Pittsfield School District
Strong Community•Strong Schools

SCHOOL ADMINISTRATIVE UNIT #51
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Bryan Lane – Superintendent of Schools

PITTSFIELD SCHOOL BOARD
MEETING AGENDA

5:30 PM August 1, 2024
PMHS Media Center
Pittsfield Middle High School
School Board Meeting

Google Meet joining information:
meet.google.com/fyd-ojeu-rqz

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3 ACTION ON AMENDED AGENDA
4. APPROVAL OF MINUTES- July 18, 2024
5. PUBLIC INPUT ON AGENDA ITEMS
6. PRESENTATION- Youth Risk Behavior Survey
7. STUDENT REPRESENTATIVE
8. PES PRINCIPAL - Mrs. White

- Community Outreach Events
- Kindergarten Camp
- Upcoming Events

8. PMHS PRINCIPAL - Mr. Hamilton

- Building Maintenance
- Handbooks
- New Teacher Orientation
- Staff Workshop Days
- Sixth Grade Orientation and Open House
- Student Attendance Proposal

- Youth Risk Behavior Survey

9. SUPERINTENDENT OF SCHOOLS
   - Hiring Summary
   - Audit Update
   - Open Enrollment
   - Permission to Suspend
   - Title IX Changes
   - Business Office
   - Free and Reduced Lunch
   - MTSS-B

10. SCHOOL BOARD

    Policy Review First Reading

    AC- Nondiscrimination/Equal Opportunity and Affirmative Action
    ACAA- Harassment of Students
    ACAA-R1-Student Discrimination and Harassment Complaint Procedure
    ACAA-R2- Student Sex Discrimination/Harassment Complaint Procedure
    ACAB- Harassment of Employees
    ACAB- R1- Employee Discrimination and Harassment Complaint Procedure
    ACAB- R2- Employee Sex Discrimination/Harassment Complaint Procedure
    JIE- Pregnant Students

    Policy Review Second Reading

    KCD- Public Gifts and Donations
    KM- Teacher-Parent Communications Regarding Student Performance
    KE- Public Complaints
    IC- School Year

11. COMMITTEE ASSIGNMENTS
    - Budget Committee
    - Drake Field and Facilities
    - Negotiations
    - Legislation
    - Foss Family Scholarship
    - Public Relations

12. PLAN AGENDA FOR NEXT MEETING

13. BOARD COMMENT

14. PUBLIC INPUT

15. ADJOURNMENT

YRBS Data Analysis

2023 Survey

Jeff Martel, Melissa Brown, Kate Price, Mike Curtin

81% (129 of 159) of Pittsfield students grades 9-12 completed the survey in 2023. Support with community projects is available through the Capital Region Public Health Network.

Ideas for using this data:

- Share the data with PMHS staff during a PD day through a facilitated discussion
- Conduct a public awareness campaign, particularly with the positive data
- Use info in health classes

Drug Use Behaviors - significant data:

Marijuana

- First time use before age 13 is nearly twice the region's average (7.9% vs 4.1%)
- First time use before age 13 for females is even higher (10.9% vs 4.5% for state)
- Current 30 day use is nearly double the region. In particular, use by 9th grade was over 20% vs the region 7.9% and state 11%

Questions/Thoughts/Considerations

- ➢ Why does our onset of use seem much higher at much younger ages?
- ➢ What's the access point?
- ➢ Why significantly higher among females?
- ➢ Does this include vape carts?

Synthetic Marijuana - small % consistent with region and state data

Pain meds without prescription - ever and current use consistent with region and state data

Cocaine - numbers were 0 or so small that data was suppressed

Inhalants - small numbers consistent with region and state data. Exception being last year's 11th grade had % more than double the state and region 13.5% vs 5.3 and 6.8

Heroin - numbers so small they were suppressed. Last year's 10th grade had some use but too small to report %

Methamphetamines (speed, crystal meth, ice) - data suppressed, use down

Ecstasy (MDMA or Molly) - 0 use reported (down from 2021 data)
Dealing Drugs at School - (any drug, offered, given or sold in the last year) -

- Overall numbers consistent with the state, but 19% seems very high
- During the years from 2019 on back, we were significantly below state average

Questions/Thoughts/Considerations

- ➢ Could this be attributed to the rise in use of Vapes?
- ➢ Need to reinstate our SAP Counselor (Student Assistance Program)

Drug Use Perceptions- significant data

Public Messaging to avoid alcohol or drugs

- Significantly lower in Pittsfield every year since 2017

Questions/Thoughts/Considerations

- ➢ What school-wide and/or community-wide messaging exists?
- ➢ Health classes - are projects displayed to other students other than at exhibition?
- ➢ Lack of SAP counselor who would often maintain bulletin board and promote positive messaging about drug abstinence, as well as working with dozens of students every year, and supporting our Health education classes

Perception of harm from misuse of prescription drugs -

- Significantly higher, particularly among males in 2023

Questions/Thoughts/Considerations

- ➢ Possibly due to number of overdoses and deaths from overdoses of family members

Friends think it would be wrong to smoke marijuana -

- Significantly lower among our 9th graders in 2023 (34% vs 60% region and state)

Questions/Thoughts/Considerations

- ➢ This data is consistent with the early onset of marijuana use in Pittsfield. Typically, the younger the youth, the more likely they believe use is wrong
- ➢ What are we offering at PES and PMHS 6th grade/middle school for substance misuse education?
- ➢ Can we get our SAP back?

My parents feel it would be wrong for me to smoke marijuana -

- Significantly lower than region and state, especially with females and 9th graders
- Data consistent since 2017

Questions/Thoughts/Considerations

- ➢ Parent tolerance and acceptance of student use of marijuana may be a major contributing factor to early onset of use.

- ➢ What information is included in parenting programs that address this? ie do parents give up on not allowing kids to use marijuana? How can parents who use marijuana deny their own children access? How is marijuana use in children perceived to be different from children using alcohol? How many parents introduce their children to weed? How many smoke with their children?

My parents feel it would be wrong for me to misuse prescription drugs -

- Data consistent with region and state and over 90%

Questions/Thoughts/Considerations

- ➢ Markedly different from marijuana use.

Easy to get marijuana -

- Significantly higher among females 37% vs region, state, and males

Questions/Thoughts/Considerations

- ➢ Why would females have easier access? What might this have to do with dating/sexual behaviors?
- ➢ Other explanations?

First drink of alcohol before age 13 -

- Historically, it has been significantly higher in Pittsfield.
- Significantly higher among females compared to region, state and Pitts males

Questions/Thoughts/Considerations

- ➢ This is similar to onset of marijuana use

Current alcohol use -

- Similar to region and state
- Significantly higher in females than males
-

Questions/Thoughts/Considerations

- ➢ Why might drug and alcohol use be consistently higher in females than males

Binge drinking -

- Has come way down over last three surveys (5 years)

Access to alcohol -

- Females report that someone gave them alcohol at much higher rates (43.8%) than males (data suppressed because it was so low).

Questions/Thoughts/Considerations

- ➢ Need to reinstate our SAP Counselor (Student Assistance Program)

Sexual and Dating Violence - Significant data

Students who were forced to have sexual intercourse when they did not want to -

- Historically, Pittsfield shows significantly higher rates (1.5x - 2x) than the region and state (except 2019 survey)
- This number is true for most all grades
- Pittsfield females report this at a rate of 27% (compared to 14% region and state)

Questions/Thoughts/Considerations

- ➢ MC Advocacy Center has shared that Pittsfield rates of sexual assaults/sexual abuse are higher and often far more complex situations than that of other towns
- ➢ A quarter of our females may be coming to school with sexual trauma. It's likely that the actual numbers are higher.
- ➢ Need for more mental health services and access to those services
- ➢ What sorts of prevention work can we as a school provide, PMHS and PES, for example - working with the CAC to provide training for students. What's available for PES? Other agencies... Rape & Domestic Violence Crisis Center... Concord Regional Health Care, PATCH Clinic... other?

Sexual Risk - Behaviors

Ever had sexual intercourse -

- Significantly higher rates, historically between 40% - 50% overall.
- Rates among 9th graders more than double the state and region (33.3% vs 15% for region and state)

Questions/Thoughts/Considerations

- ➢ Underage sex is very high
- ➢ Are some of the students who report ever having sexual intercourse including non-consensual sex?

Suicide, Sadness and Helpslessness

Ever in last year felt sad/hopeless almost every day for two or more weeks in a row that stopped doing usual activities (Depression question)

- Over 50% of our students report depressed (37% and 39% state and region)
- Female is over 62%, Male 43%

Considered attempting suicide in the past 12 months (Suicidal Ideation)

- Nearly 30% of our high school students reported this (State & Region about 20%)

Seriously Considered with a plan

- 24% (State and Region was 16% and 15%)

Attempted Suicide in past 12 months

- 13% (State 8% Region 7%)

Questions/Thoughts/Considerations

- ➢ Shows need for better access to mental health services, as well as prevention programs
- ➢ Wonder how recently implemented/use of 988 Rapid Response has/will influence these numbers for the next round of YRBS
- ➢ Can we educate students on how to use the National Suicide Prevention Hotline? Rather than believing that it's self explanatory
- ➢ Hire a second school counselor
- ➢ Try bringing more therapists into the building (check with Warren St. Family Counseling...etc.)

Tobacco Use - Behaviors - Significant Data

Ever Smoked a cigarette

- 20% vs 13% region and 15% state
- Current Cigarette use is way down (so low data is suppressed)

Ever used a **Vape Product**

- 33% (#s have been as high as 57% in 2019)
- 16% Current use
- Students do NOT buy them themselves at any stores
- 60% of students who use vapes (or other tobacco products) have tried to quit in the last year
- Daily use of vape products is way down (6.8%), Use most days (8.5%)

Questions/Thoughts/Considerations

- ➢ For the percentage of students who do use vapes, the amount and urgency of use seems to indicate addiction
- ➢ Vapes are bought/sold, traded and even stolen between/among students.
- ➢ Can we **purchase and install sensors/monitors** to help eliminate the issue at school. If students can go an entire school day without using a vape, they'd be less likely to use at all.
- ➢ Need to reinstate our SAP Counselor (Student Assistance Program)

Vehicle and Bicycle Safety

Rarely or Never wore a bike helmet over the last year

- 68% (vs 46.5% for region, 55% for state)
- We are historically higher than region and state for this question

Did not always wear seat belt (when riding in vehicle driven by someone else)

- Our boys were about even with region and state, but 51% of our girls report not wearing seat belt (vs 28% and 34% region and state)
- Student drivers are more closely aligned to region and state averages

- Our students have been less likely to get in a vehicle driven by someone who was drinking
- Our students are more likely to get in a vehicle by someone who has been smoking marijuana

➢ Need for education, not just from our students who drive, but all others. Is this info included in our health classes?

➢ Seat belt challenge activity during Wellness fair

Physical Inactivity and other Unhealthy Dietary Behaviors

Percentage of students who were overweight and percentage who were obese

- Overall Pittsfield #s were slightly elevated, but even more so for % of Pittsfield females who were overweight and percentage of Pittsfield males who were obese
- Screen time was on par with the rest of the state

Questions/Thoughts/Considerations

➢ Is this a function of nutrition? Physical activity? Something else?

Other Health Risks

Percentage of students who describe their grades as mostly A's and B's

- 50-55% of Pittsfield students consistently describe themselves this way, vs about 70-80% of students in the region and state

Questions/Thoughts/Considerations

➢ Is this a function of our grading scale commonly talked about in terms of 2.5's, 3's and 4's, or do students understand what converts to A's and B's and they just don't perform as well as the rest of the state?

➢ Continue "homework club" and other academic supports

Pittsfield School District

To: Pittsfield School Board
From: PES Administration, Kristen White and Barbara Kelly
Subject: Board Meeting – August 1st, 2024
Date: July 26th, 2024

INFORMATION:

Community Outreach Events:

This summer, PES students and staff built on last year's theme, "Better Together," by participating in community outreach activities that connect us as a team to foster continued learning, growth and connection.

Old Home Day Float - Summer school students participated in various educational and creative activities leading up to the float creation for the Old Home Day parade. They made paper chains and flowers filled with math facts, sight words, and positive affirmations. We highlighted the New Hampshire Adventure Challenge theme to encourage students to promote their creativity and educational progress through a "Day at the Pool." We truly enjoyed collaborating with PMHS and look forward to making this a yearly tradition for our district.

We extend our gratitude to Joe Darrah for his generous support and providing the space needed for decorating the float. A special thanks to Wyatt, our Panther for the day, whose positive attitude and outgoing personality added to the fun. We also appreciate the PMHS students for serving as positive role models for PES students. Seeing the joy in our students' faces as they interacted with friends and family on the float was truly heartwarming.

Popsicles on the Playground - On July 19th, we hosted the first annual Popsicles on the Playground event to stay connected and support the community. The event provided opportunities for children to play and socialize, aiding in their social and emotional development, and encouraged outdoor physical activity. It also increased community engagement, fostering a sense of belonging and pride. Fifteen people joined us to enjoy the playground, create a popsicle shop with their imaginations, meet new friends, and connect families.

Kindergarten Pool Day - On July 13th, we hosted the Second Annual Kindergarten Pool Day. Incoming kindergarten students and their families were invited to join Mrs. Smith, Ms. Price, and me at the Town Pool. The event focused on helping new families connect with each other and the school community, providing information about PES, the PTO, upcoming school events, and Kindergarten Camp.

Activities included swimming, snacks, and informational sessions. The event facilitated connections among new students and families, easing the transition into kindergarten and building early relationships with teachers and staff. Eight families attended, easing their transition into kindergarten and building early relationships with staff.

These events were tremendous successes and reflect our commitment to fostering a love for learning, community connections, and teamwork. We are proud of our students' achievements and grateful for the support from staff and community members. Through collaboration, we created valuable opportunities for our students to grow and thrive.

Kindergarten Camp:

We are excited to welcome incoming kindergarten families to PES for the 2024-2025 school year. Our Kindergarten Summer Camp will be held in two separate sessions to accommodate all families: Session 1 is from July 29th to August 1st, and Session 2 is from August 5th to August 8th. The camp is designed to help children transition smoothly into the school environment and routines. It will include exploring the classroom, learning about classmates, classroom routines, Rainbow activity centers, and assessments. During this time, our kindergarten team will be performing academic assessments on students to better understand who they are as learners and to set them up for success.

Kindergarten Camp plays a vital role in easing the transition for young children entering elementary school. It provides a structured environment for building friendships, emotional preparation, and socialization. Children become familiar with the school layout, including classrooms, playgrounds, and bathrooms, and adapt to daily routines, making the transition smoother. The camp offers early exposure to the curriculum, including basic literacy and numeracy skills, through fun and engaging activities that foster a love for learning.

Additionally, Kindergarten Camp allows parents/guardians to meet our kindergarten teachers and school staff, creating a supportive partnership and sharing important information about school policies and ways to support their child's learning at home. Activities at the camp enhance children's readiness for school by developing fine and gross motor skills, social skills, and self-regulation, building confidence and positive attitudes towards school. Our staff can identify any learning or social-emotional needs early on, allowing for timely interventions, and fostering a sense of community among new students, families, and school staff.

On the Thursday of each camp week, we invite all Kindergarten families to a special luncheon at 11:00 AM. This event allows families to experience school lunchtime, meet other families, connect with educators, and learn about drop-off and pick-up procedures. PES will provide lunch, and a signup sheet will be sent home on the first day of camp for attendance confirmation. During the luncheon, we will provide families with information about pick-up, drop-off, our PTO, and other school resources. Kate Price, our Family Service Coordinator, will also be available to provide families with additional resources and support.

We are grateful for our kindergarten team, office staff, and Lynn Marston for all their hard work to ensure great communication, a smooth transition to kindergarten, and their support to our families.

Breakfast and Lunch for Preschool Students: Preschool programs at schools must follow the New Hampshire Department of Health and Human Services (DHHS) licensing requirements, including

those for providing meals. Charlene, Wanda Mullen, Bonnie Perry, and I have reviewed the state RSA 170 regulations to ensure we meet these standards for offering breakfast and lunch to our preschool students.

Preschool students at PES will have the option to purchase breakfast during AM sessions and lunch during PM sessions. The cost of these meals will be the same as for students in grades K-5, and the portion sizes will also be consistent with those provided to older students, maintaining high standards of quality and nutrition. Our preschool staff will assist children with their meals, helping them develop independence while ensuring they receive balanced nutrition. Meals will be served in the classrooms to provide a comfortable and familiar setting.

We encourage all families to complete the free and reduced lunch applications to see if they qualify for assistance. Kate Price, our Family Support Coordinator, is available to help families with the paperwork. Our school community is here to support families throughout this process and ensure they receive the help they need.

