBEC/ADB 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.

~~~~~  
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.

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 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.

*Also ADB, ADC, GBED, JICG***DRUG FREE WORKPLACE POLICY**

The Wakefield School District will provide a drug-free workplace in accordance with the Drug-Free Schools and Communities Act of 1988 and Amendments of 1989 (L.202-226). In Compliance with statutory requirements, the District will:

1. Notify all employees, (even those whose employment is grant funded and volunteers), in writing, that the unlawful manufacture, distribution, dispensation, possession, or use of illicit drugs and alcohol is prohibited in the District's workplace and that any violation is subject to disciplinary or legal action.
2. Provide a drug-free awareness program to inform employees about:
 - a. The dangers of illicit drugs in the workplace
 - b. The District's policy of maintaining a drug-free workplace.
 - c. Available drug and alcohol counseling, rehabilitation and employee assistance and/or re-entry programs.
 - d. The penalty that may be imposed on employees for drug and alcohol violations occurring in the workplace.
3. Notify employees that as a condition of employment in the District, they will agree to and abide by the terms of the policy and will notify the District of any drug statute conviction resulting from workplace conduct within five days of the conviction. Under grant funded employment, the employee will notify the federal agency within ten days after receiving notice from an employee of such a conviction.
4. Establish the following as grounds for disciplinary action:
 - a. Working under the influence of alcohol or illegal drugs, no matter where consumed.
 - b. Having a container of alcohol, or consuming alcohol on School property. (Any employee who finds any alcohol or drugs on school property will report it to the school administration.)
 - c. Possessing or distributing controlled substances on School property.
 - d. Consuming, possessing or distributing alcohol or illegal drugs at Official School Functions* not on School property.

*Official School Functions are functions which are authorized and conducted by the School with School officials present, in charge and on duty, such as, but not limited to: Interscholastic athletic contests, field trips and school dances.

5. Alert local law enforcement agency of suspected violations of this policy.
6. Take any action of the following disciplinary actions either alone or in combination regarding an employee who is in violation of the policy within 10 days:
 - a. Suspension
 - b. Termination
 - c. Participation and satisfactory completion of a substance abuse or rehabilitation program approved for such purposes by a federal, state or local health or law enforcement or other appropriate agency.
7. Make a good faith effort to continue to maintain a drug-free workplace through implementation of all the provisions of this policy.

*Legal References:**RSA: 193-B, Drug Free School Zones**41 USC section 701 Et. seq Drug Free Workplace requirement for Federal grant recipients**Public Law 101-226, Drug Free Schools and Communities Act Amendments of 1989*

Mrs. Janet Gagnon, Chairperson
Mrs. Priscilla Colbath
Mrs. J. Lisbeth Olimpio
Mr. Fred Elliott
Mrs. Judith Nason

Adopted by the Board: 4 June 1991
Reaffirmed by the Board: 16 August 1995
Revised by the Board: 4 April 2001
Reaffirmed by the Board: 17 October 2002
Revised by the Board: 3 November 2010

Page 1 of 1

Policy ADB: Drug-Free Workplace & Drug-Free Schools (dualy coded as GBEC)

Status: ADOPTED

Original Adopted Date: 07/01/1998 | Last Revised Date: 09/01/2018 | Last Reviewed Date: 09/01/2018

Category: Priority/Required by Law

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.

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.

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.

OPTIONAL - MAY ONLY BE ADOPTED UPON REQUEST BY A SYRINGE SERVICE PROGRAM

ADMINISTRATOR - see 2nd paragraph of NHBBA 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 effectiveness of programs established under paragraph A.5.c above; (iii) ensure that disciplinary sanctions are consistently and

Drug-Free Workplace & Drug-Free Schools

Category: *Priority-Required by Law*

Identical Policy: [GBEC](#)

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.

Mr. Bob Ouellette, Chairman
Mrs. Tracey Kolb, Vice Chairman
Mrs. Sandy Johnson
Mrs. Jen McCawley
Mr. Relf Fogg

Adopted by the Board: 6 December 2000
Reaffirmed by the Board: 6 May 2002
Revised by the Board: 3 November 2010
Revised by the Board: 16 July 2019

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

Mr. Bob Ouellette, Chairman
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Adopted by the Board: 6 December 2000
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Revised by the Board: 3 November 2010
Revised by the Board: 16 July 2019

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

- 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 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, if any.

Mr. Bob Ouellette, Chairman
Mrs. Tracey Kolb, Vice Chairman
Mrs. Sandy Johnson
Mrs. Jen McCawley
Mr. Relf Fogg

Adopted by the Board: 6 December 2000
Reaffirmed by the Board: 6 May 2002
Revised by the Board: 3 November 2010
Revised by the Board: 16 July 2019

Policy EEA: Student Transportation Services

Status: ADOPTED

Original Adopted Date: 04/01/2004 | Last Revised Date: 09/01/2021 | Last Reviewed Date: 09/01/2021

Category: Recommended

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**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.

**NHSBA history:** Revised – Sept. 2021, Sept. 2016, Sept. 2013, Aug. 2008, Aug. 2006, May 2006, April 2004  
**NHSBA revision notes, September 2021,** policy was revised generally along with a restructuring of related transportation sample policies and procedures, primarily to reduce redundancies and conflicting provisions, as well as improved integration. EEA now establishes general transportation policy with duplicative language or content in the former version replaced with references to other applicable policies and procedures. Also, the revisions add a Transportation Coordinator, a position that was formerly referenced in many NHSBA samples but not specifically established. Clarification was added via an "Authorized Transportation Providers" subsection to define applicable services in accordance with the new contracted carrier provisions in SB 147 (Part III), which will be codified as RSA 376:2, VII. Revisions also included addition of the new requirement to provide transportation services to students attending CTE and alternative programs in accordance RSA 188-E:8 (SB 148, Pt II). **September, 2016:** Amended to allow charter school pupils access to traditional transportation services under RSA 194-B:2, V.

~~~~~  
A. General Policy, Transportation Coordinator and Determination of Residency.

The District will, make available transportation services to all regular education resident students grades K-12 _____¹, grades K-12, who live at least 2 miles from their assigned school.

The Superintendent, or his/her designee, will fulfill the duties of Transportation Coordinator as described in this and other applicable Board policies.

Residency is determined under RSA 193:12. For children with parent/guardians residing in separate households, residency will be determined pursuant to RSA 193:12, I (a)(2) and, when applicable, parenting plans established under RSA 461-A. In such circumstances, the District is not required to provide transportation beyond the designated attendance area for the school to which the child is assigned, or beyond the geographical limits of the school district in which the child resides. Parents/guardians in such circumstances should contact the Superintendent's office with any questions or requests for special accommodations.

Pupils who attend chartered public or non-public schools shall be entitled to the same transportation privileges within the District as are provided for pupils in public school using the same routes and termination points as are established for students attending the District's schools. Drivers may not load or unload pupils at other than authorized bus stops.

The District shall also provide transportation to, and pay transportation costs for, all students who reside in the District and attend a regional career and technical education center, or who attend an alternative program at a regional career and technical education center or other comprehensive high school. The Superintendent is responsible for recovering such transportation costs per RSA 188-E:8.

B. Establishment and Appeal of Routes, Schedules and Stops

The Transportation Coordinator will establish bus routes, schedules and stops pursuant to Board policy {**}EEAB.

Parents who wish to request a change or exemption from any of the Board transportation policies, including bus routes or bus stops, may engage in the request and appeal process detailed in Policy {**}EEAB.

C. Authorized Transportation Providers

The District authorizes students to be transported to school or school activities via school bus drivers, and to school activities via contracted carriers. See Policy {**}EEAE for details.

All other authorized transportation of students must be in accordance with Policy {**}EEAG.

D. Student Conduct on School Buses

Bus drivers have the responsibility to maintain orderly behavior of students on school buses and will report, in writing, misconduct to the student's Principal.

Student conduct while on District transportation is regulated in accordance with Board policy {**}JICC, and any District or school rules implementing the same. See the District's School Bus Conduct Rules (administrative procedures {**}JICC-R).

Students who violate regulations for student conduct within those policies may have bus riding privileges suspended. Such suspensions are in addition to other interventions or disciplinary consequences provided under the Student Code of Conduct *[or other such rules as termed by the district]* and such other applicable Board policies and District or school rules and regulations. Parents/guardians may appeal transportation suspensions per Board policy {**}JICC and accompanying administrative procedures.

¹ [Delete footnote.] The statutory minimum is 2 miles for grades K-8 (RSA 189:6), with an additional requirement that children eligible for transportation must have an available stop within 1 mile of home. Most districts provide transportation beyond the statutory minimum. It is good practice, and in some instances, can limit litigation exposure to have the parameters set by Board policy. This policy should describe those general standards (Example: *The District will, make available transportation services to all regular education resident students all students K-12 who reside more than 1.5 miles from their assigned school. Additionally, there shall be a "late bus" provided for middle and high school students who participate in after-school activities. The late bus will only provide transportation to a single location in each of the District's constituent towns.* Note that unilateral changes by the board might interfere with existing transportation contracts.

District Policy History:

First reading: _____

Second reading/adopted: _____

District revision history:

STUDENT TRANSPORTATION SERVICES

The district shall provide transportation for pupils to schools in the district consistent with provisions of RSA 189:6, 189:9 provided they live one mile or more from the school. The following policies shall apply.

General Operating Policy

- A. Bus routes shall be established by the transportation coordinator and school administration under the direction of the superintendent and subject to review by the board. Routes will be developed annually and posted.
- B. Private school transportation will be integrated where possible and when required by law.
- C. Bus stops shall be established under the direction of the superintendent. A bus stop so established will be designated as authorized when the school board has approved its designation as such. Drivers may not load or unload pupils at other than authorized bus stops.

Student Conduct on School Buses

The bus driver will have responsibility to maintain orderly behavior of students on school buses and will report misconduct to the student's principal in writing. Video and Audio cameras may be used on buses to support the bus driver's reports of unacceptable conduct. Parents must sign a permission slip acknowledging their child will be recorded with audio. The school principal will have the authority delegated by the superintendent to suspend the riding privileges of students who are disciplinary problems on the bus by failing to conform to the rules and regulations promulgated by the board. Parents of children whose pattern of behavior and conduct on school buses endangers the health, safety and welfare of other riders will be notified that their children face the loss of school bus riding privileges in accordance with the student discipline code. Suspensions to continue beyond twenty (20) days must be approved by the board (RSA 189:9a).

Resolution of Conflicts

A parent who wishes to request a change or exemption from any of the student transportation policies shall direct that request first to the Superintendent's Transportation Designee. If the parent is not satisfied by the ruling of the Superintendent's Transportation Designee, he or she may appeal the ruling within five days to the Superintendent and Transportation Committee. If the parent is again not satisfied by the ruling, he or she may appeal to the superintendent within the next five-day period. As a last appeal, the parent may request to appear before the board.

Statutory Reference:

RSA 189:6

RSA 189:9

RSA 189:9a

Mrs. Mary Collins, Chairman
Mr. Robert DeColfmacker, Vice Chairman
Mrs. Brennan Peaslee
Mrs. Sandra Taliaferro
Mr. Bob Ouellette

Adopted by the Board: 18 December 1991
Reaffirmed by the Board: 10 July 1998
Revised by the Board: 18 August 1999
Revised by the Board: 14 March 2001
Reaffirmed by the Board: 6 May 2002
Reaffirmed by the Board: 21 Nov 2012
Approved by the Board: 18 Oct 2022

Page 1 of 2

RSA 200:40

See Appendix: JICC-R & EEA-R

Mrs. Mary Collins, Chairman
Mr. Robert DeColfmacker, Vice Chairman
Mrs. Brennan Peaslee
Mrs. Sandra Taliaferro
Mr. Bob Ouellette

Adopted by the Board: 18 December 1991
Reaffirmed by the Board: 10 July 1998
Revised by the Board: 18 August 1999
Revised by the Board: 14 March 2001
Reaffirmed by the Board: 6 May 2002
Reaffirmed by the Board: 21 Nov 2012
Approved by the Board: 18 Oct 2022

Page 2 of 2

Policy JICC: Student Conduct on School Buses

Status: ADOPTED

Original Adopted Date: 10/01/2005 | Last Revised Date: 09/01/2021 | Last Reviewed Date: 09/01/2021

Category: Recommended

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.

