

# Hillsboro-Deering Cooperative School District

Annual  
Parent/Guardian  
Notice of  
Policies

2023-  
2024

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## AC - NON-DISCRIMINATION AND EQUAL OPPORTUNITY EMPLOYMENT

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

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

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

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

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

Discrimination against and harassment of school employees because of age, sex, race, creed, religion, color, marital status, familial status, physical or mental disability, genetic information, national origin, ancestry, sexual orientation, or gender

identity are prohibited. Additionally, the District will not discriminate against any employee who is a victim of domestic violence, harassment, sexual assault, or stalking.

**C. Policy Application.**

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

**D. District Anti-Discrimination Plan.**

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

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

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

- Human Rights Officer
- Title IX Coordinator
- 504 Coordinator

The Appendix will also include current contact for relevant state and federal agencies including:

- U.S. Department of Education, Office of Civil Rights
- U.S. Department of Agriculture, Office of Civil Rights
- N.H. Human Rights Commission
- N.H. Department of Justice, Civil Rights Unit
- N.H. Department of Education, Commissioner of Education

**F. Complaint and Reporting Procedures.**

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

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

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

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

#### **G. Alternative Complaint Procedures and Legal Remedies.**

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

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

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

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

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

#### **H. Retaliation Prohibited.**

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

#### **I. Administrative Procedures and Regulations.**

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

#### **J. Notice of Compliance.**

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

#### **Legal References:**

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

## **AC-R-ANNUAL NOTICE OF CONTACT INFORMATION FOR HUMAN RIGHTS OFFICER, TITLE IX COORDINATOR, 504 COORDINATOR AND CIVIL RIGHTS AGENCIES**

Pursuant to Hillsboro-Deering School District policy AC Non-Discrimination and Equal Opportunity Employment, the District administration is directed to update and publish a list of current personnel and contact information for various positions and outside agencies relating to the District's anti-discrimination policies.

### **DISTRICT PERSONNEL:**

#### **Human Rights Officer**

Name: Jennifer Crawford  
Address: SAU #34, 78 School St. 3<sup>rd</sup> floor, Hillsboro, NH 03244-4870  
Telephone: 603-464-7714  
Email Address: [jcrawford@hdsd.org](mailto:jcrawford@hdsd.org)

#### **Title IX Coordinator**

Name: Jeni Laliberte  
Address: SAU #34, 78 School St. 3<sup>rd</sup> floor, Hillsboro, NH 03244-4870  
Telephone: 603-464-7703  
Email Address: [jlaliberte@hdsd.org](mailto:jlaliberte@hdsd.org)

#### **504 Coordinator**

Name: Stacey Vazquez  
Address: SAU #34, 78 School St. 3<sup>rd</sup> floor, Hillsboro, NH 03244-4870  
Telephone: 603-464-7716  
Email Address: [svazquez@hdsd.org](mailto:svazquez@hdsd.org)

### **OUTSIDE AGENCIES:**

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

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

N.H. Commission for Human Rights, 2 Industrial Park Drive, Concord, NH 03301, Telephone - 603-271-2767; Email – [humanrights@nh.gov](mailto:humanrights@nh.gov)

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

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

## **ACAC-TITLE IX SEXUAL HARASSMENT POLICY AND GRIEVANCE PROCESS**

### **I. RESTATEMENT OF POLICY PROHIBITING DISCRIMINATION ON THE BASIS OF SEX.**

Per Board policy AC, Title IX of the Education Amendments Act of 1972 (“Title IX”), as well as RSA 193:38, among others, the District does not discriminate on the basis of sex in its educational programs and activities, including employment and admissions. All forms of sex-based discrimination, including sexual harassment are prohibited in the District.

### **II. TITLE IX SEXUAL HARASSMENT POLICY.**

#### **A. Application of This Policy.**

While all forms of sex-based discrimination are prohibited in the district, the purpose of this policy is to address, and only to address, *sexual harassment as defined in Title IX and Sec. II.B*, below, that occurs within the educational programs and activities of the district, and to provide a grievance process for investigating and reaching a final determination of responsibility for a formal complaint of sexual harassment. The “Title IX Grievance Process” is set out in Sec. III below. While the District must respond to all “reports” it receives of sexual harassment, the Title IX Grievance Process is initiated only with the filing of a formal complaint.

The purpose of this Policy, however, is to address, and only to address, sexual harassment as defined in Title IX that occurs within the educational programs and activities of the district. For harassing conduct which does not meet the definition of sexual harassment under Title IX and this Policy, the District’s response will be governed under other applicable laws and policies per Board policy AC, and policies referenced therein.

This Policy shall apply to all students, employees, and any third party who contracts with the District to provide services to District students or employees, upon District property or during any school program or activity.

Nothing in this policy will be construed to confer on any third party a right to due process or other proceedings to which student and employee respondents are entitled under this policy unless such right exists under law. Volunteers and visitors who engage in sexual harassment will be directed to leave school property and/or be reported to law enforcement, the NH Division of Children, Youth and Families (DCYF), as appropriate. A third party under the supervision and control of the school system will be subject to termination of contracts/agreements, restricted from access to school property, and/or subject to other consequences, as appropriate.

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

## **B. Definitions.**

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

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

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

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

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

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

**“Formal Complaint”** means a document filed by a complainant, the complainant’s parent/guardian, or the Title IX Coordinator, alleging sexual harassment against a respondent, and requesting that the district investigate the allegation of sexual harassment.

**“Respondent”** is an individual who is reported to be the individual accused of conduct that could constitute sexual harassment.

**“Sexual harassment”** prohibited under Title IX and by this policy *is conduct on the basis of sex* (including, without limitation, gender, sexual orientation, and/or gender identity), occurring in a school system education program or activity that satisfies one or more of the following:

1. A school district employee conditioning an aid, benefit, or service of an education program or activity on an individual’s participation or refusal to participate in sexual conduct irrespective of whether the conduct is welcomed by the student or other employee;
2. Unwelcome sex-based/related conduct determined by a reasonable person to be so severe, pervasive, **AND** objectively offensive that it effectively denies a person equal access to the education program or activity (this standard requires consideration of all the facts and circumstances, including, but not limited to, the ages and disability statuses of the harasser and victim and the number of individuals involved and their authority; **OR**
3. Sexual assault, dating violence, domestic violence, or stalking as defined in state or federal law.