We extend our heartfelt gratitude to the team for working together to do what is best for our students.

Calendar of Upcoming Events:

- Monday, July 29th - Thursday, August 1st - Kindergarten Camp Session 1
    - Family Luncheon - Thursday, August 1st - 11:00 AM
- Thursday, August 1st - School Board Meeting-
    - 4:30 - PES Facilities Walkthrough
    - 5:30 PM- PMHS Media Center
- Saturday, August 3rd - Balloon Rally - PES PTO will have a Dunk Tank to raise funds for PES
- Monday, August 5th - Thursday, August 8th Kindergarten Camp Session 2
    - Family Luncheon - Thursday, August 5th - 11:00 AM
- Monday, August 12th - Bus Driver Meeting - 9:00 AM - PES Library
- Thursday, August 15th - School Board Meeting- 5:30 PM- PMHS Media Center
- Monday, August 19th - Tuesday, August 20th - New Staff Orientation 8:00 AM- PMHS
- Wednesday, August 21st - Staff Welcome Back Workshop - 8:00 AM
- Thursday, August 22nd - Staff Workshop - 12:00 PM
    - Back to School BBQ - 5:30 PM
    - Open House - 6:00 PM - 7:00 PM
- Friday, August 23rd - Special Education Meetings- 8:00 AM
- Monday, August 26th - First day of school 7:45 AM
- Wednesday, August 28th - Early Release- 12:15 PM
- Friday, August 30th - No School
- Monday, September 2nd - No School - Labor Day

Pittsfield School District

To: Pittsfield School Board

From: Derek Hamilton & Melissa Brown, PMHS Administration

Subject: Board Meeting – August 1, 2024

Date: July 25, 2024

INFORMATION

1. Building Maintenance & Security Improvements. Our custodial staff has been working hard throughout the summer to clean classrooms, office spaces, and hallways. The deep clean primarily includes wiping down all windows, desks, and chairs, and stripping and waxing floors. We have carpeted areas in the library, lecture hall, and music room that are being washed and the gym floor will also be refinished.

   Our IT Manager, Bill Carr, has been working hard over the past several months to upgrade our surveillance system and to install a blue light system with panic alarms. We have added an intercom and door control system to the front doors that will support a dual entry system to PMHS. We have also updated the numbering and lettering identification on exterior windows and doors, our building evacuation maps, and Open Campus and Emergency Management protocol posters. Mr. Dawson, our facility manager, and Mr. Carr are looking forward to our building walk through with School Board members on August 15 at 4:30 p.m. to showcase this work and to identify building and security projects for future consideration.

2. Handbooks. We are in the process of updating our Student & Family and Staff Handbooks for the 2024-2025 school year. While the majority of the work has been general housekeeping, we are considering changes to the student attendance policy (see below), the portable device (cell phone) policy, and Honor Roll policy. We will have these handbooks prepared for your review and approval at the August 15 School Board meeting.

3. New Teacher Orientation. On August 19-20 we will welcome the following PMHS teachers at our district-wide New Teacher Orientation:

   - Wade Sauls, Sixth Grade Math and Science
   - Amy Bilodeau, Seventh Grade Case Manager
   - Evan Whitfield, MS/HS Music Teacher
   - Allyson Poulin, MS/HS Art Teacher

   Staff members that are moving into new roles will also be joining us for one or both days of the orientation program. We will cover a wide variety of district-wide and building specific topics. Teachers will be introduced to our district mission, vision, and core values and will have an opportunity to learn more about our school curriculum, assessment practices, and advisory program. Each new teacher will also be assigned to a mentor and time will be provided over the two-day induction program for new teachers and mentors to work together.

4. Staff Workshop Days. On August 21-22 we will welcome all new and returning staff members to prepare for the opening of the new school year. These two days provide invaluable time for colleagues to reconnect with one another and meet new staff members, establish goals and priorities for the school year, and to foster a supportive and positive school culture. The primary agenda topics over the two days include:

    - Advisory Planning Meetings
    - Common Planning Time Meetings
    - Emergency Preparedness
    - Health Services Training
    - Title IX Training
    - School District Polices & Procedures
    - School Improvement Goals

    Staff members will also have time to prepare their classrooms and office spaces for the start of the school year and our district-wide Open House on August 22.

5. Sixth Grade Orientation & Open House. On August 22 we will hold our Sixth Grade Orientation from 4:30-5:30 p.m., which will be followed by the district-wide Open House and barbecue from 5:30-7:00 p.m. The Sixth Grade Orientation program will be an opportunity for students and families to meet the sixth grade teachers and support staff, to review important information, and to give students an opportunity to familiarize themselves with the school building and resources. The Open House for 7-12 grade students and families is an opportunity for students to walk through their class schedule, meet teachers and advisers, and to ask questions. School administrators will also be hosting drop-in information sessions for all students and families.

6. Student Attendance Proposal. This past school year a focus group of staff members, which Mrs. Brown worked closely with, reviewed student attendance data, our past and current student attendance policies, and other student attendance policies in New Hampshire schools. As you may know, chronic absenteeism (18 or more unexcused absences) has nearly doubled (from 15% to 30%) since the pandemic at both the national and local level. Our efforts to engage students and families have resulted in some positive changes, but absenteeism rates continue to negatively impact student performance.

    The result of the focus group study was to emphasize and more strictly enforce the language around excused absences. For example, we relaxed the policy of requiring doctor's notes for an illness during and after the pandemic, which has contributed to increased absenteeism rates. While it was necessary at one time, we are at a point now where it can be more strictly adhered to (see criteria for excused absences in the enclosed policy). Additionally, the focus group considered going back to a seat time requirement in order for a student to earn credit in a class. Rather than take a step back and reinstate a practice that would conflict with the spirit of a competency-based approach, the focus group recommended the following language be added to our student attendance policy:

    Students who have 10 or more unexcused absences in a class will receive an attendance failure. This means that a student can earn credit for the class as long as they are passing all competencies, however the attendance failure will negatively affect

their GPA. Additionally, a student who has 10 or more unexcused absences, who is not passing all competencies, will not be eligible for competency recovery.

This proposal has been reviewed and approved by the PMHS Site Council. At this stage, we are proposing this language change to the School Board as a first review on August 1, and for second review and potential action on August 15, for this to take effect at the beginning of the 2024-2025 school year. If this proposal is approved, the communication of the existing policy and procedures, along with the new criteria, will be a high priority and communicated to students and families through mailings, email (Alma), the school website, at Open House, and during the opening weeks of school.

7. Youth Risk Behavior Survey. The Youth Risk Behavior Survey (YRBS), sponsored by the New Hampshire Department of Education and the Department of Health and Human Services, collects information from 9-12 grade students about health behaviors. The survey asks about nutrition, physical activity, injuries, and tobacco, alcohol, and other drug use. It also includes questions about sexual behaviors that could lead to pregnancy and sexually transmitted infections. A team of staff members, including Mrs. Brown, Mr. Martel and Mr. Curtin (our school counselors), and Ms. Price (our family support coordinator) reviewed the results of 2023 YRBS survey this spring. Please see the enclosed summary and recommendations in your Board packet. At the Board meeting, Mrs. Brown and others will walk you through the data and potential action steps we can take to support our students and families.

Pittsfield School District

ATTENDANCE, ABSENTEEISM, AND TRUANCY

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. ***Documented 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.

****A documented illness is determined with the recommendation from a physician or medical practice. Ongoing medical conditions, such as asthma, should be documented in the nurse's office. Absences due on-going medical conditions are considered documented and do not need multiple verifications from a doctor or medical practice.***

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/guardians must call the school and inform the district of the student's illness and absence within two hours of the start of the school day. The principal may require parents to provide additional documentation in support of their written notice including, but not limited to, doctors' notes, court documents or other documents supporting the claimed reason for ***an excused absence. The decision of the Principal is final in determining "other good cause".***

Family Vacations / Educational Opportunities. Generally, absences other than for illness during the school year are discouraged. The 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 submit a family vacation / educational opportunity request form to the principal at least two weeks prior to the planned trip for absence(s) to be considered excused. This advance communication will allow teachers enough time to work with parents and the student regarding homework completion.

Student GPA / Eligibility for Competency Recovery (PMHS). Students who have 10 or more unexcused absences in a class will receive an attendance failure. This means that a student can earn credit for the class as long as they are passing all competencies, however the attendance failure will negatively affect their GPA. Additionally, a student who has 10 or more unexcused absences, who is not passing all competencies, will not be eligible for competency recovery.

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 constitute habitual truancy. A half-day absence is defined as a student missing more than 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 designee is hereby designated as the district employee responsible for overseeing truancy issues.

Chronic Absenteeism. Chronic absenteeism is defined as being absent from school for ten percent or greater of the academic year for any reason, including both excused and unexcused absences, suspensions, and time missed due to changing schools. Based on a 180-day school year, being absent for eighteen or more days in a school year is considered chronic absenteeism.

The principal or designee is designated as the district employee responsible for overseeing chronic absenteeism issues. A student that is considered chronically absent from school will be referred to the intervention process.

Intervention Process to Address Truancy and Chronic Absenteeism. The principal or designee shall ensure that the administrative guidelines on attendance properly address the matter of truancy and chronic absenteeism by including a process that identifies students who are habitually truant or chronically absent, as defined above.

When the principal or designee identifies a student who is habitually truant is in danger of becoming habitually truant, chronically absent, or in danger of becoming chronically absent, he/she shall commence an intervention with the student, the student's parents / guardians, and other staff members as may be deemed necessary. The intervention shall include the 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 or chronic absenteeism;

3. Involves the parents in the development of a plan designed to reduce the truancy or chronic absenteeism; and

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.

Parental Involvement in Truancy Intervention and Chronic Absenteeism. When a student reaches habitual truancy status, ~~or~~ is in danger of reaching habitual truancy status, has reached chronically absent status, or is in danger of reaching chronically absent status, the principal will send the student's parent/guardian a letter which includes:

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

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/guardians and the principal and/or his/her designee(s) to discuss the student's truancy and to develop a plan for reducing the student's truancy.

Developing and Coordinating Strategies for Truancy Reduction and Chronic Absenteeism. The Board encourages the administration to seek truancy-prevention, ~~and~~ truancy-reduction, chronic absenteeism-prevention, and chronic absenteeism-reduction strategies along with 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 and chronic absenteeism-prevention strategies based on the early identification of truancy, such as prompt notification of absences to parents/guardians.

2. Assist school staff to develop site attendance plans by providing development strategies, resources, and referral procedures.

Parental Notification of Truancy and Chronic Absenteeism 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 principal 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.

Reading:	September 3, 2009
Adopted:	September 17, 2009
Reading:	September 9, 2010
Revised:	September 22, 2010
Reviewed:	January 15, 2015
Amended:	December 20, 2018
Reviewed:	March 17, 2022
Revised:	January 5, 2023

Pittsfield School District
Strong Community • Strong Schools

SCHOOL ADMINISTRATIVE UNIT #51
23 Oneida Street, Unit 1
Pittsfield, New Hampshire 03263
Phone: (603) 435-5526 • Fax (603) 435-5331
Bryan Lane – Superintendent of Schools

SUPERINTEDENT'S REPORT
August 1, 2024

As of the writing of this report, the following is the status for hiring for the upcoming school year:

Position	Budged Salary/Benefits	New Hire	New Salary/ Benefits	Variance
Kindergarten teacher	$ 93,148	Hailey King	$ 47,893	$ 45,254
First Grade Teacher	$ 50,289	Maura Burns	$100,567	$(50,728)
SPED PMHS	$ 98,426	Darien Stratton	$ 50,289	$ 48,137
SPED PMHS	$ 79,950	Ken Leonard	$ 48,479	$ 31,471
Bus. Manager	$120,.366	Rheanna Anderson	$106,392	$ 13,944
Adm. Asst. SAU	$ 91,739	Krystal Santos	$ 83,702	$ 8,037
Adm. Asst. PES	$ 95,765	Dusty Durant	$ 90,639	$ 5,126
Grade 6 Teacher	$ 48,869	Wade Sauls	$ 71,471	$(22,872)
PMHS Music	$ 73,772	Evan Whitfield	$ 71,167	$ 2,605
Art PMHS	$ 71,506	Allyson Poulin	$ 48,480	$ 23,206
SPED PES	$ 73,506	Contracted Serviced	$96,400	$(22,894)
Elementary Teacher	$ 70,380			
Reading Specialist	$ 95,000			

Currently, there is a surplus in salaries and benefits of $95,736 with all current hires. As of the writing of this report, there are no new nominations for the Board. With no applications being received for the elementary school position, the administration is considering moving Barbara McGrath from a Title I position to a classroom teacher to fill this position. I will be putting a portion of the Contracted Service Special Education Case manager's cost, $23,600 into the Special Education grant. We cannot receive Medicaid reimbursement for this service

The audit being conducted by Plodzik and Sanderson is ongoing. I will keep the Board informed of their progress.

I received documentation from the Commissioner's Office on Wednesday July 25 that the State Board has denied the District's request to rehear the district's argument in regard to the Open Enrollment decision. I forwarded an email to you from our legal counsel indicating that she has 30 days to submit documentation to the State Supreme Court with the District's request to appeal the decision of the State Board. I have included a copy of that letter in the Board Packet.

I am requesting that the Board give permission for specific administrators to suspend student in accordance with RSA 193:13. That requested motion is in a document in the Board packet.

After attending training in regard to Title IX, legal counsel from Drummond and Woodsum have informed the District that there have been changes to the Title IX regulations that go into effect on August 1, 2024.

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Strong Community• Strong Schools

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Bryan Lane – Superintendent of Schools

It is the recommendation of legal counsel to repeal Policy ACAC in our current policies and replace it with the first reading policies in the agenda for this meetings.

The Business Manager has been working to clearing up issues that were discussed at the last Board meeting. As of the writing of this report 50 % of the reports to the NHRS have been updated and completed. I will keep the Board updated on progress as it is made.

Information for Free and Reduced Lunch applications will be sent out to parents by August 5. Information will also be available for parents at Kindergarten Camp and open house events.

The administrative staff met with Stefanie King, DOE representative, to work out a long range plan on implementing an MTSS-B (multi-tiered student support- behavior) plan on Wednesday July 25.

Kate Cassady
Littleton

Ann Lane
Dover

Phil Nazzaro
Newmarket

Drew Cline, *Chair*
Bedford

Ryan Terrell
Nashua

Jim Fricchione
Windham

STATE OF NEW HAMPSHIRE
STATE BOARD OF EDUCATION
25 Hall Street
Concord, NH 03301
TEL. (603) 271-3144

May 31, 2024

(*sent via electronic and certified mail*)

Mr. Mike Cabral
(Jolesarge@protonmail.com)
43 Tan Road
Pittsfield, NH 03263

Bryan Lane, Superintendent
(blane@sau51.org)
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Soule, Leslie, Kidder, Sayward & Loughman, PLLC
P O Box 908
Wolfeboro, NH 03894

RE: Student/Pittsfield School Board ~ SB-FY-24-11-013

Dear Parties:

The State Board of Education's Final Order in Student/Pittsfield School Board ~ SB-FY-24-11-013 is enclosed.

Sincerely,

Drew Cline, Chair
State Board of Education

Enclosure

Kate Cassady
Littleton

Ann Lane
Dover

Phil Nazzaro
Newmarket

Drew Cline, *Chair*
Bedford

Ryan Terrell
Nashua

Jim Fricchione
Windham

STATE OF NEW HAMPSHIRE
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Student/Pittsfield School Board
SB-FY-24-11-013

Final Order Date: May 31, 2024

CLINE, CHAIR.

[¶1] M.C. and T.C. (the "Parents") appeal a decision by the Pittsfield School Board (the "School Board") to uphold a decision of the superintendent of the Pittsfield School District (the "District") that denied the Parents' request for the District to cover their child's tuition to Prospect Mountain High School ("Prospect") as per RSA 194-D:5, I (Supp. 2023). We reverse.

[¶2] We have reviewed the record in this case and the hearing officer's Report[1]. At our meeting on April 11, 2024, we rejected the Report. We now reverse that decision in part to explicitly accept only the hearing officer's proposed findings of fact nos. 1-18, and otherwise affirm our rejection of the remainder of the Report, including the hearing officer's rulings of law nos. 1-3, the Report's discussion section, and the hearing officer's two recommendations. *See Appeal of Rye Sch. Dist.*, 173 N.H. 753, 761 (2020) (the State Board may accept "a hearing officer's factual findings but disagree[] with the hearing officer's interpretation of those facts and his ultimate conclusions based thereon.").

FACTUAL BACKGROUND.

