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

PITTSFIELD SCHOOL BOARD
MEETING AGENDA

5:30 PM August 15, 2024
PMHS Media Center
Pittsfield Middle High School
School Board Meeting

Google Meet joining information:

meet.google.com/ekb-odkn-dej

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3 ACTION ON AMENDED AGENDA

4. APPROVAL OF MINUTES- July 18, 2024 and August 1, 2024

5. PUBLIC INPUT ON AGENDA ITEMS

6. STUDENT REPRESENTATIVE

7. SUPERINTENDENT OF SCHOOLS
   Hiring Update
   Audit
   Free and Reduced Lunch
   Retirement System Reconciliation
   Meeting with School District Treasurer

8. SCHOOL BOARD

   Student Handbook Review

   Policy Review First Reading
   EGA School District Internet Access for Students
   IMGA- Service Animals
   JJIFA- Wellness
   IJOA- Field Trips and Excursions

Policy Review Second 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 and Harassment Complaint Procedure
ACAB- Harassment of Employees
ACAB- R1- Staff Discrimination and Harassment Complaint Procedure
ACAB- R2- Staff Sex Discrimination and Harassment Complaint Procedure
JIE- Pregnant Students
JLF- Reporting Suspected Child Abuse or Neglect
JLF-R Reporting Suspected Child Abuse Procedure
JH- Attendance, Absenteeism, and Truancy

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. NON-PUBLIC SESSION: RSA 193: A 3: (a)

16. ADJOURNMENT

DRAFT MINUTES OF THE PITTSFIELD SCHOOL BOARD
STATE OF NEW HAMPSHIRE
SCHOOL ADMINISTRATIVE
UNIT #51

PITTSFIELD SCHOOLBOARD
MINUTES

Pittsfield School Board Meeting August 1, 2024
Pittsfield Middle High School

MEMBERS PRESENT: Sandra Adams- Chair Person
Adam Gauthier
Tim Robinson
Eric Nilsson- Arrived at 5:47

OTHERS PRESENT: Bryan Lane- Superintendent of Schools
Kristen White- Principal PES
Charlene Vary- Director of Student Support Services
Melissa Brown- PMHS Assistant Principal
Members of the Public

I. Mrs. Adams calls the meeting into session at 5:30 and led the Pledge of Allegiance

II. ACTION ON AMENDED AGENDA

Mr. Lane- Policy JLF and JLFR, minutes from 7/18/24 not available, nonpublic session under RSA 198:3A (b)

Motion to approve the amended agenda Mr. Robinson
2nd by Mr. Gauthier

Vote -3-0

III. APPROVAL OF MINUTES of July 18, 2024 not available

IV. PUBLIC INPUT
None

V. Presentation of Youth Risk Behavior Survey- Melissa Brown

Mrs. Brown presented a summary of the Youth Risk Behavior Survey (YRBS). The YRBS is given every two years and asks a series of questions to determine the tendencies of student behaviors around issues that affect students. Areas of concern include:

- Increased marijuana usage two times state average
- First time usage 11% higher than state average
- Alcohol usage has decreased
- Vaping usage has increased

Staff workshops for the opening of school will include:

- Advisory planning
- Common Planning Time Meetings
- Emergency Preparedness
- Health Services Training
- Title IX
- Policies and Procedures
- School Improvement Goals

Modifications to the student attendance policy are being proposed to the Board. Mr. Hamilton explained that during the pandemic policies were relaxed and all absences were excused resulting in students with excessive absences, greater than 18 days in a school year (10% of days). The proposal:

> Students who have ten or more unexcused absences in a year-long class will receive an attendance failure for that class. The student who has the attendance failure can still receive credit for the class if they pass all competencies but will receive zero GPA points. Students with an attendance failure will not be eligible for competency recovery. Only absences documented by a physician or designated by the principal, will be considered excused. Students with documented illness (i.e. asthma) will not need to go to the doctor for each illness related absence.

Mrs. Adams asked for clarification on GPA penalty. Mr. Hamilton explained how a student could still earn credit for the class by passing competencies but the zero GPA points would be averaged into the career GPA.

