

Raymond School Board Policy Committee Meeting
Tuesday, November 1, 2022, 9:00 AM
SAU 33 Office
43 Harriman Hill Road, Raymond NH
AGENDA

- I. Call to Order
- II. Proof of Posting
- III. Old Business

Superintendent Evaluation

Policies updated with revisions suggested at last policy meeting:

CBI Evaluation of the Superintendent of Schools

CBI-R Superintendent Evaluation (Form)

Attendance

Raymond Policy: JH Student Absences and Excuses

NHSBA Sample: JH Attendance, Absenteeism, and Truancy

Administrator Vacations

Raymond Policy: GCEC Administrators' Vacations

No corresponding NHSBA sample policy

A poll of other SAU's resulted in a 50/50 split as to whether administrators have 20 days or 25 days.

Internet Acceptable Use Policy

We've combined the NHSBA sample policies so we have one version of each policy for students and staff, below:

GBEF/JICL-R School District Internet Access for Students and Staff

GBEF-R/JICL-R Acceptable Internet Use Procedures - Students and Staff

Safety Program

Policy updated with revisions made at a previous policy committee meeting:

EB Safety Program

IV. New Business - Review of Policies

Section A: Foundations and Commitments

Raymond Policy

AA School District Legal Status

AB The People and Their School District

No corresponding policy

AC Non-Discrimination

No corresponding policy

AC-R Title IX Grievances

ACA Discrimination, Including Harassment,
Based on Race, Color, National Origin, and Ancestry

ACAC Title IX Sexual Harassment
and Grievance Process

ACAC-R Sexual Harassment and Sexual Violence
Report Form

ACD Commitment to Religious Neutrality

ACE Procedural Safeguards - Nondiscrimination
on the Basis of Handicap/Disability

AD School District Mission and Beliefs

ADB Drug Free Workplace/Drug Free Schools

ADC Tobacco/Nicotine Products Ban

AGA Recognition for Accomplishment

No corresponding policy

NHSBA Policy

AA School District Legal Status

No corresponding policy

ABA Volunteer Involvement

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

AC-E Annual Notice of Contact Information for
Human Rights Officer, Title IX Coordinator, 504
Coordinator, and Civil Rights Agencies

AC-R Non-Discrimination: Title IX Grievances

No corresponding policy

ACAC Title IX Sexual Harassment Policy
and Grievance Process

No corresponding policy

ACD Commitment to Religious Neutrality

ACE Procedural Safeguards - Nondiscrimination
on the Basis of Handicap/Disability

AD Philosophy of the School District

ADB Drug Free Workplace/Drug Free Schools
(We don't have GBCE referenced as identical
policy)

ADC Prohibitions Regarding Use and
Possession of Tobacco Products, e-Cigarettes
and e-Liquids, In and On School Facilities and
Grounds
(We don't have GBEG or JICG referenced as
identical policies)

No corresponding policy

AE Accountability

EVALUATION OF THE SUPERINTENDENT OF SCHOOLS

Statement of Purpose

This procedure defines the process by which the Superintendent of Schools will be evaluated by the Raymond School Board.

Statement of Procedure

Evaluation of the Superintendent shall be conducted in such manner as to:

1. Provide positive and constructive feedback to the Superintendent that will support and promote the Superintendent's professional growth and development;
2. Help the Board evaluate its work in planning the educational program in this community;
3. Strengthen the working relationship between the Board and the Superintendent by providing a comprehensive vehicle of communication; and
4. Identify strengths and weaknesses of the Superintendent and make appropriate recommendations.

The School Board shall conduct a minimum of one (1) annual formal evaluation of the Superintendent.

The Chair and Vice Chair will meet with the Superintendent during the first week of January. Members of the Board will first then evaluate the Superintendent independently during the third week of January, using the Superintendent Evaluation Form adopted by the Board for this purpose. The Superintendent will complete the same form for his/her self-evaluation. The Board may annually also request, if desired, separate evaluation instruments for district employees and community members to complete when deemed useful to the process.

The Board will then convene in non-public to discuss the assessments and to prepare a composite evaluation. The composite evaluation will be discussed by the full Board and the Superintendent. The Board and the Superintendent will each retain a copy of the written evaluation report.

The Superintendent of Schools will have an opportunity to respond in writing or orally to the evaluation.

A copy of the written evaluation report will be submitted to the Superintendent of Schools and a copy, in a sealed envelope, will be placed in his/her personnel file. Under ordinary circumstances, only the Superintendent of Schools and Chairperson of the School Board will have access to this envelope. If, because of prolonged illness or absence, the Chairperson is unable to respond to a request for information requiring the use of material on the composite written evaluation report, the Vice-Chairperson of the School Board will be empowered to have access to materials in the Superintendent of Schools' file.

See CBI-R Superintendent Evaluation

Adopted: April 18, 2002
Revised: September 5, 2012
Revised: January 8, 2020
DRAFT

Raymond School District Policy - CBI-R

SUPERINTENDENT EVALUATION (FORM)

One of the annual responsibilities of the School Board is to provide an evaluation of the Superintendent's job performance. This provides the constructive feedback necessary to promote a productive and growth-oriented mindset. All individual evaluations are considered confidential.

This evaluation is based on the Superintendent's job description. In all ratings, care should be taken to think of specific examples that represent the score given. Open and honest feedback is imperative for a healthy Board/Superintendent relationship. The Superintendent will also complete this form as a *self-evaluation*.

Please rate the Superintendent's performance in demonstrating the following roles and responsibilities on a scale of ~~1-4~~ 1-5:

- 1 - Unacceptable
- 2 - Needs Improvement
- 3 - Meets Expectations
- 4 - Exceeds Expectations
- 5 - Outstanding

~~1 - Needs Improvement~~ ~~2 - Satisfactory~~ ~~3 - Meets Expectations~~ ~~4 - Exceeds Expectations~~

*If you choose a rating of ~~Needs Improvement~~ or ~~Exceeds Expectations~~ *Unacceptable* or *Outstanding*, please provide a brief comment to explain your rating in the comment section at the end of that topic.

If you have *no knowledge of an area* or it is not relevant to you, please indicate **N/A** - Not Applicable

Board Member Name _____ Date Completed _____

DOMAIN A: ADMINISTRATION AND LEADERSHIP

Topic #1 - School Board Relations

A.1) Assist the Board in developing clear policies that meet federal and state requirements.

1 2 3 4 5 N/A

A.2) Regularly attends Board meetings and participates in agenda preparation.

1 2 3 4 5 N/A

A.3) Informs Board regularly about the business of the District.

1 2 3 4 5 N/A

A.4) Alerts Board to critical issues and areas that may have an impact on the District in a timely manner.

1 2 3 4 5 N/A

A.5) Provides the Board with reports and information that enable the Board to understand District operations.

1 2 3 4 5 N/A

A.6) Offers professional advice to the Board on items requiring Board action, based on thorough study and analysis of the situation.

1 2 3 4 5 N/A

A.7) Meets deadlines and follows up on commitments and assignments.

1 2 3 4 5 N/A

A.8) Maintains a positive working relationship with the Board.

1 2 3 4 5 N/A

A.9) Utilizes the strengths of Board Members in the decision-making process.

1 2 3 4 5 N/A

Topic #2 - School Administration

A.10) Selects and manages all SAU office personnel.

1 2 3 4 5 N/A

A.11) Oversees preparation of annual school district report, warrants, and postings.

1 2 3 4 5 N/A

Topic #3 - Legal Issues

A.12) Consults with legal counsel as requested by the School Board concerning legal issues facing the District.

1 2 3 4 5 N/A

A.13) Consults with New Hampshire School Boards Association's legal counsel as requested by the School Board concerning legal issues facing the District.

1 2 3 4 5 N/A

A.14) Advises the School Board regarding the legal issues related to education.

1 2 3 4 5 N/A

Topic #4 - Future Planning

A.15) Develops programs and procedures to meet annual as well as long-term goals.

1 2 3 4 5 N/A

A.16) Uses District performance data systemically in developing recommendations and making decisions on instructional and support programs.

1 2 3 4 5 N/A

A.17) Actively works on five-year strategic plan and District goal-setting.

1 2 3 4 5 N/A

Topic #5 - Evaluation and Assessment

A.18) Uses appropriate data to monitor benchmarks for student success as established by the Board.

1 2 3 4 5 N/A

A.19) Seeks continuous improvement utilizing research-based assessment and evaluation of educational programs.

1 2 3 4 5 N/A

Topic #6 - Values and Ethics of Leadership

A.20) ~~Understands and models~~ Understands, models, and promotes the establishment and application of appropriate value systems, ethics, and moral leadership throughout the District.

1 2 3 4 5 N/A

~~A.20) Promotes the establishment and application of moral and ethical practices in each school and classroom.~~

~~1 2 3 4 N/A~~

~~A.21) Relates to Board Members, staff, and others in an ethical and professional manner.~~

~~1 2 3 4 N/A~~

A.21) Maintains the physical and emotional wellness necessary to meet the responsibilities of the position and demonstrates good character and integrity.

1 2 3 4 5 N/A

A.22) Serves as an articulate spokesperson for the School District and represents the District favorably at the local, state, and national levels, and maintains a professional demeanor and appearance appropriate to responsibilities.

1 2 3 4 5 N/A

A.23) Resolves concerns and problems in an appropriate manner; respects and maintains confidentiality and assumes responsibility for personal actions and those of subordinates.

1 2 3 4 5 N/A

~~A.25) Respects and maintains confidentiality and assumes responsibility for personal actions and those of subordinates.~~

~~1 2 3 4 N/A~~

~~A.26) Maintains a professional demeanor and appearance appropriate to responsibilities.~~

~~1 2 3 4 N/A~~

~~A.27) Demonstrates good character and integrity.~~

~~1 2 3 4 N/A~~

Comments on Domain A: Administration and Leadership

DOMAIN B: FINANCE

Topic #1 - Budget Development

- B.1) Prepares budget recommendations based on District priorities and available resources, while keeping in mind the community's fiscal challenges.
1 2 3 4 5 N/A

- B.2) Explains funding needs adequately and transparently.
1 2 3 4 5 N/A

- B.3) Provides professional guidance for a budget that reflects District goals for student achievement.
1 2 3 4 5 N/A

Topic #2 - Fiscal Services

- ~~B.4) Effectively oversees the Business Administrator.
1 2 3 4 N/A~~

- B.4) Ensures finances are managed in accordance with applicable accounting standards.
1 2 3 4 5 N/A

- B.5) Effectively implements audit recommendations.
1 2 3 4 5 N/A

- B.6) Ensures District expenses did not exceed revenue.
1 2 3 4 5 N/A

- B.7) Makes timely recommendations for adequate funding, providing appropriate information to the Board.
1 2 3 4 5 N/A

- B.8) Actively seeks cost-effective alternatives to current practices when appropriate.
1 2 3 4 5 N/A

Comments on Domain B: Finance

DOMAIN C: PERSONNEL

Topic #1 - Personnel Administration

C.1) Participates in the recruitment and selection of highly qualified staff that reflects defined needs, goals, and priorities of the District.

1 2 3 4 5 N/A

C.2) Develops and executes sound personnel policies and practices fairly and consistently.

1 2 3 4 5 N/A

C.3) Exerts strong educational leadership, delegates responsibility, and fosters a positive working atmosphere among faculty and administration.

1 2 3 4 5 N/A

C.4) Communicates staff concerns and suggestions to the Board.

1 2 3 4 5 N/A

Topic #2 - Labor Relations

C.5) Participates in the collective bargaining process as directed by the Board.

1 2 3 4 5 N/A

C.6) Manages labor contracts effectively.

1 2 3 4 5 N/A

C.7) Handles staff grievances appropriately.

1 2 3 4 5 N/A

C.8) Maintains good working relationships with unions.

1 2 3 4 5 N/A

Topic #3 - Staff Development

C.9) Aligns staff development with practices supported by educational research to improve student achievement and teacher efficacy.

1 2 3 4 5 N/A

C.10) Ensures consistent training for new staff members.

1 2 3 4 5 N/A

C.11) Includes participation of faculty and staff in establishment of District goals, objectives, and programs.

1 2 3 4 5 N/A

Comments on Domain C: Personnel

DOMAIN D: CURRICULUM AND INSTRUCTION

Topic #1 - Curriculum Design and Review

D.1) Uses District performance data systemically in developing recommendations for instructional programs.

1 2 3 4 5 N/A

D.2) Ensures curriculum is aligned to assessment and that outcomes are consistently measured.

1 2 3 4 5 N/A

D.3) Curriculum is aligned from grade-to-grade and from school-to-school.