NHSBA history. Revised – Sept. 2021, October 2005

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.

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, 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.

Student Conduct on School Buses

Students using District transportation must understand that they 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, which shall be printed in the Parent-Student Handbook, made available on the District and/or school website, and provided in other languages as needed.

Students transported in a school bus shall be under the authority of the District and under the immediate control of the bus driver. The driver of the bus, along with the bus monitor, if applicable, shall be held responsible for the orderly conduct of the students transported. Although the primary responsibility of the driver is to safely transport students to and from school, they are also the “first line of defense” when maintaining order and safety during transport. Drivers will use a Discipline Referral form to provide details regarding unacceptable student behavior which will be given to the Assistant Principal. The Assistant Principal will take appropriate action to determine the response to the behavior; camera surveillance may be used to investigate certain behaviors (see policy ECAF).

Failure to abide by the school’s bus conduct rules, may result in a student being denied or suspended from the privilege of transportation in accordance with the RSA 189:9-a. Additionally, conduct on District transportation is subject to additional interventions, supports or consequences as provided in the Parent/Student Handbook.

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

Parents are expected to transport their child to and from school during times of suspension. If a student cannot find transportation during a suspension, he/she is responsible for completing all missed class/homework.

Mrs. Mary Collins, Chairman
Mr. Bob Ouellette, Vice Chairman
Mrs. Sandra Taliaferro
Mr. Robert DeColfmaeker
Mrs. Brennan Peaslee

Adopted by the Board: 21 March 2001
Revised by the Board: 7 September 2011
Approved by the Board: 4 January 2022

NHSBA Sample Policy Manual
NHSBA Policy Management Console

Policy JICDD: Student Discipline/Out-of-School Actions

Status: ADOPTED

Original Adopted Date: 05/01/2006 | Last Revised Date: 09/01/2015 | Last Reviewed Date: 09/01/2015

Category: Recommended

ADOPTION/REVISION NOTES -

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

- 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.
- 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.
- {**} indicates a reference to another NHSBA sample policy. A district should check its own current policies and codes to assure internal consistency.
- Withdrawn & earlier versions of revised policies should be maintained separately as part of the permanent records of the District.

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.

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 includes, 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.

District Policy History:

First reading: _____

Second reading/adopted: _____

District revision history:

STUDENT DISCIPLINE OUT-OF-SCHOOL ACTIONS

The Board recognizes that out-of-school conduct of students attending school within this district is not normally a concern of the Board. However, the Board believes that disciplinary action for conduct occurring off school property and not involving a school activity is proper if the conduct has an adverse effect upon the school.

Therefore, it is the policy of the Board that any student attending school, within this District will be subject to disciplinary action including, but not limited to, suspension from school for any conduct that, in the opinion of the school administrators, has an adverse impact upon the school.

Such activity includes, but is not limited to, the following:

1. Damaging school property, e.g. a school bus;
2. Engaging in an activity which causes physical or emotional harm to other students, teachers, or other school personnel;
3. Engage in activity which directly impedes discipline at school or the general welfare of school activities.

Conduct specifically prohibited shall include, but not be limited to, habitual truancy, verbal or physical abuse toward any student or faculty or staff member, disobedience of reasonable demands of staff or faculty members, distribution, consumption, possession of controlled drugs and/or alcoholic beverages on school property or at school functions, disrupting classroom atmosphere, impeding classroom decorum, causing disturbances with the educational process, disrupting the disciplinary process, so as to interfere with the educational process, disrupting the disciplinary process, and violation of other policies and rules (drugs and alcohol, dangerous weapons, etc.)

- A. Suspensions of not more than ten (10) days may be made by the Superintendent (or his representative as designated in writing) individually. Prior to such suspension the person ordering the suspension must, orally or in writing, inform the student and their parent/guardian of the charges against him/her and provide him/her with an opportunity to refute or explain the charges. If the student refutes the charge(s), evidence of the misconduct shall be related to the student.
- B. Suspension of from six (6) to twenty (20) days may be made by the Superintendent (or his representative as designated in writing) provided that the parent or guardian may appeal such suspension to the School Board.
- C. Suspensions of more than twenty days may be made by the Superintendent (or his representative as designated in writing) only if approved by the School Board.
- D. Expulsions may be made only by the School Board after written notice to the student and their parent/guardian of his/her gross misconduct or his/her neglect or refusal to conform to the rules or regulations of the school. Such expulsions occur only after a hearing by the Board. Expulsions are subject to review not less than one month prior to the start of the next school year, and may be appealed to the State Board of Education by the parent or guardian of the expelled student.

Before any suspension of more than ten days or any expulsion may be made, except as provided for below, the student and their parent/guardian must be informed in writing of the charges against him/her, and a hearing scheduled before the person making the suspension (or before the School Board if appealed to or required to be approved by it) at which the student shall be permitted to be represented by counsel at his/her expense, or refute any charges or evidence against him/her, offer evidence, explanations or mitigating circumstances, cross-examine witnesses and call witnesses of his/her own.

**Mrs. Norma Joy, Chairperson
Mrs. Bonnie Cyr
Mr. Relf Fogg
Mr. Robert Ouellette
Mr. Stephen Brown**

**Adopted by the Board: 22 August 1989
Revised by the Board: 9 October 1995
Reaffirmed by the Board: 7 August 1998
Revised by the Board: 21 March 2001
Revised by the Board: 1 April 2015**

This requirement for prior hearing shall not apply where the student's presence poses a threat to persons, property or the functioning of the educational process, and the student may be immediately suspended or expelled, provided that written notice be mailed to the student and their parent/guardian within one school day of such suspension or expulsion, such notice stating the charges and the evidence, and that a hearing provided for above, is scheduled within five school days of such suspension or expulsion.

Mrs. Norma Joy, Chairperson
Mrs. Bonnie Cyr
Mr. Relf Fogg
Mr. Robert Ouellette
Mr. Stephen Brown

Adopted by the Board: 22 August 1989
Revised by the Board: 9 October 1995
Reaffirmed by the Board: 7 August 1998
Revised by the Board: 21 March 2001
Revised by the Board: 1 April 2015

NHSBA Sample Policy Manual
NHSBA Policy Management Console

Policy JICD: Student Discipline and Due Process

Status: ADOPTED

Original Adopted Date: 11/01/1999 | Last Revised Date: 09/01/2021 | Last Reviewed Date: 09/01/2021

Category: Priority/Required by Law

ADOPTION/REVISION NOTES -

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

- a. **IMPORTANT NOTE FOR SEPTEMBER 2021 REVISION:** The only substantive revision to this policy was to correct an error in the version published in March 2021. The corrections are indicated by **green** highlighted language in section 7. The correction reflects the minimum standard for expulsions now found in RSA 193:13, II, and thus correction is not optional and should be made as soon as possible.
- b. The 2021 revisions to JICD should be considered concurrently with 2021 revisions to sample policy JIC.
- c. RSA 193:13, the statute regarding suspension and expulsion was amended significantly in 2020. That statute is explicitly linked to RSA 193-D (Safe Schools), Dept. of Ed. rule 317. Because amendments to either would supersede this policy, NHSBA has chosen not to reprint applicable sections but rather reference with appropriate links to the statute or rule; see, e.g., footnotes 2, 3, 5 - 8.
- 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.

NHSBA history: Revised - Sept. 2021 (correction only), March 2021, May 2018, Sept. 2017, April 2011, May 2008, Nov. 2007, Oct. 2005, and Nov. 1999

NHSBA revision notes. **September 2021**, only revisions were to Section 7, and were intended to correct statutory standard for expulsions (RSA 192:12, II). **March 2021**, Policy JICD was revised to reflect 2020 amendments to RSA 193:13, which Policy JIC was revised to reflect 2020 amendments to RSA 193:13. Among other things, those amendments largely are designed to effect greater emphasis on the emotional and academic needs of students through support and intervention strategies prior to using exclusion from school through suspension and expulsion. The amendments also (a) limit the duration of long-term ("LT") suspensions to 20 days, (b) limit the reasons a student may receive a LT suspension, and (c) require districts to adopt separate standards for short term suspensions of <5 days, and those of >5.

A. Policy Statement.

This policy establishes the substantive parameters, procedures and due process that shall apply before a student may be subject to temporary (same day) removal from classrooms or activities, restriction from activities, detentions, suspensions and/or expulsion. Pursuant to Board policy {**}JIC, response to misconduct, including disciplinary measures and consequences should be designed to maximize student academic, emotional and social success, while at the same time assuring safety of all students, staff and school visitors. Administration of any of the consequences described in this policy shall be consistent with the system of supports and graduated sanctions established pursuant to Policy {**}JIC and the applicable Code of Conduct. [1 remove footnote]

B. Standards and Procedures Relative to Disciplinary Consequences.

1. "Removal from the classroom" means a student is sent to the building Principal's office or other designated area during the same school day. It is within the discretion of the person in charge of the classroom or activity to remove the student.

Students may be removed from the classroom at the classroom teacher's discretion if the student refuses to

obey the teacher's directives, becomes disruptive, fails to abide by school or District rules, or the Code of Conduct, or otherwise impedes the educational purpose of the class. Before ordering the removal, the staff member ordering the removal shall warn the student of the infraction and allow the student to respond.

Detentions are not appealable.

2. **"Restriction from school activities"** means a student will attend school, classes, but will not participate in other school extra-curricular activities, including such things as competitions, field trips, and performances. A student who has been restricted from school activities may participate in practices at the discretion of the person imposing the restriction.

Before ordering the restriction, the supervising employee (e.g., teacher, coach, director, Principal, etc.) ordering the restriction shall warn the student of the infraction and allow the student to respond. If the restriction is immediate and outside of school hours, provision must be made to assure the student is not left unsupervised. The terms of the restriction shall be communicated to the Principal and the student's parent/guardian.

Restrictions under this policy are not appealable.

3. **"Detention"** means the student's presence is required for disciplinary purposes before or after the hours when the student is assigned to be in class, and may occur on one or more Saturdays.

Students may be assigned classroom detention at the classroom teacher's discretion, and building detention at the Principal's discretion, if the student refuses to obey the teacher/employee's directives, becomes disruptive, fails to abide by printed classroom, school or District rules, or the Code of Conduct, or otherwise impedes the educational purpose of the class. Before ordering the detention, the staff member ordering the detention shall warn the student of the infraction and allow the student to respond. Parents/guardians shall be notified at least 24 hours prior to a student serving detention.

Detentions before or after school shall not exceed one hour, and Saturday detentions shall not exceed three hours. The building Principal is authorized to establish, announce and post additional guidelines and rules regarding detention, supervision, building access, etc.. The length and timing of the detention, is within the discretion of the licensed employee disciplining the student or the building Principal, pursuant to the posted rules of the school.

Detentions are not appealable.

4. **"Temporary Reassignment"** or "in-school suspension" means the student will attend school but will be temporarily isolated from one or more classes while under supervision. A temporary reassignment should not exceed five consecutive school days. Parents/guardians shall be notified at least 24 hours prior to the administration of a temporary reassignment.

The building Principal is authorized to issue reassignment, restrictions from activities, or place a student on probation for repeated failure to conform to the Code of Conduct____, classroom rules, or for any conduct that causes material or substantial disruption to the school/class environment, interferes with the rights of others, presents a threat to the health and safety of students, employees, and visitors, is otherwise inappropriate, or is prohibited by law.

5. **"Probation"** means a student is given a conditional suspension of a penalty for a definite period of time in addition to being reprimanded. The conditional suspension will mean the student must meet the conditions and terms for the suspension of the penalty. Failure of the student to meet these conditions and terms will result in reinstatement of the penalty. Notwithstanding the assignment of probation, no imposition of the suspended consequence may be administered unless and until all of the provisions of this policy applicable to the suspended consequence (i.e., long-term suspension, expulsion, etc.) are satisfied.
6. **"Out-of-school suspension"** means the temporary denial of a student's attendance at school for a specific period of time. It includes short-term and long-term out of school suspensions.

- a. **Short-term suspension.** A "short-term suspension" means an out-of-school suspension of ten (10) consecutive school days or less. RSA 193:13, I (a).²

The Superintendent or his/her written designee³ is authorized to suspend a student for ten (10) school days or less.