Mr. Robinson asked if student absences due to suspension would count toward an attendance failure. It is clarified that absences due to suspension will not count toward attendance failures.

IX. SUPERINTENDENT OF SCHOOLS- Bryan Lane

The Superintendent reviews the hiring chart for the District. Title I teacher Maura Burns will be moved to the open second grade position. The open positions are now a reading specialist, music teacher at PMHS and Title I teacher. The District still has a surplus in salaries and benefits for the 2024-25 budget.

The budget audit is under way and all information requested has been submitted. There is an expectation of a progress report by the next Board meeting on August 16.

The response from the State School Board is attached to the Board packet. Our legal counsel has filed a request to move to the next step with the State Supreme Court. We will be waiting to see their response.

The Superintendent put forward a motion to allow building administrators to have the ability to suspend students for up to ten (10) days for a given infraction of the student code of conduct

e) Foss Family Foundation- None
f) Public Relations- none

XII. PLAN FOR NEXT AGENDA
Policies for Title IX
Policy for Attendance
Policy for Reporting of Child Abuse and Neglect
Policy CBI- Evaluation of the Superintendent
Update on Open Enrollment issue

XIII. BOARD COMMENTS

XIV. PUBLIC INPUT
Paulette Wolfe introduced herself as the new Assistant School District Treasurer. She described her background and qualifications as well as her enthusiasm for the position.

XV. NON-PUBLIC SESSEION
Motion to go into a non-public session
Seconded by Mr. Nilsson

Roll Call Vote:
Mr. Nilsson- Yes
Mr. Robinson-Yes
Mr. Gauthier- Yes
Ms. Adams- Yes

Board discussed a personnel issue: Motion to accept the resignation of Evan Whitfield with the penalty of $1000 in accordance with the CBA made by Mr. Gauthier
2nd by Mr. Nilsson

Vote 4-0

Motion to exit non- public made by Mr. Gauthier
Seconded by Mr. Nilsson

Vote 4-0

XVI. ADJOURNMENT

Motion to adjourn made by Mrs. Adams to adjourn
Seconded by Gauthier

Vote 4-0 to approve the motion at 7:21

SUBMITTED BY BRYAN LANE 8/8/24

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Bryan Lane – Superintendent of Schools

SUPERINTENDENT'S REPORT
August 15, 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)
Art PMHS	$ 71,506	Allyson Poulin	$ 48,480	$ 23,206
SPED PES	$ 73,506	Contracted Serviced	$96,400	$(22,894)
Elementary Teacher	$ 70,380	Barbara McGrath	$92,321	$(21,941)
Reading Specialist	$ 95,000			
PMHS Music	$ 73,772			

Currently, there is a surplus in salaries and benefits of $71,190 with all current hires. As of the writing of this report, there are no new nominations for the Board. The District was only going to fund 50% of the reading specialist positon, the rest would be grant funded.

The audit being conducted by Plodzik and Sanderson is ongoing. I will be reaching out to them for a preliminary report.

Free and Reduced Meal program paperwork has been distributed by email to all families. As of the writing of this report, there are 154 students on the Direct Certification list and an additional 10 students have qualified within the first 3 days that applications were made available to parents. Currently, 34% of our students will qualify for the program.

The Business Office has reconciled all months with the New Hampshire Retirement System. Kudos to Rheana Anderson for working to rectify the situation in an expedient manner.

My bi-weekly meetings with the Treasurer and now Asst. Treasurer are held on Monday's. We will continue to discuss the financial issues of the District. In speaking with a representative of the Mercier Group, the firm who did our audits for many years, the practice of paying the teacher's salaries in July and August was considered to be the local practice. That will continue to be a topic of conversation at our Monday meetings.

Pittsfield School District

SCHOOL DISTRICT INTERNET ACCESS FOR STUDENTS

The rich resources of information available on the Internet hold the promise of greatly enhancing the quality of education available to all students. Therefore, Internet access will be made available to students in the District for the purposes of communication, research, and education.

District personnel will monitor student Internet use and the degree of access to the Internet will be dependent on the age of students.