1 2 3 4 5 N/A

Topic #2 - Student Assessment

D.4) Uses effective methods of providing, monitoring, evaluating, and reporting student achievement and outcomes.

1 2 3 4 5 N/A

D.5) Uses data for future planning and improvement.

1 2 3 4 5 N/A

D.6) Measurable goals are regularly monitored and reported out to the Board.

1 2 3 4 5 N/A

D.7) Uses appropriate data to establish rigorous, concrete goals in the context of student achievement and instructional programs.

1 2 3 4 5 N/A

Topic #3 - Instructional Improvement

D.8) Provides leadership to principals in meeting school performance goals.

1 2 3 4 5 N/A

D.9) Data that demonstrates progress in the academic achievement of students is regularly presented to all stakeholders in understandable forms.

1 2 3 4 5 N/A

Comments on Domain D: Curriculum and Instruction

DOMAIN E: MAINTENANCE AND CAPITAL IMPROVEMENTS

Topic #1 - Planning and Construction

E.1) Plans for facilities to accommodate organizational and instructional goals according to the District's definition of student success, population, and economic means.

1 2 3 4 5 N/A

E.2) Works with administrators to keep the Board informed of facility concerns and necessary repairs.

1 2 3 4 5 N/A

Topic #2 - Coordination of Maintenance

E.3) Ensures all buildings meet safety, health, and construction codes.

1 2 3 4 5 N/A

E.4) Actively plans for necessary maintenance and improvements, including researching cost effective and energy efficient solutions to meet capital improvements needs.

1 2 3 4 5 N/A

E.5) Has a multi-year plan for maintenance, repairs and upgrades based on systemic ongoing inspection of facilities.

1 2 3 4 5 N/A

Topic #3 - Capital Improvements Plan

E.6) Makes strategic recommendations for and ensures implementation of the District's Capital Improvements Plan

1 2 3 4 5 N/A

Comments on Domain E: Maintenance and Capital Improvements

DOMAIN F: STUDENT SERVICES

Topic #1 - ~~Special Education~~ Specialized Instruction

F.1) Ensures the ~~Director of Student Services~~ the District upholds all laws and regulations.

1 2 3 4 5 N/A

F.2) Makes policy recommendations to the Board to ensure compliance with special education requirements.

1 2 3 4 5 N/A

Topic #2 - Tuition and Residency

F.3) Monitors tuition agreements and residency and recommends any necessary policy changes to the Board.

1 2 3 4 5 N/A

F.4) Ensures tuition agreements are appropriately negotiated and executed.

1 2 3 4 5 N/A

Comments on Domain F: Student Services

DOMAIN G: GENERAL OPERATIONS

Topic #1 - Transportation and Food Service

G.1) Supervises the Business Administrator's management of student transportation and food service agreements and recommends necessary changes to the Board.

1 2 3 4 5 N/A

Topic #2 - Student Management

G.2) Ensures student discipline is administered consistently and equitably.

1 2 3 4 5 N/A

G.3) Promotes recognition for student achievement.

1 2 3 4 5 N/A

G.4) Prepares as necessary documentation for the Board in the event that a discipline issue escalates to the Board level.

1 2 3 4 5 N/A

Topic #3 - Safety and Crisis Management

G.5) Ensures timely review and development of, training for, and adherence to District safety procedures and Emergency Operations Plans

1 2 3 4 5 N/A

Comments on Domain G: General Operations

DOMAIN-G H: COMMUNICATIONS AND COMMUNITY RELATIONS

Topic #1 - Articulation and Vision

H.1) Works with community members to promote District goals.

1 2 3 4 5 N/A

H.2) Works to proactively articulate District goals, plans, and challenges to the public.

1 2 3 4 5 N/A

H.3) Takes a leadership role in envisioning and articulating the future of the District.

1 2 3 4 5 N/A

Topic #2 - Community Involvement

H.4) Actively disseminates District information to the public in electronic, printed, and verbal form.

1 2 3 4 5 N/A

H.5) Represents the School District at public gatherings.

1 2 3 4 5 N/A

H.6) Encourages the exchange of ideas for District improvement among all stakeholders.

1 2 3 4 5 N/A

Comments on Domain G H: Communications and Community Relations

Adopted: January 8, 2020
DRAFT

Raymond School District Policy - JH

STUDENT ABSENCES AND EXCUSES

Each student enrolled in the Raymond Public Schools is required to attend school on a regular basis. In order to take maximum advantage of the educational opportunities offered by the Raymond School District, students need to establish a pattern of regular and punctual attendance. Student attendance is the responsibility of the parent(s)/guardian(s) and the student. Students should always be in school except when:

1. The student's health prohibits attendance.
2. The student's presence is required elsewhere by sound, pressing, and unavoidable out-of-school activity.
3. The student, the student's parent(s)/guardian(s), and the Principal agree that the reason for the absence is in the best interest of the student.

Absences, even with the approval of the parent(s)/guardian(s), that are excessive and/or interfere with the student's educational program will be discussed with parent(s)/guardian(s) and/or the student will be referred to the Student Intervention Team.

The Board considers more than four (4) absences per marking term to be excessive. As the student progresses through school, the major responsibility for attendance shifts from parent(s)/guardian(s) to the student; therefore, the school's response to an excessive number of absences will differ from level to level. Each school will develop procedures outlining how it will deal with students who have an excessive number of absences. There are a number of items that are common to all levels; these include:

1. Tardiness has a negative impact on a student's performance in school. Each school will develop procedures to deal with students who are tardy.
2. Any procedures that impact a student's grade due to excessive absences will contain an appeal process.
3. Students are expected to make up all work missed due to absence, tardiness, or dismissal.
4. Missed classes may impact a student's eligibility to participate in their next co-curricular event. Without a doctor's note, or other appropriate documentation a student who has missed class will not be eligible for co-curricular activities, even if they are excused by a parent.
5. Students who cannot attend school due to a medical reason will be provided a temporary home-based program not to exceed 45 days in a school year. Attendance will be counted as present during that time period. Medical permission will be required.

Absences

The Board requires that school-aged children enrolled in the District attend school in accordance with all applicable state laws and Board policies. The educational program offered by the District is predicated upon the presence of the student and requires continuity of instruction and classroom participation in order for students to achieve academic standards and consistent educational progress.

Attendance shall be required of all students enrolled in the District during the days and hours that school is in session, except that the Principal may excuse a student for temporary absences when receiving satisfactory evidence of conditions or reasons that may reasonably cause the student's absence.

The Board considers the following to be excused absences:

1. Illness (Physician statement required for more than 3 consecutive days)
2. Recovery from an accident/natural disaster
3. Required court attendance
4. Medical and dental appointments
5. Death in the family
6. Observation or celebration of a bona fide religious holiday
7. Special Event or Family Occasion - any special event or occasion with prior approval by the principal
8. College visitations

Any absence that has not been excused for any of these reasons will be considered an unexcused absence.

In the event of an absence, parent(s)/guardian(s) must call the school and inform the school of the student's absence. Parent(s)/guardian(s) must provide written notice or a written excuse that states one of these reasons for non-attendance within 2 days of the student's return. The Principal may require parent(s)/guardian(s) to provide additional documentation in support of their written notice, including but not limited to doctor's notes, court documents, obituaries, or other documents supporting the claimed reason for non-attendance.

If parent(s)/guardian(s) wish for their child to be absent for a reason not listed above, the parent(s)/guardian(s) must provide a written explanation of the reason for such absence, including why the student will be absent and for how long the student will be absent. The Principal will make a determination as to whether the stated reason for the student's absence constitutes good cause and will notify the parent(s)/guardian(s) via telephone and writing of his/her decision. This advanced planning will allow teachers enough time to work with parent(s)/guardian(s) and the student regarding work completion. If the Principal determines that good cause does not exist, the parent(s)/guardian(s) may request a conference with the Principal to again explain the reasons for non-attendance. The Principal may then reconsider his/her initial determination. However, at this juncture, the Principal's decision shall be final.

Each Building Principal is responsible for overseeing attendance procedures that include:

1. Attendance is accurately checked and reported to the school office daily for each class.
2. All student absences are recorded.
3. All permanent records of pupil attendance are maintained at the individual schools.

The following applies to those students eighteen (18) years of age and older: After fifteen (15) consecutive days absent, when there has been no firm understanding with an absent student and his/her parent(s)/guardian(s), the school will send a warning letter to the parent(s)/guardian(s) giving notice that the student will be dropped from registration effective the 20th day of his/her consecutive absence unless a clear understanding, in writing, with parent(s)/guardian(s) is achieved beforehand. A copy of this letter will go to the Superintendent of Schools.

School Principals are responsible for developing Student Handbooks that will include rules regarding student absences, excuses, suspensions, and truancy. These rules will apply to all students.

Statutory References:

RSA 193:1, 2, 7, 8, and 16

RSA 306.10 (a) (1)

See Policy JHB

Adopted: September 1, 1994

R/R: 12/18/80, 1/23/85, 6/3/99

Revised: August 1, 2002

Revised: October 17, 2007

Revised: September 1, 2010

Revised: February 16, 2011

Revised: February 17, 2021

JH - ATTENDANCE, ABSENTEEISM AND TRUANCY

(Download policy)

Category: Priority/Required by Law

Absences

The Board requires that school-aged children enrolled in the District attend school in accordance with all applicable state laws and Board policies. The educational program offered by the District is predicated upon the presence of the student and requires continuity of instruction and classroom participation in order for students to achieve academic standards and consistent educational progress.

Attendance shall be required of all students enrolled in the District during the days and hours that school is in session, except that the Principal may excuse a student for temporary absences when receiving satisfactory evidence of conditions or reasons that may reasonably cause the student's absence.

The Board considers the following to be excused absences:

1. Illness
2. Recovery from an accident
3. Required court attendance
4. Medical and dental appointments
5. Death in the immediate family
6. Observation or celebration of a bona fide religious holiday
7. Such other good cause as may be acceptable to the Principal or permitted by law

Any absence that has not been excused for any of these reasons will be considered an unexcused absence.

In the event of an illness, parents must call the school and inform the District of the student's illness and absence. For other absences, parents must provide written notice or a written excuse that states one of these reasons for non-attendance. The Principal may require parents to provide additional documentation in support of their written notice, including but not limited to doctor's notes, court documents, obituaries, or other documents supporting the claimed reason for non-attendance.

If parents wish for their child to be absent for a reason not listed above, the parent must provide a written explanation of the reason for such absence, including why the student will be absent and for how long the student will be absent. The Principal will make a determination as to whether the stated reason for the student's absence constitutes good cause and will notify the parents via telephone and writing of his/her decision. If the Principal determines that good cause does not exist, the parents may request a conference with the Principal to again explain the reasons for non-attendance. The Principal may then reconsider his initial determination. However, at this juncture, the Principal's decision shall be final.

Family Vacations/Educational Opportunities

Generally, absences other than for illness during the school year are discouraged. The school principal or his/her designee may, however, grant special approval of absence for family vacations, provided written approval is given in advance. Parents are asked to write a note to their child's teacher at least two weeks before the trip. This advance planning will allow the teacher enough time to work with parents and the student regarding homework completion.

Truancy

Truancy is defined as any unexcused absence from class or school. Any absence that has not been excused for any of the reasons listed above will be considered an unexcused absence.

Ten half-days of unexcused absence during a school year constitutes habitual truancy.

A half-day absence is defined as a student missing more two hours of instructional time and less than three and one-half hours of instructional time.

Any absence of more than three and one-half hours of instructional time shall be considered a full-day absence.

The Principal or Truant Officer is hereby designated as the District employee responsible for overseeing truancy issues.

Intervention Process to Address Truancy

The Principal shall ensure that the administrative guidelines on attendance properly address the matter of truancy by including a process that identifies students who are habitually truant, as defined above.

When the Principal identifies a student who is habitually truant or who is in danger of becoming habitually truant, he/she shall commence an intervention with the student, the student's parents, and other staff members as may be deemed necessary. The intervention shall include processes including, but not limited to:

1. Investigates the cause(s) of the student's truant behavior;
2. Considers, when appropriate, modification of his/her educational program to meet particular needs that may be causing the truancy;
3. Involves the parents in the development of a plan designed to reduce the truancy;
4. Seeks alternative disciplinary measures, but still retains the right to impose discipline in accordance with the District's policies and administrative guidelines on student discipline; and
5. Determination as to whether school record keeping practices and parental notification of the student's absences have an effect on the child's attendance.