A short term suspension may be imposed only for:

- i. Behavior that is detrimental to the health, safety, or welfare of pupils or school personnel (including, but not limited to, and act of theft, destruction or violence, as defined in RSA 193-D:1); or
- ii. Repeated and willful disregard of the reasonable rules of the school that is not remediated through imposition of the district's graduated sanctions described in {**}JIC and the Code of Conduct ____.

Pursuant to RSA 193:13, XI(b) and Board policy {**}JIC, a short-suspension over 5 days must conform to the standards included in the Code of Conduct _____.

Before any short-term suspension may be imposed, a student is entitled to the minimum due process (notice before meeting of the charge and explanation of evidence, notice of the possibility of suspension, opportunity for the student to respond, and a written decision explaining the disciplinary taken). See New Hampshire Department of Education Rule Ed 317.04(f)(1).⁴

- b. Long-term suspension. A "long-term suspension" is the extension or continuation of a short-term suspension for a period **not to exceed an additional 10 days** beyond the duration of the short-term suspension.

The Superintendent [5delete footnote] is authorized to continue the suspension and issue a long-term suspension of a pupil for a period in excess of ten (10) school days, provided only that if the Superintendent issued the original short-term suspension, then the School Board may designate another person to continue the short-term suspension and issue the long-term suspension.

A long-term suspension may only be imposed for:

- i. an act that constitutes an act of theft, destruction or violence, as defined in RSA 193-D⁶;
- ii. bullying pursuant to Board policy {**}JICK when the pupil has not responded to targeted interventions and poses an ongoing threat to the safety or welfare of another student; or
- iii. possession of a firearm, BB gun, or paintball gun.

Prior to a long-term suspension, the student will be afforded a hearing on the matter. The informal hearing need not rise to the level and protocol of a formal hearing, but **the process must comply with the requirements of Ed 317.04 (f)(2), and (f)(3)(g)**, including, without limitation, the requirements for advance notice and a written decision.

- c. Appeal of long-term suspension. Any long-term suspension issued other than by the School Board under this policy, is appealable to the School Board, provided the Superintendent or School Board chair receives the appeal in writing within ten (10) days after the issuance of the Superintendent's *or other person designated under B.6.b, above* hearing and written decision required under N.H. Dept. of Education Rule Ed. 317.04 (f)(2)c, and sub-paragraph B.6.b, above. The Board shall hold a hearing on the appeal, but will rely upon the record of the decision being appealed from.

Any suspension in excess of ten (10) school days shall remain in effect while this appeal is pending unless the School Board stays the suspension while the appeal is pending. Any request to stay a long-term suspension should be included in the original appeal.

- d. Educational Assignments. As required by RSA 193:13, V, educational assignments shall be made available to students during both short and long term suspensions.
- e. Alternative Educational Services. The school shall provide alternative educational services to a suspended pupil whenever the pupil is suspended **in excess of 20 cumulative days** within any school year. The alternative educational services shall be designed to enable the pupil to advance from grade to

grad

- f. Re-entry Meetings and Intervention Plans. Prior to returning to regular classes, a suspended student, and parent/guardian (when available) shall meet with the building Principal or his/her designee to assist the student in smoothly returning to the school setting.

Any time a pupil is suspended **more than 10 school days in any school year**, upon the pupil's return to school the school district shall develop an intervention plan designed to proactively address the pupil's problematic behaviors by reviewing the problem behavior, re-teaching expectations, and identifying any necessary supports

- g. Attendance Safe Harbor. A student may not be penalized academically solely by virtue of missing class due to a suspension.

7. **"Expulsion"** means the complete denial of a pupil's attendance at school for any of the reasons listed in RSA 193:13, II and IV. ~~An expulsion may be for either a stated duration or permanent.~~

- a. Grounds for Expulsion. ~~Any pupil may only be expelled by the School Board, and only for the following grounds~~ An expulsion may only be imposed for an act that poses an ongoing threat to the safety of students or school personnel AND that constitutes:

- i. A repetition of an act that warranted long term suspension under section B.6.b, above;
- ii. Any act of physical or sexual assault that would be a felony if committed by an adult;
- iii. Any act of violence pursuant to RSA 651:5, XIII⁷;
- iv. Criminal threatening pursuant to RSA 631:4, II(a)⁸; OR
- v. For bringing or possessing a firearm as defined in Section 921 U.S.C. Title 18 within a safe school zone as prohibited under RSA 193-D:1⁹, or under the Gun Free School Zones Act, unless such pupil has written authorization from the Superintendent.

Before expelling a pupil, the Board shall consider each of the following factors:

- 1. The pupil's age.
 - 2. The pupil's disciplinary history.
 - 3. Whether the pupil is a student with a disability.
 - 4. The seriousness of the violation or behavior committed by the pupil.
 - 5. Whether the school district or chartered public school has implemented positive behavioral interventions under paragraph V.
 - 6. Whether a lesser intervention would properly address the violation or behavior committed by the pupil.
- b. Due Process to Be Afforded Prior to Expulsion. Prior to any expulsion, the District will ensure that the due process standards set forth in Ed 317.04(f)(3) through 317.04 (m)¹⁰ are followed.
 - c. Duration of Expulsion. An expulsion will run for the duration stated in the written decision or until the School Board or Superintendent restores the student's permission to attend school as provided in this policy. An expulsion relating to a firearm in a safe school zone per B.7.a.v, shall be for a period of not less than 12 months.
 - d. Educational Services. The Superintendent is authorized, but not required, to arrange for educational

services to be provided to any student residing in the District who has been expelled by the District or by any other school.

C. Modification or Reinstatement After Suspension or Expulsion.

Expelled or suspended students may request a modification of, or reinstatement from, an expulsion or suspension as provided below. Except for students establishing residency from out-of-state, requests for modification or reinstatement from expulsion/suspension shall be submitted in writing to the Superintendent no later than August 15. The request should set forth the reasons for the request, and include additional information to establish that it is in the best interest of the student and school community to reinstate the student. Such additional information may include such things as work history, letters of reference, medical information, etc. All reinstatements shall include an Intervention Plan as described in paragraph B.6.f, above, including such conditions as the reinstating authority (Superintendent or Board) deem appropriate.

1. **Modification by Superintendent.** Subject to all other applicable laws, regulations and Board policies, and paragraph C.3, below (relating to firearms), the Superintendent is authorized to reinstate any student who has been suspended or expelled from a school in this District, and or enroll a student suspended or expelled from another school or district, on a case-by-case basis.
2. **Review and reinstatement by Board.** A student may request the School Board (of the district of attendance) to review an expulsion decision prior to the start of each school year by filing a written request with the Superintendent detailing the basis of the request. The Board will determine whether and in what manner it will consider any such request after consultation with the Superintendent.
3. **Modification of Expulsion for Firearms.** A student who has been expelled from this District or any other public or private school for bringing or possessing a firearm in a safe school zone as prohibited under RSA 193-D1, or under the Gun Free Schools Act, may only be reinstated or enrolled if the Superintendent first determines: possession of the firearm was inadvertent and unknowing; the firearm was for sporting purposes and the student did not intend to display the firearm to any other person while within the safe schools zone; the student is/was in the fifth or lower grade when the incident occurred; or the Superintendent determines that the firearm was not loaded; and that no ammunition was reasonably available; and that the pupil had no intention to display the firearm to other students.

Additionally, the School Board may enroll a student expelled from a school outside of New Hampshire for a violation of the Gun Free Schools Act upon the student establishing residency.

D. Appeals to State Board of Education. Any decision by the Board (i) to expel a student, (ii) not to reinstate a student upon request, or (iii) enroll a student from another state who had been expelled for a violation of the Gun Free Schools Act, may be appealed to the State Board of Education at any time that the expulsion remains in effect, subject to the rules of the State Board of Education.

E. Sub-committee of Board. For purposes of sections B.6 and B.7 of this policy, "Board" or "School Board" may either be a quorum of the full Board, or a subcommittee of the Board duly authorized by the School Board.

F. Superintendent and Principal Designees.

Except where otherwise stated in this policy, the Superintendent may delegate any authority s/he has under this policy, and a principal may delegate any authority s/he has under this policy, to other appropriate personnel.

G. Disciplinary Removal of Students with Disabilities.

If a student is disabled under the Individuals with Disabilities Act (IDEA), the New Hampshire RSA 186-C, Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act, or any other law providing special rights to disabled students, those laws shall govern and shall supersede these local policies to the extent these local policies are inconsistent with those laws. Accordingly, any suspension or expulsion of a child with a disability as defined in Ed 1102.01(t) shall be in accordance with Ed 1124.01.

H. Notice and Dissemination.

This policy shall be made available to families, students and staff as provided in Board policy {**}JIC.

I. Conflict in Law or State Regulation.

If any provision of this policy shall conflict with State or Federal law, or regulation of the New Hampshire Department of Education, then such law or regulation shall apply, and the remainder of the policy shall be read and interpreted to be consistent with the law or regulation. School administrators and families are strongly encouraged to review the links for pertinent statutes and laws as referenced in this policy.

¹ No law or regulation requires something called a "code of conduct". However, boards and schools are required to have a policy for "rules of conduct", and "penalties for misbehavior", and be disseminated to parents and guardians. (Ed 306.04(f), and (g)). See also sample policy JIC. Ed 306.06 further requires fair and consistent implementation of the outdated term "code of discipline". This sample policy uses "Code of Conduct" to reference the collection of Board policies, school and district administrative rules, and policies & rules pertaining to disciplinary consequences. Any district which does not use term Code of Conduct for such rules, should replace with the District's own title, e.g., Expectations and Standards of Behavior and Consequences.

² The text of any state law ("RSA") referenced in this policy may be located with the following link:
<http://www.gencourt.state.nh.us/rsa/html/nhtoc.htm>(<https://simbli.eboardsolutions.com/SU/0MJQFslshVpZdAMj4HCitdl7g==>)

³ RSA 193:13, I(a) designates the Superintendent as the person with authority to suspend, but specifically allows the Superintendent to delegate that authority "in writing". This should be done before the start of each year.

⁴ As of March 2021, Ed 317 has not been revised to reflect 2020 amendments to RSA 193:13. The text of any regulation of the NH Department of Education may be located with the following link:
<https://www.education.nh.gov/who-we-are/deputy-commissioner/office-of-governance/administrative-rules>(<https://simbli.eboardsolutions.com/SU/xVVlpMN9slshRsjE7srKBpy7w==>)

⁵ RSA 193:13 and Ed. 317 both authorize the School Board to designate a representative to issue long term suspensions. Most districts designate the Superintendent, an assistant superintendent, or student services administrator. Alternatively, the Board itself may issue a long term suspension (not recommended).

⁶ <http://www.gencourt.state.nh.us/rsa/html/XV/193-D/193-D-1.htm>(<https://simbli.eboardsolutions.com/SU/PCVZcbplusK5uYS0u1qawXL5Q==>) That list is subject to change. The statute should be reviewed prior to any long term suspension for an act of theft, destruction of violence.

⁷ <http://www.gencourt.state.nh.us/rsa/html/LXII/651/651-5.htm>(<https://simbli.eboardsolutions.com/SU/QJ3lrINZJ3jNpAMKHEfTBQ==>)

⁸ <http://www.gencourt.state.nh.us/rsa/html/LXII/631/631-4.htm>(<https://simbli.eboardsolutions.com/SU/BLSfSqSoFL7jvhmsvasCmA==>)

⁹ <http://www.gencourt.state.nh.us/rsa/html/XV/193-D/193-D-1.htm>(<https://simbli.eboardsolutions.com/SU/PCVZcbplusK5uYS0u1qawXL5Q==>)

¹⁰ <https://www.education.nh.gov/who-we-are/deputy-commissioner/office-of-governance/administrative-rules>(<https://simbli.eboardsolutions.com/SU/xVVlpMN9slshRsjE7srKBpy7w==>)

District Policy History:

First reading: _____

Second reading/adopted: _____

District revision history:

Category: *Priority - Required by Law*
Related Policies: [JI](#), [JIA](#), [JIC](#), [JICDD](#) & [JICK](#)
See also Appendix JICD-r

Student Discipline and Due Process

At all times, students are required to conduct themselves in accordance with behavioral standards set forth in Policy [JIC](#) and all other applicable Board policies and all District or school rules. Failure to comply can lead to disciplinary consequences as set forth in this policy and applicable law.