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

- i. Sexually suggestive remarks or jokes;
- ii. Verbal harassment or abuse;
- iii. Displaying or distributing sexually suggestive pictures, in whatever form (e.g., drawings, photographs, videos, irrespective of format);
- iv. Sexually suggestive gesturing, including touching oneself in a sexually suggestive manner in front of others;
- v. Harassing or sexually suggestive or offensive messages that are written or electronic;
- vi. Subtle or direct propositions for sexual favors or activities;
- vii. Touching of a sexual nature or groping; and
- viii. Teasing or name-calling related to sexual characteristics or the belief or perception that an individual is not conforming to expected gender roles or conduct.

***Note:** incidents of the above conduct would still need to satisfy one or more of the criteria in paragraphs 1-3 of this definition.*

Sexual harassment may be directed against a particular person or persons, or a group, whether of the opposite sex or the same sex.

The context of behavior can make a difference between conduct falling within the technical definition of Sexual Harassment Under Title IX, and conduct of a sexual nature that is offensive or hostile in itself, but which does not arise to the level within that definition. **District policies prohibit both, but for purposes of its Title IX obligations the District must address reports or complaints of conduct which may constitute sexual harassment as defined above, under this specific, limited scope Policy and Title IX Grievance Process.** Except as used in other laws (e.g., Title VII) or policies (e.g., Board policy JICK) pertaining to harassment, including of a sexual nature, other than Title IX sexual harassment, all references to “sexual harassment” in this policy mean sexual harassment that meets the above definition.

Conduct that satisfies this definition is not sexual harassment for purposes of this policy if the conduct occurred (1) outside the United States or (2) under circumstances in which the school system did not have substantial control over both the harasser/respondent and the context in which the harassment occurred.

***NOTE Regarding Concurrent Enrollment and Dual Enrollment, Extended Learning Opportunities, 3<sup>rd</sup> Party Distance Learning and Other Alternative Instructional Programs:** Under federal regulations, in order for the District to have jurisdiction over conduct that would otherwise*

*meet the definition above of sexual harassment, the District must have substantial control over both the respondent and the context in which the harassment occurred. In general, this will mean that unless such learning program is occurring upon district property, conduct otherwise meeting the definition of sexual harassment within that program, may not be subject to this policy.*

**“Supportive Measures”** are free, non-disciplinary, non-punitive, individualized services and shall be offered to the complainant, and may be offered to the respondent, as appropriate. These measures may include, but are not limited to, the following:

1. Counseling;
2. Course modifications;
3. Schedule changes; and
4. Increased monitoring or supervision
5. Any other additional supportive services as deemed appropriate by the Superintendent

Such measures shall be designed to restore or preserve equal access to the District’s education programs and activities without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the District’s educational environment and/or deter sexual harassment. Supportive measures shall remain confidential with exclusive exceptions stated required in Sec. II.E, below.

### **C. Title IX Coordinator.**

The Title IX Coordinator shall respond promptly to all general reports as well as formal complaints of sexual harassment. The Title IX Coordinator shall receive general and specific reports of sexual harassment, and coordinate the District’s responses to both reports and formal complaints of sexual harassment so that the same are prompt and equitable. In addition to any other specific responsibilities assigned under this Policy, or as assigned by the Superintendent, the Title IX Coordinator will be responsible for:

1. meeting with a complainant, and informing the parent/guardian once the Title IX Coordinator becomes aware of allegations of conduct that could constitute sexual harassment as defined in this Policy;
2. identification and implementation of supportive measures;
3. signing or receiving formal complaints of sexual harassment;
4. engaging with the parents/guardians of parties to any formal complaint of sexual harassment;
5. coordinating with District and school-level personnel to facilitate and assure implementation of investigations, and remedies, and helping to assure that the District otherwise meets its obligations associated with reports and complaints of sexual harassment;
6. coordinating with the Superintendent with respect to assignment of persons to fulfill the District’s obligations, both general and case specific, relative to this Policy (e.g., investigator, decision makers, etc.; this may involve the retention of third party personnel.);
7. coordinating with District and school-level personnel to assure appropriate training and professional development of employees and others in accordance with Sec. II.D of this Policy; and
8. helping to assure that appropriate systems are identified and maintained to centralize sexual harassment records and data.

In cases where the Title IX Coordinator is unavailable, including unavailability due to a conflict of interest or other disqualifying reason (see Sec. II.G, below), the Superintendent shall assure that another person with the appropriate training and qualifications is appointed as acting Title IX Coordinator for that case, in such instances “Title IX Coordinator” shall include the acting Title IX Coordinators.



#### **D. Training.**

All District employees shall receive regular training relative to mandatory reporting obligations, and any other responsibilities they may have relative to this Policy.

Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, must receive training on the definition of sexual harassment, this Policy, the scope of the District's education program or activity, and how to conduct an investigation (including the requirements of the reporting and the Title IX Grievance Process, including hearings, appeals, and information resolution processes). The training must also include avoiding prejudgment of the facts, conflicts of interest and bias.

Decision-makers must also receive training on issues of relevance of questions and evidence, including when questions about the complainant's sexual predisposition or prior sexual behavior are not relevant.

Investigators must receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence.

Materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, must not rely on sex stereotypes, must promote impartial investigations and adjudications of formal complaints of sexual harassment, and must be made available to the public as provided in Sec. II.H of this Policy.

#### **E. Confidentiality.**

The District will respect the confidentiality of the complainant and the respondent as much as possible, however, some information may need to be disclosed to appropriate individuals or authorities. All disclosures shall be consistent with the District's legal obligations and the necessity to investigate allegations of harassment and take disciplinary action. Examples of required disclosure include:

1. information to either party to the extent necessary to provide the parties due process during the Title IX Grievance Process;
2. information to individuals who are responsible for handling the District's investigation and determination of responsibility to the extent necessary to complete the District's grievance process;
3. mandatory reports of child abuse or neglect to DCYF or local law enforcement (per Board policy JLF);
4. information to the complainant's and the respondent's parent/guardian as required under this Policy and or the Family Educational Rights and Privacy Act ("FERPA"); and
5. reports to the New Hampshire Department of Education as required under N.H. Code of Administrative Rules Ed 510 regarding violations of the NH Code of Conduct for Education Professionals.

Additionally, any supportive measures offered to the complainant or the respondent shall remain confidential to the extent that maintaining such confidentiality would not impair the ability of the school district to provide the supportive measures.