Parental Involvement in Truancy Intervention

When a student reaches habitual truancy status or is in danger of reaching habitual truancy status, the Principal will send the student's parent a letter which includes:

1. A statement that the student has become or is in danger of becoming habitually

truant;

2. A statement of the parent's responsibility to ensure that the student attends school; and
3. A request for a meeting between the parents and the Principal to discuss the student's truancy and to develop a plan for reducing the student's truancy.

Developing and Coordinating Strategies for Truancy Reduction

The Board encourages the administration to seek truancy-prevention and truancy-reduction strategies along the recommendations listed below. However, these guidelines shall be advisory only. The Superintendent is authorized to develop and utilize other means, guidelines and programs aimed at preventing and reducing truancy.

1. Coordinate truancy-prevention strategies based on the early identification of truancy, such as prompt notification of absences to parents.
2. Assist school staff to develop site attendance plans by providing development strategies, resources, and referral procedures.
3. Encourage and coordinate the adoption of attendance-incentive programs at school sites and in individual classrooms that reward and celebrate good attendance and significant improvements in attendance.

Parental Notification of Truancy Policy

Prior to adopting this policy, the Board will place the item on the agenda of a public school board meeting and will allow two weeks for public input as to the policy's provisions. Any public input shall be advisory only and final adoption as to the policy's provisions will remain solely with the Board.

Additionally, the Superintendent shall also ensure that this policy is included in or referenced in the student handbook and is mailed to parents annually at the beginning of each school year.

NHSBA Note, September 2013: Due to legislative amendments to RSA 189:34, effective September 1, 2013, the only amendment to this Sample Policy is in Section "Intervention Process to Address Truancy", Paragraph #5.

Legal References:

RSA 189:34, Appointment

RSA 189:35-a, Truancy Defined

RSA 193:1, Duty of Parent; Compulsory Attendance by Pupil

RSA 193:7 Penalty

RSA 193:8, Notice Requirements

RSA 193:16 Bylaws as to Nonattendance

NH Code of Administrative Rules, Section Ed 306.04 (a)(1), Attendance and Absenteeism

NH Code of Administrative Rules, Section Ed 306.04 (c), Policy Relative to Attendance and Absenteeism

Reviewed: September 2013

Revised: July 1998, November 1999, February 2006, May 2008, September 2010

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

ADMINISTRATORS' VACATIONS

For the purpose of this policy, Raymond School District Administration shall mean:

Superintendent of Schools
Business Administrator
Building Principals
Director of Student Services
Director of Technology
Director of Safety and Facilities
Curriculum Director
Director of Human Resources
Director of Student Behavioral Health

1. Administrators are entitled to four weeks (20 days) vacation per year.
2. Administrators who have completed seven (7) full consecutive years of service to the District as a full-time administrator are entitled to an additional week (5 days) of vacation per year. This additional week shall not be taken consecutively with the other four weeks of vacation.
3. All vacation schedules will be subject to the approval of the Superintendent of Schools. Vacations of longer than five (5) days taken by the Superintendent will be subject to the approval of the School Board.
4. It is highly encouraged that all accrued vacation days be used on or before August 31 following the close of the school year. Administrators unable to use all available vacation days by August 31 may carry over up to 5 vacation days during the school year. These 5 days must be used by June 30 of that same school year.
5. Any District administrator who requests additional time to be absent from duty must have written approval of the Superintendent. Additional time to be absent from duty by the Superintendent must be approved by the School Board. Such time absent, if approved, will be deducted from his/her salary.

Adopted: December 7, 1989
Revised: February 1, 1996
R/R: 9/20/01
Revised: August 1, 2002
Revised: June 19th, 2013
Revised: November 6, 2019
Revised: March 18, 2020

SCHOOL DISTRICT INTERNET ACCESS FOR STUDENTS AND STAFF

DRAFT

The School Board recognizes that technological resources can enhance student and teacher performance by offering effective tools to assist in providing a quality instructional program, facilitating communications with parents/guardians, teachers, and the community, supporting District and school operations, and improving access to and exchange of information. The Board expects all students and staff to learn to use the available technological resources that will assist them in the performance of their education. As needed, students and staff shall receive training, lessons, and instruction in the appropriate use of these resources.

Students and staff shall be responsible for the appropriate use of technology and shall use the District's technological resources primarily for purposes related to their education. Students are hereby notified that there is no expectation of privacy on district computers, computer files, email, internet usage logs, and other electronic data.

The Superintendent or designee shall ensure that all District computers with Internet access have a technology protection measure that prevents access to visual depictions that are obscene or pornographic and that the operation of such measures is enforced. The Superintendent or designee may disable the technology protection measure during use by an adult to enable access for bona fide research, educational or other lawful purpose.

The Superintendent shall establish administrative regulations and an Acceptable Use Agreement that outlines student obligations and responsibilities related to the use of District technology. He/she also may establish guidelines and limits on the use of technological resources. Inappropriate use may result in a cancellation of the student's or staff member's user privileges, disciplinary action, and/or legal action in accordance with law, Board policy, and administrative regulations.

The Superintendent or designee shall provide copies of related policies, regulations, and guidelines to all students and staff. Students and staff shall be required to acknowledge in writing that they have read and understood the District's Acceptable Use Agreement.

Legal References:

RSA 194:3-d, School District Computer Networks

47 U.S.C. §254, Requirements For Certain Schools – Internet Safety

20 U.S.C. §6777, Enhancing Education Through Technology – Internet Safety

Appendix: GBEF-R/JICL-R

DRAFT

ACCEPTABLE INTERNET USE PROCEDURES - STUDENTS AND STAFF
DRAFT

Purpose

The purpose of the Acceptable Use Procedures is to provide the procedures, rules, guidelines, and the code of conduct for the use of technology and the Internet.

Definition

The definition of "information networks" is any configuration of hardware and software which connects users. The network includes, but is not limited to, all of the computer hardware, operating system software, application software, stored text and data files. This includes electronic mail, local databases, externally accessed databases, CD-ROM, recorded magnetic or optical media, clip art, digital images, digitized information, communications technologies, and new technologies as they become available. Stand-alone workstations are also governed by this acceptable use procedure.

The School District Services

The School District provides resources for teaching and learning, communication services, and business data services by maintaining access to local, regional, national, and international sources of information. The School District information resources will be used by members of the school community with respect for the public trust through which they have been provided and in accordance with policy and regulations established by the School District. These procedures do not attempt to articulate all required for proscribed behavior by its users.

Successful operation of the network requires that all users conduct themselves in a responsible, decent, ethical and polite manner while using the network. The user is ultimately responsible for his/her actions in accessing network services.

Guidelines

1. Access to the networks and to the information technology environment within the District is a privilege and must be treated as such by all users of the network and its associated systems.
2. Information networks will be used for the purposes of research, education, and school-related business and operations.
3. Any system which requires password access or for which the District requires an account, such as the Internet, will only be used by the authorized user. Account owners are ultimately responsible for all activity under their accounts.
4. The resources of the District are limited. All users must exercise prudence in the shared use of this resource.

Unacceptable Use

The District has the right to take disciplinary action, remove computer and networking privileges and/or take legal action, for any activity characterized as unethical and unacceptable. Unacceptable use activities constitute, but are not limited to, any activity through which any user:

1. Violates such matters as institutional or third-party copyright, license agreements or other contracts. The unauthorized use of and/or copying of software is illegal.
2. Interferes with or disrupts other network users, services or equipment. Disruptions include, but are not limited to: distribution of unsolicited advertising, propagation of computer worms or viruses, distributing quantities of information that overwhelm the system, and/or using a District network to make unauthorized entry into any other resource accessible via the network.
3. Seeks to gain or gains unauthorized access to information resources.
4. Uses or knowingly allows another to use any computer or computer system to devise or execute a scheme to defraud or to obtain money, property, services, or other things of value by false pretenses, promises, or representations.
5. Destroys, alters, dismantles or otherwise interferes with the integrity of computer based information and/or information resources.
6. Invades the privacy of individuals or entities.
7. Uses the network for commercial or political activity.
8. Installs unauthorized software for use on District computers.
9. Uses a network to access inappropriate materials.
10. Submits, publishes or displays any defamatory, inaccurate, racially offensive, abusive, obscene, profane, sexually oriented, or threatening materials or messages either publicly or privately.
11. Uses a District network for illegal harassing, vandalizing, inappropriate or obscene purposes, or in support of such activities.

School District Rights

The District reserves the right to:

1. Monitor all activity. Notwithstanding FERPA and any other related laws, students and staff members have no expectation of privacy regarding their use on the school district computer network.
2. Make determinations on whether specific uses of a network are consistent with these acceptable use procedures.
3. Log network use and monitor storage disk space utilization by users.
4. Determine what is appropriate use.
5. Remove a user's access to the network at any time it is determined that the user engaged in unauthorized activity or violated these acceptable use procedures.
6. Cooperate fully with any investigation concerning or relating to the District's network activity.

School District Internet Code of Conduct

Use of the Internet by students and staff of the District shall be in support of education and research that is consistent with the mission of the District. Internet use is limited to those persons who have been issued District-approved accounts. Use will be in accordance with the District's Acceptable Use Procedures and this Code of Conduct. Users are expected to abide by the following terms and conditions:

1. Protect their Internet log from others.

2. Respect the privacy of other users. Do not use other users' passwords.
3. Be ethical and courteous. Do not send hate, harassing or obscene mail, discriminatory remarks, or demonstrate other antisocial behaviors.
4. Maintain the integrity of files and data. Do not modify or copy files/data of other users without their consent.
5. Treat information created by others as the private property of the creator. Respect copyrights.
6. Use any network in a way that does not disrupt its use by others.
7. Do not destroy, modify or abuse the hardware or software in any way.
8. Do not develop or pass on programs that harass other users or infiltrate a computer or computing system and/or damage the software components of a computer or computing system, such as viruses, worms, "chain" messages, etc.
9. Do not use the Internet to access or process pornographic or otherwise inappropriate material.
10. Do not use the Internet for commercial purposes.

The District reserves the right to remove a user's account if it is determined that the user is engaged in unauthorized activity or is violating this code of conduct.

School District Internet Access Release Form

As a condition of my right to use the School District network resources, including access to the Internet, students and staff members understand and agree to the following:

1. To abide by the District Acceptable Use Procedures and Code of Conduct.
2. That District administrators and designated staff have the right to review any material stored on District computers in files and to edit or remove/delete any material which they, in their sole discretion, believe may be unlawful, obscene, abusive, or otherwise objectionable, and students and staff members hereby waive any right of privacy which they may otherwise have to such material.
3. That the School District will not be liable for any direct or indirect, incidental, or consequential damages due to information gained and/or obtained via use of the District's network resources.
4. That the School District does not warrant that the functions of any District network, or any network accessible through District resources, will meet any specific requirements you may have, or that the network resources will be error-free or uninterrupted.
5. That the School District shall not be liable for any direct or indirect, incidental, or consequential damages (including lost data or information) sustained or incurred in connection with the use, operation, or inability to use District networks and resources.
6. That the use of the District network(s), including access to public networks, is a privilege which may be revoked by network administrators at any time for violation of the Acceptable Use Procedures and Code of Conduct. The School District will be the sole arbiter(s) of what constitutes violation of the Acceptable Use Procedures or Code of Conduct.
7. In consideration for the privilege of using the School District network resources and in consideration for having access to the public networks, I hereby release the School District, its operators, and any institutions with which they are affiliated from any and all claims and damages of any nature arising from my use, or inability to use, the District network resources.

STUDENTS:

Printed Name of Student: _____

School of Attendance: RHS IHGMS LRES Preschool

I hereby certify that I have read the Acceptable Use Policy and Procedures; that I fully understand their terms and conditions; and that I will abide by the terms conditions set forth in this document.

Signature of Student: _____

Signature of Parent/Guardian: _____

Date: _____

STAFF:

Printed Name of Staff Member: _____

School of Employment: RHS IHGMS LRES Preschool District

Position of Employment: _____

I hereby certify that I have read the Acceptable Use Policy and Procedures; that I fully understand their terms and conditions; and that I will abide by the terms conditions set forth in this document.

Signature of Staff Member: _____

Date: _____

DRAFT

Raymond School District Policy - EB

SAFETY PROGRAM

The Raymond School Board recognizes its responsibility to provide a safe, secure learning environment for all its students and staff. It is the policy of the Raymond School District to take every reasonable precaution to achieve this goal.

The School Board authorizes the Superintendent to implement the ~~Raymond Community Crisis Response Plan put forth by the Raymond Community Crisis Management Committee~~ Emergency Operations Plan (EOP) developed by the Districtwide Emergency Management Committee, which includes representatives from the police and fire departments. Further, the Superintendent will cause the formation of the Joint Loss Management Committee as required by RSA 281-A:64.