A. Disciplinary Measures - "Definitions".

Disciplinary measures include, but are not limited to, removal from the classroom, detention, in-school suspension, out-of-school suspension, restriction from activities, probation, and expulsion.

1. "Removal from the classroom" means a student is sent to the building Principal's office. It is within the discretion of the person in charge of the classroom to remove the student.
2. "Detention" means the student's presence is required for disciplinary purposes before or after the hours when the student is assigned to be in class. The building Principal is authorized to establish guidelines or protocol for when detention shall be served (either before school or after school). Whether a student will serve detention, and the length of the detention, is within the discretion of the licensed employee disciplining the student or the building Principal.
3. "In-school suspension" means the student will attend school but will be temporarily isolated from one or more classes while under supervision. An in-school suspension will not exceed ten (10) consecutive school days.
4. "Out-of-school suspension" means the temporary denial of a student's attendance at school for a specific period of time for gross misconduct, for neglect, or refusal to conform to school rules or policies.
 - a. "Short-term suspension" means a suspension of ten (10) school days or less. Ed 317.04(a)(1).

Mrs. Mary Collins, Chairman
Mr. Bob Ouellette, Vice Chairman
Mr. Robert DeColfmaeker, Vice Chairman
Mrs. Sandra Taliaferro
Mrs. Brennan Peaslee

Adopted by the board: 21 March 2001
Revised by the board: 7 September 2011
Revised by the Board: 16 July 2019
Approved by the board: 4 April 2023

b. "Long-term suspension" means the continuation of a short-term suspension under RSA 193:13, I (b)-(c), and also means a suspension in excess of ten (10) school days under Ed 317.04(a)(2).

5. "Restriction from school activities" means a student will attend school, classes, and practice but will not participate in other school extra-curricular activities, including competitions.

6. "Probation" means a student is given a conditional suspension of a penalty for a definite period of time in addition to being reprimanded. The conditional suspension will mean the student must meet the conditions and terms for the suspension of the penalty. Failure of the student to meet these conditions and terms will result in immediate reinstatement of the penalty.

7. "Expulsion" means the permanent denial of a pupil's attendance at school for any of the reasons listed in RSA 193:13, II and III.

B. Standards for Removal from Classroom and Detention.

Students may be removed from the classroom at the classroom teacher's discretion if the student refuses to obey the teacher's directives, becomes disruptive, fails to abide by school rules or policies, or otherwise impedes the educational purpose of the class.

Likewise, classroom teachers may assign students to detention for similar conduct.

The building Principal may assign students to detention under the same standard.

C. Standards for In-School Suspension, Restriction of Activities, and Probation.

The building Principal is authorized to issue in-school suspensions, restrictions of activities, or place a student on probation for any failure to conform to school or School District policies or rules, or for any conduct that causes material or substantial disruption to the school environment, interferes with the rights of others, presents a threat to the health and safety of students, employees, and visitors, is otherwise inappropriate, or is prohibited by law.

Restriction of activities may also be issued pursuant to rules or policies pertaining to specific clubs or teams.

D. Process for Out-of-School Suspension.

Mrs. Mary Collins, Chairman
Mr. Bob Ouellette, Vice Chairman
Mr. Robert DeColfmacker, Vice Chairman
Mrs. Sandra Taliaferro
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The power of suspension is authorized for gross misconduct, for neglect, or refusal to conform to School District policies and rules as follows:

1. Short-term Suspensions. The Paul School Principal (as designee of the Superintendent) is authorized to suspend a student for ten (10) school days or less.

As required by RSA 193:13(a), educational assignments shall be made available to the suspended pupil during the period of suspension.

Due process standards for short-term suspensions (ten (10) days or less) will adhere to the requirements of Ed 317.04(f)(1).

2. Long-term Suspensions. The SAU 101 Superintendent is authorized to continue the suspension and issue a long-term suspension of a pupil for a period in excess of ten (10) school days, provided only that if the Superintendent issued the original short-term suspension, then the School Board may designate another person to continue the short-term suspension and issue the long-term suspension.

Prior to a long-term suspension, the student will be afforded an informal hearing on the matter. The informal hearing need not rise to the level and protocol of a formal hearing before the School Board, but the process must comply with the requirements of Ed 317.04 (f)(2) and Ed 317.04 (f)(3)(g), including, without limitation, the requirements for advance notice and a written decision.

Any suspension in excess of ten (10) school days, as described in Paragraph 2 of this Section, is appealable to the School Board, provided the Superintendent receives the appeal in writing within ten (10) days after the issuance of the [Superintendent]'s decision described in Paragraph 2. Any suspension in excess of ten (10) school days shall remain in effect while this appeal is pending.

E. Process for Expulsion.

1. Any pupil may be expelled by the School Board for (a) an act of theft, destruction, or violence as defined in RSA Chapter 193-D, (b) for possession of a pellet paint ball gun or BB gun or rifle as provided by RSA 193:13, II, or (c) for gross misconduct, or for neglect or refusal to conform to the reasonable rules of the school. An expulsion under this paragraph will run until the School Board restores the student's permission to attend school. A student seeking restoration of permission to attend school shall file a written request with the Superintendent which details the basis for the request. The Board will determine whether and in what manner it will consider any such request.

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2. Additionally, any pupil may be expelled by the School Board for bringing or possessing a firearm as defined in Section 921 U.S.C. Title 18 in a safe school zone, as defined in RSA 193-D:1, unless such pupil has written authorization from the Superintendent. Any expulsion under this provision shall be for a period of not less than twelve (12) months.
3. Prior to any expulsion, the District will ensure that the due process standards set forth in Ed 317.04(f)(3) are followed.
4. Any decision by the Board to expel a student may be appealed to the State Board of Education.
5. The Superintendent of Schools is authorized to modify the expulsion or suspension requirements of Sections E.1 and E.2 above on a case-by-case basis.

F. Sub-committee of Board. For purposes of sections D and E of this policy, "Board" or "School Board" may either be a quorum of the full Board, or a subcommittee of the Board duly authorized by the School Board.

G. Disciplinary Removal of Students with Disabilities.

If a student is disabled under the Individuals with Disabilities Act (IDEA), the New Hampshire RSA 186-C, Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act, or any other law providing special rights to disabled students, those laws shall govern and shall supersede these local policies to the extent these local policies are inconsistent with those laws. Accordingly, any suspension or expulsion of a child with a disability as defined in Ed 1102.01(t) shall be in accordance with Ed 1124.01.

H. Notice.

This policy and school rules which inform the student body of the content of RSA 193:13 shall be printed in the student handbook and made available on the District's website to students, parents, and guardians. The Principal or designated building administrator shall also inform the student body concerning this policy and school rules which address the content of RSA 193:13 through appropriate means, which may include posting and announcements. See: Ed. 317.04(d).

Legal References:

RSA 189:15, Regulations

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RSA 193:13, Suspension & Expulsion of Pupils

RSA Chapter 193-D, Safe Schools Zones

NH Code of Administrative Rules, Section Ed 306.04(a)(3), Discipline

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

NH Code of Administrative Rules, Section Ed 317.04, Suspension and Expulsion of Pupils Assuring Due Process Disciplinary Procedures

In re Keelin B., 162 N.H. 38, 27 A.3d 689 (2011)

See Appendix: JICD –R

Mrs. Mary Collins, Chairman
Mr. Bob Ouellette, Vice Chairman
Mr. Robert DeColfmacker, Vice Chairman
Mrs. Sandra Taliaferro
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Adopted by the board: 21 March 2001
Revised by the board: 7 September 2011
Revised by the Board: 16 July 2019
Approved by the board: 4 April 2023

Policy JICK: Pupil Safety and Violence Prevention

Status: ADOPTED

Original Adopted Date: 07/01/2004 | Last Revised Date: 09/01/2014 | Last Reviewed Date: 09/01/2014

Category: Priority/Required by Law

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**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.

**NHSBA history:**

Revised: September 2014

Revised: July 2004, August 2006, May 2008, September 2010

**NHSBA Note, September 2015:** New paragraph (Paragraph #9) added to Section XI - Investigative Procedures.

This change is 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. RSA 189:70 is also now added to Legal References.

**NHSBA Note, September 2014:** Only changes are to Section XV - Appeals. These changes are included after consultation with school officials as to the manner in which the NH Department of Education is now accepting appeals from school board decisions on bullying-related matters.

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I. Definitions (RSA 193-F:3)

1. **Bullying.** Bullying is hereby defined as a single significant incident or a pattern of incidents involving a written, verbal, or electronic communication, or a physical act or gesture, or any combination thereof, directed at another pupil which:
 1. Physically harms a pupil or damages the pupil's property;
 2. Causes emotional distress to a pupil;
 3. Interferes with a pupil's educational opportunities;
 4. Creates a hostile educational environment; or
 5. Substantially disrupts the orderly operation of the school.

Bullying shall also include actions motivated by an imbalance of power based on a pupil's actual or perceived personal characteristics, behaviors, or beliefs, or motivated by the pupil's association with another person and based on the other person's characteristics, behaviors, or beliefs.

2. **Cyberbullying.** Cyberbullying is defined as any conduct defined as "bullying" in this policy that is undertaken through the use of electronic devices. For purposes of this policy, any references to the term bullying shall include cyberbullying.
3. **Electronic devices.** Electronic devices include, but are not limited to, telephones, cellular phones, computers, pagers, electronic mail, instant messaging, text messaging, and websites.

purposes, including public or private school buses or vans.

Any reference in this policy to "parent" shall include parents or legal guardians.

II. Statement Prohibiting Bullying or Cyberbullying of a Pupil (RSA 193-F:4, II(a))

The Board is committed to providing all pupils a safe and secure school environment. This policy is intended to comply with RSA 193-F. Conduct constituting bullying and/or cyberbullying will not be tolerated and is hereby prohibited.

Further, in accordance with RSA 193-F:4, the District reserves the right to address bullying and, if necessary, impose discipline for bullying that:

1. Occurs on, or is delivered to, school property or a school-sponsored activity or event on or off school property; or
2. Occurs off of school property or outside of a school-sponsored activity or event, if the conduct interferes with a pupil's educational opportunities or substantially disrupts the orderly operations of the school or school-sponsored activity or event.

The Superintendent of Schools is responsible for ensuring that this policy is implemented.

III. Statement prohibiting retaliation or false accusations (RSA 193-F:4, II(b))

False Reporting

A student found to have wrongfully and intentionally accused another of bullying may face discipline or other consequences, ranging from positive behavioral interventions up to and including suspension or expulsion.

A school employee found to have wrongfully and intentionally accused a student of bullying shall face discipline or other consequences be determined in accordance with applicable law, District policies, procedures and collective bargaining agreements.

Reprisal or Retaliation

The District will discipline and take appropriate action against any student, teacher, administrator, volunteer, or other employee who retaliates against any person who makes a good faith report of alleged bullying or against any person who testifies, assists, or participates in a proceeding or hearing relating to such bullying.

1. The consequences and appropriate remedial action for a student, teacher, school administrator or school volunteer who engages in reprisal or retaliation shall be determined by the Principal after consideration of the nature, severity and circumstances of the act, in accordance with law, Board policies and any applicable collective bargaining agreements.
2. Any student found to have engaged in reprisal or retaliation in violation of this policy shall be subject to measures up to, and including, suspension and expulsion.
3. Any teacher or school administrator found to have engaged in reprisal or retaliation in violation of this policy shall be subject to discipline up to, and including, termination of employment.
4. Any school volunteer found to have engaged in reprisal or retaliation in violation of this policy shall be subject to measures up to, and including, exclusion from school grounds.

Process To Protect Pupils From Retaliation

If the alleged victim or any witness expresses to the Principal or other staff member that he/she believes he/she may be retaliated against, the Principal shall develop a process or plan to protect that student from possible retaliation.

Each process or plan may be developed on a case-by-case basis. Suggestions include, but are not limited to, re-arranging student class schedules to minimize their contact, stern warnings to alleged perpetrators, temporary removal of privileges, or other means necessary to protected against possible retaliation.