Except as specified above, the District shall keep confidential the identity of:

1. Any individual who has made a report or complaint of sex discrimination;
2. Any individual who has made a report or filed a formal complaint of sexual harassment;
3. Any complainant;
4. Any individual who has been reported to be the perpetrator of sex discrimination;
5. Any respondent; and

6. Any witness.

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

**F. Retaliation Prohibited.**

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

**G. Conflict of Interest.**

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

**H. Dissemination and Notice.**

The District shall include in all student and employee handbooks, and shall make publicly available on the district's website the following information:

1. The District's policy of non-discrimination on the basis of sex (included in Board policy AC).
2. the title, name, office address, email address, and telephone number of the Title IX Coordinator (to be provided pursuant to Board policy AC and its addendum, updated annually, AC-E;
3. the complaint process;
4. how to file a complaint of sex discrimination or sexual harassment;
5. how the District will respond to such a complaint; and
6. a statement that Title IX inquiries may be referred to the Title IX Coordinator or to the Assistant Secretary for Civil Rights.

The same information shall be provided to all persons seeking employment with the District, or seeking to enroll or participate in the District's educational programs or activities.

Additionally, the District will make this Policy, as well as any materials used to train personnel as required under Sec. II.D publicly available on the district's website.

**I. Records and Record Keeping.**

1. For each report or formal complaint of sexual harassment, the District, through the Title IX Coordinator, must create, and maintain for seven (7) years, record of:
  - a. Any actions, including any supportive measures,
  - b. The basis for the District's conclusion that its response was not deliberately indifferent; and
  - c. Documentation which:
    - If supportive measures were provided to the complainant, a description of the supportive measures taken designed to restore or preserve equal access to the District's education program or activity; or

- If no supportive measures were provided to a complainant, explains the reasons why such a response was not clearly unreasonable in light of the known circumstances.
2. In addition, the District shall maintain the following records for a minimum of seven (7) years:
    - a. Records for each formal complaint of sexual harassment, including:
      - Any determination regarding responsibility, including dismissals;
      - Any disciplinary sanctions imposed on the respondent;
      - Any remedies provided to the complainant designed to restore or preserve equal access to the District's education program or activity;
      - Any appeal and the result therefrom;
      - Any informal resolution process and the result therefrom;
    - b. All materials used to train Title IX Coordinators, investigators, and decision-makers.

## **J. Reports of Sexual Harassment, Formal Complaints and District Responses.**

### **1. Report of Sexual Harassment.**

**NOTE:** *A report does not initiate the formal Title IX Grievance Process. That process is begun only upon the filing of a formal complaint under the procedures set out in II.J.3, and III.A, below.*

Any person may report sexual harassment whether relating to her/himself or another person. **However, if any District employee – other than the employee harasser, or the Title IX Coordinator – receives information of conduct which may constitute sexual harassment under this Policy, s/he shall, without delay, inform the Title IX Coordinator** of the alleged sexual harassment. Failure to report will subject the employee to discipline up to and including dismissal.

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

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

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

### **2. District Response to Report of Sexual Harassment.**

The district will promptly respond when there is actual knowledge of sexual harassment, even if a formal complaint has not been filed. The district shall treat complainants and respondents equitably by providing supportive measures to the complainant<sup>1</sup> and by following the Title IX Grievance Process prior to imposing any disciplinary sanctions or other actions that are not supportive measures against a respondent. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

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<sup>1</sup> The Title IX Coordinator may offer supportive measures to a complainant, even if the information from the complainant does not/does not appear to meet the full definition of sexual harassment under this Policy. Districts should consult with counsel before it "imposes" any supportive measures against a respondent.

As soon as reasonably possible after receiving a report of alleged sexual harassment from another District employee or after receiving a report directly through any means, the Title IX Coordinator shall contact the complainant to:

- i. discuss the availability of and offer supportive measures;
- ii. consider the complainant's wishes with respect to supportive measures;
- iii. inform the complainant of the availability of supportive measures with or without the filing of a formal complaint; and
- iv. explain to the complainant the process for filing a formal complaint.

3. Formal Complaints.

Pursuant to federal regulations, and this Policy, a formal complaint that contains an allegation of sexual harassment and a request that the District investigate the allegations is required before the District may conduct a formal investigation of sexual harassment or take any action (other than supportive measures) against a person accused of sexual harassment. **Once a formal complaint of sexual harassment is received by the Title IX Coordinator, s/he shall commence the Title IX Grievance Process set out in Sec. III below. The process for filing a formal complaint is set forth in Sec. III.A.**

4. Limitation on Disciplinary Action.

In no case shall the District impose disciplinary consequences or sanctions against a respondent who has been accused of conduct which may constitute sexual harassment, until the Title IX Grievance Process has been completed.

5. Emergency Removal and Administrative Leave.

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

The Title IX Coordinator shall keep the Superintendent of Schools informed of any employee respondents so that he/she can make any necessary reports to New Hampshire Department of Education in compliance with applicable administrative rules and the New Hampshire Code of Conduct for Educational Professionals. In appropriate cases, the Superintendent may place an employee respondent on non-disciplinary administrative leave pursuant to RSA 189:31.

### III. TITLE IX GRIEVANCE PROCESS.

The Title IX Grievance Process is used only upon the filing of a formal complaint of sexual harassment as described in Sec. III.A, below. The provisions of Section I of the Policy are incorporated as part of the Title IX Grievance Process. Upon receipt of a formal complaint of sexual harassment, the Title IX Coordinator will coordinate the District's efforts to comply with its responsibilities related to the Title IX Grievance Process.

#### A. Process for Filing a Formal Complaint of Sexual Harassment.

The Title IX Grievance Process is initiated by way of a formal complaint (“complaint” or “formal complaint”) filed by the complainant, the complainant’s parent/guardian, or the Title IX Coordinator. The complainant may file a complaint or choose not to file a complaint and simply receive the supportive measures. If the Complainant does not file a complaint, the Title IX Coordinator may sign a formal complaint, but only if initiating the grievance process against the respondent is not clearly unreasonable in light of the known circumstances, and in other cases where, in the exercise of good judgment and in consultation with the District’s attorney as appropriate, the Title IX Coordinator determines that a grievance process is necessary to comply with the obligation not to be deliberately indifferent to known allegations of sexual harassment (e.g., reports of sexual assault, employee on student harassment, repeat reports, or the conduct in the complainant’s report has not been adequately resolved through the provision of supportive measures). If the complaint is filed by the Title IX Coordinator, he/she is not a party to the action, and the District must comply with all of the provisions of the Title IX Grievance Process relative to respondents and complainants.