The practice of safety shall also be considered a facet of the instructional plan of the District schools by incorporating educational programs in ~~traffic and pedestrian safety, driver education, fire prevention, emergency procedures~~ response actions, etc., appropriately geared to students at different grade levels.

The Superintendent shall implement a training schedule for all Raymond School District employees and volunteers. The Superintendent shall further see that all plans are reviewed quarterly with the ~~Raymond Crisis~~ Districtwide Emergency Management Committee, and drills are conducted in a timely fashion throughout the school year in accordance with state and federal law and the District training schedule.

Each Principal and the Director of Safety & Facilities shall be responsible for the supervision and implementation of a safety program for his/her school. General areas of emphasis shall include but not be limited to: in-service training; accident record keeping; plant inspection; driver and vehicle safety programs; fire prevention; catastrophe planning; and emergency procedures and traffic safety problems relevant to students and employees. The Principal shall be responsible for developing student safety procedures to be used on school buses, school grounds (including playgrounds), during authorized school activities (such as field trips), and within school building(s) (including classrooms and laboratories). The building's safety plan shall be on file in the SAU office.

In the implementation of the ~~Crisis Management~~ Emergency Operations Plan, each Principal and the Director of Safety & Facilities shall be responsible for the following:

1. Train all new staff and volunteers who enter their building throughout the year.
2. Maintain a log of ~~"crisis"~~ emergency response action drills, as well as monthly fire drills.
3. See that all exits from rooms and buildings are clearly marked and cleared of debris.
4. Implement a strict sign-in/out procedure for all students.
5. Implement a strict sign-in/out procedure for all visitors and include the issuance of visitors' badges.
 6. Instruct each staff member that they are to question any adult in the school who is not displaying a proper badge. All visitors must be escorted back to the main office to sign in and receive a badge.

In a further attempt to ensure safety, each school employee and volunteer is required to wear a District ID badge. This shall also apply to off-site school-related functions with students present.

Statutory Reference:

RSA 281-A:64, III

RSA 200:40

ED. 306.10 (a) (2) (d)

Adopted: May 4, 1989

R/R: 4/10/97, 9/6/01

Revised: May 16, 2002

Legal References Updated 2015

DRAFT

Raymond School District Policy AA

SCHOOL DISTRICT LEGAL STATUS

The legal basis for education is vested in the will of the people as expressed in the Constitution of New Hampshire, the statutes* pertaining to education, court interpretation of these laws, the powers implied in them, and the rules and regulations of the State Board of Education.

In New Hampshire, school districts are political subdivisions of the State and, as such, are considered municipal corporations.

School District policies are established by the School Board, which serves as an agent of the District. Funds for school operating expenses are approved by a majority of qualified voters except that, under RSA 40:13, bond issues require a 60% vote. The administration of the schools is under the executive direction of the Superintendent of Schools, who works under School District policies in addition to State Board of Education rules and State law.

Statutory/Case Law Reference:

New Hampshire Constitution, Pt. 2 Article 83

Claremont School District vs. Governor, 138 NH 183 (1993)

Clough vs. Osgood, 37 NH 444 (1935)

RSA 197:1

RSA Chapter 33

RSA 194:2

RSA 195:6

RSA 40:13

Adopted: September 2, 1970

R/R: 4/4/88

Revised: February 7, 2002

*The majority of State laws on education are in RSA Chapters 186 through 200H.

AA - SCHOOL DISTRICT LEGAL STATUS

(Download policy)

Category O

The legal basis for education is vested in the will of the people as expressed in the Constitution of New Hampshire, the statutes* pertaining to education, court interpretation of these laws, the powers implied in them, and the rules and regulations of the State Board of Education.

In New Hampshire, School Districts are political subdivisions of the State and, as such, are considered municipal corporations.

Board policies are established by the Board, which serves as an agent of the District. Funds for school operating expenses are approved by a majority of qualified voters present and voting at the annual School District meeting except that bond issues require a two-thirds vote. (except in those School District which have adopted RSA40:13. In these districts, a 60% vote is required.)

Statutory/Case Law References:

New Hampshire Constitution, Pt. 2 Article 83

Claremont School District vs. Governor, 138 NH 183 (1993)

RSA Chapter 33, Municipal Finance Act

RSA 194:2, School Districts to be Corporations

RSA 195:6, Powers and Duties of Cooperative School Districts

RSA 197:1, Annual School District Meetings

RSA 40:13, Use of Official Ballot

¹*Clough v. Osgood 37 NH 444 (1935)*

** The majority of state laws on education are in RSA Chapters 186 through 200H.*

Revised: February 2004

Revised: November, 1999

Revised: July, 1998

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

¹NH Supreme Court case opinions prior to 1995 are not available through the state website. For more information about this case, please contact Barrett Christina at NHSBA Policy Services at (603) 228-2061, or email bchristina@nhsba.org.

Thank you!

Raymond School District Policy - AB

THE PEOPLE AND THEIR SCHOOL DISTRICT

The public schools belong to the people. The people govern the schools under rights guaranteed to them under the Constitution and statutes of New Hampshire. The people exercise their proprietorship through the elective process. They elect state and federal representatives who establish -- through the Legislature and the Congress -- the framework of law within which the schools operate. The people elect a local School Board to represent them and to determine local educational plans and policy and to establish long-term educational goals and objectives. The local School Board functions as an agency of the public within this framework.

The School Board is mindful that the people are the ultimate governors of public education and that the Board is directly accountable to the people through the elective process. But the Board also believes that accountability is a shared responsibility involving students, teachers and other employees, the Superintendent of Schools, and the people themselves as well as the School Board. The Board therefore asserts these beliefs and expectations:

Students should be trained at home and in the schools in order that they will learn to hold themselves accountable for their own lives, actions, and decisions as maturing members of a democratic society.

Teachers should hold students accountable for achieving (within the limits of each student's abilities) the objectives of each learning experience.

The Superintendent should hold teachers and other employees accountable for working with diligent effort and with intelligence and imagination in achieving the objectives directly related to their stated job responsibilities.

The Board should appoint the most capable person available to hold the position of Superintendent of Schools and should hold him or her accountable for providing creative professional leadership and counsel in all aspects of the School District program.

The Board should also hold itself accountable for carrying out its mandate to plan, to make policy, and to lead in the identification of goals and objectives and the resources necessary for their achievement.

The public should hold itself accountable for maintaining a vigorous interest in, concern for, and constructive criticism of the schools; for electing the most able men and women available to represent them on the School Board and in the State Legislature and U.S. Congress; and for providing the resources necessary for the Board and staff to accomplish the long term goals and objectives of the School District.

Adopted: March 1981

Revised: February 7, 2002

ABA - VOLUNTEER INVOLVEMENT

(Download policy)

Category R

Also IJOC

The Board shall encourage the involvement of citizens to fulfill the mission of the schools.

Reviewed: February 2004

Revised: November, 1999

Revised: July, 1998

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

Raymond School District Policy - AC

NON-DISCRIMINATION

It is the policy of the School Board that there will be no discrimination on the basis of age, gender, race, creed, color, religion, marital status, sexual orientation, gender identity, national ethnic origin, economic status or disability for employment in, participation in, admission/access to, or operation and administration of any educational program or activity in the School District.

The District will not discriminate against any employee who is a victim of domestic violence, harassment, sexual assault, or stalking.

The Superintendent or his/her designee will receive all inquiries, complaints, and other communications relative to this policy and the applicable laws and regulations concerned with non-discrimination.

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 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 References:

RSA 354-A:6, Opportunity for Employment with Discrimination a Civil Right

RSA 354-A:7, Unlawful Discriminatory Practices

The Age Discrimination in Employment Act of 1967

Title II of The American with Disabilities Act of 1990

Title VII of The Civil Rights Act of 1964 (15 or more employees)

RSA 186:11 XXXIII, Discrimination

RSA 275:71, Prohibited Conduct by Employer

ED 306

See Appendix AC-R

Adopted: April 21, 1988
Revised: February 7, 2002
Revised: June 6, 2012
Revised: April 6, 2016
Revised: June 19, 2019

**NON-DISCRIMINATION, EQUAL OPPORTUNITY EMPLOYMENT
and DISTRICT ANTI-DISCRIMINATION PLAN**

Category: *Priority/Required by Law*

Related Policies: *ACD, ACE, GBAA, JBAA,
JICK KED, KEE*

[†† see adoption note (c)]

ADOPTION NOTES –

This text box, and all highlights within the policy 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.*

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

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

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

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

The School District is an Equal Opportunity Employer. The District ensures equal employment opportunities without regard to age, color, creed, disability, gender identity, marital status, national origin, pregnancy, race, religion, sex, or sexual orientation. The District will employ

**NON-DISCRIMINATION, EQUAL OPPORTUNITY EMPLOYMENT
and DISTRICT ANTI-DISCRIMINATION PLAN**

individuals who meet the physical and mental requirements, and who have the education, training, and experience established as necessary for the performance of the job as specified in the pertinent job description(s).

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

C. Policy Application.

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

D. District Anti-Discrimination Plan.

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

Among other things, the Plan should include provisions, and recommendations with respect to resources, policies, complaint procedures, student education programs, Plan dissemination and training appropriate to carrying out the Plan objectives stated in the preceding paragraph.

In developing the Plan, the Superintendent is encouraged to seek input from appropriate groups of the school and local community and coordinate with the District's Human Rights [*Non-Discrimination*] Officer and Title IX and 504 Coordinators.

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

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

The Superintendent shall assure that District and or building personnel are assigned to the positions listed below. Each year, the Superintendent shall prepare and disseminate as an Appendix AC-E {**} to this Policy an updated list of the person or persons acting

**NON-DISCRIMINATION, EQUAL OPPORTUNITY EMPLOYMENT
and DISTRICT ANTI-DISCRIMINATION PLAN**

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
- N.H. Human Rights Commission
- N.H. Department of Justice, Civil Rights Unit
- N.H. Department of Education, Commissioner of Education

F. Complaint and Reporting Procedures.

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

Any employee who has witnessed, or who has reliable information that another person may have 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{**};

**NON-DISCRIMINATION, EQUAL OPPORTUNITY EMPLOYMENT
and DISTRICT ANTI-DISCRIMINATION PLAN**

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{**}.

G. Alternative Complaint Procedures and Legal Remedies.

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

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

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

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

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.

**NON-DISCRIMINATION, EQUAL OPPORTUNITY EMPLOYMENT
and DISTRICT ANTI-DISCRIMINATION PLAN**

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:

Legal References:

- RSA 186:11, XXXIII, Discrimination
- RSA 193:38, Discrimination in Public Schools
- RSA 193-F, Student Safety and Violence Protection Act
- RSA 275:71, Prohibited Conduct by Employer
- RSA 354-A, State Commission for Human Rights
- The Age Discrimination in Employment Act of 1967, 29 U.S.C. 621, et seq.
- The Rehabilitation Act of 1973, 29 U.S.C. 705 and 794
- Title II of The Americans with Disabilities Act of 1990, 42 U.S.C. 12101, et seq.
- Title IV of the Civil Rights Act of 1964, 42 U.S.C. §2000c
- Title VII of The Civil Rights Act of 1964, 42 U.S.C. 2000d, et seq
- Title IX of the Education Amendments of 1972, 20 U.S.C 1681, et seq
- NH Dept of Ed. Rule 303.01 (i), School Board Substantive Duties

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

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

NHSBA history: Revised - November 2019; September 2018; 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

**NON-DISCRIMINATION, EQUAL OPPORTUNITY EMPLOYMENT
and DISTRICT ANTI-DISCRIMINATION PLAN**

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).

w/p-update/2019 Fall//AC Non Discrimination Eq Opp 2019 (d3)

DISCLAIMER: This sample policy is copyrighted to the New Hampshire School Boards Association and is intended for the sole and exclusive use of NHSBA Policy Service Subscribers. This sample is provided for general information only and as a resource to assist subscribing Districts with policy development. School Districts and boards of education should consult with legal counsel and revise all sample policies and regulations to address local facts and circumstances prior to adoption. NHSBA continually makes revisions based on school Districts' needs and local, state and federal laws, regulations and court decisions, and other relevant education activity.

ANNUAL NOTICE OF CONTACT INFORMATION FOR HUMAN RIGHTS OFFICER, TITLE IX COORDINATOR, 504 COORDINATOR AND CIVIL RIGHTS AGENCIES

Related Policy: AC

ADOPTION NOTES –

This text box, and all highlights within the policy should be removed prior to adoption.

- (a) ***{**}*** indicates a reference to another NHSBA sample policy. A district should check its own current policies and codes to assure internal consistency.
- (b) **General** – As with all sample policies or procedural documents, 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.