IV. Protection of all Pupils (RSA 193-F:4, II(c))

This policy shall apply to all pupils and school-aged persons on school district grounds and participating in school district functions, regardless of whether or not such pupil or school-aged person is a student within the District.

V. Disciplinary Consequences For Violations of This Policy (RSA 193-F:4, II(d))

The district reserves the right to impose disciplinary measures against any student who commits an act of bullying, falsely accuses another student of bullying, or who retaliates against any student or witness who provides information about an act of bullying.

In addition to imposing discipline under such circumstances, the board encourages the administration and school district staff to seek alternatives to traditional discipline, including but not limited to early intervention measures, alternative dispute resolution, conflict resolution and other similar measures.

VI. Distribution and Notice of This Policy (RSA 193-F:4, II(e))

Staff and Volunteers

All staff will be provided with a copy of this policy annually. The Superintendent may determine the method of providing the policy (employee handbook, hard copy, etc.) The Superintendent will ensure that all school employees and volunteers receive annual training on bullying and related district's policies.

Students

All students will be provided with a copy of this policy annually. The Superintendent may determine the method of providing the policy (student handbook, mailing, hard copy, etc.)

Students will participate in an annual education program which sets out expectations for student behavior and emphasizes an understanding of harassment, intimidation, and bullying of students, the District's prohibition of such conduct and the reasons why the conduct is destructive, unacceptable, and will lead to discipline. Students shall also be informed of the consequences of bullying conduct toward their peers.

The Superintendent, in consultation with staff, may incorporate student anti-bullying training and education into the district's curriculum, but shall not be required to do so.

Parents

All parents will be provided with a copy of this policy annually. The Superintendent may determine the method of providing the policy (parent handbook, mailing, etc.). Parents will be informed of the program and the means for students to report bullying acts toward them or other students. They will also be told that to help prevent bullying at school they should encourage their children to:

1. Report bullying when it occurs;
2. Take advantage of opportunities to talk to their children about bullying;
3. Inform the school immediately if they think their child is being bullied or is bullying other students;
4. Cooperate fully with school personnel in identifying and resolving incidents.

Additional Notice and School District Programs

The Board may, from time to time, host or schedule public forums in which it will address the anti-bullying policy, discuss bullying in the schools, and consult with a variety of individuals including teachers, administrators, guidance counselors, school psychologists and other interested persons.

VII. Procedure for Reporting Bullying (RSA 193-F:4, II(f))

At each school, the Principal shall be responsible for receiving complaints of alleged violations of this policy.

1. Any student who believes he or she has been the victim of bullying should report the alleged acts immediately to the Principal. If the student is more comfortable reporting the alleged act to a person other than the Principal, the student may tell any school district employee or volunteer about the alleged bullying.
2. Any school employee or volunteers who witnesses, receives a report of, or has knowledge or belief that bullying may have occurred shall inform the Principal as soon as possible, but no later than the end of the that school day.
3. The Principal may develop a system or method for receiving anonymous reports of bullying. Although students, parents, volunteers and visitors may report anonymously, formal disciplinary action may not be based solely on an anonymous report. Independent verification of the anonymous report shall be necessary in order for any disciplinary action to be applied.
4. The administration may develop student reporting forms to assist students and staff in filing such reports. An investigation shall still proceed even if a student is reluctant to fill out the designated form and chooses not to do so.
5. Upon receipt of a report of bullying, the Principal shall commence an investigation consistent with the provisions of Section XI of this policy.

Staff Reporting

1. An important duty of the staff is to report acts or behavior that they witness that appears to constitute bullying.
2. All district employees and volunteers shall encourage students to tell them about acts that may constitute bullying. For young students, staff members may provide direct assistance to the student.
3. Any school employee or volunteers who witnesses, receives a report of, or has knowledge or belief that bullying may have occurred shall inform the Principal as soon as possible, but no later than the end of the that school day.
4. Upon receipt of a report of bullying, the Principal shall commence an investigation consistent with the provisions of Section XI of this policy.

VIII. Procedure for Internal Reporting Requirements (RSA 193-F:4, II(g))

In order to satisfy the reporting requirements of RSA 193-F:6, the Principal or designee shall be responsible for completing all New Hampshire Department of Education forms and reporting documents of substantiated incidents of bullying. Said forms shall be completed within 10 school days of any substantiated incident. Upon completion of such forms, the Principal or designee shall retain a copy for himself and shall forward one copy to the Superintendent. The Superintendent shall maintain said forms in a safe and secure location.

IX. Notifying Parents of Alleged Bullying (RSA 193-F:4, II(h))

The Principal shall report to the parents of a student who has been reported as a victim of bullying and to the parents of a student who has been reported as a perpetrator of bullying within 48 hours of receiving the report. Such notification may be made by telephone, writing or personal conference. The date, time, method, and location (if applicable) of such notification and communication shall be noted in the report. All notifications shall be consistent with the student privacy rights under the applicable provisions of the Family Educational Rights and Privacy Act of 1974 (FERPA).

X. Waiver of Notification Requirement (RSA 193-F:4, II(i))

The Superintendent may, within a 48 hour time period, grant the Principal a waiver from the requirement that the parents of the alleged victim and the alleged perpetrator be notified of the filing of a report. A waiver may only be granted if the Superintendent deems such a waiver to be in the best interest of the victim or perpetrator. Any waiver granted shall be in writing.

XI. Investigative Procedures (RSA 193-F:4, II(j))

alleged act. If the Principal is directly and personally involved with a complaint or is closely related to a party to the complaint, then the Superintendent shall direct another district employee to conduct the investigation.

2. The investigation may include documented interviews with the alleged victim, alleged perpetrator and any witnesses. All interviews shall be conducted privately, separately and shall be confidential. Each individual will be interviewed separately and at no time will the alleged victim and perpetrator be interviewed together during the investigation.
3. If the alleged bullying was in whole or in part cyberbullying, the Principal may ask students and/or parents to provide the District with printed copies of e-mails, text messages, website pages, or other similar electronic communications.
4. A maximum of 10 school days shall be the limit for the initial filing of incidents and completion of the investigative procedural steps.
5. Factors the Principal or other investigator may consider during the course of the investigation, including but not limited to:
 - Description of incident, including the nature of the behavior;
 - How often the conduct occurred;
 - Whether there were past incidents or past continuing patterns of behavior;
 - The characteristics of parties involved, (name, grade, age, etc.);
 - The identity and number of individuals who participated in bullying behavior;
 - Where the alleged incident(s) occurred;
 - Whether the conduct adversely affected the student's education or educational environment;
 - Whether the alleged victim felt or perceived an imbalance or power as a result of the reported incident; and
 - The date, time and method in which parents or legal guardians of all parties involved were contacted.
6. The Principal shall complete the investigation within 10 school days of receiving the initial report. If the Principal needs more than 10 school days to complete the investigation, the Superintendent may grant an extension of up to 7 school days. In the event such extension is granted, the Principal shall notify in writing all parties involved of the granting of the extension.
7. Whether a particular action or incident constitutes a violation of this policy shall require a determination based on all facts and surrounding circumstances and shall include recommended remedial steps necessary to stop the bullying and a written final report to the Principal.
8. Students who are found to have violated this policy may face discipline in accordance with other applicable board policies, up to and including suspension. Students facing discipline will be afforded all due process required by law.
9. 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.

XII. Response to Remediate Substantiated Instances of Bullying (RSA 193-F:4, II(k))

Consequences and appropriate remedial actions for a student or staff member who commits one or more acts of bullying or retaliation may range from positive behavioral interventions up to and including suspension or expulsion of students and dismissal from employment for staff members.

nature of the behavior, the developmental age of the student, and the student's history of problem behaviors and performance. Remedial measures shall be designed to correct the problem behavior, prevent another occurrence of the problem, protect and provide support for the victim, and take corrective action for documented systematic problems related to bullying.

Examples of consequences may include, but are not limited to:

- Admonishment
- Temporary removal from classroom
- Deprivation of privileges
- Classroom or administrative detention
- Referral to disciplinarian
- In-school suspension
- Out-of-school suspension
- Expulsion

Examples of remedial measures may include, but are not limited to:

- Restitution
- Mediation
- Peer support group
- Corrective instruction or other relevant learning experience
- Behavior assessment
- Student counseling
- Parent conferences

In support of this policy, the Board promotes preventative educational measures to create greater awareness of aggressive behavior, including bullying. The Board encourages the Superintendent to work collaboratively with all staff members to develop responses other than traditional discipline as a way to remediate substantiated instances of bullying.

XIII. Reporting of Substantiated Incidents to the Superintendent (RSA 193-F:4, II(l))

The Principal shall forward all substantiated reports of bullying to the Superintendent upon completion of the Principal's investigation.

XIV. Communication With Parents Upon Completion of Investigation (RSA 193-F:4, II(m))

1. Within two school days of completing an investigation, the Principal will notify the students involved in person of his/her findings and the result of the investigation.
2. The Principal will notify via telephone the parents of the alleged victim and alleged perpetrator of the results of the investigation. The Principal will also send a letter to the parents within 24 hours again notifying them of the results of the investigation.
3. If the parents request, the Principal shall schedule a meeting with them to further explain his/her findings and reasons for his/her actions.

the District will not disclose educational records of students including the discipline and remedial action assigned to those students and the parents of other students involved in a bullying incident.

XV. Appeals

A parent or guardian who is aggrieved by the investigative determination letter of the principal or his/her designee may appeal the determination to the Superintendent for review. The appeal shall be in writing addressed to the Superintendent, shall state the reason(s) why the appealing party is aggrieved, and the nature of the relief they seek. The Superintendent shall not be required to re-investigate the matter and shall conduct such review as he/she deems appropriate under the circumstances.

It is in the best interests of students, families and the District that these matters be promptly resolved. Therefore, any such appeal to the Superintendent shall be made within ten (10) calendar days of the parent/guardian's receipt of the investigative determination letter of the principal or his/her designee. The Superintendent shall issue his/her decision in writing.

If the parent or guardian is aggrieved by the decision of the Superintendent, they may appeal the decision to the school board within ten (10) calendar days of the date of the parent/guardian's receipt of the Superintendent's decision. An appeal to the Superintendent shall be a prerequisite to any appeal to the School Board. The appeal to the School Board shall be in writing, addressed to School Board Chair in care of the Superintendent, shall state the reason(s) why the appealing party is aggrieved, and the nature of the relief they seek.

An aggrieved parent/guardian has the right to appeal the final decision of the local School Board to the State Board within thirty (30) calendar days of receipt of the written decision of the local School Board in accordance with RSA 541-A and State of New Hampshire Department of Education Regulations set forth in ED 200. The State Board may waive the thirty-day requirement for good cause shown, including, but not limited to, illness, accident, or death of a family member.

XVI. School Officials (RSA 193-F:4, II(n))

The Superintendent of schools is responsible for ensuring that this policy is implemented.

XVII. Capture of Audio Recordings on School Buses

Pursuant to RSA 570-A:2, notice is hereby given that the Board authorizes audio recordings to be made in conjunction with video recordings of the interior of school buses while students are being transported to and from school or school activities. The Superintendent shall ensure that there is a sign informing the occupants of school buses that such recordings are occurring.

XVIII. Use of Video or Audio Recordings in Student Discipline Matters

The District reserves the right to use audio and/or video recording devices on District property (including school buses) to ensure the health, safety and welfare of all staff, students and visitors. Placement and location of such devices will be established in accordance with the provisions of Policies EEAA, EEAE and ECAF.

In the event an audio or video recording is used as part of a student discipline proceeding, such video may become part of a student's education record. If an audio or video recording does become part of a student's education record, the provisions of Policy JRA shall apply.

The Superintendent is authorized to contact the District's attorney for a full legal opinion relative in the event of such an occurrence.

District Policy History:

First reading: _____

Second reading/adopted: _____

90

PUPIL SAFETY AND VIOLENCE PREVENTION-BULLYING**I. Definitions** (RSA [193-F:3](#))

1. Bullying. Bullying is hereby defined as a single significant incident or a pattern of incidents involving a written, verbal, or electronic communication, or a physical act or gesture, or any combination thereof, directed at another pupil which:

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

Bullying shall also include actions motivated by an imbalance of power based on a pupil's actual or perceived personal characteristics, behaviors, or beliefs, or motivated by the pupil's association with another person and based on the other person's characteristics, behaviors, or beliefs.