If no formal complaint is filed by the complainant or the Title IX Coordinator no disciplinary action may be taken against the respondent based upon conduct that would constitute sexual harassment under this policy.

Although there is no time limit per se to filing a formal complaint, for complaints initiated by the complainant or his/her parent/guardian, the complainant must be employed by the District or participating in or attempting to participate in the education program or activities of the District at the time of filing. Additionally, although the District will initiate the Title IX Grievance Process regardless of when the formal complaint is submitted, delays in reporting may significantly impair the ability of school officials to investigate and respond to the allegations.

At a minimum, a formal complaint must:

1. contain the name and address of the complainant and the student’s parent or guardian if the complainant is a minor student;
2. describe the alleged sexual harassment,
3. request an investigation of the matter, and
4. be signed by the complainant or otherwise indicate that the complainant is the person filing the complaint.

The complaint may be filed with the Title IX coordinator in person, by mail, or by email. Complaint forms may be obtained from the District website.

#### **B. Initial Steps and Notice of Formal Complaint.**

1. The Title IX Coordinator will provide notice to the complainant and the complainant’s parent/guardian (if the complainant is a non-eligible student under FERPA), and to the respondent (if known) and the respondent’s parent/guardian (if the respondent is a non-eligible student under FERPA), as well as to any other known parties, of the following:
  - a. this Title IX Grievance Process, including any informal resolution process;
  - b. the allegations of sexual harassment potentially constituting sexual harassment, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview; “sufficient details” shall include to the extent known identities of persons involved, the conduct allegedly constituting sexual harassment, and the date and location of the incident;
  - c. a statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility will be made at the conclusion of the grievance process;
  - d. that each party may have an advisor of their choice, who may be, but is not required to be, an attorney;
  - e. that each party is entitled to inspect and review evidence; and

- f. a reference to any provision in the District’s code of conduct that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.
2. The Title IX Coordinator will contact the complainant to discuss and offer supportive measures.
3. The Title IX Coordinator may contact the respondent to discuss, and or impose, non-disciplinary supportive measures.
4. The Title IX Coordinator will examine the allegations in the formal complaint, to determine whether even if assumed true, the allegations are sufficient to sustain a finding of sexual harassment under this Policy. If the Title IX Coordinator was not involved with preparing the formal complaint, the Title IX Coordinator will contact the complainant to discuss the complaint and whether amendment is appropriate, in which case the process of Sec. III.C.4 will apply.
5. If the formal complaint fails to satisfy the definition of sexual harassment in this Policy, the complaint shall be dismissed as provided in Sec. III.G, below.
6. If the complaint is not dismissed, then Title IX Coordinator will consult with the Superintendent as to whether the Title IX Coordinator should act as the investigator or whether a different District or other employee shall act in that capacity. At the same time, the Title IX Coordinator and the Superintendent shall appoint the person who shall make the initial determination of responsibility (initial decision maker). The Superintendent, in consultation with the Title IX Coordinator, shall appoint an initial decision maker on a case-by-case basis. In all cases, the investigator and the initial decision maker must be properly trained and otherwise qualified (see Sec. II.D “Training”, and Section II.G “Conflict of Interest”).
7. If the report alleges sexual harassment by the Superintendent, the Title IX Coordinator will inform the School Board Chair and the Business Administrator, the latter of whom shall have authority to seek guidance from the District’s general counsel, but shall not delay the District’s response to the report as outlined in this Policy.

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

1. Copies and Notices. Except as specifically stated elsewhere in this Policy, for any document, information or material required to be delivered to a party or to a person assigned with responsibility under the Title IX Grievance Process, the manner of transmittal may be by electronic mail, regular mail or such other manner reasonably calculated to assure prompt delivery with evidence thereof (such as a commercial carrier or other receipted delivery). Hand delivery will only be permitted if made to the District official charged with the specific function under this Policy (e.g., Title IX Coordinator, Superintendent, investigator, decision maker(s), etc.). Any document required to be delivered to a minor or other non-eligible student, must also be delivered to the minor’s parent/guardian. Copies should also be sent to a party’s advisor if the information for the advisor has been previously communicated to the sending party. (Under federal regulations, copies of the investigative evidence, as well as the investigative report, must be forwarded to a party’s advisor. See Sections III.E.3, and III.E.4).
2. Risk Analysis and Emergency Removal. At any point during the Title IX Grievance Process, the Title IX Coordinator may arrange for an individualized safety and risk analysis as described in Sec. II.J.5, following which a student may be removed.
3. Administrative Leave. At any point during the Title IX Grievance Process, the Superintendent, and at his/her own discretion, and with or without consulting the Title IX Coordinator, may place an employee on administrative leave pursuant to RSA 189:31.
4. Additional Allegations. If, in the course of an investigation, the District decides to investigate allegations about the complainant or respondent that were not included in the previous notice, the District shall simultaneously provide notice of the additional allegations to the parties whose identities are known.
5. No Interference with Legal Privileges. At no point in process will the Title IX Coordinator, the investigator, any decision maker, or any other person participating on behalf of the District, require, allow,

rely upon, or otherwise use questions or evidence that constitutes, or seeks disclosure of, information protected under a legally recognized privilege (e.g., doctor/patient, attorney/client, clergy, etc.), unless the person holding such privilege (parent/guardian for minor student) has waived the privilege in writing to use the information with respect to the Title IX Grievance Process.