[¶3] The following facts are taken from the hearing officer's Report and supplemented as needed from the record before us. The Parents and their child ("E.A.") live in the District. The District operates Pittsfield Middle High School, where E.A. attended ninth grade during the 2022-2023 school year. The district anticipated that E.A. would attend Pittsfield Middle High School for tenth grade during the 2023-2024 school year; *however*, sometime before August 2023, E.A. applied for

admission to Prospect and was accepted into its tenth-grade class for the upcoming 2023-2024 school year.

[¶4] In mid-August 2023, the District superintendent received a letter from the Prospect superintendent informing the District that four (4) District students, which included E.A., had applied to and were accepted by Prospect for the 2023-2024 school year and offering to meet with the District superintendent to discuss tuition agreements. On August 25, 2023, the Prospect superintendent received a response from the District superintendent informing him that the District's voters have not adopted RSA chapter 194-D and "[t]herefore, it does not apply to [the District] or its students." The District superintendent also wrote that "[i]f [District] students want to attend [Prospect], their parents/guardians will be responsible for the tuition; the [District] will not." E.A. began attending tenth grade at Prospect in September 2023.

[¶5] Dissatisfied with the District superintendent's response to the Prospect superintendent, the Parents wrote to the School Board on September 25, 2023, to appeal the District superintendent's decision that District "students may not attend an [o]pen [e]nrollment school under RSA 194-D[]" and asking the School Board to order the District superintendent to "cooperate in all ways with [E.A.]'s attendance at [Prospect], including [...] sharing records and paying tuition." After reviewing a copy of the Parent's September 25, 2023 letter to the School Board, the District superintendent wrote to the Parents on October 3, 2023, informing them that he had not decided whether District students could attend "another school[,]" only that the parents or guardians of District students attending Prospect will be responsible for paying their children's tuition to attend Prospect, not the District.

[¶6] During its meeting on October 5, 2023, the School Board took up and unanimously voted to deny the Parent's request for the District to pay E.A.'s tuition to attend Prospect. On October 10, 2023, the District superintendent wrote to inform the Parents that the School Board had unanimously voted to deny their request to pay E.A.'s tuition to attend Prospect and that the School Board had directed him to share the District legal counsel's analysis of RSA chapter 194-D with them, which stated that:

> "RSA 194-D:3 allows any school district to adopt an open enrollment school program following the process set forth in RSA 194-D:3. However, both the sending and receiving districts must adopt the statute before being bound by it. Adoption requires a majority vote in an annual or special school district meeting. When adopting the statute, a sending district must also establish a limit on the number of its resident pupils who may attend open enrollment schools. RSA 194-D:3(c)(1). If no limitation is adopted, the

> number of sending district students who may enroll in open enrollment schools is zero. [*sic*] 194-D:3(c)(2).
>
> Pittsfield School District has not adopted the open enrollment statute. Therefore, it does not apply to Pittsfield or its students. If Pittsfield students want to attend [Prospect], their parents/guardians will be responsible for the tuition; Pittsfield School District will not."

(*See* Sch. Dist. Exh. 12).

The District superintendent also informed the Parents that E.A.'s records had been previously transmitted to Prospect. (*See id.*)

[¶7] On November 20, 2023, the New Hampshire Board of Education (the "State Board") received the Parents' appeal from the School Board's decision. The appeal was docketed and assigned to a hearing officer per N.H. Admin. R., Ed 206.03(a)(1). On December 14, 2023, the hearing officer held a pre-hearing conference, during which the parties agreed to narrow the issues on appeal to:

> "whether a sending school district must formally adopt or agree to the requirements in the open enrollment statute, RSA 194-D[,] before it is required to pay tuition for a student who is accepted to an open-enrollment school that is not in the student's resident school district."

(Report at p. 1).

[¶8] The hearing officer conducted a hearing on January 3, 2024. The District was represented at the hearing by legal counsel; the Parents appeared *pro se*. During the hearing, testimony was taken from the Prospect superintendent, the District superintendent, and M.C. On January 17, 2024, the hearing officer submitted his Report to the State Board. The Report contained the hearing officer's findings of fact, rulings of law, and two recommendations. The hearing officer's second recommendation advised the State Board to uphold the School Board's decision because:

> "Under RSA 194-D, a sending school district is not required to pay tuition for a student who is accepted to an open-enrollment school that is not in the student's resident school district unless the sending school district has formally adopted an open-enrollment program, as noted in RSA 194-D.
>
> [...], while the statute does not directly address the issue, [...] there are requirements in RSA 194-D:3 regarding enrollment limits and line items in operating budgets that

> do not make sense if the law were interpreted to require a sending school district to pay tuition without adopting an open-enrollment program."

(Report at p. 4).

[¶9] Dissatisfied with the hearing officer's recommendation, the Parents requested oral arguments before the State Board. On March 14, 2024, we heard oral arguments from the District's legal counsel and the Parents appearing *pro se*. On April 11, 2024, we voted unanimously to reject the hearing officer's recommendation to uphold the School Board's decision, finding:

> "RSA [chapter] 194-D [(Supp. 2023)] requires a resident district to pay the tuition of their pupils attending an open enrollment school outside the resident district regardless of whether the sending district has adopted the provisions of RSA [chapter] 194-D [(Supp. 2023)]."

(Minutes of State Board Meeting, Apr. 11, 2024).

JURISDICTION.

[¶10] A party aggrieved by a decision at the local level may appeal to the State Board for review. *See, e.g.*, N.H. Admin. R., Ed 204.01(g); N.H. Admin. R., Ed 206.01(a). In creating the State Board, the legislature explicitly placed within our jurisdiction the authority to "[h]ear appeals and issue decisions [...] [concerning] any dispute between individuals and school systems or the department of education, except those disputes governed by [...] RSA 21-N:4, III." *See* RSA 21-N:11, III (2020). Considering the broad statutory language of RSA 21-N:11, III (2020), our duty to hear and decide all cases over which we have jurisdiction, and that the New Hampshire Supreme Court has not previously interpreted RSA chapter 194-D or RSA 21-N:11, III (2020) as limiting our jurisdiction over appeals from local board decisions concerning RSA chapter 194-D, we find that we have the requisite jurisdiction to hear and decide the Parents' appeal. *See, e.g., In re Chase Home for Children (N.H. HHS)*, 155 N.H. 528, 534 (2007) (holding that the legislature's broad statutory language conferred jurisdiction on hearing panels to determine compensation rates for childcare providers); *Appeal of Rye Sch. Dist.*, 173 N.H. at 759 (an administrative agency must hear and decide all cases over which it has jurisdiction); *see also Appeal of Old Dutch Mustard Co.*, 166 N.H. 501, 506 (2014) (some deference is given to an agency's interpretation of a statute it administers).

STANDARD OF REVIEW.

[¶11] RSA chapter 541-A (2021) and the New Hampshire Code of Administrative Rules govern our review of decisions by local boards adjudicating

disputes between a school system and any individual subject to our jurisdiction. *See, e.g.*, RSA 21-N:11, III (2020); N.H. Admin. R., Ed 201.02 (governing appeals to the State Board as adjudicative proceedings under RSA chapter 541-A). Because the School Board's decision presents a question of law, we accord it no deference and review it *de novo*. *See Guy v. Town of Temple*, 157 N.H. 642, 649 (2008) ("the interpretation of a tribunal's order presents a question of law, which we review *de novo*").

DISCUSSION.

[¶12] On appeal, the Parents appear to contend that we should reverse the School Board's decision because it ignores the express language of RSA 194-D:5, I (Supp. 2023), which, as the Parents seemingly allege, does not condition the District's obligation to pay E.A.'s tuition to attend Prospect on the District's prior adoption of an "open enrollment school program" under RSA 194-D:3, I (Supp. 2023). *See* RSA 194-D:5, I (Supp. 2023). In opposition, the District argues that we should uphold the School Board's decision because the District has not adopted an "open enrollment school program" under RSA 194-D:3, I (Supp. 2023) and, consequently, the District is not subject to the payment provisions of RSA 194-D:5, I (Supp. 2023). Because we have adopted the hearing officer's findings of fact, the single issue before us is whether the District is subject to the provisions of RSA 194-D:5, I (Supp. 2023) regardless of whether its legislative body has adopted an "open enrollment school program" under RSA 194-D:3, I (Supp. 2023). To resolve this issue, we must engage in statutory interpretation.

[¶13] When interpreting a statute, we first look to the language of the statute itself and, if possible, construe that language according to its plain and ordinary meaning. *Hardy v. Chester Arms, LLC*, 2024 N.H. 5, ¶11 (2024) (quotations and citations omitted). We interpret the statute as written and will not consider what the legislature might have said or add language the legislature did not see fit to include. *Id.* The legislature is not presumed to waste words or enact redundant provisions. *Id.* Whenever possible, every word of a statute should be given effect. *Id.* We construe all parts of a statute together to effectuate its overall purpose and avoid an absurd or unjust result. *Id.* Moreover, we do not consider words and phrases in isolation but within the context of the statute construed as a whole. *Id.* Absent an ambiguity, we will not look beyond the statute's language to discern legislative intent. *See In re State of N.H.*, 175 N.H. 587, 589 (2023) (citation omitted). We aim to apply statutes considering the policy sought to be advanced by the entire statutory scheme. *Id.* Accordingly, we interpret a statute in the context of the overall statutory scheme and not in isolation. *Id.*

[¶14] After reviewing RSA chapter 194-D (Supp. 2023), we find from our reading of the plain language of the statute that its purpose is at least threefold: first,

to provide parental choice in public schooling; second, to create a statutory pathway for "[a]ny school district['s] legislative body [...] to designate one or more of its schools as an open enrollment school[;]" and third, to designate the sources of funding for open enrollment schooling. *See* RSA 194-D:2-:6 (Supp. 2023). Because we find the statutory language of RSA chapter 194-D (Supp. 2023) unambiguous, we will not look beyond the statute's language to discern the legislature's intent. *See In re State of N.H.*, 175 N.H. at 589.

[¶15] Consistent with the statute's first purpose, in 2022, the legislature expanded its existing commitment to parental choice in public schooling by amending RSA 194-D:2 (Supp. 2023) to grant dependent children of active-duty military personnel whose move to New Hampshire resulted from military orders, an absolute admission preference to any open enrollment school in the state, regardless of the student's actual resident district. *See* RSA 194-D:2, VIII (Supp. 2023) (quotation omitted); *see also* RSA 194-D:2, XI-XII (Supp. 2023) (granting the dependent children of military personnel on active-duty status or active duty orders the right "for admission to the school district of their choice.")[2].

[¶16] As to its second purpose, a statutory pathway for school districts to establish open enrollment schools, RSA chapter 194-D (Supp. 2023) grants school district legislative bodies the authority to develop open enrollment schools. *See* RSA 194-D:2-:3, I and III (Supp. 2023); *see also* Laws 2009, 241:14. The legislature has also granted to any school district legislative body that has previously established an open enrollment school the authority to, *inter alia*, "rescind[] its vote enabling the operation of an open enrollment school located in [its] district" *See* RSA 194-D:3, II (Supp. 2023).

[¶17] Turning to open enrollment school funding, the legislature allows open enrollment schools to receive funding from several sources, including mandatory payments directly from its pupils' resident districts; federal and other public funding sources; voluntary transfers of "funds, services, equipment, materials, or personnel" from sending districts; and any other "financial aid, private gifts, grants, or revenue as if [an open enrollment school] were a school district." *See* RSA 194-D:5 (Supp. 2023). By statute, a student's resident district "shall pay to [an open enrollment school] an amount equal to not less than 80 percent of that district's average cost per pupil as determined by the [D]epartment of [E]ducation using the most recent available data as reported by the district to the department." *See* RSA 194-D:5, I (Supp. 2023). Still, despite those mandatory payment provisions applicable to resident districts in RSA 194-D:5, I (Supp. 2023), the legislature has also provided that "[a]n open enrollment school may accept pupils at tuition rates [] less than the amounts established by [RSA chapter 194-D]." *See* RSA 194-D:5, VI (Supp. 2023).

[¶18] Turning to the District's arguments, it relies on certain canons of statutory construction to conclude that "[the District's] students do not have the right to attend

open enrollment schools at [the District's] expense." In support of its argument, the District seems to assert that this case turns on three statutory provisions, which the District appears to believe turn in its favor: first, the meaning of the term "open enrollment school program" in the introductory sentence of RSA 194-D:3, I (Supp. 2023) as something other than a program adopted by a school district's legislative body to establish an open enrollment school in its district. *See* District's Post Hearing Memo. of Law p. 2; second, the provisions of RSA 194-D:3, I(c) and I(d) (Supp. 2023), requiring a school district that adopts an open enrollment school program to impose limitations on resident pupils who may wish to attend open enrollment schools, "makes [no] sense unless the [District] is also required to adopt the Open Enrollment statute" *See* District's Post Hearing Memo. of Law pp. 2-3; and third, the District has not complied with the requirement in RSA 194-D:6 (Supp. 2023) for a resident school district to include its estimated expenditures for open enrollment school tuition as a separate line item in its operating budget. *See* District's Post Hearing Memo. of Law pp. 3-4.

[¶19] The District's first argument points to the legislature's use of the undefined term "open enrollment school program" in RSA 194-D:3, I (Supp. 2023). The District argues that although "RSA 194-D:2 allows a school district to designate a school as an open enrollment school [it] does not say anything about the participation of other districts in [an] open enrollment [school] program." *See* District's Post Hearing Memo. of Law p. 2. The District further asserts that the "[t]he difference in language between open enrollment school and open enrollment [school] program is significant [because] [t]hey do not mean the same thing [;] [...] [c]ommon sense tells us, a program may include a school[,] or it may be something offered within a school, but they do not mean the same thing." *See id.* The District then concludes that "[i]nterpreting RSA 194-D as not requiring a vote by the [District] to participate in [Prospect's] open enrollment program is not construing all parts of the statute together and leads to an absurd result in which the rest of RSA 194-D:3 would have to be ignored." *Id.*

[¶20] Although we acknowledge that the legislature used the undefined term "open enrollment school program" in RSA 194-D:3, I (Supp. 2023), we do not "consider words and phrases in isolation, but rather within the context of the statute as a whole." *See Appeal of Michele (New Hampshire Wetlands Council)*, 168 N.H. 98, 102, (2015). Accordingly, we do not reach the District's conclusions because the District's interpretation of "open enrollment school program" as something more than a program adopted by a school district's legislative body to establish an open enrollment school in its district ignores the statute's plain language. *See Appeal of N.H. Dep't of Envtl. Servs.*, 173 N.H. 282, 293 (2020) (quotation omitted).

[¶21] When interpreting a statutory provision where the subject of the sentence is an undefined noun phrase, like "open enrollment school program," we look to the

ordinary meaning of the words used, except where a constituent word or phrase is defined in the statute and use of its defined meaning does not otherwise render the phrase within the statute "virtually meaningless." *See Appeal of N.H. Dep't of Envtl. Servs.*, 173 N.H. at 293 (quotation and citation omitted). Here, in the noun phrase "open enrollment school program," the defined term "open enrollment school" acts as a phrasal adjectival compound word, *see* OXFORD MODERN ENGLISH GRAMMER 33-6 (2011), that we treat like an adjective to limit the scope of the noun "program." *See Appeal of N.H. Dep't of Envtl. Servs.*, 173 N.H. at 293 (adjectives in a statute modify the words that follow them, limiting their scope). The term "open enrollment school" is defined in the statute as:

> "[A]ny public school which, in addition to providing educational services to pupils residing within its attendance area or district, chooses to accept pupils from other attendance areas within its district and from outside its district."

RSA 194-D:1, I (Supp. 2023).

[¶22] Where, as here, a term like "program" is not defined in the statute, "we look to its common usage, using the dictionary for guidance." *See Appeal of Michele*, 168 N.H. at 102 (quotation omitted). *Merriam-Webster's Unabridged Dictionary* defines "program" as "a plan of procedure," "a schedule or system under which action may be taken toward a desired goal," or "a proposed project or scheme." MERRIAM-WEBSTER'S UNABRIDGED DICTIONARY, S.V. "PROGRAM (NOUN)," https://unabridged.merriam-webster.com/unabridged/program (last accessed May 1, 2024). Based on the common meaning of the term "program," when combined with the defined phrasal adjective "open enrollment school," we conclude that the legislature most likely intended the undefined term "open enrollment school program" to mean:

> "A plan of procedure for any public school which, in addition to providing educational services to pupils residing within its attendance area or district, chooses to accept pupils from other attendance areas within its district and from outside its district."