Safety Procedures and Guidelines

The Superintendent shall develop and implement appropriate procedures to provide guidance for access and use of electronic media. ~~***See EGA-R.***~~

Guidelines shall address teacher supervision of student computer use, ethical use of electronic media (including, but not limited to, the Internet, e-mail, and other District technological resources), and issues of privacy versus administrative review of electronic files and communications. In addition, guidelines shall prohibit utilization of networks for prohibited or illegal activities, the intentional spreading of embedded messages, or the use of other programs with the potential of damaging or destroying programs or data.

Internet safety measures shall be implemented that effectively address the following:

1. Implementation of a District Internet Acceptable Use Procedure.

2. Implementation of a District Internet Code of Conduct.

3. Rules of Internet use to be included in all student handbooks.

4. All student Internet users obtain an Internet account that includes parent permission.

    A. Compliance with the District Acceptable Use Procedures are conditions for the account.

    B. Internet training will be provided, including training on personal responsibility, ethical and courteous behavior, and the Acceptable Use Procedures and the Code of Conduct.

    C. Parents or guardians are asked to review the Code of Conduct and the Acceptable Use Procedures with their children and youth. Parent or guardian permission is required for student access. All students and staff must have a signed District authorization form for an account.

Pittsfield School District

SERVICE ANIMALS

A. General Conditions

1. Use of a service animal by a person with a disability will be allowed in or upon district property when the animal is required to perform work or tasks directly related to the individual's disability. Qualified individuals with disabilities and service animal trainers are eligible to use service animals in the school.

2. A service animal, for the purposes of this policy, shall mean and include any dog individually trained to do work or perform tasks for the benefit of an individual with a disability, including physical, sensory, psychiatric, intellectual, or other mental disability. "Service animal" shall be constructed to include a "hearing ear dog," "guide dog," or "service dog," as those terms are currently defined in NH RSA 167-D:1. "Emotional support," "therapy," or "comfort dogs" are generally not service animals for the purposes of this policy, except as may be provided under section B.2 below.

   Miniature horses do not specifically fall within the state or federal statutory definitions for "service animal." However, miniature horses which have been individually trained to perform specific work or tasks may be permitted in the schools in certain circumstances as a reasonable accommodation for a qualified individual with a disability. Any such requests should be directed to the ~~***dean of operations***~~ Superintendent who, in addition to the above, will take into consideration the provisions of B.2 and C (below). If a miniature horse is approved, all the conditions in this policy shall apply.

   Other species of animals, whether wild or domestic, trained or untrained, are not service animals for purposes of this definition.

   The work or tasks performed by a service animal must be directly related to the individual's disability. Under state and federal law, work and tasks may include but are not limited to: (1) assisting individuals who are blind or have low vision with navigation and other tasks; (2) alerting individuals who are deaf or hard of hearing to the presence of people or sounds; (3) providing nonviolent protection or rescue work; (4) pulling a wheelchair; (5) assisting an individual during a seizure; (6) alerting individuals to the presence of allergens; (7) retrieving items, such as medicine or a telephone; (8) providing physical support and assistance with balance and stability to individuals with mobility disabilities; and (9) helping

B. Administrative Review of Service Animals

1. Whenever a service animal is in the school or on district property (and it is not obvious that the animal qualifies as a service animal; e.g., guide dog for a blind person), school administrators or other authorized district personal may ask:

   a. Whether the service animal is required because of a disability;

   b. What work or tasks the animal has been trained to perform;

   c. In the case of a service animal trainer, documentation of the individual's affiliation with a recognized organization as described in RSA 167 and A.7 (above).

2. If a student with an educational disability or a Section 504 Plan seeks to bring an animal on a school campus that is not a service animal as defined above, the request shall be referred to the IEP or Section 504 Team to determine whether the animal is necessary for the student to receive a free and appropriate education (FAPE). After such review, if the animal is deemed necessary for the student to receive a FAPE, then the animal shall be a service animal for the purpose of this policy.