6. Consolidation of Complaints. The District may consolidate formal complaints of allegations of sexual harassment where the allegations of sexual harassment arise out of the same facts or circumstances and the formal complaints are against more than one respondent; or by more than one complainant against one or more respondents; or by one party against the other party. When the District has consolidated formal complaints so that the grievance process involves more than one complainant or more than one respondent, references to the singular “party”, “complainant”, or “respondent” include the plural, as applicable.
7. Remedies: Range of Disciplinary Sanctions and Remedial Actions Upon Final Determination of Responsibility.
  - a. “Disciplinary sanctions” are consequences imposed on a respondent when s/he is found responsible for sexual harassment under this Policy. Remedial actions are actions intended to restore or preserve a complainant’s equal access to the educational programs and activities of the District.
  - b. “Disciplinary sanctions” against an employee respondent may include any available sanction available for the discipline of employees, up to and including dismissal or non-renewal for any other violation of Board policy, NH Code of Conduct for Educational Professionals, applicable individual or collective bargaining contract, or state or federal laws or regulations.
  - c. “Disciplinary sanctions” against a student may include any available discipline or sanction, up to and including expulsion, under the policies, rules and procedures that establish the district’s comprehensive student code of conduct.
  - d. “Remedial actions” as to a respondent after a final finding of responsibility, whether employee or student, may include the imposition upon a responsible respondent of any additional non-disciplinary measures appropriate to effecting a remedy for sexual harassment, and may include such measures as no-contact requirements, scheduling adjustments, removal or exclusion from extracurricular activities, class reassignments, limits on future class registrations, restrictions on access to various spaces in the school buildings, reassignment of attendance, and similar measures fine-tuned to respond appropriately to the circumstances surrounding a successful complainant’s right to access the district’s program and activity.

Additional remedial actions may include recommendations that a school-wide or system-wide response is needed in order to respond to the sexual harassment in a way that is not clearly unreasonable under the circumstances. In such cases, the Superintendent shall provide additional staff training, harassment prevention programs, or such other measures as determined appropriate to protect the safety of the educational environment and/or to deter sexual harassment.

#### **D. Timeframe of Grievance Process.**

The District shall make a good faith effort to conduct a fair, impartial grievance process in a timely manner designed to provide all parties with a prompt and equitable resolution. It is expected that in most cases, the grievance process will be concluded through at least the determination of responsibility decision within 90 days after filing the formal complaint. In more complex cases, the time necessary to complete a fair and thorough investigation or other circumstances mean that a determination of responsibility cannot reasonably be made within that timeframe.

1. Summary of Grievance Process Timeline.
  - a. Investigation 20 +/- days as the complexity of the case demands (Sec. III.E.1)
  - b. 10 days for reviewing information prior to conclusion of investigation

- c. 10 days after receiving report to respond to report
  - d. 10 days for decision maker to allow initial questions
  - e. 10 days for responses to questions
  - f. 10 days for questions and responses to follow-up questions.
  - g. 10 days for determination of responsibility decision
  - h. 10 days for appeal (6 additional days for administrative steps)
  - i. 10 days for argument/statement challenging or supporting determination
  - j. 10 days for decision on appeal
2. Delays and Extensions of Time. At any stage of the grievance process, the District (through the Superintendent, or if the Superintendent is the respondent, the Title IX Coordinator or designee) may for good cause allow for temporary delays or extensions of time upon request of either party, or on his/her own initiative. Examples of good cause may include such things as availability of parties or witnesses, school or school administrative office holidays or vacations, referral back to an earlier stage of the grievance process, concurrent law enforcement or other agency activity, or need to obtain interpreters or accommodation of disabilities. For any such delay or extension of time, the Superintendent or the Title IX Coordinator will provide written notice to the parties of the delay/extension and the reason(s).

#### **E. Investigation.**

The Title IX Coordinator will coordinate the investigation. The investigator shall be as appointed pursuant to Sec. III.B.5.

1. The Title IX Coordinator may conduct the investigation, or, in consultation with the Superintendent, designate another qualified person to investigate. The investigation and investigator must:
  - a. Include objective evaluation of all relevant evidence, including inculpatory and exculpatory evidence. (Evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such evidence about the complainant's prior sexual behavior is offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the evidence concerns specific incidents of the complainant's prior sexual behavior with respect to the respondent and is offered to prove consent.)
  - b. Ensure that the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rests on the District and not on either of the parties;
  - c. Provide an equal opportunity for the parties to present witnesses, and other inculpatory and exculpatory evidence;
  - d. Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence;
  - e. Provide the parties with the same opportunities to have others present during any interview or other part of the investigation, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice. The investigator may restrict any others from participating, as long as the restrictions apply equally to both parties;
  - f. Provide, to a party (e.g., respondent or complainant – and parent/guardian as appropriate) whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate within the timeframes established in Sec. III.D, below.
  - g. Provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint;



2. Prior to completion of the investigative report, the District, through the Title IX Coordinator, must send to each party and party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties must have at least 10 days to submit a written response, which the investigator will consider prior to completion of the investigative report;
3. The investigator must prepare a written investigative report that fairly summarizes relevant evidence, including, without limitation, witness credibility, discrepancies, inculpatory and exculpatory information, and relevant District policies, rules and regulations, and the manner in which the same were made known to the pertinent school populations or specific parties. The investigative report shall include a description of the procedural steps taken, starting with the receipt of the formal complaint, and continuing through the preparation of the investigative report, including any notifications to the parties, interview with parties and witnesses, site visit, and methods used to gather evidence.
4. The investigator shall provide the investigative report in hard copy or electronic format to the Title IX Coordinator, to each party and each party's advisor, if any. Each party will have 10 days from receipt to provide the Title IX Coordinator a written response to the investigative report.
5. It serves all parties when investigations proceed diligently and conclude within a reasonable time, which may vary case by case. In most cases, it is expected that the investigator will conclude the initial investigation, and provide the parties the evidence and other information required under Sec. III.E.2. Not more frequently than every other week, any party may request the Title IX Coordinator to obtain and provide the parties with a basic status report on the investigator's progress toward completion. In most cases, the investigator should conclude the investigation within 20 days after receiving a Formal Complaint.

**F. Determination of Responsibility and Initial Decision Maker.**

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

1. Prior to making a determination of responsibility, the initial decision maker will afford each party 10 days to submit written, relevant questions to the initial decision maker that the party wants asked of any party or witness.
2. The initial decision-maker must explain to the party proposing the questions any decision to exclude a question as not relevant. Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the question and evidence concern specific incidents of the complainants prior sexual behavior with respect to the respondent and are offered to prove consent.
3. The initial decision maker will provide the questions to the party/witness, with copies to each party, and provide no less than 10 days for written responses, likewise to be provided to each party.
4. The initial decision maker will provide 5 days each for supplementary, limited follow-up questions and 5 days for answers, and may provide for additional rounds of follow-up questions, as long as the provision is extended to both parties equally.
5. The initial decision maker may not make any creditability determinations based on the person's status as a complainant, respondent or witness.
6. The respondent must be deemed to be not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.
7. The initial decision maker may impose disciplinary sanctions and remedies as described in Section III.C7, above.