For illustrative purposes only, if we were to substitute the definitions of the terms used in the noun phrase "open enrollment school program" into RSA 194-D:3, I (Supp. 2023), as shown in ***bold italics*** below, the result would be something that reads like the following:

> "I. Any school district may adopt the provisions of RSA 194-D, to adopt a[] [***plan of procedure for any public school which, in addition to providing educational services to***

> ***pupils residing within its attendance area or district, chooses to accept pupils from other attendance areas within its district and from outside its district***], in the following manner:"

RSA 194-D:3, I (Supp. 2023) (substituting defined terms).

[¶23] Our interpretation of the term "open enrollment school program" comports with at least one purpose of RSA chapter 194-D—to provide a statutory pathway for school districts to establish open enrollment schools. *See* RSA 194-D:2, I (Supp. 2023). To establish an open enrollment school, the legislature requires a school district's legislative body to adopt an "open enrollment school program" under RSA 194-D:3, I (Supp. 2023) for *each* open enrollment school it intends to establish within its district. *See* RSA 194-D:3, III (Supp. 2023) ("[t]his section shall apply to the establishment of each individual open enrollment school"); *see also* RSA 194-D:4, V (Supp. 2023) ("The school board in the district in which the open enrollment school is located may establish policies to implement open enrollment schools as provided in this chapter."). Comparatively, nothing in RSA 194-D:3 contemplates a sending district's adoption of an "open enrollment school program" unless the sending district intends to establish its own open enrollment school. *Cf.* RSA 194-D:3, III (Supp. 2023). The only instances where the defined term "sending district" appears in RSA 194-D:3 are in the rescission provisions of RSA 194-D:3, II(c), which, we find, only apply to a school district that has previously adopted an "open enrollment school program" to establish an open enrollment school, *except* to the extent that (i) a sending district has the option "to assume the responsibilities of the host district within 18 months of the effective date of the [host district's] rescission," and (ii) "[t]he pupil's sending district shall not be relieved of its obligation to educate that pupil [...]." *See* RSA 194-D:3, II (Supp. 2023). Accordingly, we find that the permissive adoption of an "open enrollment school program" under RSA 194-D:3, I (Supp. 2023) only applies to a school district wishing to establish an open enrollment school or that has already established an open enrollment school in its district.

[¶24] Although we need not look beyond the plain and unambiguous terms of RSA chapter 194-D (Supp. 2023) to ascertain the legislative intent in this case, we note that our rules governing the establishment and administration of open enrollment schools are consistent with our discussion above. The State Board is empowered to adopt regulations to implement RSA chapter 194-D. RSA 194-D:7 (Supp. 2023). Our regulations are intended to "ensure uniform application of RSA [chapter] 194-D in the establishment and administration of open enrollment schools[,]" N.H. ADMIN. R., Ed 319.01(a), and our rules concerning the adoption of an "open enrollment school program" under RSA 194-D:3, I (Supp. 2023) impose requirements on school districts that "have voted to designate one or more of its schools as an open enrollment school under RSA [chapter] 194-D[.]" *See* N.H. ADMIN.

R., Ed 319.03. Thus, we read our regulations to be consistent with our interpretation of the legislature's use of the term "open enrollment school program" in RSA 194-D:3, I (Supp. 2023). *See* ¶¶ 22-23, *supra*.

[¶25] Because we have found that the permissive adoption of an "open enrollment school program" under RSA 194-D:3, I (Supp. 2023) only applies to a school district wishing to establish an open enrollment school or that has already established an open enrollment school, we find that the legislature did not intend to limit the application of RSA 194-D:5, I (Supp. 2023) to resident districts that have previously adopted an "open enrollment school program." *See Appeal of Michele*, 168 N.H. at 103 (we will not "limit the meaning of defined terms when the legislature did not see fit to do so."). Instead, we find that the legislature intended the use of the term "resident district" in RSA 194-D:5, I (Supp. 2023) to have the meaning provided for by the legislature in RSA 194-D:1, V (Supp. 2023). *See id*.

[¶26] To the extent the District argues that the provisions of RSA 194-D:3, I(c) and I(d) (Supp. 2023) "make[] [no] sense unless the sending district is also required to adopt an [open enrollment school program,]" we decline to address those arguments because they are not fully developed. *See Dietz v. Town of Tuftonboro*, 171 N.H. 614, 623 (2019).

[¶27] We have considered the District's remaining arguments, including, without limitation, those concerning the absence of "estimated expenditures on open enrollment school tuition" as a separate line item in the District's budget, *see* RSA 194-D:6 (Supp. 2023), and have determined that they do not warrant further discussion. *See Vogel v. Vogel*, 137 N.H. 321, 322 (1993).

[¶28] For the preceding reasons, we find that the District is subject to the funding provisions of RSA 194-D:5, I (Supp. 2023) regardless of whether its legislative body has adopted an "open enrollment school program" under RSA 194-D:3, I (Supp. 2023).

REVERSED.

CASSADY, NAZZARO, and FRICCHIONE concurred.

Final Order Dated: May 31, 2024.

Notice of Right to Request Rehearing.

Within 30 days after the "Final Order Date" shown above, any party pursuant to RSA 541:3 (2021) may make a motion for rehearing to the State Board. *See* N.H. ADMIN. R., Ed 213.02.

[1] "Report" refers to the Hearing Officer's Report and Recommendation dated January 17, 2024

[2] Although the legislature's 2022 amendments to RSA chapter 194-D (Supp. 2023) are not directly at issue in the present case, our discussion of them here is to illustrate a recent example of the legislature's commitment to parental choice in public schooling through open enrollment schools.

Pittsfield School District
Strong Community•Strong Schools

SCHOOL ADMINISTRATIVE UNIT #51
23 Oneida Street, Unit 1
Pittsfield, New Hampshire 03263
Phone: (603) 435-5526 • Fax (603) 435-5331
Bryan Lane – Superintendent of Schools

TO: The Pittsfield School Board
FROM: Bryan Lane
DATE: 7/26/24
RE: Administrative Permission to Suspend Students

On an annual basis, the School Board is required to designate administrative personnel with the authority to suspend students in accordance with RSA 193:13.

I recommend a motion to allow the following personnel to have the following authority:

To suspend students for up to ten (10) school days for any given single violation of the student code of conduct:

Kristen White- Principal at PES
Barbara Kelly- Principal at PES
Derek Hamilton- Principal at PMHS
Melissa Brown- Assistant Principal at PMHS

To suspend students for up to ten (10) additional days beyond the school building disciplinary action:

Bryan Lane- Superintendent of Schools

NONDISCRIMINATION/EQUAL OPPORTUNITY AND AFFIRMATIVE ACTION

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

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

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

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

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

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

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

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

Legal References:

Equal Employment Opportunity Act of 1972 (P.L. 92-261), amending Title VII of the Civil Rights Act of 1965, 42 U.S.C. §§ 2000e to 2000e-17.
Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. §§ 1681-1688, as amended by 34 C.F.R. § 106.
Title VI of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000d to 2000d-7.
Age Discrimination in Employment Act, 29 U.S.C. §§ 623-634.
Equal Pay Act of 1963, 29 U.S.C. § 206.
Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794, as amended by 34 C.F.R. § 104.7.
Americans with Disabilities Act, 42 U.S.C. §§ 12101-12213, as amended by 28 C.F.R. § 35.107.
Genetic Information Nondiscrimination Act of 2008, 29 U.S.C. §§ 2000ff to 2000ff-11.
Pregnant Workers Fairness Act, 42 U.S.C. §§ 2000gg to 2000gg-6.
New Hampshire Human Rights Act, RSA 354-A:7, 354-A:27-28

Cross References:

[Name of District] Non-Discrimination Plan
ACAA- Harassment of Students
ACAA-R1 – Student Discrimination and Harassment Complaint Procedure
ACAA-R2 – Student Sex Discrimination/Harassment Complaint Procedure
ACAB – Harassment of Employees
ACAB-R1 – Employee Discrimination and Harassment Complaint Procedure
ACAB-R2 – Employee Sex Discrimination/Harassment Complaint Procedure
GBGB – Workplace Bullying
JICK – Bullying
JIE – Pregnant Students

HARASSMENT OF STUDENTS

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

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

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

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

A. Harassment

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

B. Sexual/Sex-Based Harassment

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

1. Sex-Based Harassment Under Title IX

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

a. "Quid pro quo" harassment by a school employee, agent, or other person authorized by the school district to provide aid, benefit, or service under an education program or activity, explicitly or impliedly conditioning the

provision of such aid, benefit, or service (such as a better grade or college recommendation) on the individual's participation in unwelcome sexual conduct.

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

2. Sexual Harassment Under New Hampshire Law

Under New Hampshire law, sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal, non-verbal, or physical conduct of a sexual nature in the following situations:

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

C. Reports and Complaints of Harassment

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

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

The Human Rights Officer/Title IX Coordinator is also available to answer questions and provide assistance to any individual who is unsure whether harassment has occurred.

Reports of discrimination and harassment of students shall be addressed through *ACAA-R1 – Discrimination and Harassment of Students Complaint Procedure*. Reports of sex discrimination, including sexual/sex-based harassment, are addressed in *ACAA-R2 – Student Sex Discrimination/Harassment Complaint Procedure*.

Legal References:

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

Cross Reference:

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

STUDENT DISCRIMINATION AND HARASSMENT COMPLAINT PROCEDURE

The Board has adopted this student procedure in order to provide prompt and equitable resolution of complaints of unlawful discrimination and harassment based on race, color, religion, ancestry or national origin, and disability. Complaints of sex discrimination, including sexual/sex-based harassment, are addressed in *ACAA-R2 – Student Sex Discrimination/Harassment Complaint Procedure*. In cases where allegations include sex discrimination or sexual/sex-based harassment and one or more other protected categories, ACAA-R2 will be used.

Complaints alleging unlawful discrimination and harassment of an employee are addressed under *ACAB-R1 - Employee Discrimination and Harassment Complaint Procedure* or *ACAB-R2 – Employee Sex Discrimination/Harassment Complaint Procedure*.

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

KRYSTAL SANTOS
Human Rights Officer/Title IX Coordinator
23 Oneida Street, Pittsfield, NH 03263
603-435-5526

Section 1. Definitions

For purposes of this complaint procedure, the following definitions will be used.

A. "Discrimination": Treating individuals differently or interfering with or preventing them from enjoying the advantages or privileges afforded to others because of their membership in a protected category.

B. "Harassment": Oral, written, graphic, electronic, or physical conduct relating to an individual's actual or perceived membership in a protected category that is sufficiently severe or pervasive so as to interfere with or limit that individual's ability to participate in the school district's education program or activities by creating a hostile, intimidating, or offensive environment.

C. "Complaint" is defined as an allegation that a student has been discriminated against or harassed on the basis of race, color, religion, ancestry, national origin, or disability.

Section 2. Complaint Procedure

This procedure should be used to address any report or complaint of unlawful discrimination or harassment based on membership in a protected category which does not involve sex discrimination or sexual/sex-based harassment.

A. How to Make a Complaint

1. School employees are required to promptly make a report to the Human Rights Officer/Title IX Coordinator if they have reason to believe that a student has been discriminated against or harassed.

2. Students (and others) who believe that they or another student has been harassed or discriminated against should report their concern promptly to the Human Rights Officer/Title IX Coordinator.

3. The individual making the report must provide basic information concerning the allegation of discrimination or harassment (i.e., date, time, location, individuals involved, nature of the allegation(s)) to the Human Rights Officer/Title IX Coordinator. If the report is made orally, the Human Rights Officer/Title IX Coordinator will document it.

4. If the individual is unsure as to whether unlawful discrimination or harassment has occurred, or needs assistance in preparing a complaint, they are encouraged to discuss the matter with the Human Rights Officer/Title IX Coordinator.

5. Individuals will not be retaliated against for reporting suspected discrimination or harassment or for participating in an investigation. Retaliation is illegal under federal and state nondiscrimination laws, and any retaliation will result in disciplinary action, up to and including termination for employees and expulsion for students.

6. Individuals are encouraged to utilize the school district's complaint procedure. However, individuals are hereby notified that they also have the right to report incidents of discrimination or harassment to:

    - New Hampshire Commission for Human Rights, 2 Industrial Park Drive, Concord, NH 03301; telephone 603-271-2767; and/or
    - Office for Civil Rights, U.S. Department of Education, 5 Post Office Square, 8th Floor, Boston, MA 02109-3921 (telephone: 617-289-0111).

B. Complaint Handling and Investigation

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

    a. If the allegations include sex discrimination or sexual/sex-based harassment, *ACAA-R2* will be followed instead of this procedure.

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

3. The HRO/Title IX Coordinator may implement supportive measures for a student to reduce the risk of further discrimination or harassment of the student while an investigation is pending. Examples of supportive measures include, but are not limited to, ordering no contact between the individuals involved, changing class schedules, or other steps.

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

5. The investigator shall consult with the HRO/Title IX Coordinator as appropriate during the investigation process.

6. The respondent will be provided with an opportunity to be heard as part of the investigation.

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

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

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

10. The investigation will be completed within forty (40) school days of receiving the complaint, if practicable.

11. The investigator will provide a written report and findings to the HRO/Title IX Coordinator.

C. Findings and Subsequent Actions

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

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

    a. Determine what remedial action(s), if any, are required to end the discrimination or harassment, remedy its effect, and prevent recurrence; and
    b. Determine what disciplinary action(s) should be taken against the individual(s) who engaged in discrimination or harassment, if any.

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

D. Appeals

1. After the conclusion of the investigation, the complainant or respondent may seek an appeal of the findings solely on the basis of either:

    a. Prejudicial procedural error; or
    b. The discovery of previously unavailable relevant evidence that could significantly impact the outcome.

2. Appeals must be submitted in writing to the Superintendent within five (5) school days after receiving notice of the resolution.

3. Upon receipt of a valid appeal, the Superintendent shall provide notice to the other party, along with an opportunity to provide a written statement within five (5) school days.

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

5. The Superintendent's decision on the appeal will be provided to the parties within ten (10) school days, if practicable. The Superintendent's decision is final.

E. Records

The HRO/Title IX Coordinator will keep a written record of the complaint process and actions taken.

Cross References: AC – Nondiscrimination/Equal Opportunity district and Human Rights
ACAA – Harassment of Students
ACAA-R2 – Student Sex Discrimination/Harassment Complaint Procedure
JIE - Pregnant Students

EMPLOYEE SEX DISCRIMINATION/HARASSMENT COMPLAINT PROCEDURE

The Board has adopted this employee procedure in order to provide prompt and equitable resolution of reports and complaints of unlawful sex discrimination, including allegations of sexual harassment and other forms of sex-based harassment, as described in Policies *AC – Nondiscrimination/Equal Opportunity* and *Human Rights and ACAB – Harassment of Employees.*

Although the specific provisions under Title IX and New Hampshire law differ somewhat in regard to sex discrimination and sexual/sex-based harassment, the Board has chosen to address all such complaints under this procedure, which meets all Title IX and New Hampshire law requirements.

Complaints alleging unlawful discrimination or harassment of an employee on the basis of other protected categories (race, color, religion, ancestry or national origin, age, disability, and genetic information) are addressed under *ACAB-R1 – Employee Discrimination and Harassment Complaint Procedure.*

Complaints alleging unlawful discrimination and harassment of an employee are addressed under *ACAB-R1 - Employee Discrimination and Harassment Complaint Procedure* or *ACAB-R2 – Employee Sex Discrimination and Sexual/Sex-Based Harassment Complaint Procedure.*

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

KRYSTAL SANTOS
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ksantos@sau51.org

Confidential Employees

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Derek Hamilton
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Kristen White
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Charlene Vary
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cvary@sau51.org

Section 1. Definitions

For purposes of this complaint procedure, the following definitions will be used.

A. "Complainant" means: (1) the employee victim of alleged sex discrimination (including sexual/sex-based harassment); or (2) other victim of alleged sex discrimination (including sexual/sex-based harassment) who was participating or attempting to participate in the school district's education programs or activities at the time of the alleged sex discrimination.

B. "Complaint" under the Title IX regulations: An oral or written request to the [school district] to investigate and make a determination about alleged discrimination under Title IX." An oral request for investigation should be documented by the Human Rights Officer/Title IX Coordinator.

C. "Confidential employee" means: (1) an employee of the school district whose communications are privileged or confidential under federal or state law. The employee's confidential status, for purposes of Title IX, is only with respect to information received while the employee is functioning within the scope of their duties to which privilege or confidentiality applies; or (2) an employee of the school district designated as confidential for the purpose of providing services to persons related to sex discrimination (in which case the employee's confidential status applies only to information received about sex discrimination in connection with providing those services).

D. "Discrimination": Treating individuals differently, or interfering with or preventing them from enjoying the advantages or privileges afforded to others because of their membership in a protected category.