2. Cyberbullying. Cyberbullying is defined as any conduct defined as "bullying" in this policy that is undertaken through the use of electronic devices. For purposes of this policy, any references to the term bullying shall include cyberbullying.

3. Electronic devices. Electronic devices include, but are not limited to, telephones, cellular phones, computers, pagers, electronic mail, instant messaging, text messaging, and websites.

4. School property. School property means all real property and all physical plant and equipment used for school purposes, including public or private school buses or vans.

Any reference in this policy to "parent" shall include parents or legal guardians.

II. Statement Prohibiting Bullying or Cyberbullying of a Pupil (RSA [193-F:4](#), II(a))

The Board is committed to providing all pupils a safe and secure school environment. This policy is intended to comply with RSA 193-F. Conduct constituting bullying and/or cyberbullying will not be tolerated and is hereby prohibited.

Further, in accordance with RSA 193-F:4, the District reserves the right to address bullying and, if necessary, impose discipline for bullying that:

- (1) Occurs on, or is delivered to, school property or a school-sponsored activity or event on or off school property; or
- (2) Occurs off of school property or outside of a school-sponsored activity or event, if the conduct interferes with a pupil's educational opportunities or substantially disrupts the orderly operations of the school or school-sponsored activity or event.

The Superintendent of Schools is responsible for ensuring that this policy is implemented.

III. Statement prohibiting retaliation or false accusations (RSA [193-F:4](#), II(b))**False Reporting**

Mr Robert Ouellette, chairperson
Mr Relf Fogg
Ms. Mary Collins
Mr. Lino Avellani
Ms. Sheena Robbins

Adopted by the Board: 15 April 2015
Reaffirmed: 3 February 2021

A student found to have wrongfully and intentionally accused another of bullying may face discipline or other consequences, ranging from positive behavioral interventions up to and including suspension or expulsion.

A school employee found to have wrongfully and intentionally accused a student of bullying shall face discipline or other consequences to be determined in accordance with applicable law, District policies, procedures and collective bargaining agreements.

Reprisal or Retaliation

The District will discipline and take appropriate action against any student, teacher, administrator, volunteer, or other employee who retaliates against any person who makes a good faith report of alleged bullying or against any person who testifies, assists, or participates in a proceeding or hearing relating to such bullying.

1. The consequences and appropriate remedial action for a student, teacher, school administrator or school volunteer who engages in reprisal or retaliation shall be determined by the Principal after consideration of the nature, severity and circumstances of the act, in accordance with law, Board policies and any applicable collective bargaining agreements.
2. Any student found to have engaged in reprisal or retaliation in violation of this policy shall be subject to measures up to, and including, suspension and expulsion.
3. Any teacher or school administrator found to have engaged in reprisal or retaliation in violation of this policy shall be subject to discipline up to, and including, termination of employment.
4. Any school volunteer found to have engaged in reprisal or retaliation in violation of this policy shall be subject to measures up to, and including, exclusion from school grounds.

Process To Protect Pupils From Retaliation

If the alleged victim or any witness expresses to the Principal or other staff member that he/she believes he/she may be retaliated against, the Principal shall develop a process or plan to protect that student from possible retaliation.

Each process or plan may be developed on a case-by-case basis. Suggestions include, but are not limited to, re-arranging student class schedules to minimize their contact, stern warnings to alleged perpetrators, temporary removal of privileges, or other means necessary to protected against possible retaliation.

IV. Protection of all Pupils (RSA [193-F:4](#), II(c))

This policy shall apply to all pupils and school-aged persons on school district grounds and participating in school district functions, regardless of whether or not such pupil or school-aged person is a student within the District.

V. Disciplinary Consequences For Violations of This Policy (RSA [193-F:4](#), II(d))

The district reserves the right to impose disciplinary measures against any student who commits an act of bullying, falsely accuses another student of bullying, or who retaliates against any student or witness who provides information about an act of bullying.

In addition to imposing discipline under such circumstances, the board encourages the administration and school district staff to seek alternatives to traditional discipline, including but not limited to early intervention measures, alternative dispute resolution, conflict resolution and other similar measures.

VI. Distribution and Notice of This Policy (RSA [193-F:4](#), II(e))

Staff and Volunteers

All staff will be provided with a copy of this policy annually. The Superintendent may determine the method of

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providing the policy (employee handbook, hard copy, etc.)

The Superintendent will ensure that all school employees and volunteers receive annual training on bullying and related district's policies.

Students

All students will be provided with a copy of this policy annually. The Superintendent may determine the method of providing the policy (student handbook, mailing, hard copy, etc.)

Students will participate in an annual education program which sets out expectations for student behavior and emphasizes an understanding of harassment, intimidation, and bullying of students, the District's prohibition of such conduct and the reasons why the conduct is destructive, unacceptable, and will lead to discipline. Students shall also be informed of the consequences of bullying conduct toward their peers.

The Superintendent, in consultation with staff, may incorporate student anti-bullying training and education into the district's curriculum, but shall not be required to do so.

Parents

All parents will be provided with a copy of this policy annually. The Superintendent may determine the method of providing the policy (parent handbook, mailing, etc.). Parents will be informed of the program and the means for students to report bullying acts toward them or other students. They will also be told that to help prevent bullying at school they should encourage their children to:

1. Report bullying when it occurs;
2. Take advantage of opportunities to talk to their children about bullying;
3. Inform the school immediately if they think their child is being bullied or is bullying other students;
4. Cooperate fully with school personnel in identifying and resolving incidents.

Additional Notice and School District Programs

The Board may, from time to time, host or schedule public forums in which it will address the anti-bullying policy, discuss bullying in the schools, and consult with a variety of individuals including teachers, administrators, guidance counselors, school psychologists and other interested persons.

VII. Procedure for Reporting Bullying (RSA [193-F:4](#), II(f))

At each school, the Principal shall be responsible for receiving complaints of alleged violations of this policy.

Student Reporting

1. Any student who believes he or she has been the victim of bullying should report the alleged acts immediately to the Principal. If the student is more comfortable reporting the alleged act to a person other than the Principal, the student may tell any school district employee or volunteer about the alleged bullying.
2. Any school employee or volunteers who witnesses, receives a report of, or has knowledge or belief that bullying may have occurred shall inform the Principal as soon as possible, but no later than the end of the that school day.
3. The Principal may develop a system or method for receiving anonymous reports of bullying. Although students, parents, volunteers and visitors may report anonymously, formal disciplinary action may not be based solely on an anonymous report. Independent verification of the anonymous report shall be necessary in order for any disciplinary action to be applied.

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4. The administration may develop student reporting forms to assist students and staff in filing such reports. An investigation shall still proceed even if a student is reluctant to fill out the designated form and chooses not to do so.
5. Upon receipt of a report of bullying, the Principal shall commence an investigation consistent with the provisions of Section XI of this policy.

Staff Reporting

1. An important duty of the staff is to report acts or behavior that they witness that appears to constitute bullying.
2. All district employees and volunteers shall encourage students to tell them about acts that may constitute bullying. For young students, staff members may provide direct assistance to the student.
3. Any school employee or volunteers who witnesses, receives a report of, or has knowledge or belief that bullying may have occurred shall inform the Principal as soon as possible, but no later than the end of the that school day.
4. Upon receipt of a report of bullying, the Principal shall commence an investigation consistent with the provisions of Section XI of this policy.

VIII. Procedure for Internal Reporting Requirements (RSA [193-F:4](#), II(g))

In order to satisfy the reporting requirements of RSA 193-F:6, the Principal or designee shall be responsible for completing all New Hampshire Department of Education forms and reporting documents of substantiated incidents of bullying. Said forms shall be completed within 10 school days of any substantiated incident. Upon completion of such forms, the Principal or designee shall retain a copy for himself and shall forward one copy to the Superintendent. The Superintendent shall maintain said forms in a safe and secure location.

IX. Notifying Parents of Alleged Bullying (RSA [193-F:4](#), II(h))

The Principal shall report to the parents of a student who has been reported as a victim of bullying and to the parents of a student who has been reported as a perpetrator of bullying within 48 hours of receiving the report. Such notification may be made by telephone, writing or personal conference. The date, time, method, and location (if applicable) of such notification and communication shall be noted in the report. All notifications shall be consistent with the student privacy rights under the applicable provisions of the Family Educational Rights and Privacy Act of 1974 (FERPA).

X. Waiver of Notification Requirement (RSA 193-F:4, II(i))

The Superintendent may, within a 48 hour time period, grant the Principal a waiver from the requirement that the parents of the alleged victim and the alleged perpetrator be notified of the filing of a report. A waiver may only be granted if the Superintendent deems such a waiver to be in the best interest of the victim or perpetrator. Any waiver granted shall be in writing.

XI. Investigative Procedures (RSA [193-F:4](#), II(j))

1. Upon receipt of a report of bullying, the Principal shall, within 5 school days, initiate an investigation into the alleged act. If the Principal is directly and personally involved with a complaint or is closely related to a party to the complaint, then the Superintendent shall direct another district employee to conduct the investigation.
2. The investigation may include documented interviews with the alleged victim, alleged perpetrator and any witnesses. All interviews shall be conducted privately, separately and shall be confidential. Each individual will be interviewed separately and at no time will the alleged victim and perpetrator be interviewed together during the investigation.

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3. If the alleged bullying was in whole or in part cyberbullying, the Principal may ask students and/or parents to provide the District with printed copies of e-mails, text messages, website pages, or other similar electronic communications.
4. A maximum of 10 school days shall be the limit for the initial filing of incidents and completion of the investigative procedural steps.
5. Factors the Principal or other investigator may consider during the course of the investigation, including but not limited to:
 - Description of incident, including the nature of the behavior;
 - How often the conduct occurred;
 - Whether there were past incidents or past continuing patterns of behavior;
 - The characteristics of parties involved, (name, grade, age, etc.);
 - The identity and number of individuals who participated in bullying behavior;
 - Where the alleged incident(s) occurred;
 - Whether the conduct adversely affected the student's education or educational environment;
 - Whether the alleged victim felt or perceived an imbalance or power as a result of the reported incident;
 - and
 - The date, time and method in which parents or legal guardians of all parties involved were contacted.
6. The Principal shall complete the investigation within 10 school days of receiving the initial report. If the Principal needs more than 10 school days to complete the investigation, the Superintendent may grant an extension of up to 7 school days. In the event such extension is granted, the Principal shall notify in writing all parties involved of the granting of the extension.
7. Whether a particular action or incident constitutes a violation of this policy shall require a determination based on all facts and surrounding circumstances and shall include recommended remedial steps necessary to stop the bullying and a written final report to the Principal.
8. Students who are found to have violated this policy may face discipline in accordance with other applicable board policies, up to and including suspension. Students facing discipline will be afforded all due process required by law.

XII. Response to Remediate Substantiated Instances of Bullying (RSA 193-F:4, II(k))

Consequences and appropriate remedial actions for a student or staff member who commits one or more acts of bullying or retaliation may range from positive behavioral interventions up to and including suspension or expulsion of students and dismissal from employment for staff members.

Consequences for a student who commits an act of bullying or retaliation shall be varied and graded according to the nature of the behavior, the developmental age of the student, and the student's history of problem behaviors and performance. Remedial measures shall be designed to correct the problem behavior, prevent another occurrence of the problem, protect and provide support for the victim, and take corrective action for documented systematic problems related to bullying.

Examples of consequences may include, but are not limited to:

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Admonishment
Temporary removal from classroom
Deprivation of privileges
Classroom or administrative detention
Referral to disciplinarian
In-school suspension
Out-of-school suspension
Expulsion

Examples of remedial measures may include, but are not limited to:

Restitution
Mediation
Peer support group
Corrective instruction or other relevant learning experience
Behavior assessment
Student counseling
Parent conferences

In support of this policy, the Board promotes preventative educational measures to create greater awareness of aggressive behavior, including bullying. The Board encourages the Superintendent to work collaboratively with all staff members to develop responses other than traditional discipline as a way to remediate substantiated instances of bullying.

XIII. Reporting of Substantiated Incidents to the Superintendent (RSA [193-F:4](#), II(l))

The Principal shall forward all substantiated reports of bullying to the Superintendent upon completion of the Principal's investigation.