8. The standard to be used for formal complaints in determining whether a violation has occurred and/or that the respondent is responsible is the preponderance of the evidence standard, which is only met when the party with the burden convinces the fact finder (the initial decision maker) that there is a greater than 50% chance that the claim is true (i.e., more likely than not).
9. The initial decision-maker must issue a written determination/decision within 10 days after the close of the period for responses to the last round of follow-up questions. The written “Initial Determination of Responsibility” must include:
  - a. Identification of the allegations potentially constituting sexual harassment;
  - b. A description of the procedural steps taken from the receipt of the formal complaint through the Initial Determination of Responsibility, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather evidence, and hearings held;
  - c. Findings of fact supporting the determination;
  - d. Conclusions regarding the application of the District’s applicable codes of conduct, policies, administrative regulations or rules to the facts;
  - e. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility (i.e., whether or not the respondent is responsible for sexual harassment), and any disciplinary sanctions or remedies; and
  - f. The District’s procedures and permissible bases for the complainant and respondent to appeal (as set forth in Section III.H, below).
10. The decision maker shall provide the Initial Determination of Responsibility to the Title IX Coordinator, the Superintendent and the parties simultaneously.

**G. Dismissal of a Formal Complaint.**

1. The District must dismiss a formal complaint with regard to Title IX sexual harassment if the alleged conduct:
  - a. Would not constitute sexual harassment, even if proved;
  - b. Did not occur in the District’s education program or activity; or
  - c. Did not occur against a person in the United States.
2. The District may dismiss a formal complaint with regard to Title IX sexual harassment if at any time during the investigation or determination of responsibility stage(s):
  - a. A complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein;
  - b. The respondent is no longer enrolled or employed by the District; or
  - c. Specific circumstances prevent the recipient from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.
3. Prior to dismissal of a complaint, the person responsible at that stage shall consult with the Superintendent.
4. Upon dismissal of a formal complaint, the District must promptly send written notice of the dismissal and the reason(s) therefor simultaneously to the parties.

**The dismissal of a formal complaint under Title IX does not preclude the District from continuing any investigation or taking action under other District policies, code of conduct or administrative**

**rules/regulations. In some cases, the District may have an obligation to continue an investigation and proceed under a different policy or mandated process.**

#### **H. Appeals Process.**

1. Either party may appeal the Initial Determination of Responsibility or the dismissal of a formal complaint or any allegation in a formal complaint by notifying the Superintendent in writing (“written appeal”), with a copy to the Title IX Coordinator. If there are multiple determinations of responsibility, the written appeal shall specify which ones are included in the appeal. The written appeal must be received by the Superintendent within 10 days of the Initial Determination of Responsibility or written notice of dismissal being communicated to the parties.
2. An appeal under this Policy may only be based upon one or more of the following bases, which must be stated specifically in the party’s written appeal:
  - i. Procedural irregularity that affected the outcome of the matter;
  - ii. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; or
  - iii. The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.
  - iv. *Additional bases may be added by a district, if made available equally to both parties.*

Appeals for any other reason or upon any determination of responsibility not included in the written appeal will not be heard.

Appeals pertain only to the determination of responsibility and non-disciplinary remedies. Once a determination of responsibility is final per Sec. III.I, below, appeals of disciplinary sanctions may be made pursuant to the District’s ordinary review process for discipline, or, to the extent applicable, any statutory or other processes provided under collective bargaining agreements or individual contracts.

3. Within 3 days of receipt of the written appeal, the Superintendent shall appoint a decision maker for appeal (“appeals decision maker”),<sup>2</sup> who must have adequate training as provided in Section II.D, be free from conflict of interest as provided in Section II.G, and may not be the same person as the initial decision maker, the person who ordered dismissal, the investigator(s), or the Title IX Coordinator. Upon the appointment of the appeals decision maker, the Superintendent shall provide a Notice of Appeal to each party and to the Title IX Coordinator, with a copy of the written appeal. The Notice of Appeal must include information about all deadlines and timeframes in the appeal stage.
4. Each party shall have 10 days from the date the Notice of Appeal is delivered to the parties to submit to the appeals decision maker a written statement, with copies to the Superintendent, Title IX Coordinator, and other party a statement (“appeal statement”) in support of, or challenging, the determination of responsibility or dismissal.
5. Each party shall provide copies of the appeal statement to the other party, the Superintendent, and the Title IX Coordinator at the same time the appeal statement is given to the appeals decision maker. If the basis of the appeal is newly available evidence affecting the outcome, the party shall submit such evidence or a summary of such evidence along with the party’s appeal statement.
6. The appeals decision maker may refer an appealed issue back to a prior point in the grievance process, with written notice to the parties, the Superintendent and the Title IX Coordinator.

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<sup>2</sup> Although the school board is not precluded from serving as a decision maker with respect to appeals, before it may do so, each member of the board must meet both the training and conflict of interest requirements described in Sections II.D and II.G. Such training may be provided on an as-needed basis, but because of necessary timelines, the framework will need to be in place long before a case is appealed.

7. The appeals decision maker shall provide a written appeals decision after considering the record and the parties' appeal statements. The appeals decision maker will only overturn the Initial Determination of Responsibility upon a conclusion that it was clearly erroneous (i.e., either made on unreasonable grounds, or without any proper consideration of the circumstances). If the basis or one of the bases for the appeal was new evidence, the appeals decision maker may either make a determination of responsibility regarding that evidence, or refer it back to the appropriate stage of the Title IX Grievance Process. The written appeals decision will describe the result(s) of the appeal and the rationale, with copies provided to the parties, Superintendent and Title IX Coordinator, no more than 10 days after receiving the last of the parties' written statements per Section III.H.5.

**I. Finality of Determination of Responsibility.** The determination regarding responsibility becomes final either on the date that the recipient, through the Superintendent, provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal of the Initial Determination of Responsibility would no longer be considered timely. The final determination shall be identified as the Title IX Decision.

Once the Title IX Decision is final, the District may implement remedies and disciplinary sanctions. The Title IX Coordinator is responsible for effective implementation of any non-disciplinary remedies, with the assistance of building and District administrative personnel, while disciplinary sanctions will be imposed by persons charged with such responsibilities under other Board policies, regulations or administrative procedures. The District may also proceed against the respondent or complainant pursuant to the District's applicable code of conduct or other Board policies, collective bargaining agreement, individual contract or administrative rules/regulations/procedures. The issue of responsibility for the conduct at issue shall not be subject to further review or appeal within the District.