3. When it is anticipated that a service animal is going to be in school on a regular basis with a third party (e.g., employee, volunteer, service animal trainer, or other frequent visitor to the school), the individual using the service animal (or in the case of a student, the student's parent / guardian) are strongly encouraged to notify the dean of operations in advance.

   a. The school will not provide any staff support to care for or control a service animal, but may provide support to a student using a service animal as needed in a particular circumstance (e.g., accompanying a young student who takes a service animal outdoors to relieve itself).

   b. Any handler (service animal trainer, parent / guardian, or other person) accompanying the service animal must have approval to work in the school from the New Hampshire Department of Education and undergo a state criminal background check.

4. Service animals must be properly licensed and vaccinated in accordance with New Hampshire law (see RSA Chapter 466).

e. The service animal is not housebroken (i.e., demonstrates that it is not sufficiently trained to relieve itself outside in appropriate locations).

2. If a service animal is removed or excluded, the individual shall still be provided access to school facilities, programs and/or services.

Adopted: January 12, 2012
Reviewed: December 4, 2014
Amended: October 18, 2018

Pittsfield School District

WELLNESS

The Pittsfield School District is committed to the optimal development of every student. The district believes that for students to have the opportunity to achieve personal, academic, developmental, and social success, we need to create positive, safe, and health promoting learning environments at every level in every setting throughout the year.

This policy outlines the district's approach to ensuring environments and opportunities for all students to practice healthy eating and physical activity behaviors throughout the school day while minimizing commercial distractions. Specifically, this policy establishes goals and procedures that:

- Students in the district have access to healthy foods throughout the school day – both through reimbursable school meals and other foods available throughout the school campus – in accordance with federal and state nutrition standards;
- Students receive quality nutrition education that helps them develop lifelong healthy eating behaviors;
- Students have opportunities to be physically active before, during, and after school;
- Schools engage in nutrition and physical activity promotion and other activities that promote student wellness;
- School staff are encouraged and supported to practice healthy nutrition and physical activity behaviors in and out of school;
- The community is engaged in supporting the work of the district in creating continuity between school and other settings for students and staff to practice lifelong healthy habits; and
- The district establishes and maintains an infrastructure for management, oversight, implementation, communication about, and monitoring of the policy and its established goals and objectives.

This policy applies to all students, staff, and schools in the district. Specific measurable goals and outcomes are identified within each section below.

School Wellness Committee

I. Committee Role and Membership. The Board will establish a representative District Wellness Committee (DWC) that will meet monthly during the school year to establish goals for and oversee school health and safety policies and programs, including development, implementation, and periodic review and update of the school district's wellness policy. This group will assess progress

- The most recent assessment on the implementation of the local school wellness policy;

- Documentation demonstrating the most recent assessment on the implementation of the local school wellness policy has been made available to the public.

III. Annual Notification of Policy. The district will actively inform families and the public each year of basic information about the wellness policy, including its content, and any updates to the policy and implementation status. The district will make this information available via the district website and/or district-wide communications. Additionally, the district will annually publicize the name and contact information of the school official leading and coordinating the DWC, as well as information on how the public can get involved with the DWC.

IV. Triennial Progress Assessments. At least once every three years, the district will evaluate compliance with the wellness policy to assess the implementation of the policy and include:

- The extent to which schools under the jurisdiction of the district are in compliance with the wellness policy;
- The extent to which the district's wellness policy compares to the *Alliance for a Healthier Generation's* model wellness policy; and
- A description of the progress made in attaining the goals of the district's wellness policy.

The position responsible for managing the triennial assessment and contact information is the dean of operations.

The DWC, in collaboration with individual schools, will monitor schools' compliance with this wellness policy.

The DWC will actively notify households / families of the availability of the triennial progress report.

V. Revisions and Updating the Policy. The DWC will make recommendations to the superintendent regarding the wellness policy based on the results of the triennial assessments and/or as the district priorities change, community needs change, wellness goals are met, new health science, information, and technology emerges, or as new federal or state guidance or standards are issued. The wellness policy will be assessed and updated as indicated at least every three years, following the triennial assessment.

II. Staff Qualifications and Professional Development. All school nutrition program directors, managers, and staff will meet or exceed hiring and annual continuing education / training requirements in the USDA professional standards for child nutrition professionals. These school nutrition personnel

will refer to the USDA's *Professional Standards for School Nutrition* website to search for training that meets their learning needs.