E. "Gender identity": The gender-related identity, appearance, mannerisms or other gender-related characteristics of an individual, regardless of the individual's assigned sex at birth."

F. "Parental status": The status of a person who, with respect to another person who is under the age of 18 or who is 18 or older but is incapable of self-care because of a

physical or mental disability, is: (1) a biological parent; (2) an adoptive parent; (3) a foster parent; (4) a stepparent; (5) a legal custodian or guardian; (6) in loco parentis with respect to such a person; or (7) actively seeking legal custody, guardianship, visitation, or adoption of such a person."

G. "Party": A complainant or respondent.

H. "Pregnancy and related conditions" includes "(1) Pregnancy, childbirth, termination of pregnancy, or lactation; (2) Medical conditions related to pregnancy, childbirth, termination of pregnancy, or lactation; or (3) Recovery from pregnancy, childbirth, termination of pregnancy, lactation, or related medical conditions."

I. "Respondent": A person who is alleged to have violated the school district's prohibition on sex discrimination.

J. "Retaliation" under Title IX: Intimidation, threats, coercion, or discrimination against any person by the school district, an employee or other person authorized by the recipient to provide aid, benefit, or services under the [school district's] education program or activity, for the purpose of interfering with any right or privilege secured by Title IX/regulations, or because the person has reported information, made a complaint, testified, assisted, or participating or refused to participate in any manner in an investigation, proceeding, or other action taken by a school district in regard to allegations of sex discrimination."

K. "Sex-based harassment" under Title IX: Harassment on the basis of sex, including sexual orientation, gender identity, sex stereotypes, sex characteristics, pregnancy, or related conditions, that meets one of the following:

   a. "Quid pro quo" harassment by a school employee, agent, or other person authorized by the school district to provide aid, benefit, or service under an education program or activity, explicitly or impliedly conditioning the provision of such aid, benefit, or service on the individual's participation in unwelcome sexual conduct.

   b. "Hostile environment" harassment: Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies an individual's ability to participate in or benefit from the school district's education program or activity (i.e., creates a hostile environment). A school district is obligated to address a sex-based hostile environment under its education program or activity, even when some conduct alleged to be contributing to the hostile environment occurred outside the recipient's education program or activity. Whether a hostile environment has been created is a fact-based inquiry that includes consideration of a number of factors.

i. Factors to consider in regard to the creation of a "hostile environment": "(i) the degree to which the conduct affected the complainant's ability to access the [school district's] education program or activity; (ii) the type, frequency, and duration of the conduct; (iii) the parties' ages, roles within the [school district's] education program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct; (iv) the location of the conduct and the context in which the conduct occurred; and (v) other sex-based harassment in the [school district's education program or activity."

c. Sexual assault, dating violence, domestic violence, and stalking, as these terms are defined below.

i. "Sexual assault" is an offense classified as a forcible or nonforcible sex offense under the uniform reporting system of the Federal Bureau of Investigation. Such offenses include but are not limited to rape, sodomy, sexual assault with an object, and fondling.

ii. "Dating violence" is violence committed by a person: (a) who is or has been in a social relationship of a romantic or intimate nature with the victim; (b) where the existence of such a relationship shall be determined based on a consideration of the following factors: (1) the length of the relationship, (2) the type of relationship; and (3) the frequency of interaction between the persons involved in the relationship."

iii. "Domestic violence" is defined in the Title IX regulations as "Felony or misdemeanor crimes committed by a person who: (a) is a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the jurisdiction of the recipient, or a person similarly situation to a spouse of the victim; (b) is cohabitating, or has cohabitated with the victim as a spouse or intimate partner; (c) shares a child in common with the victim; or (d) commits acts against a youth or adult who is protected from those acts under the family or domestic violence laws of the jurisdiction."

iv. "Stalking": Engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (a) fear for the person's safety or the safety of others; or (b) suffer substantial emotional distress."

L. "Sexual harassment" under New Hampshire law: Unwelcome sexual advances, requests for sexual favors, and other verbal, non-verbal or physical conduct of a sexual nature in the following situations:

a. Submission to such conduct is made either explicitly or implicitly a term or condition of an employee's educational benefits;
b. Submission to or rejection of such conduct by an employee is used as the basis for decisions on educational benefits; or

c. Such conduct has the purpose and effect of substantially interfering with an employee's academic performance or creates an intimidating, hostile, or offensive environment.

M. "Sexual orientation" under New Hampshire law means "having or being perceived as having an orientation for heterosexuality, bisexuality, or homosexuality." Sexual orientation is also covered by Title IX.

N. "Gender identity" under New Hampshire law means "a person's gender-related identity, appearance, or behavior, whether or not that gender-related identity, appearance, or behavior is different from that traditionally associated with the person's physiology or assigned sex at birth." Gender identity is also covered by Title IX.

Section 2. Complaint Procedure

This procedure should be used to address any report or complaint of sex discrimination or sexual/sex-based harassment of an employee.

A. Reports of Alleged Sex Discrimination or Sexual/Sex-Based Harassment

1. Any school district employee (except for designated confidential employees) who receives a report or has reason to believe that an employee may have been discriminated against or harassed on the basis of sex is required to make a report to the Human Rights Officer/Title IX Coordinator.

2. Confidential employees who receive a report that an employee may have experienced sex discrimination or sexual/sex-based harassment must inform the person making the report that the employee is designated "confidential" and inform them of the circumstances in which the employee is not required to make a report to the Human Rights Officer/Title IX Coordinator. The confidential employee will provide the reporter with the Human Rights Officer/Title IX Coordinator's contact information and explain that the Human Rights Officer/Title IX Coordinator may be able to offer and coordinate supportive measures, initiate an informal resolution process, or initiate an investigation under this complaint procedure.

3. Employees who believe that they have been discriminated against or harassed on the basis of sex should report their concern promptly to the Human Rights Officer/Title IX Coordinator. The report will be documented by the Human Rights Officer/Title IX Coordinator.

4. The individual making the report should provide basic, available information orally or in writing concerning the allegation (i.e., individuals involved, date, time, location,

and type of allegation). If the information is conveyed orally, the Human Rights Officer/Title IX Coordinator will document it.

5. If an individual is unsure as to whether unlawful discrimination or harassment has occurred, they are encouraged to discuss the matter with the Human Rights Officer/Title IX Coordinator.

6. Individuals will not be retaliated against for reporting suspected discrimination or harassment or for participating in an investigation. Retaliation is illegal under federal/state nondiscrimination laws and Board policies, and any retaliation will result in disciplinary action, up to and including termination.

7. The Superintendent will be promptly notified of all reports of alleged discrimination or harassment of an employee.

8. An employee who believes they have been discriminated against or harassed on the basis of sex is encouraged to utilize this complaint procedure. However, employees are hereby notified that they also have the right to report incidents of discrimination or harassment to:

    - New Hampshire Commission for Human Rights, 2 Industrial Park Drive, Concord, NH 03301 (telephone: 603-271-2767); and/or
    - Office for Civil Rights, U.S. Department of Education, 5 Post Office Square, 8th Floor, Boston, MA 02109-3921 (telephone: 617-289-0111.

B. Processing of Complaints

1. The Human Rights Officer/Title IX Coordinator will treat complainants and respondents equitably through the complaint procedure.

2. If the individual making the report is the alleged victim, or if the alleged victim is identified by the individual making the report, the Human Rights Officer/Title IX Coordinator will meet with the alleged victim to discuss the allegations and supportive measures that may be appropriate in the particular circumstances and to explain the complaint procedure.

    If the alleged victim is unknown to the Human Rights Officer/Title IX Coordinator, the person who made the report will be notified of the availability of the complaint procedure.

3. Supportive Measures

    a. Supportive measures are individualized measures designed to ensure the employee can continue to access and perform their work (including but not

limited to: requiring no contact between individuals, temporarily moving work locations, and changing schedules).

b. Supportive measures must not unreasonably burden either party and must be designed to protect the safety of the parties or the school district's educational environment or to provide support during the complaint procedure or an informal resolution process. The school district may not impose such measures for punitive or disciplinary reasons.
c. Supportive measures may be continued even if a complaint or informal resolution process is not initiated, or after the conclusion of such processes, if appropriate under the circumstances.
d. Complainants and respondents must be provided with a timely opportunity to seek, from an appropriate and impartial employee, modification or reversal of a decision to provide, deny, modify, or terminate supportive measures applicable to them. This employee must not be the Human Rights Officer/Title IX Coordinator and must have the authority to modify or reverse the decision.
e. Complainants and respondents also have the opportunity to seek additional modification or termination of a supportive measure applicable to them if circumstances change.
f. The school district will not disclose information about supportive measures to persons other than the person to whom they apply unless it is necessary to provide a supportive measure or to restore or preserve a party's access to education programs and activities.

4. If the Human Rights Officer/Title IX Coordinator reasonably determines that the conduct alleged does not involve illegal discrimination or harassment, the school district is not obligated to initiate the complaint process and may dismiss the complaint (See Subsection C.1. below). If the alleged conduct potentially violates other laws, Board policies/procedures, or professional expectations (in the case of employees), the matter may be referred to the Superintendent and/or other appropriate administrator(s) to address as deemed appropriate.

5. In response to a complaint alleging prohibited sex discrimination or sexual/sex-based harassment, the Human Rights Officer/Title IX Coordinator will initiate the complaint process, or the informal resolution process (if available and appropriate), according to this procedure. When feasible, the decision to initiate an investigation or informal resolution process, or dismiss the complaint, will be made within ten (10) school days of receipt of the complaint.

6. In certain circumstances, the Human Rights Officer/Title IX Coordinator may initiate the investigation process, even when the alleged victim chooses not to, after any or all allegations are withdrawn by the alleged victim, or when an informal resolution process is not initiated or is terminated. To make this fact-specific determination, the Human Rights Officer/Title IX Coordinator will consider, at a minimum:

a. The complainant's request not to proceed with initiating a complaint;
b. The complainant's reasonable safety concerns regarding initiating a complaint;
c. The risk that additional acts of discrimination or harassment would occur if a complaint is not initiated;
d. The severity of the alleged discrimination or harassment, including whether the discrimination, if established, would require the removal of a respondent from school or imposition of another disciplinary sanction to end the discrimination or harassment and prevent its recurrence;
e. The age and relationship of the parties, including whether the respondent is an employee of the school district;
f. The scope of the alleged discrimination or harassment, including information suggesting a pattern, ongoing discrimination/harassment, or discrimination/harassment alleged to have impacted multiple individuals;
g. The availability of evidence to assist a decisionmaker in determining whether discrimination or harassment occurred; and
h. Whether the school district could end the alleged discrimination or harassment and prevent its recurrence without initiating the complaint procedure.

If, after considering these and any other factors that may be relevant, the Human Rights Officer/Title IX Coordinator determines that the alleged conduct presents an imminent and serious threat to the health or safety of the complainant or other individuals, or that the alleged conduct prevents the school district from ensuring equal access to its education programs and activities, the Human Rights Officer/Title IX Coordinator may initiate a complaint.

7. If the Human Rights Officer/Title IX Coordinator initiates a complaint, the complainant will receive prior notice and any reasonable safety concerns will be addressed.

8. The Human Rights Officer/Title IX Coordinator will confirm the initiation of an investigation or informal resolution process in writing to both parties. The communication will include: a) a copy of the complaint procedure; b) sufficient information available at the time to allow the parties to respond to the allegations (including the identities of the parties involved, the conduct alleged to constitute sex discrimination or sexual/sex-based harassment, and the date(s) and location(s) of the alleged incident(s); c) notice that retaliation is prohibited; and d) notice that the parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence.

9. Regardless of whether an investigation is initiated, the Human Rights Officer/Title IX Coordinator will take appropriate, prompt, and effective steps to ensure that

discrimination or harassment does not continue or recur. The Human Rights Officer/Title IX Coordinator will also coordinate supportive measures, as appropriate.

10. If the Human Rights Officer/Title IX Coordinator decides to investigate additional allegations of discrimination or harassment made by the complainant against the respondent after the parties receive notice of the complaint, the Human Rights Officer/Title IX Coordinator will notify the parties of the additional allegations in writing.

11. The Human Rights Officer/Title IX Coordinator may consolidate complaints of discrimination or harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against another party, when the allegations arise out of the same facts or circumstances.

12. The school district will presume that the respondent is not responsible for alleged discrimination or harassment until a determination is made at the conclusion of the investigation.

13. The school district will take reasonable steps to protect the privacy of the parties and witnesses during the complaint procedure and will comply with applicable state and federal privacy laws. These steps will not restrict the ability of the parties to obtain and present evidence, including by speaking to witnesses, confidential employees/resources, or otherwise prepare for and participate in the complaint procedure.

C. Dismissal of Complaints

1. The Human Rights Officer/Title IX Coordinator may dismiss a complaint in the following circumstances:

    a. The school district is unable to identify a respondent after taking reasonable steps to do so;
    b. The respondent is not participating in the school district's education programs and activities, or is not employed by the school district;
    c. The complainant voluntarily withdraws any or all allegations in the complaint, the Human Rights Officer/Title IX Coordinator declines to initiate a complaint and determines that, without the complainant's withdrawn allegations, the alleged conduct remaining, if any, would not constitute discrimination or harassment even if proven; or
    d. The Human Rights Officer/Title IX Coordinator determines that the conduct alleged in the complaint, even if proven, would not constitute discrimination or harassment under state/federal laws and regulations.

2. Upon dismissal, the Human Rights Officer/Title IX Coordinator will promptly notify the complainant (and the respondent, if they had received notice of the complaint allegations) of the basis for the dismissal, and provide the opportunity to appeal the dismissal.

3. Dismissals may be appealed on the following bases:

    a. Procedural irregularity that would change the outcome;
    b. New evidence that would change the outcome and that was not reasonably available when the dismissal [or determination in the case] was made; and
    c. The Human Rights Officer/Title IX Coordinator, investigator, or decisionmaker had a conflict or bias for or against complainants or respondents generally, or the individual complainant or respondent that would change the outcome.

4. An appeal of a complaint dismissal must be made in writing to the Human Rights Officer/Title IX Coordinator within five (5) school days and state the basis for the appeal.

5. If the dismissal is appealed, the Human Rights Officer/Title IX Coordinator shall:

    a. Notify the respondent of the appeal if they had received notice of the complaint allegations;
    b. Implement the appeal procedure equally for the parties;
    c. Ensure that the trained decisionmaker for the appeal did not take part in an investigation of the allegations or dismissal of the complaint;
    d. Provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome; and
    e. Notify the parties in writing of the result of the appeal and the rationale for it within five (5) school days, if feasible.

6. When a complaint is dismissed, the Human Rights Officer/Title IX Coordinator will, at a minimum:

    a. Offer supportive measures to the complainant and respondent if appropriate; and
    b. Take other prompt and effective steps, as appropriate to ensure that discrimination or harassment does not continue or recur within the school district's program or activity.

7. The Human Rights Officer/Title IX Coordinator will document actions taken during the appeal process.

D. Administrative Leave

1. The Superintendent may place an employee respondent on administrative leave during the complaint procedure in accordance with any applicable state laws, school policies, and collective bargaining agreement provisions.

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

3. The Human Rights Officer/Title IX Coordinator will document actions taken during the administrative leave process.

[Note: The Superintendent may remove a student from education programs and activities on an emergency basis during the complaint procedure in accordance with the procedures set forth in ACAA-R2, Section 2.D]

E. Informal Resolution Process

1. Informal resolution is not permitted in cases where a student is the complainant and an employee is the respondent to alleged sex discrimination or harassment [such cases should be addressed under Procedure *ACAA-R2*].

2. The Human Rights Officer/Title IX Coordinator may, if appropriate, offer the parties the opportunity to resolve the complaint through an informal resolution process at any point prior to an investigation or determination of responsibility. Engaging in an informal resolution process is voluntary on the part of each party. The Human Rights Officer/Title IX Coordinator also may decline to pursue an informal resolution despite a party's request (for example, if the alleged conduct presents a future risk of harm to the complainant or others).

3. Both (or all) parties must voluntarily agree in writing to participate in an informal resolution process, and a party may withdraw from the process at any time. The parties will not be required to attend meetings together unless they voluntarily agree to do so.

4. Before initiating an informal resolution process, the Human Rights Officer/Title IX Coordinator will ensure that the parties receive notice of: i.) the allegations; ii.) the requirements of the informal resolution process; ii.) the right of any party to withdraw from the process and initiate or resume the investigation process; iv.) that the parties' agreement to an informal resolution would preclude them from initiating or resuming the investigation; v.) potential terms that may be requested or offered in an informal resolution agreement, including notice that an agreement is

binding on the parties; and vi.) what information the school district will maintain regarding the informal resolution process.