Pursuant to Board policy AC{}, *Non-Discrimination, Equal Opportunity Employment, and District Anti-Discrimination Plan***, the District administration is directed to update and publish a list of current personnel and contact information for various positions and outside agencies relating to the District’s anti-discrimination policies.

DISTRICT PERSONNEL:

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

Name:
Address:

Telephone:
Email Address:

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

Name:
Address:

Telephone:
Email Address:

504 Coordinator _____ [check district policies for title]

Name:
Address:

ANNUAL NOTICE OF CONTACT INFORMATION FOR HUMAN RIGHTS OFFICER, TITLE IX COORDINATOR, 504 COORDINATOR AND CIVIL RIGHTS AGENCIES

Telephone:
Email Address:

OUTSIDE AGENCIES:

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

Office of Civil Rights, U.S. Dept of Agriculture; 1400 Independence Avenue, SW, Washington, D.C., 20250-9410; Telephone - 866-632-9992; Email – program.intake@usda.gov

N.H. Commission for Human Rights, 2 Industrial Park Drive, Concord 0330, Telephone - 603-271-2767; Email – humanrights@nh.gov

N.H. Department of Justice, Civil Rights Unit; 33 Capitol Street, Concord, NH 03301; Telephone – 603-271-1181

N.H. Department of Education, Commissioner of Education; 101 Pleasant Street, Concord, NH 03301, Telephone – 603-271-3494; Email - info@doe.nh.gov

District revision history:

When adopting this sample or variation of the same, a district should not include the NHSBA history or NHSBA policy notes appearing below. The district should, to the extent possible, include its own adoption/revision history.

NHSBA history: New policy appendix – November 2019

NHSBA revision notes, November 2019; This appendix was created to help meet statutory requirements that LEA policies include the specific name and contact information for persons serving in certain capacities (e.g., Title IX Coordinator).

w/p-update/2019 Fall//AC-E Non Discrimination Annual Personnel 2019-11 (f)

DISCLAIMER: This sample policy is copyrighted to the New Hampshire School Boards Association and is intended for the sole and exclusive use of NHSBA Policy Service Subscribers. This sample is provided for general information only and as a resource to assist subscribing Districts with policy development. School Districts and boards of education should consult with legal counsel and revise all sample policies and regulations to address local facts and circumstances prior to adoption. NHSBA continually makes revisions based on school Districts' needs and local, state and federal laws, regulations and court decisions, and other relevant education activity.

Raymond School District Policy – AC-R*

NONDISCRIMINATION: TITLE IX GRIEVANCES

Inquiries or complaints regarding compliance with Title IX may be directed to the office of Superintendent of Schools. Grievances will be processed as follows:

GRIEVANCE PROCEDURE

1. Any complaint from or on behalf of any person employed or served by the schools shall be submitted in writing, using the form provided, to the office of the Superintendent of Schools, hereafter referred to as "the designated employee." The designated employee shall without delay forward it to the person immediately responsible, i.e., department head, coach, supervisor, etc.
2. The immediately responsible person will investigate the complaint and report his/her findings and recommended remediation in writing to the grievant within five (5) school days. A copy of the report shall be sent to the designated employee who will maintain a file on all grievances.
3. If the grievance has not been remedied to the satisfaction of the grievant, he/she may then submit the complaint, with all previous communications attached, to the following parties, in the order given. Each party will have the time indicated in which to investigate and report its findings and recommended remediation.
 - a. Responsible Building Principal (5 school days)
 - b. Superintendent of Schools (10 school days)
 - c. School Board (20 school days)
4. If all else fails, the grievant may appeal to the Federal Office for Civil Rights, Department of Health, Education and Welfare, Washington, D.C. 20201.

Note: All reports submitted throughout the grievance procedure must be made out in duplicate, with all previous correspondence attached, one copy going to the grievant and one to the designated employee who shall maintain a file on all grievances. Blank grievance forms will be available in all Principals' offices in every school and in the Superintendent of School's office.

Revised: February 7, 2002

NON-DISCRIMINATION: TITLE IX GRIEVANCES

Inquiries or complaints regarding compliance with Title IX may be directed to the office of Superintendent of Schools. Grievances will be processed as follows:

GRIEVANCE PROCEDURE

1. Any complaint from or on behalf of any person employed or served by the schools shall be submitted in writing, using the form provided, to the office of the Superintendent of Schools, hereafter referred to as "the designated employee." The designated employee shall without delay forward it to the person immediately responsible, i.e., department head, coach, supervisor, etc.
2. The immediately responsible person will investigate the complaint and report his/her findings and recommended remediation in writing to the grievant within five (5) school days. A copy of the report shall be sent to the designated employee who will maintain a file on all grievances.
3. If the grievance has not been remedied to the satisfaction of the grievant, he/she may then submit the complaint, with all previous communications attached, to the following parties, in the order given. Each party will have the time indicated in which to investigate and report its findings and recommended remediation.
 - a. Responsible Building Principal (5 school days)
 - b. Superintendent of Schools (10 school days)
 - c. School Board (20 school days)
4. If all else fails, the grievant may appeal to the Federal Office for Civil Rights, Department of Health, Education and Welfare, Washington, D.C. 20201.

Note: All reports submitted throughout the grievance procedure must be made out in duplicate, with all previous correspondence attached, one copy going to the grievant and one to the designated employee who shall maintain a file on all grievances. Blank grievance forms will be available in all Principals' offices in every school and in the Superintendent of School's office.

See Policy AC

Raymond School District Policy – ACA

DISCRIMINATION, INCLUDING HARASSMENT, BASED ON RACE, COLOR, NATIONAL ORIGIN AND ANCESTRY

I. GENERAL STATEMENT OF POLICY

The Raymond School District prohibits all forms of race, color, national origin and ancestry-based discrimination, including harassment. It also prohibits retaliation as defined under this policy. The District treats retaliation as a form of discrimination under this policy.

This policy is an integral part of the District's comprehensive efforts to promote learning and equal educational opportunities for all our students, eliminate violent, harmful, and disruptive behavior and to provide a learning environment free from discrimination, including harassment and retaliation.

The District will promptly investigate all reports and complaints of discrimination, including harassment, based on race, color, national origin or ancestry, and retaliation. ¹ Any violation of this policy is a serious offense that will subject the violator to disciplinary and corrective measures, and, where appropriate, referral to a law enforcement agency.

Nothing in this policy is designed or intended, however, to limit the authority of the District or any of its schools to discipline or take corrective or remedial action in response to violent, harmful or disruptive behavior, regardless of whether this policy covers the conduct. Nor does this policy limit the authority of the District or its schools to take immediate interim disciplinary action as set forth in applicable disciplinary codes or policy. The Superintendent and school principals are authorized to delegate their responsibilities under this policy to a designee.

II. POLICY DEFINITIONS

For purposes of this Policy:

1. **"HARASSMENT"**: Harassment is unwelcome or inappropriate conduct (oral, written, graphic, electronic or physical) relating to an individual's actual or perceived race, color, national origin or ancestry that creates a hostile environment for the student. A hostile environment is created when the conduct is sufficiently severe, persistent or pervasive so that it interferes with or limits a student's ability to participate in or benefit from the district's programs or activities.

2. **"OTHER PROHIBITED CONDUCT"** means any unwelcome or inappropriate conduct (oral, written, graphic, electronic or physical) relating to an individual's actual or perceived race, color, national origin or ancestry that does not involve severe, persistent or pervasive behavior, but will likely create a hostile environment if it persists, by interfering with or limiting the ability of a student(s) to participate in or benefit from the district's programs or activities.

¹ Whenever this policy refers to any time frame, it may be extended for good cause, as documented.

3. Below are examples of violations of this policy, in circumstances where the oral, written, graphic, electronic or physical conduct has had the purpose or effect of creating a hostile environment:

A. "RACE OR COLOR HARASSMENT" includes but is not limited to unwelcome or inappropriate oral, written, electronic or physical conduct that denigrates, demeans or stereotypes a person based on his/her actual or perceived race or color, including characteristics of a person's race or color, such as racial slurs or insults, racial graffiti or symbols, nicknames based on racial stereotypes, negative comments about appearance, imitating mannerisms, taunting, or invading personal space to intimidate.

B. "NATIONAL ORIGIN OR ANCESTRY HARASSMENT" includes but is not limited to unwelcome or inappropriate verbal, written, electronic, or physical conduct which denigrates, demeans or stereotypes a person based on his/her actual or perceived national origin, ancestry, or ethnic background, such as ethnic slurs or insults, negative comments, graffiti or symbols about surnames, country of origin, customs, language, accents, immigration status, or manner of speaking.

4. "DISCRIMINATION" means treating a student or group of students less favorably, or interfering with or preventing a student from enjoying the advantages, privileges or courses of study of a school because of that student's race, color, national origin or ancestry, as protected under New Hampshire and federal nondiscrimination laws.

5. "RETALIATION" means retaliating against any person for opposing any act or practice reasonably believed to be discriminatory as prohibited by applicable law and/or this policy, or for reporting or filing a complaint, for aiding or encouraging the filing of a report or complaint, or for cooperating in an investigation of discrimination, including harassment. Retaliatory acts include overt or covert acts of reprisal, interference, punishment or harassment against an individual or group.

6. "COMPLAINANT" means a student who is the alleged victim of conduct covered by this policy, or his/her parent(s)/guardian(s).

7. "COMPLAINT" means an oral or written report by a student or his/her parent(s)/guardian(s), to a school or District employee alleging that the student has been the subject of discrimination, including harassment or retaliation, or other prohibited conduct, under this policy.

8. "REPORT" means an oral or written report to a school or District employee by anyone other than the student victim or his/her parents/guardians, alleging that a student has been the subject of discrimination, including harassment or retaliation, or other prohibited conduct, under this policy.

III. POLICY APPLICATION

This policy applies to all sites and activities the Raymond School 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 the District's Policy, "JICDA-*Student Safety and Violence Prevention.*"²

IV. REPORTING UNDER THE POLICY

Receipt of Reports

1. **School-Level:** The Principal or designee is the person responsible for receiving oral or written reports or complaints at the building level for discrimination, including harassment or retaliation, or other prohibited conduct, under this policy.
2. **District-Level:** The Superintendent or designee is the District's Title VI Coordinator to receive reports or complaints of discrimination, including harassment or retaliation, or other prohibited conduct, under this policy, against the District, a District-level employee, or a building Principal. If the report or complaint involves the Superintendent, it shall be filed directly with the School Board.

Student Reporting

3. Any student (or a parent/guardian of a student) who becomes aware of or who believes he/she, or another student, has been the victim of discrimination, including harassment or retaliation, or other prohibited conduct, in violation of this policy, is strongly encouraged to immediately report the alleged act(s) to the Principal or designee, but shall report the act(s) within ninety (90) calendar days of the alleged occurrence. The reporting time may be extended for good cause. The principal or designee shall immediately notify the Superintendent of the complaint or report. If the student is more comfortable reporting the alleged act(s) to a person other than the Principal, the student (or his/her parent/guardian) may tell any school or District employee about the alleged discrimination, including harassment or retaliation, or other prohibited conduct. That employee shall report that information to the appropriate administrator.
4. If the complaint or report is against a building Principal, it shall be filed directly with the Superintendent or designee.
5. The District encourages the reporting party or complainant to use the report/complaint form available from the Principal of each building or available from the Superintendent's office, and available on the district's Website. Use of the formal reporting form, however, is not mandatory.

Staff Reporting

6. Any Raymond School District employee, volunteer or independent contractor who witnesses, receives a complaint or report of, or has knowledge or belief that a student has been the subject of discrimination, including harassment or retaliation, or other prohibited conduct, under this policy shall inform the Principal or designee as soon as possible, but by no later than the end of that school day, and shall also transmit a written report to the Principal or designee by no later than the beginning of the next school day. If the complaint or report involves the building Principal, it shall be filed directly with the Superintendent.

² Nothing in this policy should in any way create or should be construed to create an express or implied contract.

V. PROCEDURE UPON RECEIPT OF COMPLAINT OR REPORT

1. Upon receipt of a complaint or report under this policy, the Principal or designee shall commence an investigation consistent with the provisions of Section VI of this Policy and forward a copy of the written complaint or report to the Superintendent within one school day.
2. In the event of a conflict or other circumstance that prevents the Principal and designee from investigating the report or complaint, including where the Principal and designee are directly and personally involved with a complaint or are closely related to a party to the complaint, then the Superintendent shall direct another district employee to conduct the investigation. If the report or complaint is against the Principal, the Superintendent or designee shall investigate the report or complaint.
3. After receipt of a complaint or report, the Principal or designee will attempt to identify and obtain the cooperation of the student who is the victim of the alleged conduct, if there is one. An investigation shall proceed even if a student is reluctant to fill out the designated complaint or reporting form and chooses not to do so. Even where the Principal or designee does not obtain the identity of or cooperation by the alleged victim(s), the Principal or designee will investigate the allegations, to the extent feasible.