XIV. Communication With Parents Upon Completion of Investigation (RSA [193-F:4](#), II(m))

1. Within two school days of completing an investigation, the Principal will notify the students involved in person of his/her findings and the result of the investigation.
2. The Principal will notify via telephone the parents of the alleged victim and alleged perpetrator of the results of the investigation. The Principal will also send a letter to the parents within 24 hours again notifying them of the results of the investigation.
3. If the parents request, the Principal shall schedule a meeting with them to further explain his/her findings and reasons for his/her actions.
4. In accordance with the Family Educational Rights and Privacy Act and other law concerning student privacy, the District will not disclose educational records of students including the discipline and remedial action assigned to those students and the parents of other students involved in a bullying incident.

XV. Appeal

Mr Robert Ouellette, chairperson
Mr Relf Fogg
Ms. Mary Collins
Mr. Lino Avellani
Ms. Sheena Robbins

Adopted by the Board: 15 April 2015
Reaffirmed: 3 February 2021

1. For non-disciplinary remedial actions where no other review procedures govern, the parents of the pupils involved in the bullying shall have the right to appeal the Principal's decision to the Superintendent in writing within five (5) school days. The Superintendent shall review the Principal's decision and issue a written decision within ten (10) school days. If the aggrieved party is still not satisfied with the outcome, the aggrieved party may file a written request for review by the School Board within ten (10) school days of the Superintendent's decision. The School Board will adhere to all applicable New Hampshire Department of Education administrative rules.
2. The procedures under RSA 193:13, Ed 317, and District policies establish the due process and appeal rights for students disciplined for acts of bullying.
3. The School Board or its designee will inform parents of any appeal rights they may have to the New Hampshire State Board of Education.

XVI. School Officials (RSA [193-F](#):4, II(n))

The Superintendent of schools is responsible for ensuring that this policy is implemented. The Superintendent may establish additional procedures to facilitate the implementation of this policy.

XVII. Capture of Audio Recordings on School Buses

Pursuant to RSA 570-A:2, notice is hereby given that the Board authorizes audio recordings to be made in conjunction with video recordings of the interior of school buses while students are being transported to and from school or school activities. The Superintendent shall ensure that there is a sign informing the occupants of school buses that such recordings are occurring.

XVIII. Use of Video or Audio Recordings in Student Discipline Matters

The District reserves the right to use audio and/or video recording devices on District property (including school buses) to ensure the health, safety and welfare of all staff, students and visitors. Placement and location of such devices will be established in accordance with the provisions of Policies EEAA, EEAE and ECAF.

In the event an audio or video recording is used as part of a student discipline proceeding, such video may become part of a student's education record. If an audio or video recording does become part of a student's education record, the provisions of Policy JRA shall apply. **All parties will be notified if audio or video recording is taking place.**

The Superintendent is authorized to contact the District's attorney for a full legal opinion relative in the event of such an occurrence.

Legal References:

RSA [193-F](#):3, *Pupil Safety and Violence Prevention Act*
RSA [570-A](#):2, *Capture of Audio Recordings on School Buses Allowed*
NH Code of Administrative Rules, Section Ed [306.04\(a\)\(8\)](#), *Student Harassment*

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NHSBA Sample Policy Manual
NHSBA Policy Management Console

Policy JIC: Student Conduct

Status: ADOPTED

Original Adopted Date: 07/01/1998 | Last Revised Date: 03/01/2021 | Last Reviewed Date: 03/01/2021

Category: Priority/Required by Law

ADOPTION/REVISION NOTES -

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

- 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.
- 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.
- {**} indicates a reference to another NHSBA sample policy. A district should check its own current policies and codes to assure internal consistency.
- Withdrawn & earlier versions of revised policies should be maintained separately as part of the permanent records of the District.

NHSBA history: Revised - March 2021; September 2018; May 2018; April 2011; September 2009; October 2004; November 1999; July 1998

NHSBA revision note, March 2021: Policy JIC was revised to reflect 2020 amendments to RSA 193:13. Among other things, those amendments largely are designed to effect greater emphasis on the emotional and academic needs of students through support and intervention strategies prior to using exclusion from school through suspension and expulsion. The amendments also (a) limit the duration of long-term ("LT") suspensions to 20 days, (b) limit the reasons a student may receive a LT suspension, and (c) require districts to adopt separate standards for short term suspensions of <5 days, and those of >5.

A. General Policy.

The School Board is committed to promoting a safe, healthy, orderly and supportive school and learning environment. To achieve that for all, it is important for students to conduct themselves in a manner fitting to their age level and maturity, and with respect and consideration other students, District personnel and other members of the community. Students are expected and required to maintain appropriate behavior that allows teachers and staff to perform their professional duties effectively and without disruption while on School District property or on property within the jurisdiction of the School District (including vehicles); and/or while attending or engaged in school activities.

Expectations for student conduct and standards of behavior shall be communicated through written Board policies, as well as District and/or school rules. Those policies and rules should be included in a Code of Conduct____
[¹ Delete footnote] for each school.

Student conduct that causes material or substantial disruption to the school environment, interferes with the rights of others, presents a threat to the health and safety of students, employees, or visitors, and/or violates the Code of Conduct____, or classroom rules is prohibited. Response to violations of the Code of Conduct_____, however, should be designed to maximize student academic, emotional and social success, while at the same time assuring safety of all students, staff and school visitors. With this objective, the Board endorses adoption of a Multi-Tiered System of Support for Behavioral Health and Wellness ("MTSS-B") as the framework for the Code of Conduct_____. [² delete footnote] District personnel who interact with students are expected to utilize progressive disciplinary measures, and to place emphasis on educating students so they may grow in self-discipline. Suspensions and expulsions shall be administered consistent with the applicable Code of Conduct and Board policy {**}JICD.

B. Student Code of Conduct[____]

The School Board delegates to the Superintendent, in consultation with the appropriate building Principal and counselors, the responsibility of adopting and implementing a [Student Code of Conduct] with such age-appropriate rules and regulations for each school as he/she deems necessary to implement the objectives of this policy, and

reflects the three-tiered support prevention of framework of MTSS-B: school-wide approaches; targeted supports for at-risk students; and individualized services for highest-needs students.

The Code of Conduct for each school shall be submitted to the School Board for review [³ delete footnote] each year, either separately or with the applicable student handbook. Consistent with the Board's statutory authority, and other Board policies regarding review of administrative rules, regulations and procedures, the School Board retains the authority to modify, supersede, or suspend any provision of the Code of Conduct_____.

The Code of Conduct_____ shall include:

1. A graduated and age-appropriate system of supports and intervention strategies, such as:

- parent conferences,
- counseling,
- peer mediation,
- instruction in conflict resolution and anger management,
- parent counseling and training,
- community service, and
- rearranging class schedules.

2. Graduated and age-appropriate disciplinary consequences such as:

- restriction from extra-curricular activities,
- temporary (same day) removal from class or activity,
- detention,
- temporary reassignment/in-school suspension,
- out-of-school suspension, and
- expulsion.

3. Provisions describing how and when short term suspensions of up to 5 days, short term suspensions up to 10 days, long term suspensions up to 20 days, and/or expulsion should be imposed. These standards shall make reference to and reflect:

- the nature and degree of disruption caused to the school environment;
- the threat to the health and safety of pupils and school personnel, volunteers or visitors;
- whether the conduct or behavior is isolated or repeated.

All temporary (same day) removal from classrooms or activities, restriction from activities, detentions, suspensions and expulsions shall comport with applicable laws, regulations and Board policy {**}JICD.

4. Information regarding RSA 193:13, 193-D, this policy, Board policy {**}JICD, and other Board policies or District/school rules regulating student conduct on and off-campus. Except where the complete text of a statute, regulation or policy is required, the Code of Conduct should include age appropriate language. E.g., summaries for elementary grade levels.

C. Implementation and Notice.

The Superintendent shall assure that the Code of Conduct, complete with the information set out in section B.4, above, shall be printed in full in each student handbook, made available to parents at the beginning of the school year, publicly available on the school, District and/or SAU district website [or in some other manner to assure parental notification if neither the school district nor SAU maintain a website].

Additionally, building Principal(s) shall assure student awareness of the Code of Conduct and other District policies and building rules through print, postings and periodic announcements.

The Superintendent should also designate personnel to explore the availability of and pursue any State or Federal grants, technical assistance and professional development opportunities available to facilitate implementation of MTSS-B per RSA 135-F:5, I(c) and (d).

D. Parental Notification of Simple Assaults.

Pursuant to RSA 193-D:4, I (b), the Superintendent is directed to adopt and implement procedures requiring

parents/guardians of each student involved in a simple assault (victim and perpetrator) occurring during the school day, when such assault causes: any form of bodily injury, including bruising or discoloration, or would otherwise constitute a disciplinable offense under the Code of Conduct_____. For purposes of this policy, "simple assault" shall have the same meaning as that provided in RSA 631:2-a (a simple assault occurs when one purposefully or knowingly causes bodily injury or unprivileged physical contact to another; or recklessly causes bodily injury to another or negligently causes bodily injury to another by means of a deadly weapon).

E. Disciplinary Removal of Students with Disabilities.

If a student is disabled under the Individuals with Disabilities Act (IDEA), the New Hampshire RSA 186-C, Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act, or any other law providing special rights to disabled students, those laws shall govern and shall supersede these local policies to the extent these local policies are inconsistent with those laws. Accordingly, any class or activity removal, suspension or expulsion of a child with a disability as defined in Ed 1102.01(t) shall be in accordance with Ed 1124.01.

¹ No law or regulation requires something called a "code of conduct". However, boards and schools are required to have a policy for "rules of conduct", and "penalties for misbehavior", and be disseminated to parents and guardians. (Ed 306.04(f), and (g)). Ed 306.06 further requires fair and consistent implementation of the outdated term "code of discipline". This sample policy uses "Code of Conduct" to reference the collection of Board policies, school and district administrative rules, and policies & rules pertaining to disciplinary consequences. Any district which does not use term Code of Conduct for such rules, should replace with the District's own title, e.g., Expectations and Standards of Behavior and Consequences. In mid-May, 2021, NHSBA will make available upon request a template for a code of conduct based upon MTSS-B.

² MTSS-B was endorsed by the legislature specifically through 2020 amendments to RSA 135-F, and the "supports" required under 193:3, XI(a), and included in paragraph B.1 above.

³ An annual review should be sufficient for Board oversight, as the Board will always retain authority require revisions (within legal limits). Pre-approval often creates timing issues as necessary adjustments from school year, and processes reflecting new legislative changes, are not identified until the end of the school year. If the Board wishes annual pre-approval of the Code of Conduct, it should include a date for submission, keeping in mind the board meeting calendar for summer and the need to have handbook ready.

District Policy History:

First reading: _____

Second reading/adopted: _____

District revision history:

STUDENT CONDUCT

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

Students will conduct themselves in a manner fitting to their age level and maturity and with respect and consideration for the rights of others while on school district property or on property within the jurisdiction of the school district; while on school owned and/or operated school or chartered vehicles; and/or while attending or engaged in school activities. Students may also be discipline for off-campus behavior in accordance with the provisions of Policies JICDD and JICK.

Terms and levels of discipline are established in Policy JICD. Disciplinary measures include, but are not limited to, removal from the classroom, detention, in-school suspension, out-of-school suspension, restriction from activities, probation, and expulsion.

Removal from the classroom means a student is sent to the building principal's or designee's office. It is within the discretion of the person in charge of the classroom to remove the student.

Detention means the student's presence is required during non-school hours for disciplinary purposes. The building principal is authorized to establish guidelines or protocol for when detention shall be served (either before school or after school.) Whether a student will serve detention, and the length of the detention, is within the discretion of the licensed employee disciplining the student or the building principal.

An in-school suspension means the student will attend school but will be temporarily isolated from one or more classes while under supervision. An in-school suspension will not exceed ten consecutive school days.

An out-of-school suspension means the temporary denial of a student's attendance at school for a specific period of time for gross misconduct or for neglect or refusal to conform to school rules or policies.

A restriction from school activities means a student will attend school and classes and practice but will not participate in school extra-curricular activities.

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

Expulsion means the permanent denial of a pupil's attendance at school for any of the reasons listed in RSA 193:13, II and III.