[Note: Informal resolutions can take many forms, depending on the particular case, including but not limited to: restrictions on contact between the parties; facilitated discussions between the parties; restorative justice; acknowledgement of responsibility by a respondent; apologies; disciplinary actions against a respondent or requirements to engage in specific services; or supportive measures.]

5. The facilitator for the informal resolution process: must be trained; cannot be the same person as the investigator or decisionmaker in the matter; and must not have a conflict of interest or bias regarding parties to such matters generally or to an individual complainant or respondent.

6. The Superintendent must agree to the terms of any informal resolution reached between the parties, considering whether the resolution is in the best interest of the parties and the school district in light of the particular circumstances, applicable laws/regulations, and Board policies.

7. If an informal resolution agreement is reached, it will be agreed to in writing by both parties and the Human Rights Office/Title IX Coordinator. Any such agreement is final and binding on the parties.

F. Investigation Process

1. The complaint will be investigated by a trained internal or external individual designated by the Superintendent and the Human Rights Officer/Title IX Coordinator. The investigator shall not have a conflict of interest or bias against complainants or respondents generally, or an individual complainant or respondent, and will consult with the Human Rights Officer/Title IX Coordinator during the investigation process.

2. Any complaint about an employee who holds a supervisory position will be investigated by a person not subject to that supervisor's authority. Any complaint about the Superintendent will be submitted to the Board Chair, who will consult with legal counsel concerning the handling and investigation of the complaint.

3. If the complaint is against an employee of the school district, any rights conferred under an applicable bargaining agreement will be applied, to the extent they do not conflict with the requirements of Title IX and accompanying regulations.

4. The burden is on the school district, and not the parties, to gather sufficient evidence (through the investigation) in order to determine whether illegal discrimination or harassment occurred.

5. The investigator shall provide an opportunity for the complainant and respondent to be heard as part of the investigation. The parties will not be required to attend meetings together.

6. The parties may suggest witnesses to be interviewed and/or submit materials that they believe are relevant to the allegations and complaint.

7. The investigator will evaluate evidence that is relevant and not otherwise impermissible, including both inculpatory and exculpatory evidence. Credibility determinations will not be based on a person's status as a complainant, respondent, or witness.

    a. The Title IX regulations define "relevant" as "related to the allegations of sex discrimination under investigation. Questions are relevant when they seek evidence that may aid in showing whether the alleged sex discrimination occurred, and evidence is relevant when it may aid a decisionmaker in determining whether the alleged sex discrimination occurred."

8. The following types of evidence, and questions seeking that evidence, are impermissible:

    a. Evidence that is protected under a privilege recognized by federal or state law, or evidence provided to a confidential employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality in writing.
    b. A party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the treatment to the party or witness, unless the school district obtains that party's or witness's voluntary, written consent for use in the complaint procedure; and
    a. Evidence that relates to the complainant's sexual interests or prior sexual conduct, unless evidence about the complainant's prior sexual conduct is offered to prove that someone other than the respondent committed alleged sexual/sex-based harassment or is evidence about specific incidents of the complainant's prior sexual conduct with the respondent that is offered to prove consent to the alleged sexual/sex-based harassment. The fact of prior sexual conduct between the complainant and respondent does not by itself demonstrate or imply the complainant's consent to the alleged sex-based harassment or preclude a determination that sex-based harassment occurred.

9. The investigator will provide each party with the opportunity to review the evidence that is relevant to the allegations of discrimination or harassment (and not otherwise impermissible), and to respond to it.

10. The Human Rights Officer/Title IX Coordinator and investigator will take reasonable steps to prevent and address the parties' unauthorized disclosure of information and evidence obtained solely through the complaint procedure. Disclosure of such information and evidence for the purposes of administering administrative proceedings or litigation related to the complaint are authorized.

11. The investigator will conclude the investigation and issue a written report to the Human Rights Officer/Title IX Coordinator within forty (40) school days, if feasible.

    a. If the investigator has been charged with making a determination of responsibility/non-responsibility with respect to each allegation, such determination(s) and the reasons, therefore, shall be included in the report.

12. Extensions of time may be granted to complete the investigation if approved by the Human Rights Officer/Title IX Coordinator for reasonable cause. Notice of any extension and the reasons, therefore, will be provided to the parties.

G. Determinations of Responsibility

1. The standard used to determine whether illegal discrimination or harassment occurred is the preponderance of the evidence standard ("more likely than not").

2. The decisionmaker will review the investigation report, the evidence gathered (as appropriate), and will have the discretion to conduct additional interviews of parties and/or witnesses if needed to assess credibility.

3. The decisionmaker will make a written determination of responsibility/non-responsibility in regard to each allegation and the reasons therefore, which shall be shared with the Human Rights Officer/Title IX Coordinator and the parties.

4. In general, the Human Rights Officer/Title IX Coordinator will notify the parties of the determination decision(s) within five (5) school days of the determination being reached. Reasonable extensions of time may be approved by the Human Rights Officer/Title IX Coordinator for good reason. The notification will include the permissible bases for appeal and the deadline for receipt of appeals.

5. If there is a determination that the respondent is responsible for violations, the appropriate administrator will make decisions as to appropriate disciplinary action and remedies.

6. The Human Rights Officer/Title IX Coordinator shall, as appropriate:

    a. Coordinate the provision and implementation of remedies to a complainant and any other persons if necessary to provide equal access to the school district's educational programs and activities that had been limited or denied by discrimination or harassment;
    b. Coordinate the imposition of any disciplinary sanctions on a respondent, including notification to the complainant of any such disciplinary sanctions; and
    c. Take other appropriate prompt and effective steps if necessary to ensure discrimination and harassment does not continue or recur.

7. A determination of responsibility becomes final on the date that the Human Rights Officer/Title IX Coordinator provides the parties with the written determination of the results of the appeal, if an appeal is filed. If an appeal is not filed, the determination of responsibility becomes final on the date on which the appeal would no longer be considered timely.

8. The school district will not discipline a party, witness, or others participating in the complaint procedure for making a false statement or for engaging in consensual sexual conduct based solely on the determination that sex discrimination or sexual/sex-based harassment occurred.

H. Remedies, Discipline, and Other Actions

1. Remedies

Remedies are measures used to ensure that the complainant has equal access to the school district's education programs and activities following the decisionmaker's determination(s). Such remedies may include supportive measures and may include other appropriate measures, depending on the determination(s) and the needs of the complainant. The Human Rights Officer/Title IX Coordinator is responsible for implementing remedies and providing any needed assistance to the complainant.

2. Discipline and Other Actions

Examples of disciplinary and other actions that may be imposed on a student when there is a determination that they are responsible for one or more violations of sexual/sex-based harassment include suspension, expulsion, restorative justice, required education or counseling, and other measures.
Examples of disciplinary actions that may be imposed on an employee when there is a determination that they are responsible for one or more violations of sexual/sex-based harassment include: written warning, probation, counseling, demotion, suspension without pay, termination.

I. Appeals

1. After the conclusion of the investigation and decisionmaker determination(s), the complainant or respondent may seek an appeal of the findings based on the following factors:

    a. Procedural irregularity that would change the outcome;
    b. New evidence that would change the outcome and that was not reasonably available when the determination was made; and
    c. The Human Rights Officer/Title IX Coordinator, investigator, or decisionmaker had a conflict or bias for or against complainants or respondents generally or the individual complainant or respondent that would change the outcome.

2. The appeal must be made in writing to the Human Rights Officer/Title IX Coordinator within five (5) school days and state the basis for the appeal.

3. The Superintendent is responsible for making a determination on the appeal. The Superintendent will conduct an impartial review of the appeal, including consideration of the written record in the case, and may consult with legal counsel or other school district officials in making their decision.

4. The Superintendent will issue the appeal determination in writing within ten (10) school days of receipt of the appeal, if feasible.

5. The Superintendent's decision is final.

Section 3. Recordkeeping

The Human Rights Officer/Title IX Coordinator shall maintain a record of documents and action in each case, and records of trainings provided, for a period of seven (7) years.

Cross References: AC – Nondiscrimination/Equal Opportunity and Human Rights
ACAB – Harassment of Employees
ACAB-R1 – Employee Discrimination and Harassment Complaint Procedure
ACAB-R2 – Employee Sex Discrimination/Harassment Complaint Procedure
JIE - Pregnant Students

HARASSMENT OF EMPLOYEES

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

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

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

A. Harassment

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

B. Sexual/Sex-Based Harassment

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

1. Sex-Based Harassment Under Title IX

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

a. "Quid pro quo" harassment by a school employee, agent, or other person authorized by the school district to provide aid, benefit, or service under an education program or activity, explicitly or impliedly conditioning the

provision of such aid, benefit, or service (such as a promotion or favorable evaluation) on the individual's participation in unwelcome sexual conduct.

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

2. Sexual Harassment Under New Hampshire Law

Under New Hampshire law, sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal, non-verbal or physical conduct of a sexual nature in the following situations:

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

C. Reports and Complaints of Harassment

Any employee who believes they have been harassed or sexually harassed is strongly encouraged to make a report to the Human Rights Officer/Title IX Coordinator.

The Human Rights Officer/Title IX Coordinator is also available to answer questions and provide assistance to any individual who is unsure whether harassment has occurred.

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

Legal References: Americans with Disabilities Act, 42 U.S.C. §§ 12101-12213, as amended by 28 C.F.R. § 35.107.

Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794, as amended by 34 C.F.R. § 104.7.
Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. §§ 1681-1688, as amended by 34 C.F.R. § 106.
Title VI of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000d to 2000d-7.
Title VII of the Civil Rights Act of 1965, 42 U.S.C. §§ 2000e to 2000e-17, as amended by 29 C.F.R. § 1604.11.
Age Discrimination in Employment Act, 29 U.S.C. §§ 623-634.
Genetic Information Nondiscrimination Act of 2008, 29 U.S.C. §§ 2000ff to 2000ff-11.
Pregnant Workers Fairness Act, 42 U.S.C. §§ 2000gg to 2000gg-6.
New Hampshire Human Rights Act, RSA 354-A:7.

Cross Reference:

ACAB-R1 – Employee Discrimination and Harassment Complaint Procedure
ACAB-R2 – Employee Sex Discrimination/Harassment Complaint Procedure
AC – Nondiscrimination/Equal Opportunity and Affirmative Action
ACAA – Harassment of Students
ACAA-R1 – Student Discrimination and Harassment Complaint Procedure
ACAA-R2 – Student Sex Discrimination/Harassment Complaint Procedure
GBGB – Workplace Bullying
ACAD – Hazing
JICIA – Weapons, Violence and School Safety
JIE – Pregnant Students

EMPLOYEE DISCRIMINATION AND HARASSMENT COMPLAINT PROCEDURE

The Board has adopted this employee procedure in order to provide prompt and equitable resolution of complaints of unlawful discrimination and harassment based on race; color; religion; ancestry or national origin; age; disability; and genetic information. Complaints of sex discrimination, including sexual/sex-based harassment, are addressed in *ACAB-R2 – Employee Sex Discrimination/Harassment Complaint Procedure*. In cases where allegations include sex discrimination or sexual/sex-based harassment and one or more other protected categories, *ACAB-R2* will be used.

Complaints alleging unlawful discrimination and harassment of an employee are addressed under *ACAB-R1 - Employee Discrimination and Harassment Complaint Procedure* or *ACAB-R2 – Employee Sex Discrimination/Harassment Complaint Procedure*.

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

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Section 1. Definitions

For purposes of this complaint procedure, the following definitions will be used.

A. "Discrimination": Treating individuals differently or interfering with or preventing them from enjoying the advantages or privileges afforded to others because of their membership in a protected category.

B. "Harassment": Oral, written, graphic, electronic, or physical conduct relating to an individual's actual or perceived membership in a protected category that is sufficiently severe or pervasive so as to interfere with or limit that individual's ability to participate in the school district's education program or activities by creating a hostile, intimidating, or offensive environment.

C. "Complaint" is defined as an allegation that an employee has been discriminated against or harassed on the basis of race, color, religion, ancestry, national origin, age, disability, or genetic information.

Section 2. Complaint Procedure

This procedure should be used to address any report or complaint of unlawful discrimination or harassment based on a protected category which does not involve sex discrimination or sexual/sex-based harassment.

A. How to Make A Complaint

1. An employee who believes they have been unlawfully discriminated against or harassed is encouraged to try to resolve the problem by informing the individual(s) that the behavior is unwelcome or offensive and requesting that the behavior stop. This will not prevent the employee from making an immediate complaint to the Human Rights Officer/Title IX Coordinator.

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

3. The individual making the report must provide basic information concerning the allegation of discrimination or harassment (i.e., date, time, location, individuals involved, nature of the allegation(s)) to the Human Rights Officer/Title IX Coordinator. If the report is made orally, the Human Rights Officer/Title IX Coordinator will document it.

4. If the individual is unsure as to whether unlawful discrimination or harassment has occurred, or needs assistance in preparing a complaint, they are encouraged to discuss the matter with the Human Rights Officer/Title IX Coordinator.

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

6. Employees are encouraged to utilize the school district's complaint procedure. However, employees are hereby notified that they also have the right to report incidents of discrimination or harassment to:

    - New Hampshire Commission for Human Rights, 2 Industrial Park Drive, Concord, NH 03301; telephone: 603-271-2767; and/or
    - Office for Civil Rights, U.S. Department of Education, 5 Post Office Square, 8th Floor, Boston, MA 02109-3921 (telephone: 617-289-0111).

B. Complaint Handling and Investigation

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

    a. If the allegations include sex discrimination or sexual/sex-based harassment, *ACAB-R2* will be followed instead of this procedure.

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

3. The Human Rights Officer/Title IX Coordinator may implement supportive measures for an employee to reduce the risk of further discrimination or harassment of the employee while an investigation is pending. Examples of supportive measures include, but are not limited to, ordering no contact between the individuals, temporarily moving work locations or changing schedules, etc.

4. The complaint will be investigated by a trained internal or external individual designated by the Superintendent and the Human Rights Officer/Title IX Coordinator. Any complaint about an employee who holds a supervisory position shall be investigated by a person who is not subject to that supervisor's authority.

5. Any complaint about the Superintendent should be submitted to the Board Chair, who should consult with legal counsel concerning the handling and investigation of the complaint.

6. The investigator shall consult with the Human Rights Officer/Title IX Coordinator as appropriate during the investigation process.

7. The respondent will be provided with an opportunity to be heard as part of the investigation.

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

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

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

11. The investigation will be completed within forty (40) school days of receiving the complaint, if practicable.

12. The investigator will provide a written report and findings to the Human Rights Officer/Title IX Coordinator.

C. Findings and Subsequent Actions

1. The Human Rights Officer/Title IX Coordinator shall consult with the Superintendent concerning the investigation and findings.

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

    a. Determine what remedial action(s), if any, are required to end the discrimination or harassment, remedy its effects, and prevent recurrence; and
    b. Determine what disciplinary action(s) should be taken against the individual(s) who engaged in discrimination or harassment, if any.

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

D. Appeals

1. After the conclusion of the investigation, the complainant or respondent may seek an appeal of the findings solely on the basis of either:

    a. Prejudicial procedural error; or
    b. The discovery of previously unavailable relevant evidence that could significantly impact the outcome.

2. Appeals must be submitted in writing to the Superintendent within five (5) school days after receiving notice of the resolution.

3. Upon receipt of a valid appeal, the Superintendent shall provide notice to the other party, along with an opportunity to provide a written statement within five (5) school days.

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

5. The Superintendent's decision on the appeal will be provided to the parties within ten (10) school days, if practicable. The Superintendent's decision is final.

E. Records

The Human Rights Officer/Title IX Coordinator will keep a written record of the complaint process and actions taken.

Cross References: AC – Nondiscrimination/Equal Opportunity and Human Rights
ACAB – Harassment of Employees
ACAB-R2 – Employee Sex Discrimination/Harassment Complaint Procedure
JIE - Pregnant Employees

EMPLOYEE SEX DISCRIMINATION/HARASSMENT COMPLAINT PROCEDURE

The Board has adopted this employee procedure in order to provide prompt and equitable resolution of reports and complaints of unlawful sex discrimination, including allegations of sexual harassment and other forms of sex-based harassment, as described in Policies *AC – Nondiscrimination/Equal Opportunity* and *Human Rights and ACAB – Harassment of Employees.*

Although the specific provisions under Title IX and New Hampshire law differ somewhat in regard to sex discrimination and sexual/sex-based harassment, the Board has chosen to address all such complaints under this procedure, which meets all Title IX and New Hampshire law requirements.