Notification of Parents/Guardians

4. Within 48 hours (not including weekends or holidays) of receiving a complaint or report under this policy, the Principal or designee shall notify the parents/guardians of a student who has been reported as a victim and to the parents/guardians of a student who has been reported as a perpetrator. Such notification may be made by telephone, writing or in-person. The date, time, method, and location (if applicable) of such notification and communication shall be noted in the investigative 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).

Waiver of Notification Requirement

5. The Superintendent may, within a 48 hour time period (not including weekends or holidays), grant the Principal a waiver from the requirement that the parents/guardians of the alleged victim and the alleged perpetrator be notified of the filing of a complaint or 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 by the Superintendent shall be in writing to the Principal.

VI. RESOLUTION PROCESS: DETERMINING WHETHER TO APPLY THE FORMAL OR INFORMAL PROCEDURE

A. SELECTING APPROPRIATE RESOLUTION PROCEDURE

1. After the Principal or designee receives a complaint or report, (s)he shall determine whether to resolve the complaint or report through a Formal or Informal Resolution Procedure.
2. The Principal or designee shall commence a Formal Resolution Procedure and investigation under Section C, if any one of the following apply:

- (1) the complaint or report involves an allegation of severe, persistent or pervasive harassment, or other serious form of discrimination or retaliation;
- (2) there is a pending Formal Resolution Procedure against the alleged perpetrator;
- (3) the alleged perpetrator has previously been found to have violated this policy after a Formal Resolution Procedure;
- (4) the alleged conduct involves physical harm to a person or is serious enough that it may place a person at physical risk;
- (5) the incident has resulted in a criminal charge;
- (6) the alleged perpetrator is an employee, volunteer or independent contractor;
- (7) the incident involves a referral to the Division of Youth, Children & Families, Department of Health and Human Services; or
- (8) where a Formal Resolution Procedure is otherwise appropriate under the circumstances.

3. The Informal Resolution Procedure is applicable only if it involves an allegation of “other prohibited conduct,” as defined in Section II, and if the parties agree to voluntarily participate. If the parties do not agree to voluntarily participate, or an Informal Resolution Procedure is not deemed appropriate, the Principal or designee shall address the matter under the Student Code of Conduct.

B. INFORMAL RESOLUTION PROCEDURE

1. **MEETING SEPARATELY WITH PARTIES:** Where an Informal Resolution Procedure is initiated, the Principal or designee will promptly meet separately with the complainant and the alleged perpetrator (by no later than 2 school days), to review and explain the informal resolution procedures, answer any questions, and explain the prohibition against retaliation.

2. **VOLUNTARY RESOLUTION:** If appropriate, after completing any initial information gathering or investigation the Principal or designee deems necessary to reach a voluntary resolution, (s)he will propose a resolution. The Principal or designee shall invite the parents/guardians of the complainant and the alleged perpetrator to attend the resolution meeting. If the complainant, the alleged perpetrator and their parent(s)/ guardian(s) agree with the proposed resolution, the Principal will write down the resolution, and the complainant and the alleged perpetrator, and their parent(s)/guardian(s), if present, will sign it, and each person will receive a copy. At the meeting, the Principal will again explain the prohibition against retaliation. The primary focus of the voluntary resolution is to effectively correct the problem and end the reported conduct, which may include disciplinary action.

3. **FAILURE OF VOLUNTARY RESOLUTION:** If the complainant and alleged perpetrator cannot agree to an informal resolution, or if at any time after the informal resolution, the Principal or designee determines that the problem is not corrected, the Principal or designee will apply the Student Code of Conduct, under Policy JICD, or initiate a Formal Resolution Procedure.

C. FORMAL RESOLUTION PROCEDURE

Investigation-Related Procedures

1. **MEETING SEPARATELY WITH PARTIES:** The Principal or designee will promptly meet separately with the complainant and the alleged perpetrator (by no later than 2 school days), to inform them about

the formal resolution procedures and explain the prohibition against retaliation. The Principal or designee shall also ask the complainant what (s)he believes may help make him/her feel safe from discrimination, including harassment or retaliation, or other prohibited conduct, pending the conclusion of the investigation.

2. **PROMPT INVESTIGATIONS:** Upon receipt of a complaint or report, the Principal or designee shall promptly (by no later than 2 school days), initiate an investigation into the alleged act(s). The nature and duration of an investigation will depend on the circumstances, including the type, severity and frequency of the alleged conduct. The Principal will complete the investigation as soon as practicable, not to exceed ten (10) school days after receipt of the complaint or report, except for good cause (as documented in the investigatory file). If the Principal needs more than ten (10) school days to complete the investigation, the Superintendent may grant an extension of up to seven (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.

3. **INVESTIGATION ACTIVITIES:** The investigation may consist of documented personal interviews with the complainant, the individual(s) against whom the complaint is filed, and others who may have knowledge of the alleged incident(s) or circumstances giving rise to the complaint. The parties shall have the opportunity to identify witnesses and other evidence. The investigation may also consist of a visit to the incident site and review of documents and physical evidence deemed pertinent by the investigator, including information regarding any prior incident(s) committed by the alleged perpetrator. The alleged victim and alleged perpetrator will be interviewed separately. Interviews will be conducted in a manner that protects the privacy of individuals to the extent practicable under the circumstances.

4. **COMMUNICATION DURING INVESTIGATION:** The Principal will make reasonable efforts to regularly inform the complainant and the alleged perpetrator(s) and their parents/guardians of the status of the complaint, and the anticipated conclusion of the investigation, and the determination.

5. **INTERIM MEASURES TO PROTECT SAFETY:** The Principal or designee shall take reasonable steps (s)he determines is necessary and/or advisable to protect the complainant, other students, and employees, to the extent practicable, from further incidents or from retaliation pending the outcome of the investigation.

6. **VICTIM ASSISTANCE:** The Principal or designee will make appropriate referrals for victim assistance, including counseling and crisis intervention, if requested, or as needed.

7. **CONFIDENTIALITY:** The District will respect the privacy of the complainant, the alleged perpetrator(s), and the witnesses to the extent possible, consistent with this policy, federal and state civil rights laws and confidentiality laws and regulations, and with the District's Education Records Policies.

8. **FINDINGS AND RECOMMENDATIONS:** Upon completion of an investigation, the Principal or designee will evaluate the evidence and determine whether the allegations have been substantiated and whether the policy has been violated by a preponderance of the evidence. The Principal or designee will prepare a final investigative report that includes his or her findings, and when a violation is found, recommend appropriate disciplinary, corrective and remedial measures.

9. **BASIS FOR DETERMINING WHETHER POLICY VIOLATED:** In making a determination, the Principal or designee will consider all the facts and surrounding circumstances, including, for example, the context, nature, frequency and severity of the behavior, how long the wrongful conduct continued, where the incident(s) occurred, the number of persons involved in the wrongful conduct, the ages of and relationships between the parties, past incidents or patterns of behavior, and the extent to which the conduct adversely affected the education or school environment of the victim and other school community member(s).

10. **REPORTING SUBSTANTIATED INCIDENTS TO THE SUPERINTENDENT:** Upon completion of the investigation, the Principal or designee shall forward all substantiated reports under this policy to the Superintendent.

D. COMMUNICATING WITH PARTIES

COMMUNICATION UPON COMPLETION OF INVESTIGATION: Once the investigation concludes, and a determination made, the Principal or designee shall promptly notify the students involved of the findings and the result of the investigation. Within twenty four (24) hours of making the determination, the Principal will attempt to notify via telephone the parents/guardians of the alleged victim and alleged perpetrator of the results of the investigation, and will also send a letter to the parents/guardians notifying them of the results of the investigation, and, as appropriate, any action taken. The Principal shall offer a meeting to the parents/guardians. If the parent(s)/guardian(s) requests, the Principal shall schedule a separate meeting with the parties to further explain his/her findings and reasons for his/her actions. Any information provided under this policy shall be provided in accordance with the confidentiality requirements of the Family Educational Rights Privacy Act (FERPA) and other laws concerning student privacy, and the Raymond School District's Education Records policy.

VII. POST-INVESTIGATION RESPONSE

A. TAKING APPROPRIATE DISCIPLINARY, CORRECTIVE AND REMEDIAL ACTION

1. **TAKING APPROPRIATE ACTION:** If a complaint or report is substantiated, the Principal or designee shall promptly decide on the appropriate action, based on the investigative findings. Such action shall include imposing discipline and/or corrective and remedial action reasonably calculated to end the conduct, deter future conduct, and remedy the effects of the discrimination, including harassment or retaliation, or other prohibited conduct, on the student victim(s) and the school community, as applicable. Should the Principal recommend discipline more serious than a written reprimand for a school employee, such discipline is subject to review by the Superintendent.

2. The District will discipline and take appropriate action against any Raymond School District student, employee, volunteer or independent contractor who retaliates against any person in violation of this policy.

B. DISCIPLINARY CONSEQUENCES FOR VIOLATING THE POLICY

IMPOSING DISCIPLINE ON STUDENTS:

1. The District reserves the right to impose disciplinary measures or other consequences against any student who violates this policy, intentionally falsely accuses another student of violating this policy, or retaliates against any student or witness in violation of this policy.

2. Discipline of a student may include, but is not limited to, a written warning; short-term or long-term suspension, or expulsion, or any other action authorized by and consistent with the Student Code of Conduct. Students facing discipline will be afforded all due process required by law.

3. **DISCIPLINE FOR STUDENTS WITH DISABILITIES:** The District complies with the federal and state law requirements that apply to the discipline of students with disabilities, including the federal “Individuals with Disabilities Education Act” (“IDEA”) and Section 504 of the Rehabilitation Act of 1973.

4. **ACTION CONCERNING EMPLOYEES:** Disciplinary and corrective action concerning an employee may include, but is not limited to, an oral or written warning or reprimand, providing supervision and training, and suspension or termination of employment.

5. **ACTION CONCERNING SCHOOL VOLUNTEERS:** Disciplinary and corrective action concerning a school volunteer may include, but is not limited to, supervision and training, a written warning, limiting or denying access to school premises or school-related programs or activities, and suspending or terminating the volunteer relationship.

6. **ACTION CONCERNING INDEPENDENT CONTRACTORS:** Disciplinary and corrective action concerning an independent contractor may include, but is not limited to, a request to the employer of the independent contractor to train, warn, suspend or terminate its employee; limiting or denying the individual contractor access to school premises or school-related programs or activities; and terminating the contract.

7. **ACTION CONCERNING OTHER SCHOOL COMMUNITY MEMBERS:** Corrective action concerning any other school community member, including parents/guardians, and visitors to Raymond schools, may include, but is not limited to, a warning; counseling; and limiting or denying the parent, guardian or visitor access to school premises or school-related programs or activities.

C. APPLYING CORRECTIVE AND REMEDIAL MEASURES FOR STUDENTS

1. **APPLYING CORRECTIVE ACTION:** Corrective action concerning a student victim may include, but is not limited to, adopting a written safety plan to identify protective measures. Corrective action for the perpetrator may include, but is not limited to, classroom transfer; exclusion from participation in school sponsored functions, after-school programs, and/or extracurricular activities; limiting or denying access to a part or area of a school; increased adult supervision on school premises; complying with a non-contact order, parent/guardian conferences; a voluntary apology to the victim; awareness training (to help the student perpetrator understand the impact of the behavior); and/or any other action consistent with the

Student Code of Conduct.

2. **PREVENTION AND REMEDIATION:** The District will employ prevention and remediation strategies reasonably calculated to remedy the effects of the discrimination, including harassment and retaliation, or other prohibited conduct, on the victim and the school community and to provide a safe school climate. Remedial action may include providing or referring the student complainant for counseling or victim assistance services and/or tutoring; or special educational support for students with disabilities. Remedial action may also include modifying school-wide policies or practices and sponsoring anti-harassment, anti-discrimination, or related training for school staff and/or students.

VIII. APPEALS

1. **First Level Appeal for the Complainant:** The complainant may appeal the investigative determination, or the corrective or remedial action taken for him/her, if any, to the Principal or designee within ten (10) calendar days of receipt of notice of the determination. The Principal or designee will review the case and determine whether to reopen the investigation. Written notice of the Principal or designee's decision shall be provided to the complainant within ten (10) calendar days of the filing of the appeal, except for good cause, as documented in writing.