III. Water. To promote hydration, free, safe, unflavored drinking water will be available to all students throughout the instructional day and throughout each school. The district will make drinking water available where school meals are served during mealtimes.

IV. Competitive Foods and Beverages. The district is committed to ensuring that all foods and beverages available to students at each school during the instructional day to support healthy eating. The foods and beverages sold and served outside of school meal programs (e.g., "competitive" foods and beverages) will meet the USDA *Smart Snacks in School* nutrition standards at a minimum. *Smart Snacks* aim to improve student health and well-being, increase consumption of healthful foods during the school day, and create an environment that reinforces the development of healthy eating habits. A summary of the standards and information, as well as a *Guide to Smart Snacks in Schools* are available at http://www.fns.usda.gov/healthierschoolday/tools-schools-smart-snacks.

To support healthy food choices and improve student health and well-being, all foods and beverages outside the reimbursable school meal programs that are sold to students at each school during the instructional day will meet or exceed the USDA *Smart Snacks* nutrition standards. These standards will apply in all locations and through all services where foods and beverages are sold, which may include but are not limited to a la carte options in cafeterias, vending machines, school stores, and snack or food carts.

V. Celebrations and Rewards. All foods offered on school campus' will meet or exceed the USDA *Smart Snacks in School* nutrition standards through:

- Celebrations and parties: the district will provide a list of healthy party ideas to parents and teachers, including non-food celebration ideas;
- Classroom snacks brought by parents: the district will provide to parents a list of foods and beverages that meet *Smart Snacks* nutrition standards;
- Rewards and incentives: the district will provide teachers and other relevant school staff a list of alternative ways to reward children; foods and beverages will not be used as rewards or withheld as punishment for any reason, such as for performance or behavior.

Physical Activity

Children and adolescents should participate in at least sixty minutes of physical activity every day. A substantial percentage of students' physical activity can be provided through a *comprehensive school physical activity program* (CSPAP). A CSPAP reflects strong coordination and synergy across all of the components: quality physical education as the foundation; physical activity before, during, and after school; staff involvement, and family and community engagement; and the district commitment to providing these opportunities. Schools will ensure that these varied physical activity components are in addition to, and not as a substitute for, physical education.

Wellness Goal #3: On an annual basis, the district will seek to increase participation and expand school club opportunities that promote physical activity and a healthy lifestyle (e.g., *Girls on the Run* and the ski and snowboard club).

I. Physical Education. The district will provide students with physical education using an age-appropriate, sequential physical education curriculum consistent with national and state standards for physical education. The physical education curriculum will promote the benefits of a physically active lifestyle and will help students develop skills to engage in lifelong healthy habits as well as incorporate essential health education concepts (discussed in the "Essential Physical Activity Topics in Health Education" subsection). The curriculum will support the essential components of physical education.

II. Health Education. Health education will be required in all elementary grades (K-6). The district will require middle school students to take a health education course and all high school students to take and pass one health education course.

III. Recess (Elementary School). The elementary school will offer at least twenty minutes of recess on all days during the school year. This policy may be waived on early dismissal or late arrival days. If recess is offered before lunch, the school will have appropriate hand-washing facilities and/or hand-sanitizing mechanisms located just inside / outside the cafeteria to ensure proper hygiene prior to eating, and students are required to use these mechanisms before eating. Hand-washing time, as well as time to put away coats, hats, gloves, etc., will be built into the recess transition period / timeframe before students enter the cafeteria.

Recess will complement, not substitute, physical education class. Recess monitors or teachers will encourage students to be active and will serve as role models by being physically active alongside the students whenever feasible.

Pittsfield School District

FIELD TRIPS AND EXCURSIONS

Field trips are an important supplement to the learning experiences of students when used judiciously and effectively. A field trip is defined as a visit to a site off school grounds that school personnel have determined to be a valuable part of a student's educational program. Field trips are to be educationally relevant, consistent with goals and objectives of the class curriculum, and offer experiences not available through direct classroom instruction. Field trips do not include transportation for interscholastic sports, band, cheerleaders, etc.