Complaints alleging unlawful discrimination or harassment of an employee on the basis of other protected categories (race, color, religion, ancestry or national origin, age, disability, and genetic information) are addressed under *ACAB-R1 – Employee Discrimination and Harassment Complaint Procedure.*

Complaints alleging unlawful discrimination and harassment of an employee are addressed under *ACAB-R1 - Employee Discrimination and Harassment Complaint Procedure* or *ACAB-R2 – Employee Sex Discrimination and Sexual/Sex-Based Harassment Complaint Procedure.*

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

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Section 1. Definitions

For purposes of this complaint procedure, the following definitions will be used.

A. "Complainant" means: (1) the employee victim of alleged sex discrimination (including sexual/sex-based harassment); or (2) other victim of alleged sex discrimination (including sexual/sex-based harassment) who was participating or attempting to participate in the school district's education programs or activities at the time of the alleged sex discrimination.

B. "Complaint" under the Title IX regulations: An oral or written request to the [school district] to investigate and make a determination about alleged discrimination under Title IX." An oral request for investigation should be documented by the Human Rights Officer/Title IX Coordinator.

NOTE TO LOCAL BOARDS: THE FOLLOWING DEFINITION RE: CONFIDENTIAL EMPLOYEES HAS BEEN ADDED BECAUSE OF NEW REQUIREMENTS IN THE TITLE IX REGULATIONS.

C. "Confidential employee" means: (1) an employee of the school district whose communications are privileged or confidential under federal or state law. The employee's confidential status, for purposes of Title IX, is only with respect to information received while the employee is functioning within the scope of their duties to which privilege or confidentiality applies; or (2) an employee of the school district designated as confidential for the purpose of providing services to persons related to sex discrimination (in which case the employee's confidential status applies only to information received about sex discrimination in connection with providing those services).

D. "Discrimination": Treating individuals differently, or interfering with or preventing them from enjoying the advantages or privileges afforded to others because of their membership in a protected category.

E. "Gender identity": The gender-related identity, appearance, mannerisms or other gender-related characteristics of an individual, regardless of the individual's assigned sex at birth."

F. "Parental status": The status of a person who, with respect to another person who is under the age of 18 or who is 18 or older but is incapable of self-care because of a physical or mental disability, is: (1) a biological parent; (2) an adoptive parent; (3) a foster parent; (4) a stepparent; (5) a legal custodian or guardian; (6) in loco parentis with respect to such a person; or (7) actively seeking legal custody, guardianship, visitation, or adoption of such a person."

G. "Party": A complainant or respondent.

H. "Pregnancy and related conditions" includes "(1) Pregnancy, childbirth, termination of pregnancy, or lactation; (2) Medical conditions related to pregnancy, childbirth, termination of pregnancy, or lactation; or (3) Recovery from pregnancy, childbirth, termination of pregnancy, lactation, or related medical conditions."

I. "Respondent": A person who is alleged to have violated the school district's prohibition on sex discrimination.

J. "Retaliation" under Title IX: Intimidation, threats, coercion, or discrimination against any person by the school district, an employee or other person authorized by the recipient to provide aid, benefit, or services under the [school district's] education program or activity, for the purpose of interfering with any right or privilege secured by Title IX/regulations, or because the person has reported information, made a complaint, testified, assisted, or participating or refused to participate in any manner in an investigation, proceeding, or other action taken by a school district in regard to allegations of sex discrimination."

K. "Sex-based harassment" under Title IX: Harassment on the basis of sex, including sexual orientation, gender identity, sex stereotypes, sex characteristics, pregnancy, or related conditions, that meets one of the following:

   a. "Quid pro quo" harassment by a school employee, agent, or other person authorized by the school district to provide aid, benefit, or service under an education program or activity, explicitly or impliedly conditioning the provision of such aid, benefit, or service on the individual's participation in unwelcome sexual conduct.

   b. "Hostile environment" harassment: Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies an individual's ability to participate in or benefit from the school district's education program or activity (i.e., creates a hostile environment). A school district is obligated to address a sex-based hostile

environment under its education program or activity, even when some conduct alleged to be contributing to the hostile environment occurred outside the recipient's education program or activity. Whether a hostile environment has been created is a fact-based inquiry that includes consideration of a number of factors.

i. Factors to consider in regard to the creation of a "hostile environment": "(i) the degree to which the conduct affected the complainant's ability to access the [school district's] education program or activity; (ii) the type, frequency, and duration of the conduct; (iii) the parties' ages, roles within the [school district's] education program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct; (iv) the location of the conduct and the context in which the conduct occurred; and (v) other sex-based harassment in the [school district's education program or activity."

c. Sexual assault, dating violence, domestic violence, and stalking, as these terms are defined below.

i. "Sexual assault" is an offense classified as a forcible or nonforcible sex offense under the uniform reporting system of the Federal Bureau of Investigation. Such offenses include but are not limited to rape, sodomy, sexual assault with an object, and fondling.
ii. "Dating violence" is violence committed by a person: (a) who is or has been in a social relationship of a romantic or intimate nature with the victim; (b) where the existence of such a relationship shall be determined based on a consideration of the following factors: (1) the length of the relationship, (2) the type of relationship; and (3) the frequency of interaction between the persons involved in the relationship."
iii. "Domestic violence" is defined in the Title IX regulations as "Felony or misdemeanor crimes committed by a person who: (a) is a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the jurisdiction of the recipient, or a person similarly situation to a spouse of the victim; (b) is cohabitating, or has cohabitated with the victim as a spouse or intimate partner; (c) shares a child in common with the victim; or (d) commits acts against a youth or adult who is protected from those acts under the family or domestic violence laws of the jurisdiction."
iv. "Stalking": Engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (a) fear for the person's safety or the safety of others; or (b) suffer substantial emotional distress."

L. "Sexual harassment" under New Hampshire law: Unwelcome sexual advances, requests for sexual favors, and other verbal, non-verbal or physical conduct of a sexual nature in the following situations:

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

M. "Sexual orientation" under New Hampshire law means "having or being perceived as having an orientation for heterosexuality, bisexuality, or homosexuality." Sexual orientation is also covered by Title IX.

N. "Gender identity" under New Hampshire law means "a person's gender-related identity, appearance, or behavior, whether or not that gender-related identity, appearance, or behavior is different from that traditionally associated with the person's physiology or assigned sex at birth." Gender identity is also covered by Title IX.

Section 2. Complaint Procedure

This procedure should be used to address any report or complaint of sex discrimination or sexual/sex-based harassment of an employee.

A. Reports of Alleged Sex Discrimination or Sexual/Sex-Based Harassment

1. Any school district employee (except for designated confidential employees) who receives a report or has reason to believe that an employee may have been discriminated against or harassed on the basis of sex is required to make a report to the Human Rights Officer/Title IX Coordinator.

2. Confidential employees who receive a report that an employee may have experienced sex discrimination or sexual/sex-based harassment must inform the person making the report that the employee is designated "confidential" and inform them of the circumstances in which the employee is not required to make a report to the Human Rights Officer/Title IX Coordinator. The confidential employee will provide the reporter with the Human Rights Officer/Title IX Coordinator's contact information and explain that the Human Rights Officer/Title IX Coordinator may be able to offer and coordinate supportive measures, initiate an informal resolution process, or initiate an investigation under this complaint procedure.

3. Employees who believe that they have been discriminated against or harassed on the basis of sex should report their concern promptly to the Human Rights Officer/Title IX Coordinator. The report will be documented by the Human Rights Officer/Title IX Coordinator.

4. The individual making the report should provide basic, available information orally or in writing concerning the allegation (i.e., individuals involved, date, time, location, and type of allegation). If the information is conveyed orally, the Human Rights Officer/Title IX Coordinator will document it.

5. If an individual is unsure as to whether unlawful discrimination or harassment has occurred, they are encouraged to discuss the matter with the Human Rights Officer/Title IX Coordinator.

6. Individuals will not be retaliated against for reporting suspected discrimination or harassment or for participating in an investigation. Retaliation is illegal under federal/state nondiscrimination laws and Board policies, and any retaliation will result in disciplinary action, up to and including termination.

7. The Superintendent will be promptly notified of all reports of alleged discrimination or harassment of an employee.

8. An employee who believes they have been discriminated against or harassed on the basis of sex is encouraged to utilize this complaint procedure. However, employees are hereby notified that they also have the right to report incidents of discrimination or harassment to:

    - New Hampshire Commission for Human Rights, 2 Industrial Park Drive, Concord, NH 03301 (telephone: 603-271-2767); and/or
    - Office for Civil Rights, U.S. Department of Education, 5 Post Office Square, 8th Floor, Boston, MA 02109-3921 (telephone: 617-289-0111.

B. Processing of Complaints

1. The Human Rights Officer/Title IX Coordinator will treat complainants and respondents equitably through the complaint procedure.

2. If the individual making the report is the alleged victim, or if the alleged victim is identified by the individual making the report, the Human Rights Officer/Title IX Coordinator will meet with the alleged victim to discuss the allegations and supportive measures that may be appropriate in the particular circumstances and to explain the complaint procedure.

   If the alleged victim is unknown to the Human Rights Officer/Title IX Coordinator, the person who made the report will be notified of the availability of the complaint procedure.

3. Supportive Measures

a. Supportive measures are individualized measures designed to ensure the employee can continue to access and perform their work (including but not limited to: requiring no contact between individuals, temporarily moving work locations, and changing schedules).
b. Supportive measures must not unreasonably burden either party and must be designed to protect the safety of the parties or the school district's educational environment or to provide support during the complaint procedure or an informal resolution process. The school district may not impose such measures for punitive or disciplinary reasons.
c. Supportive measures may be continued even if a complaint or informal resolution process is not initiated, or after the conclusion of such processes, if appropriate under the circumstances.
d. Complainants and respondents must be provided with a timely opportunity to seek, from an appropriate and impartial employee, modification or reversal of a decision to provide, deny, modify, or terminate supportive measures applicable to them. This employee must not be the Human Rights Officer/Title IX Coordinator and must have the authority to modify or reverse the decision.
e. Complainants and respondents also have the opportunity to seek additional modification or termination of a supportive measure applicable to them if circumstances change.
f. The school district will not disclose information about supportive measures to persons other than the person to whom they apply unless it is necessary to provide a supportive measure or to restore or preserve a party's access to education programs and activities.

4. If the Human Rights Officer/Title IX Coordinator reasonably determines that the conduct alleged does not involve illegal discrimination or harassment, the school district is not obligated to initiate the complaint process and may dismiss the complaint (See Subsection C.1. below). If the alleged conduct potentially violates other laws, Board policies/procedures, or professional expectations (in the case of employees), the matter may be referred to the Superintendent and/or other appropriate administrator(s) to address as deemed appropriate.

5. In response to a complaint alleging prohibited sex discrimination or sexual/sex-based harassment, the Human Rights Officer/Title IX Coordinator will initiate the complaint process, or the informal resolution process (if available and appropriate), according to this procedure. When feasible, the decision to initiate an investigation or informal resolution process, or dismiss the complaint, will be made within ten (10) school days of receipt of the complaint.

6. In certain circumstances, the Human Rights Officer/Title IX Coordinator may initiate the investigation process, even when the alleged victim chooses not to, after any or

all allegations are withdrawn by the alleged victim, or when an informal resolution process is not initiated or is terminated. To make this fact-specific determination, the Human Rights Officer/Title IX Coordinator will consider, at a minimum:

a. The complainant's request not to proceed with initiating a complaint;
b. The complainant's reasonable safety concerns regarding initiating a complaint;
c. The risk that additional acts of discrimination or harassment would occur if a complaint is not initiated;
d. The severity of the alleged discrimination or harassment, including whether the discrimination, if established, would require the removal of a respondent from school or imposition of another disciplinary sanction to end the discrimination or harassment and prevent its recurrence;
e. The age and relationship of the parties, including whether the respondent is an employee of the school district;
f. The scope of the alleged discrimination or harassment, including information suggesting a pattern, ongoing discrimination/harassment, or discrimination/harassment alleged to have impacted multiple individuals;
g. The availability of evidence to assist a decisionmaker in determining whether discrimination or harassment occurred; and
h. Whether the school district could end the alleged discrimination or harassment and prevent its recurrence without initiating the complaint procedure.

If, after considering these and any other factors that may be relevant, the Human Rights Officer/Title IX Coordinator determines that the alleged conduct presents an imminent and serious threat to the health or safety of the complainant or other individuals, or that the alleged conduct prevents the school district from ensuring equal access to its education programs and activities, the Human Rights Officer/Title IX Coordinator may initiate a complaint.

7. If the Human Rights Officer/Title IX Coordinator initiates a complaint, the complainant will receive prior notice and any reasonable safety concerns will be addressed.

8. The Human Rights Officer/Title IX Coordinator will confirm the initiation of an investigation or informal resolution process in writing to both parties. The communication will include: a) a copy of the complaint procedure; b) sufficient information available at the time to allow the parties to respond to the allegations (including the identities of the parties involved, the conduct alleged to constitute sex discrimination or sexual/sex-based harassment, and the date(s) and location(s) of the alleged incident(s); c) notice that retaliation is prohibited; and d) notice that the parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence.

9. Regardless of whether an investigation is initiated, the Human Rights Officer/Title IX Coordinator will take appropriate, prompt, and effective steps to ensure that discrimination or harassment does not continue or recur. The Human Rights Officer/Title IX Coordinator will also coordinate supportive measures, as appropriate.

10. If the Human Rights Officer/Title IX Coordinator decides to investigate additional allegations of discrimination or harassment made by the complainant against the respondent after the parties receive notice of the complaint, the Human Rights Officer/Title IX Coordinator will notify the parties of the additional allegations in writing.

11. The Human Rights Officer/Title IX Coordinator may consolidate complaints of discrimination or harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against another party, when the allegations arise out of the same facts or circumstances.

12. The school district will presume that the respondent is not responsible for alleged discrimination or harassment until a determination is made at the conclusion of the investigation.

13. The school district will take reasonable steps to protect the privacy of the parties and witnesses during the complaint procedure and will comply with applicable state and federal privacy laws. These steps will not restrict the ability of the parties to obtain and present evidence, including by speaking to witnesses, confidential employees/resources, or otherwise prepare for and participate in the complaint procedure.

C. Dismissal of Complaints

1. The Human Rights Officer/Title IX Coordinator may dismiss a complaint in the following circumstances:

    a. The school district is unable to identify a respondent after taking reasonable steps to do so;
    b. The respondent is not participating in the school district's education programs and activities, or is not employed by the school district;
    c. The complainant voluntarily withdraws any or all allegations in the complaint, the Human Rights Officer/Title IX Coordinator declines to initiate a complaint and determines that, without the complainant's withdrawn allegations, the alleged conduct remaining, if any, would not constitute discrimination or harassment even if proven; or

d. The Human Rights Officer/Title IX Coordinator determines that the conduct alleged in the complaint, even if proven, would not constitute discrimination or harassment under state/federal laws and regulations.

2. Upon dismissal, the Human Rights Officer/Title IX Coordinator will promptly notify the complainant (and the respondent, if they had received notice of the complaint allegations) of the basis for the dismissal, and provide the opportunity to appeal the dismissal.

3. Dismissals may be appealed on the following bases:

   a. Procedural irregularity that would change the outcome;
   b. New evidence that would change the outcome and that was not reasonably available when the dismissal [or determination in the case] was made; and
   c. The Human Rights Officer/Title IX Coordinator, investigator, or decisionmaker had a conflict or bias for or against complainants or respondents generally, or the individual complainant or respondent that would change the outcome.

4. An appeal of a complaint dismissal must be made in writing to the Human Rights Officer/Title IX Coordinator within five (5) school days and state the basis for the appeal.

5. If the dismissal is appealed, the Human Rights Officer/Title IX Coordinator shall:

   a. Notify the respondent of the appeal if they had received notice of the complaint allegations;
   b. Implement the appeal procedure equally for the parties;
   c. Ensure that the trained decisionmaker for the appeal did not take part in an investigation of the allegations or dismissal of the complaint;
   d. Provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome; and
   e. Notify the parties in writing of the result of the appeal and the rationale for it within five (5) school days, if feasible.

6. When a complaint is dismissed, the Human Rights Officer/Title IX Coordinator will, at a minimum:

   a. Offer supportive measures to the complainant and respondent if appropriate; and
   b. Take other prompt and effective steps, as appropriate to ensure that discrimination or harassment does not continue or recur within the school district's program or activity.

7. The Human Rights Officer/Title IX Coordinator will document actions taken during the appeal process.

D. Administrative Leave

1. The Superintendent may place an employee respondent on administrative leave during the complaint procedure in accordance with any applicable state laws, school policies, and collective bargaining agreement provisions.