2. **Second Level Appeal for the Complainant:** The complainant may appeal, in writing, the Principal or designee's decision to the Superintendent or designee within ten (10) calendar days. The Superintendent or designee shall review the case and determine whether to reopen the investigation. Written notice of the decision shall be provided to the complainant within ten (10) calendar days of the filing of the appeal, except for good cause, as documented in writing.

3. **Third Level Appeal for the Complainant:** If the complainant is not satisfied with the Superintendent's determination, (s)he may submit a written appeal to the School Board, or its designee, within ten (10) calendar days of the Superintendent's decision, except for good cause, as documented in writing. Written notice of the decision shall be provided to the complainant within forty five (45) calendar days of the filing of the appeal, except for good cause, as documented in writing.

4. **Appeal for the Perpetrator:** A student disciplined under this policy is referred to the Student Code of Conduct and Policy JICD; and for employees, applicable collective bargaining agreements; and for students and employees, to applicable federal and New Hampshire state laws.

IX. OTHER LEGAL REMEDIES

1. 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, within the United States Department of Education, or with the New Hampshire Commissioner of Education, or may initiate a civil action. If a complaint is filed with the Office for Civil Rights, within the United States Department of Education, it 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.

A. Office for Civil Rights, U.S. Department of Education, 5 Post Office Square, Suite 900,

Boston, MA 02109-1491; Telephone number: (617) 289-0111; Fax number: (617) 289-0150; TTY/TDD: (877) 521-2172; Website: www.ed.gov/ocr; Email: OCR.Boston@ed.gov

- B. New Hampshire Commissioner of Education, New Hampshire Department of Education,
101 Pleasant Street, Concord, NH 03301-3494; Telephone number: (603) 271-3494;
TDD Access: Relay NH 711

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

Legal References

Title IV of the Civil Rights Act of 1964, 42 U.S.C. §2000c (Title IV)

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

RSA193-F:3, Student Safety and Violence Prevention Act

Adopted: June 20, 2012

RAYMOND SCHOOL DISTRICT POLICY – ACAC

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

The Superintendent shall have overall responsibility for implementing this Policy, and shall annually appoint a District Title IX Coordinator as that position is described in Section II.C, below. The name and contact information for the Title IX Coordinator shall be updated and disseminated annually with the Title IX Coordinator’s name.

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.

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;

4. Increased monitoring or supervision; and
5. Any other measure deemed necessary by the Title IX Coordinator.

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;
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 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 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
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;
 - 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 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 the Code of Conduct for New Hampshire Educators.

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 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.

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. 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 any relevant code of conduct 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”).
 7. If the report alleges sexual harassment by the Superintendent, the Title IX Coordinator will inform the School Board Chair and the Business Administrator, 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 60 days after filing the formal complaint. 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. No more than 10 days for reviewing information prior to conclusion of investigation
- c. No more than 10 days after receiving report to respond to report
- d. No more than 10 days for decision maker to allow initial questions
- e. No more than 10 days for responses to questions
- f. No more than 10 days for questions and responses to follow-up questions.
- g. No more than 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 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 concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.
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, 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 any relative 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, applicable 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
 - 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"), 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.

- 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.

Legal References:

Title IX of the Education Amendments of 1972, 20 U.S.C 1681, et seq
20 U.S.C. §1232g, Family Educational Rights and Privacy Act
34 CFR. Part 99, Family Educational Rights and Privacy Act Regulations
34 CFR 106.8, Designation of responsible employee and adoption of grievance procedures.
34 CFR 106.30, Definitions
34 CFR 106.44, Recipient's response to sexual harassment
34 CFR 106.4, Grievance process for formal complaints of sexual harassment
34 CFR 106.71, Retaliation
RSA 193:38, Discrimination in Public Schools
NH Dept of Ed. Rules Ed 303.01 (i), School Board Substantive Duties
Ed 303.01(j), Substantive Duties of School Boards; Sexual Harassment Policy

Adopted: June 2, 2021

TITLE IX SEXUAL HARASSMENT POLICY AND GRIEVANCE PROCESS

Category: Priority/Required by Law

Related Policies: AC, AC-E, GBEAB, JICK & JLF

ADOPTION NOTES –***This text box, and all highlights within the policy 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, some with yellow highlight, and some without. Those without indicate footnotes we recommend leaving in the policy, while the highlights, like highlighted in-line text, present options for districts to consider, information for the district to input, or simply, explanatory information, and should be removed. Highlighted footnotes should be removed from the approved policy.*
- (f) *Because of the numerous internal paragraph and section references (highlighted), it is important that districts take care before changing numbering and lettering of sections or paragraphs. The highlights should be removed.*
- (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.*

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

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

TITLE IX SEXUAL HARASSMENT POLICY AND GRIEVANCE PROCESS

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

B. Definitions.

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

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

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

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

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

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

“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 [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).

TITLE IX SEXUAL HARASSMENT POLICY AND GRIEVANCE PROCESS

2. Unwelcome sex-based/related conduct determined by a reasonable person to be so severe, pervasive, **AND** objectively offensive that it effectively denies a person equal access to the education program or activity (this standard requires consideration of all the facts and circumstances, including, but not limited to, the ages and disability statuses of the harasser and victim and the number of individuals involved and their authority; **OR**
3. Sexual assault, dating violence, domestic violence, or stalking as defined in state or federal law.³

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

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

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

TITLE IX SEXUAL HARASSMENT POLICY AND GRIEVANCE PROCESS

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;

TITLE IX SEXUAL HARASSMENT POLICY AND GRIEVANCE PROCESS

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;

TITLE IX SEXUAL HARASSMENT POLICY AND 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 discrimination⁴;
5. Any respondent; and
6. Any witness.

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

F. Retaliation Prohibited.

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

G. Conflict of Interest.

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

⁴ 34 CFR 106.71 (a).

⁵ 34 CFR 106.71 (a).

TITLE IX SEXUAL HARASSMENT POLICY AND GRIEVANCE PROCESS**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;

TITLE IX SEXUAL HARASSMENT POLICY AND GRIEVANCE PROCESS

- 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 Coordinator⁶ of the alleged sexual harassment.** Failure to report will subject the employee to discipline up to and including dismissal.

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

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

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

2. District Response to Report of Sexual Harassment.

The district will promptly respond when there is actual knowledge of sexual harassment, even if a formal complaint has not been filed. The district shall treat complainants and respondents equitably by providing supportive measures to the complainant⁷ and by following the Title IX

⁶ [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.

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

TITLE IX SEXUAL HARASSMENT POLICY AND GRIEVANCE PROCESS

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.⁸

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

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

TITLE IX SEXUAL HARASSMENT POLICY AND GRIEVANCE PROCESS

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

TITLE IX SEXUAL HARASSMENT POLICY AND GRIEVANCE PROCESS

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.⁹ Complaint forms may be obtained from the Title IX Coordinator *[or on the District and school websites]*.

B. Initial Steps and Notice of Formal Complaint.

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

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

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

TITLE IX SEXUAL HARASSMENT POLICY AND GRIEVANCE PROCESS

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

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

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

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

TITLE IX SEXUAL HARASSMENT POLICY AND GRIEVANCE PROCESS

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,

TITLE IX SEXUAL HARASSMENT POLICY AND GRIEVANCE PROCESS

or such other measures as determined appropriate to protect the safety of the educational environment and/or to deter sexual harassment.

D. Timeframe of Grievance Process.

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

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

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

TITLE IX SEXUAL HARASSMENT POLICY AND GRIEVANCE PROCESS

- 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

TITLE IX SEXUAL HARASSMENT POLICY AND GRIEVANCE PROCESS

Sec. III.E.2. Not more frequently than every other week, any party may request the Title IX Coordinator to obtain and provide the parties with a basic status report on the investigator's progress toward completion. In most cases, the investigator should conclude the investigation within 10-20 days [*NHSBA recommends*] after receiving a Formal Complaint.

F. Determination of Responsibility and Initial Decision Maker.

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

1. Prior to making a determination of responsibility, the initial decision maker will afford each party 10 days [*NHSBA recommends*] to submit written, relevant questions to the initial decision maker that the party wants asked of any party or witness.
2. The initial decision-maker must explain to the party proposing the questions any decision to exclude a question as not relevant. Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the question and evidence concern specific incidents of the complainants prior sexual behavior with respect to the respondent and are offered to prove consent¹³.
3. The initial decision maker will provide the questions to the party/witness, with copies to each party, and provide no less than 10 days [*NHSBA recommends*] for written responses, likewise to be provided to each party.
4. The initial decision maker will provide 5 days [*NHSBA recommends*] each for supplementary, limited follow-up questions and 5 days [*NHSBA recommends*] for answers, and may provide for additional rounds of follow-up questions, as long as the provision is extended to both parties equally.
5. The initial decision maker may not make any creditability determinations based on the person's status as a complainant, respondent or witness.
6. The respondent must be deemed to be not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.
7. The initial decision maker may impose disciplinary sanctions and remedies as described in Section III.C7, above.
8. The standard to be used for formal complaints in determining whether a violation has occurred and/or that the respondent is responsible is the preponderance of the evidence standard,¹⁴ which is only met when the party with the burden convinces the fact finder (the initial decision maker) that there is a greater than 50% chance that the claim is true (i.e., more likely than not).

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

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

TITLE IX SEXUAL HARASSMENT POLICY AND GRIEVANCE PROCESS

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.

TITLE IX SEXUAL HARASSMENT POLICY AND GRIEVANCE PROCESS

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”),¹⁵ who must have adequate training as provided in Section II.D, be free from conflict of interest as provided in Section II.G, and may not be the same person as the initial decision maker, the person who ordered dismissal, the investigator(s), or the Title IX Coordinator. Upon the appointment of the appeals decision maker, the Superintendent shall provide a Notice of Appeal to each party and to the Title IX Coordinator, with a copy of the written appeal. The Notice of Appeal must include information about all deadlines and timeframes in the appeal stage.

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

TITLE IX SEXUAL HARASSMENT POLICY AND GRIEVANCE PROCESS

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 process¹⁶ (e.g., mediation, arbitration), provided that the District:

1. Provides written notice to the parties disclosing:
 - a. The allegations of the formal complaint;

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

TITLE IX SEXUAL HARASSMENT POLICY AND GRIEVANCE PROCESS

- 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.

District Policy History:

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

Legal References:

Title IX of the Education Amendments of 1972, 20 U.S.C 1681, et seq 20 U.S.C. §1232g, Family Educational Rights and Privacy Act
34 CFR. Part 99, Family Educational Rights and Privacy Act Regulations
34 CFR 106.8, Designation of responsible employee and adoption of grievance procedures.
34 CFR 106.30, Definitions
34 CFR 106.44, Recipient's response to sexual harassment
34 CFR 106.4, Grievance process for formal complaints of sexual harassment
34 CFR 106.71, Retaliation
RSA 193:38, Discrimination in Public Schools
NH Dept of Ed. Rules Ed 303.01 (i), School Board Substantive Duties
Ed 303.01(j), Substantive Duties of School Boards; Sexual Harassment Policy

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

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

NHSBA history: New policy – June 2020.

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

TITLE IX SEXUAL HARASSMENT POLICY AND GRIEVANCE PROCESS

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.

w/p-update/2020/spring/ACAC Sexual Harassment (f) 2020-U2

DISCLAIMER: This sample policy is copyrighted to the New Hampshire School Boards Association and is intended for the sole and exclusive use of NHSBA Policy Service Subscribers. This sample is provided for general information only and as a resource to assist subscribing Districts with policy development. School Districts and boards of education should consult with legal counsel and revise all sample policies and regulations to address local facts and circumstances prior to adoption. NHSBA continually makes revisions based on school Districts' needs and local, state and federal laws, regulations and court decisions, and other relevant education activity.

SEXUAL HARASSMENT AND SEXUAL VIOLENCE
REPORT FORM

General Statement of Policy Prohibiting Sexual Harassment

The School District maintains a firm policy prohibiting all forms of discrimination based on sex. Sexual harassment and sexual violence against students or employees is sex discrimination. All persons are to be treated with respect and dignity. Sexual violence, sexual advances, or other forms of personal harassment by any person, male or female, that create an intimidating, hostile, or offensive environment will not be tolerated under any circumstances.

Complainant _____

Home Address _____

Email Address _____

Home Phone _____

Work Phone _____

Date(s) of Alleged Incident(s) _____

Name(s) of person(s) you believe sexually harassed or was/were sexually violent toward you: (Add contact info, if known: phone, email, etc.)