**J. Informal Resolution.**

At any time prior to reaching a determination regarding responsibility (but only after the filing of a formal complaint), the District may offer an optional informal resolution process<sup>3</sup> (e.g., mediation, arbitration), provided that the District:

1. Provides written notice to the parties disclosing:
  - a. The allegations of the formal complaint;
  - b. The requirements of the information resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations, provided, however, that at any time prior to agreeing to an informal final resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint; and
  - c. Any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.
2. Obtains the parties' voluntary written consent to the informal resolution process; and

**In no event may the District offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.**

**Legal References:**

*Title IX of the Education Amendments of 1972, 20 U.S.C 1681, et seq 20 U.S.C. §1232g, Family Educational Rights and Privacy Act*  
*34 CFR. Part 99, Family Educational Rights and Privacy Act Regulations*  
*34 CFR 106.8, Designation of responsible employee and adoption of grievance procedures.*

*34 CFR 106.30, Definitions*  
*34 CFR 106.44, Recipient's response to sexual harassment*  
*34 CFR 106.4, Grievance process for formal complaints of sexual harassment*  
*34 CFR 106.71, Retaliation*  
*RSA 193:38, Discrimination in Public Schools*  
*NH Dept of Ed. Rules Ed 303.01 (i), School Board Substantive Duties*  
*Ed 303.01(j), Substantive Duties of School Boards; Sexual Harassment Policy*

Final Approval: 04/19/21

## **ACE-PROCEDURAL SAFEGUARDS NONDISCRIMINATION ON THE BASIS OF HANDICAP/DISABILITY**

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

### **Legal References:**

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

Board Approval of Revision: 4/05/21

## **EHB-DATA/RECORDS RETENTION**

The Superintendent shall develop procedures for a records retention system that is in compliance with RSA 189:29-a and Department of Education regulations, and also addresses retention/destruction of all other records which are not subject to specific statutes or regulations. The procedures should ensure that all pertinent records are stored safely and are stored for such durations as are required by law. The Superintendent shall develop procedures necessary to protect individual rights and preserve confidential information.

This policy shall apply to all district records, irrespective of the specific medium of the record, i.e., paper, electronic, digital, cloud, etc. Adult student is defined as a student who has reached the age of 18 and does not have a court appointed guardian.

### **A. Special Education Records**

1. Upon a student's graduation from high school, his or her parent(s)/guardian(s) or the adult student may request in writing that the District destroy the student's special education records, including any final individualized education program.
2. The parent(s)/guardian(s)/adult student may, at any time prior to the student's twenty-sixth birthday, request, in writing, that the records be retained until the student's thirtieth birthday.
3. Absent any request by a student's parents or the adult student to destroy the records prior to the twenty-sixth birthday, or to retain such records until the student's thirtieth birthday, the District shall destroy a student's records and final individualized education program within a reasonable time after the student's twenty-sixth birthday, provided that all such records be destroyed by the student's thirtieth birthday.
4. A permanent record of a student's name, address, and phone number, his or her grades, attendance record, classes attended, grade level completed, and year completed may be maintained without time limitation. 34 CFR 300.624.

5. The District shall provide parents/guardians, or where applicable, the adult student, with a written notice of the District's document destruction policies upon the student's graduation with a regular high school diploma or at the transfer of rights, whichever occurs first.
6. The District shall provide public notice of its document destruction policy at least annually.

#### **B. Litigation Hold**

On receipt of notice from legal counsel representing the District in that a litigation hold is required, the routine destruction of governmental records, including paper and electronic records, which are or may be subject to the litigation hold shall cease. The destruction of records subject to a litigation hold shall not resume until the district has received a written directive from legal counsel authorizing resumption of the routine destruction of those records in accordance with the retention requirements of this policy and the associated procedures.

#### **C. Right-to-Know Request - Hold**

On receipt of a Right-to-Know law request to inspect or copy governmental records, the Superintendent shall cease any destruction of governmental records which are or may be the subject of the request. The records shall be retained regardless of whether they are subject to disclosure under RSA Chapter 91-A, the Right-to-Know law. If a request for inspection is denied on the grounds that the information is exempt under this chapter, the requested material shall be preserved for no less than ninety (90) days and until any lawsuit pursuant to RSA 91-A:7-8 has been finally resolved, all appeal periods have expired, and a written directive from legal counsel representing the District authorizing destruction of the records has been received.

### **Appendix – EHB-R Records Retention Schedule**

#### **Legal References:**

*RSA 91-A, Right to Know Law*  
*RSA 189:29-a, Records Retention and Disposition*  
*NH Code of Administrative Rules, Section Ed 306.04(a)(4), Records Retention*  
*NH Code of Administrative Rules, Section Ed 306.04(h), Records Retention*  
*NH Code of Administrative Rules, Section Ed. 1119.01, Confidentiality Requirements*  
*20 U.S.C. 1232g, Family Educational Rights and Privacy Act (FERPA)*

Board Approval of Revision: 2/18/19

## **JH-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. Illness
2. Recovery from an accident
3. Required court attendance
4. Medical and dental appointments
5. Death in the immediate family
6. Observation or celebration of a bona fide religious holiday

7. Such other good cause as may be acceptable to the Principal or permitted by law

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

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

If parents wish for their child to be absent for a reason not listed above, the parent must provide a written explanation of the reason for such absence, including why the student will be absent and for how long the student will be absent. The Principal will make a determination as to whether the stated reason for the student's absence constitutes good cause and will notify the parents via telephone and writing of his/her decision. If the Principal determines that good cause does not exist, the parents may request a conference with the Principal to again explain the reasons for non-attendance. The Principal may then reconsider his initial determination. At this juncture, the Principal's decision shall be final. However, parents may appeal this decision in writing to the Superintendent within 5 days. This decision can be appealed to the school board.

**Family Vacations/Educational Opportunities**

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

**Truancy**

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

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

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

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

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

**Intervention Process to Address Truancy**

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

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

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

**Parental Involvement in Truancy Intervention**

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

1. A statement that the student has become or is in danger of becoming habitually truant;
2. A statement of the parent's responsibility to ensure that the student attends school; and
3. A request for a meeting between the parents and the Principal to discuss the student's truancy and to develop a plan for reducing the student's truancy.

### **Developing and Coordinating Strategies for Truancy Reduction**

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

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

### **Parental Notification of Truancy Policy**

The Superintendent shall ensure that this policy is included in or referenced in the student handbook and is made available to parents annually at the beginning of each school year.