An excursion is defined as any overnight, out-of-state, or foreign travel. An excursion should meet the educational criteria established above for field trips with the exception of the annual senior class trip. All excursions must have the approval of the School Board; funds may not be collected from students for excursions prior to Board approval.

The chaperones and teachers who accompany students on trips are responsible for supervision of students and are approved by the principal. The maximum student-to chaperone ratio is established at 15:1 for middle high school and 10:1 for elementary school. Excursions must have at least one female and at least one male chaperone, with an exception being granted for single-gender excursions, such as a school team's overnight excursion to attend a team-oriented training event.

As part of the experience, students will be required to show some evidence of the knowledge gained as a result of the field study.

Procedures

Field trips must be authorized by the administration.

The teacher, in requesting permission to take his/her class away from school grounds, should submit the details of such a trip to the dean of instruction. ***The dean of ~~instruction~~ The Principal*** is authorized to establish procedures for field trip and excursion proposals.

A *Warning and Consent Form* must be sent to parents/guardians of each participating student for signature and return. The forms should be distributed after the field trip has been authorized. No child may leave school grounds on a field trip unless the form has been signed by a parent/guardian. Consent forms of those attending should be filed with the dean of instruction before the trip.

Arrangements for financing all field trips must be made prior to the trip. If student contributions are involved, the necessary funds must be in the hands of the administration before the trip is taken.

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.

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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.

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

REPORTING SUSPECTED CHILD ABUSE OR NEGLECT

A. Statutorily Mandated Reporting – All Persons.

Under New Hampshire law (RSA 169-C:29), every person who has "reason to suspect" that a child has been abused or neglected is required to report that suspicion to the Division of Children, Youth, and Families (DCYF) of the New Hampshire Department of Health and Human Services or directly to the police. Under RSA 169- C:30, the initial report "shall be made immediately via telephone or otherwise."

The requirement to report is not dependent on whether there is proof of the abuse or neglect, nor is it dependent upon whether the information suggests the abuse or neglect is continuing or happened in the past. Any doubt regarding whether to report should be resolved in favor or reporting. Failure to report may be subject to criminal prosecution, while a report made in good faith is entitled to both civil and criminal immunity.

Additionally, a "credential holder", as defined in the New Hampshire Department of Education Rule 501.02(h), who fails to report suspected abuse or neglect risks having action taken by the New Hampshire Department of Education against his/her credential (see New Hampshire Code of Conduct for Educators, Ed 510.05(e)).

A. Definitions includes but are not limited to:

a. An ***abused*** child is a child under the age of 18 who has been sexually abused; intentionally physically injured; psychologically injured so that said child exhibits symptoms of emotional problems generally recognized to result from consistent maltreatment or neglect; or physically injured by other than accidental means; subjected by any person to human trafficking as defined in RSA 633:7; or subjected to an act prohibited by RSA 632-A:10-d (female genital mutilation). This definition will apply to students who are over the age of 18.

b. A ***neglected*** child is a child who has been abandoned by his parents or caretakers; whose parents or caretakers are unable to discharge their responsibilities to and for the child because of incarceration, hospitalization or other physical or mental capacity; or whose parents or caretakers have failed to provide necessary food, care, clothing, shelter, or medical attention for the child's physical, mental and emotional health. This definition will apply to students who are over the age of 18

c. ***Position of Authority***

The Pittsfield School District recognizes each employee, volunteer and contracted service provider as being in a "position of authority" with anyone

1. Disclosure Allowed – The Caller/Reporter provides all identifying information to DCYF, and it may be provided to the child's family upon request.
2. Disclosure NOT Allowed – The Caller/Reporter provides identifying information to DCYF; however, information is redacted in official paperwork provided to the child's family unless the case goes on to prosecution. At prosecution, identifying information in all reports become public record.
3. Anonymous – The Caller/Reporter calls the (603) 271-6562 number, blocks their "Caller ID" when calling DCYF, and does not provide any identifying information (personal or organizational). If calling anonymously, be sure to get the "Report Number" from Central Intake for your call and document it on the Pittsfield School District Reporting Form. It is the only proof the caller/reporter made the report to DCYF.