List any witnesses who were present: (Add contact info, if known: phone, email, etc.)

Where did the incident(s) occur? _____

**SEXUAL HARASSMENT AND SEXUAL VIOLENCE
REPORT FORM**
(continued)

Describe the incident(s) as clearly as possible, including such things as: what force, if any, was used; any verbal statements (i.e., threats, requests, demands, etc.); what, if any, physical contact was involved; what you did to avoid the situation, etc. (Attach additional pages if necessary.)

This complaint is filed based on my honest belief that _____
_____ has sexually harassed or was sexually violent to me. I hereby certify that
the information I have provided in this complaint is true, correct, and complete to
the best of my knowledge and belief.

Complainant Signature

Date _____

Received by _____

Date _____

Received by Title IX Coordinator: Date: _____ Initials: _____

Adopted: May 16, 2002
Revised: June 2, 2021 (Update call letters only)
Revised: April 20, 2022

Raymond School District Policy – ACD
COMMITMENT TO RELIGIOUS NEUTRALITY

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

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

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

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

Legal References:

New Hampshire Constitution, Part I, Art. 5
20 U.S.C. 7904 (No Child Left Behind Act of 2001)
RSA 189:1-b, Freedom of Assembly, Freedom of Religion

Adopted: December 1, 2010

Raymond School Board Policy Committee Meeting
Tuesday, November 1, 2022, 9:00 AM
SAU 33 Office
43 Harriman Hill Road, Raymond NH
AGENDA

- I. Call to Order
- II. Proof of Posting
- III. Old Business

Superintendent Evaluation

Policies updated with revisions suggested at last policy meeting:

CBI Evaluation of the Superintendent of Schools

CBI-R Superintendent Evaluation (Form)

Attendance

Raymond Policy: JH Student Absences and Excuses

NHSBA Sample: JH Attendance, Absenteeism, and Truancy

Administrator Vacations

Raymond Policy: GCEC Administrators' Vacations

No corresponding NHSBA sample policy

A poll of other SAU's resulted in a 50/50 split as to whether administrators have 20 days or 25 days.

Internet Acceptable Use Policy

We've combined the NHSBA sample policies so we have one version of each policy for students and staff, below:

GBEF/JICL-R School District Internet Access for Students and Staff

GBEF-R/JICL-R Acceptable Internet Use Procedures - Students and Staff

Safety Program

Policy updated with revisions made at a previous policy committee meeting:

EB Safety Program

IV. New Business - Review of Policies

Section A: Foundations and Commitments

Raymond Policy

AA School District Legal Status

AB The People and Their School District

No corresponding policy

AC Non-Discrimination

No corresponding policy

AC-R Title IX Grievances

ACA Discrimination, Including Harassment,
Based on Race, Color, National Origin, and Ancestry

ACAC Title IX Sexual Harassment
and Grievance Process

ACAC-R Sexual Harassment and Sexual Violence
Report Form

ACD Commitment to Religious Neutrality

ACE Procedural Safeguards - Nondiscrimination
on the Basis of Handicap/Disability

AD School District Mission and Beliefs

ADB Drug Free Workplace/Drug Free Schools

ADC Tobacco/Nicotine Products Ban

AGA Recognition for Accomplishment

No corresponding policy

NHSBA Policy

AA School District Legal Status

No corresponding policy

ABA Volunteer Involvement

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

AC-E Annual Notice of Contact Information for
Human Rights Officer, Title IX Coordinator, 504
Coordinator, and Civil Rights Agencies

AC-R Non-Discrimination: Title IX Grievances

No corresponding policy

ACAC Title IX Sexual Harassment Policy
and Grievance Process

No corresponding policy

ACD Commitment to Religious Neutrality

ACE Procedural Safeguards - Nondiscrimination
on the Basis of Handicap/Disability

AD Philosophy of the School District

ADB Drug Free Workplace/Drug Free Schools
*(We don't have GBCE referenced as identical
policy)*

ADC Prohibitions Regarding Use and
Possession of Tobacco Products, e-Cigarettes
and e-Liquids, In and On School Facilities and
Grounds
*(We don't have GBEG or JICG referenced as
identical policies)*

No corresponding policy

AE Accountability

Raymond School District Policy - ACE

PROCEDURAL SAFEGUARDS -
NONDISCRIMINATION ON THE BASIS OF HANDICAP/DISABILITY

The District provides the following Notice of Procedural Safeguards to parents/guardians, and handicapped persons, as required by 34 C.F.R. Sections 104.7, 104.8, 104.22 (4) (f), and 104.36 of the Regulations implementing Section 504 of the Rehabilitation Act of 1973.

The District does not discriminate on the basis of handicap in admission or access to, or treatment or employment in, its programs and activities.

The District provides a grievance procedure with appropriate due process rights. The Director of Special Education is the designated employee, charged with coordinating efforts to comply with Section 504. The parent/guardian of handicapped students or any handicapped person may use the grievance procedure established by the School Board.

Grievance Procedure: As the parent/guardian of a handicapped student or as a handicapped person, you have the right to notify the above designated employee with your complaint.

The designated employee will make an initial response to the complainant within ten (10) days of receipt of complaint. The parties will attempt informally to work out their differences promptly and equitably. A written record of the resolution of the complaint should be made within ten (10) working days of completion.

If that effort fails, you may (a) request that the School Board places this matter on its agenda or (b) notify the Superintendent of the complaint. You may be represented by anyone of your choosing, may present information through documents and other evidence and witnesses, and may examine witnesses presented by the School District.

Within ten (10) working days of either of the above options, a written record should be made of the decision.

Section D Procedural Safeguards: As required by Section 104.36, as the parent/guardian of a student who has handicap needs or is believed to need special instruction and related services, you have the right, with respect to any action regarding identification, evaluation, and placement, to:

1. Notice of referral/identification, evaluation, and placement process, with appropriate consent form.
2. Examine all relevant records.
3. At an impartial hearing, at any time, with respect to any actions regarding identification, evaluation, or placement of persons who need or are believed to need special education and related services, an opportunity for participation by you and representation of counsel as provided under the Individuals With Disabilities Education Act.
4. A review process.

Interested persons regarding this policy should contact the SAU Office or refer to the New Hampshire Department of Education's Procedural Safeguards.

Statutory Reference:

34 C.F.R. Sections 104.7, 104.8, 104.22 (4) (f), and 104.36 of the Section 504 Regulations

Adopted: February 7, 2002

Revised: March 8, 2017

ACE - PROCEDURAL SAFEGUARDS: NON-DISCRIMINATION ON THE BASIS OF HANDICAP/DISABILITY

(Download policy)

Category: Priority/Required By Law

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.

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 practitioners. 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.

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

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

Raymond School District Policy - AD

SCHOOL DISTRICT MISSION AND BELIEFS

Mission:

The Mission of the Raymond School District is to ensure high levels of learning for all. Through innovation and collaboration with our community, we will encourage and challenge each student with a rigorous and relevant program.

Beliefs:

We Believe:

1. Acquiring and applying knowledge and skills is a life long collaborative process.
2. Each student must be valued, challenged and encouraged.
3. Each student will excel by engaging in diverse, rigorous and relevant experiences.
4. Service to community engenders pride, ownership and sense of belonging.
5. Community support and engagement is essential to students' academic success and personal growth.
6. Students will acquire and apply thinking and problem solving skills that are creative and adaptive for success.
7. We must ensure a safe environment for all.
8. Our school community values a positive attitude, hard work, high expectations, a shared vision, and effective communication.
9. Our core purpose is to ensure high levels of learning for all students.

Parameters:

1. The Raymond School District will support and promote open, honest, and effective communication within the schools and throughout the community.
2. All decisions will be based on what is best for students.
3. Respect and tolerance of individual differences will be a guiding concern in all decisions.

Adopted: April 1996

R/R: 1/18/01

Revised: February 7, 2002

Revised: January 6, 2010

Revised: September 7, 2011

AD - PHILOSOPHY OF THE SCHOOL DISTRICT

(Download policy)

Category R

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

Legal Reference:

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

Revised: July, 2005

Reviewed: February, 2004

Revised: November, 1999

Revised: July, 1998

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

DRUG-FREE WORKPLACE/DRUG-FREE SCHOOLS

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 the 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 workplace, the specifics of this policy, including the consequences for violating the policy, and any information about available drug and alcohol counseling, rehabilitation, reentry, or other employee-assistance programs.

B. District Action Upon Violation of Policy

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

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

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

C. Drug-Free School Zone

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

D. Implementation and Review

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

Legal References:

*41 USC § 8101 Et. seq., Drug-free workplace requirements for Federal contractors, and Federal grant recipients
RSA Chapter 193-B, Drug Free School Zones
Ed. Part 316*

Adopted: July 2, 1992

Revised: February 7, 2002

Revised: May 23, 2018

Revised: July 24, 2019

ADB/GBEC - DRUG-FREE WORKPLACE & DRUG-FREE SCHOOLS

(Download policy)

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.
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

Copyright © 2008, New Hampshire School Boards Association. All rights reserved.

NHSBA sample policies are distributed for resource purposes only, intended for use only by members of NHSBA Policy Services. Contents do not necessarily represent NHSBA legal advice or service, and are not intended for exact publication.

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.

District Policy Adoption & Revision History:

First reading: _____

Second reading/adopted: _____

District revision history: _____

Legal References:

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

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

When adopting this sample or variation of the same, a district should not include the NHSBA history or NHSBA policy notes. The district should, to the extent possible, include its own adoption/revision history.

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.

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

TOBACCO/NICOTINE PRODUCTS BAN

USE AND POSSESSION IN AND ON SCHOOL FACILITIES AND GROUNDS

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

"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 as the same may be amended or replaced from time-to-time.

"E-cigarette" means any electronic smoking device composed of a mouthpiece, a heating element, a battery, and electronic circuits that provides a vapor of pure nicotine mixed with propylene glycol to the user as the user simulates smoking. 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-a as the same may be amended or replaced from time-to-time.

"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 as the same may be amended or replaced from time-to-time.

"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, E-cigarette, 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, E-cigarette, 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, E-cigarette, 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.

Statutory Reference:

RSA 155:64-77, Indoor Smoking Act

RSA 126-K:2, Definitions

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

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

Adopted: December 20, 1990

Revised: February 7, 2002

Revised: September 4, 2019

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

Category: Priority/Required by Law

*Identical policies: GBED & JICG†
Related policy: IHAMA*

ADOPTION NOTES –

This text box, and all highlights within the policy 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) {**} indicates a reference to another NHSBA sample policy. A district should check its own current policies and codes to assure internal consistency.
- (c) 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.
- (d) Withdrawn and earlier versions of revised policies should be maintained separately as permanent records of the District. Some districts maintain a "Repealed/Revised" section within their manuals.

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

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

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

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

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:

Legal References:

RSA 155:64 – 77, Indoor Smoking Act

RSA 126-K:2, Definitions

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

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

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

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

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

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

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.

w/p-update/2019 Fall/ /ADC - GBED - JICG Tobacco 2019 (d)

DISCLAIMER: This sample policy is copyrighted to the New Hampshire School Boards Association and is intended for the sole and exclusive use of NHSBA Policy Service Subscribers. This sample is provided for general information only and as a resource to assist subscribing Districts with policy development. School Districts and boards of education should consult with legal counsel and revise all sample policies and regulations to address local facts and circumstances prior to adoption. NHSBA continually makes revisions based on school Districts' needs and local, state and federal laws, regulations and court decisions, and other relevant education activity.

Raymond School District Policy - AGA

RECOGNITION FOR ACCOMPLISHMENT

The School Board appreciates the diligent effort made by its Board members, staff, student body, parents, other community leaders, and citizen volunteers in achieving the District's goals and objectives. The Board is mindful also that, frequently, there are exceptional achievements and contributions made by persons representing our schools, which favorably reflect on the whole character of our District. These are the people who accept demanding challenges and set new and higher standards of dedication for the rest to follow.

It is the Board's intent to grant official recognition for such outstanding accomplishments on behalf of the School District.

Notification of meritorious deeds that qualify for District-wide recognition will be made by the Board. Other noteworthy achievements that bring attention to the individual school will be handled by the school in accordance with its own policy.

A certificate of recognition will be sent to deserving staff members, students, citizens, and Board members with an accompanying letter from the Board Chairperson. When the occasion warrants a public presentation, certificates will be awarded at Board meetings and such other places that the Board deems appropriate.

Adopted: April 21, 1988

R/R: 5/3/84

Revised: February 7, 2002

AE - ACCOUNTABILITY

(Download policy)

Category O

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

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

Legal Reference:

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

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

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

New Policy: July 2005