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

3. The Human Rights Officer/Title IX Coordinator will document actions taken during the administrative leave process.

[Note: The Superintendent may remove a student from education programs and activities on an emergency basis during the complaint procedure in accordance with the procedures set forth in ACAA-R2, Section 2.D]

E. Informal Resolution Process

1. Informal resolution is not permitted in cases where a student is the complainant and an employee is the respondent to alleged sex discrimination or harassment [such cases should be addressed under Procedure *ACAA-R2*].

2. The Human Rights Officer/Title IX Coordinator may, if appropriate, offer the parties the opportunity to resolve the complaint through an informal resolution process at any point prior to an investigation or determination of responsibility. Engaging in an informal resolution process is voluntary on the part of each party. The Human Rights Officer/Title IX Coordinator also may decline to pursue an informal resolution despite a party's request (for example, if the alleged conduct presents a future risk of harm to the complainant or others).

3. Both (or all) parties must voluntarily agree in writing to participate in an informal resolution process, and a party may withdraw from the process at any time. The parties will not be required to attend meetings together unless they voluntarily agree to do so.

4. Before initiating an informal resolution process, the Human Rights Officer/Title IX Coordinator will ensure that the parties receive notice of: i.) the allegations; ii.) the requirements of the informal resolution process; ii.) the right of any party to withdraw from the process and initiate or resume the investigation process; iv.) that

the parties' agreement to an informal resolution would preclude them from initiating or resuming the investigation; v.) potential terms that may be requested or offered in an informal resolution agreement, including notice that an agreement is binding on the parties; and vi.) what information the school district will maintain regarding the informal resolution process.

[Note: Informal resolutions can take many forms, depending on the particular case, including but not limited to: restrictions on contact between the parties; facilitated discussions between the parties; restorative justice; acknowledgement of responsibility by a respondent; apologies; disciplinary actions against a respondent or requirements to engage in specific services; or supportive measures.]

5. The facilitator for the informal resolution process: must be trained; cannot be the same person as the investigator or decisionmaker in the matter; and must not have a conflict of interest or bias regarding parties to such matters generally or to an individual complainant or respondent.

6. The Superintendent must agree to the terms of any informal resolution reached between the parties, considering whether the resolution is in the best interest of the parties and the school district in light of the particular circumstances, applicable laws/regulations, and Board policies.

7. If an informal resolution agreement is reached, it will be agreed to in writing by both parties and the Human Rights Office/Title IX Coordinator. Any such agreement is final and binding on the parties.

F. Investigation Process

1. The complaint will be investigated by a trained internal or external individual designated by the Superintendent and the Human Rights Officer/Title IX Coordinator. The investigator shall not have a conflict of interest or bias against complainants or respondents generally, or an individual complainant or respondent, and will consult with the Human Rights Officer/Title IX Coordinator during the investigation process.

2. Any complaint about an employee who holds a supervisory position will be investigated by a person not subject to that supervisor's authority. Any complaint about the Superintendent will be submitted to the Board Chair, who will consult with legal counsel concerning the handling and investigation of the complaint.

3. If the complaint is against an employee of the school district, any rights conferred under an applicable bargaining agreement will be applied, to the extent they do not conflict with the requirements of Title IX and accompanying regulations.

4. The burden is on the school district, and not the parties, to gather sufficient evidence (through the investigation) in order to determine whether illegal discrimination or harassment occurred.

5. The investigator shall provide an opportunity for the complainant and respondent to be heard as part of the investigation. The parties will not be required to attend meetings together.

6. The parties may suggest witnesses to be interviewed and/or submit materials that they believe are relevant to the allegations and complaint.

7. The investigator will evaluate evidence that is relevant and not otherwise impermissible, including both inculpatory and exculpatory evidence. Credibility determinations will not be based on a person's status as a complainant, respondent, or witness.

    a. The Title IX regulations define "relevant" as "related to the allegations of sex discrimination under investigation. Questions are relevant when they seek evidence that may aid in showing whether the alleged sex discrimination occurred, and evidence is relevant when it may aid a decisionmaker in determining whether the alleged sex discrimination occurred."

8. The following types of evidence, and questions seeking that evidence, are impermissible:

    a. Evidence that is protected under a privilege recognized by federal or state law, or evidence provided to a confidential employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality in writing.
    b. A party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the treatment to the party or witness, unless the school district obtains that party's or witness's voluntary, written consent for use in the complaint procedure; and
    a. Evidence that relates to the complainant's sexual interests or prior sexual conduct, unless evidence about the complainant's prior sexual conduct is offered to prove that someone other than the respondent committed alleged sexual/sex-based harassment or is evidence about specific incidents of the complainant's prior sexual conduct with the respondent that is offered to prove consent to the alleged sexual/sex-based harassment. The fact of prior sexual conduct between the complainant and respondent does not by itself demonstrate or imply the complainant's consent to the alleged sex-based harassment or preclude a determination that sex-based harassment occurred.

9. The investigator will provide each party with the opportunity to review the evidence that is relevant to the allegations of discrimination or harassment (and not otherwise impermissible), and to respond to it.

10. The Human Rights Officer/Title IX Coordinator and investigator will take reasonable steps to prevent and address the parties' unauthorized disclosure of information and evidence obtained solely through the complaint procedure. Disclosure of such information and evidence for the purposes of administering administrative proceedings or litigation related to the complaint are authorized.

NOTE TO LOCAL BOARDS: IF THE INVESTIGATOR ALSO MAKES DISCIPLINE/REMEDY DECISIONS, PARAGRAPH 16 SHOULD INCLUDE THIS INFORMATION.

11. The investigator will conclude the investigation and issue a written report to the Human Rights Officer/Title IX Coordinator within forty (40) school days, if feasible.

    a. If the investigator has been charged with making a determination of responsibility/non-responsibility with respect to each allegation, such determination(s) and the reasons, therefore, shall be included in the report.

12. Extensions of time may be granted to complete the investigation if approved by the Human Rights Officer/Title IX Coordinator for reasonable cause. Notice of any extension and the reasons, therefore, will be provided to the parties.

G. Determinations of Responsibility

1. The standard used to determine whether illegal discrimination or harassment occurred is the preponderance of the evidence standard ("more likely than not").

2. The decisionmaker will review the investigation report, the evidence gathered (as appropriate), and will have the discretion to conduct additional interviews of parties and/or witnesses if needed to assess credibility.

3. The decisionmaker will make a written determination of responsibility/non-responsibility in regard to each allegation and the reasons therefore, which shall be shared with the Human Rights Officer/Title IX Coordinator and the parties.

4. In general, the Human Rights Officer/Title IX Coordinator will notify the parties of the determination decision(s) within five (5) school days of the determination being reached. Reasonable extensions of time may be approved by the Human Rights Officer/Title IX Coordinator for good reason. The notification will include the permissible bases for appeal and the deadline for receipt of appeals.

5. If there is a determination that the respondent is responsible for violations, the appropriate administrator will make decisions as to appropriate disciplinary action and remedies.

6. The Human Rights Officer/Title IX Coordinator shall, as appropriate:

    a. Coordinate the provision and implementation of remedies to a complainant and any other persons if necessary to provide equal access to the school district's educational programs and activities that had been limited or denied by discrimination or harassment;
    b. Coordinate the imposition of any disciplinary sanctions on a respondent, including notification to the complainant of any such disciplinary sanctions; and
    c. Take other appropriate prompt and effective steps if necessary to ensure discrimination and harassment does not continue or recur.

7. A determination of responsibility becomes final on the date that the Human Rights Officer/Title IX Coordinator provides the parties with the written determination of the results of the appeal, if an appeal is filed. If an appeal is not filed, the determination of responsibility becomes final on the date on which the appeal would no longer be considered timely.

8. The school district will not discipline a party, witness, or others participating in the complaint procedure for making a false statement or for engaging in consensual sexual conduct based solely on the determination that sex discrimination or sexual/sex-based harassment occurred.

H. Remedies, Discipline, and Other Actions

1. Remedies

Remedies are measures used to ensure that the complainant has equal access to the school district's education programs and activities following the decisionmaker's determination(s). Such remedies may include supportive measures and may include other appropriate measures, depending on the determination(s) and the needs of the complainant. The Human Rights Officer/Title IX Coordinator is responsible for implementing remedies and providing any needed assistance to the complainant.

2. Discipline and Other Actions

Examples of disciplinary and other actions that may be imposed on a student when there is a determination that they are responsible for one or more violations of sexual/sex-based

harassment include suspension, expulsion, restorative justice, required education or counseling, and other measures.
Examples of disciplinary actions that may be imposed on an employee when there is a determination that they are responsible for one or more violations of sexual/sex-based harassment include: written warning, probation, counseling, demotion, suspension without pay, termination.

i. Appeals

1. After the conclusion of the investigation and decisionmaker determination(s), the complainant or respondent may seek an appeal of the findings based on the following factors:

    a. Procedural irregularity that would change the outcome;
    b. New evidence that would change the outcome and that was not reasonably available when the determination was made; and
    c. The Human Rights Officer/Title IX Coordinator, investigator, or decisionmaker had a conflict or bias for or against complainants or respondents generally or the individual complainant or respondent that would change the outcome.

2. The appeal must be made in writing to the Human Rights Officer/Title IX Coordinator within five (5) school days and state the basis for the appeal.

3. The Superintendent is responsible for making a determination on the appeal. The Superintendent will conduct an impartial review of the appeal, including consideration of the written record in the case, and may consult with legal counsel or other school district officials in making their decision.

4. The Superintendent will issue the appeal determination in writing within ten (10) school days of receipt of the appeal, if feasible.

5. The Superintendent's decision is final.

Section 3. Recordkeeping

The Human Rights Officer/Title IX Coordinator shall maintain a record of documents and action in each case, and records of trainings provided, for a period of seven (7) years.

Cross References: AC – Nondiscrimination/Equal Opportunity and Human Rights
ACAB – Harassment of Employees
ACAB-R1 – Employee Discrimination and Harassment Complaint Procedure

ACAB-R2 – Employee Sex Discrimination/Harassment Complaint Procedure
JIE - Pregnant Students

PREGNANT STUDENTS

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

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

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

A. Notifications

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

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

B. Reasonable Modifications

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

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

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

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

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

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

D. Voluntary Leave of Absence

1. The school district shall allow a student to voluntarily be absent from school to cover, at a minimum, the period of time deemed medically necessary by the student's licensed health care provider.

2. When the student returns to the school district's education programs and activities, they shall be reinstated to the academic status, and to the extent practical, any extracurricular status, that they held prior to the voluntary leave.

E. Lactation Space

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

F. Limits on Requiring Documentation

1. The Title IX Coordinator shall not require supporting documentation from the student, except to the extent it is necessary and reasonable to determine the

reasonable modifications to make or to determine whether additional specific actions are needed.

2. Examples of situations where requiring supporting documentation is not necessary and reasonable include, but are not limited to, when the student's need for a specific action under this procedure is obvious, such as when a pregnant student needs a larger uniform or desk, needs break time, etc. Supporting documentation is also not necessary and reasonable if a specific action is available to other students who are not pregnant or have related conditions.

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

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

Legal References: Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. §§ 1681-1688; 34 C.F.R. § 106.40.
RSA 193:38.
RSA 354-A:27-28.

Cross Reference: AC – Nondiscrimination/Equal Opportunity and Affirmative Action
ACAA – Harassment of Students
ACAA-R2 – Student Sex Discrimination/Harassment Complaint Procedure

Pittsfield School District

PUBLIC GIFTS AND DONATIONS

Gifts from organizations, community groups, and/or individuals, which will benefit the school district, shall be encouraged. A gift shall be defined as money real or personal property, and personal services provided without consideration.

Individuals or groups contemplating presenting a gift to a school or the district shall be encouraged to discuss in advance with the appropriate school administrator or the superintendent which gifts are appropriate and needed.

The Board reserves the right to refuse any gift that does not contribute to the achievement of the district's mission, or in which the ownership of the gift would tend to deplete the resources of the district. In determining whether a gift will be accepted, consideration shall be given to district policies and the district's mission.

The superintendent may accept gifts in the amount of $500 or less. Gifts in excess of $500 may only be accepted by the Board. Additionally, pursuant to RSA 193:200-b, gifts in the amount of $5000 or more shall require the Board to hold a public hearing regarding any action to be taken with the gift. For gifts of less than $5000, the Board will post notice of the gift in the agenda of the next regularly scheduled Board meeting and will include notice in the minutes of the meeting during which the gift is discussed. The acceptance of all gifts will be made in public session.

Any gift accepted shall become the property of the district, may not be returned without the approval of the Board, and is subject to the same controls and regulations as are other properties of the district. The Board shall be responsible for the maintenance of any gift it accepts.

At the time of acceptance of the gift, there will be a definite understanding with regard to the use of the gift. The Board will make every effort to honor the intent of the donor in its use of the gift, but reserves the right to utilize any gift it accepts in the best interests of the educational program of the district. In no case shall acceptance of a gift be considered to be an endorsement by the Board of a commercial product or business enterprise or institution of learning.

Voluntary contributions by district employees of supplies or other minor items of personal property to be used in classrooms or school programs with an aggregate value over the school year of less than $250 are permitted without further approval or documentation. Receipt of voluntary contributions being made by district employees with a value of $250 or more must be approved as required in this policy for gifts from individuals not employed by the district.

Active solicitation of gifts to be received by the district, including by any school, classroom, or program in the district, including soliciting gifts through online crowd funding web sites must be approved in advance by the superintendent where the value of the gift sought is less than $500 and by the Board where the value of the gift sought is $500 or greater.

Reading: April 7, 1997 (as Policy KH)
Adopted: May 5, 1997
Amended: September 3, 2015
Amended: January 17, 2019

KM

Pittsfield School District

TEACHER – PARENT COMMUNICATIONS REGARDING STUDENT PERFORMANCE

All district teachers are expected to communicate with the parents/guardians of their students at least once per quarter. Contact with parents / guardians must go beyond the traditional end-of-quarter reporting systems.

The purposes of parent/guardian contacts are to inform parents/guardians on a regular and consistent basis both of the successes and the needs of their children and youth as well as to collaborate on solutions to student issues.

Parent-teacher contact may be made through face-to-face discussions, written notes or letters, email communications, and/or by telephone. The Board expects all teachers to contact parents more frequently when student progress falls below previously-reported levels or behind the pace of the course or class and/or when other concerns, such as behavior or attendance, require attention and adjustment.

The school administration will develop internal procedures to implement the required teacher – parent communications.

Reading: June 16, 1997
Adopted: July 7, 1997
Reviewed: March 11, 1999
Amended: March 25, 1999
Amended: September 3, 2015
Reviewed: January 17, 2019

Pittsfield School District

PUBLIC COMPLAINTS

The Board believes that complaints and grievances are best handled and resolved by the parties directly concerned. Therefore, the proper channeling of complaints involving instruction, discipline, or learning materials might be as follows:

1. Teacher or other individual professional employee;
2. Appropriate supervising administrator (dean or director);
3. Superintendent of Schools;
4. School Board.

Any complaint presented to the Board about school personnel shall be referred back through proper administrative channels. The Board will not hold formal hearings on complaints from individuals for the purpose of resolution until such complaints have first been brought forth through the appropriate and applicable administrative procedures. Exceptions to this provision are for complaints that relate solely to Board actions or Board operations.

In the event a complaint is made directly to an individual Board member, the procedure outlined below shall be followed;

1. The Board member shall refer the person making the complaint to the superintendent for investigation. The superintendent may delegate the investigation to the appropriate supervising administrator.

2. If the member of the public will not personally present the complaint to the superintendent or supervising administrator, the Board member shall then ask that the complaint be written and signed. The Board member will then refer the complaint to the superintendent for investigation.

3. If the person making a complaint feels that a satisfactory reply has not been received from the superintendent, the person may request that the complaint be heard by the Board. The Board will hear and act upon the complaint only by majority vote. If the Board does hear and act upon the complaint, all decisions by the Board will be final.

Adopted: March 1, 1980 (as Policy KL)
Amended: September 18, 2015
Reviewed: January 17, 2019

Pittsfield School District

SCHOOL YEAR

The school year shall be a minimum of 180 instructional days for students and additional days as may be required for both the teaching and support staff.

Any days that schools are closed for emergency reasons will be made up at the end of the school year or during school recess periods, as approved by the Board upon the superintendent's recommendation. Under special circumstances, the Board may request an exception to this requirement from the State Board of Education.

Alternatively, the school year may consist of the number of hours as required by the New Hampshire Department of Education Rules. In the event that schools are closed for excessive days for emergency reasons, the superintendent may recommend to the board a revised schedule that satisfies all Department of Education requirements, but which may amend the number of days in the school year.

Adopted: October 2, 2014
Reviewed: September 20, 2018