NOTE: *As professional reporters (reports to DCYF regarding a child/family involved with your organization), it is the policy Pittsfield School District that all Employees/Volunteers/Contracted Service Providers etc. that reports to DCYF are made either as "Disclosure Allowed" or as "Disclosure NOT Allowed" to assure there is a legal record of the report being made on behalf of the district. If there are concerns about these reporting modes due to potential retaliation from the family or others, consult the Pittsfield School District Counselors and/or Administration for support.*

B. Additional Provisions Relating to School Employees, Volunteers, and Contracted Service Providers.

C. Each school employee, designated volunteer, or contracted service provider having reason to suspect that a child is being or has been abused or neglected must also immediately report his/her suspicions to the building administration or designee. This initial report may be made orally, but must be supplemented with a written report as soon as practicable after the initial report, but in no event longer than one calendar day.

1. Request for Assistance in Making Initial Report.

   The initial report to the building administrator or designee may be made prior to the report to DCYF / law enforcement, but only if:

   a. The initial report is made for the purpose of seeking assistance in making the mandated report to DCYF / law enforcement, and

   b. Reporting to the building administrator or designee, etc. will not cause any undue delay (measured in minutes) of the required report to the DCYF / law enforcement.

REPORTING SUSPECTED CHILD ABUSE OR NEGLECT

Under New Hampshire law (RSA 169-C:29), every person who has "reason to suspect" that a child has been abused or neglected is required to report that suspicion to the Division of Children, Youth, and Families (DCYF) of the New Hampshire Department of Health and Human Services or directly to the police. Under RSA 169- C:30, the initial report "shall be made immediately via telephone or otherwise."

Once any staff person has a "reason to suspect that a child has been neglected or abused under RSA 169-C:29, regardless of whether school is in session or not, the staff person will:

- Make a report to DCYF immediately, but within 24 hours, of having knowledge of the suspected abuse or neglect. It is strongly suggested, but not required, for the staff person to do this with the assistance of the Principal or designee assigned to their school building.
- The staff person will be required to fill out the "DCYF Intake Form" that is included in this policy. By working with the Principal or designee the needed information to complete the form will be more readily available.
- A copy of the DCYF Intake Report Form will be sent to the Principal within 24 hours of notification to DCYF. A copy will also be sent to the Superintendent of Schools. Upon request of DCYF, the form will be forwarded to that agency.

It must be noted that the staff person can request for their identity to not be disclosed to the family upon investigation of the concern. If the matter proceeds to a court action, the identity of the staff person could be disclosed at that time.

The staff person will keep this information confidential in order to protect the rights of the child involved. If information should be shared, that decision will be made by the Principal or designee.

If school is not in session a report is required within 24 hours. The staff person should contact the school's administration to inform them of the report. If the building administration is not available, leave voice mail messages at school or contact the Superintendent of Schools at 603-435-5526.

A school administrator or designee must ensure that law enforcement is contacted, in addition to the DCYF report.

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- It must be noted that the staff person can request for their identity to not be disclosed to the family upon investigation of the concern. If the matter proceeds to a court action, the identity of the staff person could be disclosed at that time.
- The staff person will keep this information confidential in order to protect the rights of the child involved.
- If information should be shared, that decision will be made by the Principal or designee.

The administrator will inform law enforcement in addition to the DCYF report.

If it is believed that the child is in immediate danger if they leave the school and return to the environment where the suspected abuse or neglect took place, then advised DCYF of this when the report is being made. During the call with DCYF, consult with intake to determine whether or not the school should follow up with the Pittsfield Police Department (603-435-7535)

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.

Absences of more than 3 consecutive days must have medical documentation to be considered excused. Any absence that has not been excused for any of these reasons will be considered an unexcused absence.

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.

In the event of an illness, parents/guardians must call the school and inform the district of the student's illness and absence.-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.

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 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 is designated as the district employee responsible for overseeing chronic absenteeism issues.

Intervention Process to Address Truancy and Chronic Absenteeism. The principal 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 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 dean of operations 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

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