Mrs. Priscilla Colbath, Chairperson
Mrs. Janet Gagnon
Mrs. J. Lisbeth Olimpio
Mrs. Judith Nason
Mr. Peter Kasprzyk

Adopted by the Board: 21 March 2001
Revised by the Board: 7 September 2011

STUDENT CONDUCT*(continued)*

Due process in accordance with all applicable laws will be afforded to any student involved in a proceeding that may result in suspension, exclusion, or expulsion. Students expelled from school may be reinstated by the Board under the provisions of RSA 193:13.

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

If a special education student's suspensions, either in or out of school, equal ten days on a cumulative basis, a staffing team will meet to determine whether the IEP is appropriate.

It is the responsibility of the superintendent, in conjunction with the principal, to develop administrative regulations regarding this policy.

Legal References:

RSA 193:13, Suspension and Expulsion of Pupils

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

NH Code of Administrative Rules, Section Ed. 306.06, Culture and Climate

NH Code of Administrative Rules, Section Ed. 317.04(b), Disciplinary Procedures

See appendix: JICD – R

Mrs. Priscilla Colbath, Chairperson
Mrs. Janet Gagnon
Mrs. J. Lisbeth Olimpio
Mrs. Judith Nason
Mr. Peter Kasprzyk

Adopted by the Board: 21 March 2001
Revised by the Board: 7 September 2011

**Policy ACE: Procedural Safeguards: Non-Discrimination on the Basis of
Handicap/Disability**

Status: ADOPTED

Original Adopted Date: 09/01/2008 | Last Revised Date: 09/01/2016 | Last Reviewed Date: 09/01/2016

Category: Priority/Required By Law

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**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.

**NHSBA history:**

Revised: September 2016  
Revised: September 2008, April 2011

**NHSBA Note, September 2016:** Significant changes and amendments are made to this Sample Policy following NHSBA consultation with the NHDOE Special Education Department and other special education practioners. The NHDOE has updated and revised its Procedural Safeguard Handbook, effective February 2016. Since such safeguards are required to be followed by all school districts, recitation of those safeguards via school board policy is unnecessarily repetitive and duplicative. Rather, a statement directing interested persons to the NHDOE's Procedural Safeguards is within the school board's policy-making role.

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The school district will ensure that all students with a handicap or disability are provided all necessary procedural safeguards as are required by law. Such procedural safeguards are found in pertinent federal and state laws and regulations. In addition, all staff, students, parents and other interested persons are directed to the New Hampshire Department of Education Procedural Safeguards Handbook.

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**District Policy History:**

First reading: \_\_\_\_\_  
Second reading/adopted: \_\_\_\_\_

**District revision history:**

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NON-DISCRIMINATION ON THE BASIS OF HANDICAP/DISABILITY

The school district will ensure that all students with a handicap or disability are provided all necessary procedural safeguards as are required by law. Such procedural safeguards are found in pertinent federal and state laws and regulations. In addition, all staff, students, parents and other interested persons are directed to the New Hampshire Department of Education Procedural Safeguards Handbook.

Legal References:

*NH Department of Education Administrative Rules, Ed 1120, Procedural Safeguards
34 C.F.R. Part 104, Nondiscrimination on the Basis of Handicap
Section 504 of The Rehabilitation Act of 1973*

Revised: September 2016

Revised: September 2008, April 2011

Mr. Robert Ouellette Chairperson
Mrs. Tracey Kolb
Mrs. Jennifer McCawley
Mrs. Sandra Johnson
Ms. Tani Moody

Adopted by the Board: 6 December 2000
Reaffirmed by the Board: 6 May, 2002
Revised by the Board: 20 October 2010
Revised by the Board: 20 July 2011
Reaffirmed by the Board: 4 September 2018

Policy KED: Facilities or Services – Grievance Procedure (Section 504)

Status: ADOPTED

Original Adopted Date: 07/01/1998 | Last Revised Date: 03/01/2005 | Last Reviewed Date: 05/01/2006

Category Priority/Required by Law

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**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.

**NHSBA history:**

Reviewed: May 2006

Revised: March 2005

Reviewed: October 2004

Revised: July 1998  
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1. Any qualified handicapped person, or persons, who feels subject to discrimination with respect to Section 504 of the Rehabilitation Act has the right to file a formal grievance.
2. Any qualified handicapped person, or persons, who has a grievance shall discuss it first with the appropriate building Principal in an attempt to resolve the matter informally at that level.
3. If, as a result of the discussion, the matter is not resolved to the satisfaction of the aggrieved party within five (5) school days, the aggrieved party shall set forth the grievance in writing to the Principal. The Principal shall communicate his/her decision to the aggrieved party in writing within five (5) school days of receipt of the written grievance.
4. The aggrieved party, no later than five (5) school days after receipt of the Principal's decision, may appeal the Principal's decision to the Section 504 Coordinator. The appeal to the Coordinator must be made in writing reciting the matter submitted to the Principal and the aggrieved party's dissatisfaction with decisions previously rendered. The Coordinator shall meet with the aggrieved party to attempt to resolve the matter as quickly as possible, but within a period not to exceed five (5) school days. The Coordinator shall communicate his/her decision in writing to the aggrieved party and the Principal not later than five (5) school days after the meeting.
5. If the grievance is not resolved to the aggrieved party's satisfaction, the aggrieved party, no later than five (5) school days after receipt of the Coordinator's decision, may submit a written request for a hearing with the local School Board regarding the alleged discrimination through the Superintendent of Schools. The hearing will be held within thirty (30) calendar days of the written request. The School Board must provide the aggrieved party with a written decision on the appeal within ten (10) calendar days after the hearing.
6. Between the date the aggrieved party requests the hearing and the date the hearing is held, the aggrieved party and the School District may continue to negotiate. If the School District and aggrieved party agree on a mutual solution to the alleged discrimination, the hearing would be canceled.
7. The decision of the School Board is final pending any further legal recourse as may be described in current local district, state or federal statutes pertaining to Section 504 of the Rehabilitation Act of 1973.

FACILITIES OR SERVICES – GRIEVANCE PROCEDURE (SECTION 504)

1. Any qualified handicapped person, or persons, who feels subject to discrimination with respect to Section 504 of the Rehabilitation Act has the right to file a formal grievance.
2. Any qualified handicapped person, or persons, who has a grievance shall discuss it first with the appropriate building Principal in an attempt to resolve the matter informally at that level.
3. If, as a result of the discussion, the matter is not resolved to the satisfaction of the aggrieved party within five (5) school days, the aggrieved party shall set forth the grievance in writing to the Principal. The Principal shall communicate his/her decision to the aggrieved party in writing within five (5) school days of receipt of the written grievance.
4. The aggrieved party, no later than five (5) school days after receipt of the Principal's decision, may appeal the Principal's decision to the Section 504 Coordinator. The appeal to the Coordinator must be made in writing reciting the matter submitted to the Principal and the aggrieved party's dissatisfaction with decisions previously rendered. The Coordinator shall meet with the aggrieved party to attempt to resolve the matter as quickly as possible, but within a period not to exceed five (5) school days. The Coordinator shall communicate his/her decision in writing to the aggrieved party and the Principal not later than five (5) school days after the meeting.
5. If the grievance is not resolved to the aggrieved party's satisfaction, the aggrieved party, no later than five (5) school days after receipt of the Coordinator's decision, may submit a written request for a hearing with the local School Board regarding the alleged discrimination through the Superintendent of Schools. The hearing will be held within thirty (30) calendar days of the written request. The School Board must provide the aggrieved party with a written decision on the appeal within ten (10) calendar days after the hearing.
6. Between the date the aggrieved party requests the hearing and the date the hearing is held, the aggrieved party and the School District may continue to negotiate. If the School District and aggrieved party agree on a mutual solution to the alleged discrimination, the hearing would be canceled.
7. The decision of the School Board is final pending any further legal recourse as may be described in current local district, state or federal statutes pertaining to Section 504 of the Rehabilitation Act of 1973.

Legal References:

Section 504 of the Rehabilitation Act of 1973

34 C.F.R. § 104.7(b), Adoption of Grievance Procedures

Reviewed: May 2006

Revised: March 2005

Reviewed: October 2004

Revised: July 1998

Mrs. Janet Gagnon, Chairperson
Mrs. Priscilla Colbath
Mrs. Bonnie Cyr
Mrs. J. Lisbeth Olimpio
Mr. Fred Elliott

Adopted by the Board: 5 May 2010

Policy ACAC: Title IX Sexual Harassment Policy and Grievance Process

Status: ADOPTED

Original Adopted Date: 06/01/2020 | Last Reviewed Date: 06/01/2020

Category: Priority/Required by Law

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**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 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.

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 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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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 exists under law.<sup>1</sup> 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 Coordinator<sup>2</sup> 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.

"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.<sup>3</sup>

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
- 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)].

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 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;
4. Any individual who has been reported to be the perpetrator of sex discrimination<sup>4</sup>;
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 participate<sup>5</sup> 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.

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.

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 Coordinator<sup>6</sup> 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 complainant<sup>7</sup> 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;
- 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.<sup>8</sup>

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.

### 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.

The complaint may be filed with the Title IX coordinator in person, by mail, or by email.<sup>9</sup> 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 conduct<sup>10</sup> 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.
  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....."<sup>11</sup>. ]* 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.

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 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<sup>12</sup>. 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 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;
  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 consent.<sup>13</sup>
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 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<sup>14</sup>, 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.**

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
  - 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")<sup>15</sup>, 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 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 process (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.

<sup>1</sup> [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.

<sup>2</sup> [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).

<sup>3</sup> [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.

<sup>4</sup> 34 CFR 106.71 (a).

<sup>5</sup> 34 CFR 106.71 (a).

<sup>6</sup> [REMOVE] 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.

<sup>7</sup> 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.

<sup>8</sup> [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.

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

<sup>10</sup> [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.

<sup>11</sup> [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.

<sup>12</sup> [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.

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

<sup>14</sup> [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.

<sup>15</sup> 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.

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.***

First reading: \_\_\_\_\_

Second reading/adopted: \_\_\_\_\_

District revision history:



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

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 exists under law.<sup>1</sup> 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.

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The Superintendent shall have overall responsibility for implementing this Policy, and shall annually appoint a District Title IX Coordinator<sup>2</sup> 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.

**"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

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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.<sup>3</sup>

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
- 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.

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***NOTE Regarding Concurrent Enrollment and Dual Enrollment, Extended Learning Opportunities, 3<sup>rd</sup> 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

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;

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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 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;

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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;
4. Any individual who has been reported to be the perpetrator of sex discrimination<sup>4</sup>;
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 participate<sup>5</sup> 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.**

<sup>4</sup> 34 CFR 106.71 (a).

<sup>5</sup> 34 CFR 106.71 (a).

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The District shall include in all student and employee handbooks, and shall make *publicly available on the district's website* 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, ACE);
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.

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*.

**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;

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- 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.*

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 Coordinator<sup>6</sup> 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 complainant<sup>7</sup> 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.

<sup>7</sup> 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.



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;
- 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.<sup>8</sup>

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.

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**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.

The complaint may be filed with the Title IX coordinator in person, by mail, or by email.<sup>9</sup> Complaint forms may be obtained from the Title IX Coordinator.

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**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 conduct<sup>10</sup> 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.
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). 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").

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7. If the report alleges sexual harassment by the Superintendent, the Title IX Coordinator will inform the School Board Chair and the Student Service Director, 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.
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.

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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 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.<sup>11</sup> 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.

- 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

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- 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 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;

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- 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;
  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 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 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

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concern specific incidents of the complainants prior sexual behavior with respect to the respondent and are offered to prove consent<sup>12</sup>.

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 for written responses, likewise to be provided to each party.
4. The initial decision maker will provide 5 days each for supplementary, limited follow-up questions and 5 days for answers, and may provide for 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,<sup>13</sup> 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 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).

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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.**

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 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.

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 of receipt of the written appeal, the Superintendent shall appoint a decision maker for appeal ("appeals decision maker"),<sup>14</sup> 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 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 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 after receiving the last of the parties' written statements per Section III.H.5.

<sup>14</sup> 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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- 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 process<sup>15</sup> (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.**

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**District Policy History:**

**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.*

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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.

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