### **Legal References:**

*RSA 189:34, Appointment*

*RSA 189:35-a, Truancy Defined*

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

*RSA 193:7 Penalty*

*RSA 193:8, Notice Requirements*

*RSA 193:16 Bylaws as to Nonattendance*

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

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

Board Approval of Revision: 10/21/13

## **JIC STUDENT CONDUCT**

### **A. General Policy.**

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

Expectations for student conduct and standards of behavior shall be communicated through written Board policies, as well as District and/or school rules. Those policies and rules should be included in a Code of Conduct or its equivalency for each school.

Student conduct that causes material or substantial disruption to the school environment, interferes with the rights of others, presents a threat to the health and safety of students, employees, or visitors, and/or



violates the Code of Conduct or its equivalency, or classroom rules is prohibited. Response to violations of the Code of Conduct or its equivalency, however, should be designed to maximize student academic, emotional and social success, while at the same time assuring safety of all students, staff and school visitors. With this objective, the Board endorses adoption of a Multi-Tiered System of Support for Behavioral Health and Wellness (“MTSS-B”) as the framework for the Code of Conduct or its equivalency. District personnel who interact with students are expected to utilize progressive disciplinary measures, and to place emphasis on educating students so they may grow in self-discipline. Suspensions and expulsions shall be administered consistent with the applicable Code of Conduct or its equivalency and Board policy JICD.

**B. Student Code of Conduct (or its equivalency)**

The School Board delegates to the Superintendent, in consultation with the appropriate building Principal and counselors, the responsibility of adopting and implementing a Student Code of Conduct with such age-appropriate rules and regulations for each school as he/she deems necessary to implement the objectives of this policy, and reflects the three-tiered support prevention of framework of MTSS-B: school-wide approaches; targeted supports for at-risk students; and individualized services for highest-needs students.

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

The Code of Conduct or its equivalency shall include:

1. A graduated and age-appropriate system of supports and intervention strategies, such as:
  - parent conferences,
  - counseling,
  - peer mediation,
  - instruction in conflict resolution and anger management,
  - parent counseling and training,
  - community service, and
  - rearranging class schedules.
2. Graduated and age-appropriate disciplinary consequences such as:
  - restriction from extra-curricular activities,
  - temporary (same day) removal from class or activity,
  - detention,
  - temporary reassignment/in-school suspension,
  - out-of-school suspension, and
  - expulsion.
3. Provisions describing how and when short term suspensions of up to 5 days, short term suspensions up to 10 days, long term suspensions up to 20 days, and/or expulsion should be imposed. These standards shall make reference to and reflect:
  - the nature and degree of disruption caused to the school environment;
  - the threat to the health and safety of pupils and school personnel, volunteers or visitors;

- whether the conduct or behavior is isolated or repeated.

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

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

### **C. Implementation and Notice**

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

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

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

### **D. Parental Notification of Simple Assaults**

Pursuant to RSA 193-D:4, I (b), the Superintendent is directed to adopt and implement procedures requiring parents/guardians of each student involved in a simple assault (victim and perpetrator) occurring during the school day, when such assault causes: any form of bodily injury, including bruising or discoloration, or would otherwise constitute a disciplinable offense under the Code of Conduct or its equivalency. For purposes of this policy, "simple assault" shall have the same meaning as that provided in RSA 631:2-a (a simple assault occurs when one purposefully or knowingly causes bodily injury or unprivileged physical contact to another; or recklessly causes bodily injury to another or negligently causes bodily injury to another by means of a deadly weapon).

### **E. Disciplinary Removal of Students with Disabilities**

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

### **Legal Reference:**

*RSA 135-F:5, System of Care for Children/Duties of Commissioner of Dept. of Education*

*RSA 193:13, Suspension and Expulsion of Pupils*

*RSA 193-D:4, Written Report Required*

*RSA 631:2-a, Simple Assault*

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

*NH Code of Administrative Rules, Section Ed. 306.04(g), Suspension & Expulsion*

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

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

Board Approval of Revision: 4/05/21

## JICD STUDENT DISCIPLINE AND DUE PROCESS

### A. Policy Statement.

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

### B. Standards and Procedures Relative to Disciplinary Consequences.

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

Students may be removed from the classroom at the classroom teacher's discretion if the student refuses to obey the teacher's directives, becomes disruptive, fails to abide by school or District rules, or the Code of Conduct, or otherwise impedes the educational purpose of the class. Before ordering the removal, the staff member ordering the removal shall warn the student of the infraction and allow the student to respond.

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

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

Restrictions under this policy are not appealable.

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

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

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

Detentions are not appealable.

4. **"Temporary Reassignment" or "In-school suspension"** means the student will attend school but will be temporarily isolated from one or more classes while under supervision. An in-school suspension will not exceed five (5) consecutive school days. Parents/guardians shall be notified prior to the administration of a temporary reassignment.

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

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

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

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

A short-term suspension may be imposed only for:

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

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

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

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

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

A long-term suspension may only be imposed for:

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

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

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

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

- d. **Educational Assignments.** As required by RSA 193:13, V, educational assignments shall be made available to students during both short and long term suspensions.
- e. **Alternative Educational Services.** The school shall provide alternative educational services to a suspended pupil whenever the pupil is suspended in excess of 20 cumulative days within any school year. The alternative educational services shall be designed to enable the pupil to advance from grade to grade.
- f. **Re-entry Meetings and Intervention Plans.** Prior to returning to regular classes, a suspended student, and parent/guardian (when available) shall meet with the building Principal or his/her designee to assist the student in smoothly returning to the school setting.

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

- g. **Attendance Safe Harbor.** A student may not be penalized academically solely by virtue of missing class due to a suspension.
7. **“Expulsion”** means the complete denial of a pupil's attendance at school for any of the reasons listed in RSA 193:13, II and IV. An expulsion may be for either a stated duration or permanent.
- a. **Grounds for Expulsion.** Any pupil may only be expelled by the School Board, and only for the following grounds:
    - i. A repetition of an act that warranted long term suspension under section B.6.b, above;
    - ii. Any act of physical or sexual assault that would be a felony if committed by an adult;

- iii. Any act of violence pursuant to RSA 651:5, XIII;
- iv. Criminal threatening pursuant to RSA 631:4, II(a); or
- v. For bringing or possessing a firearm as defined in Section 921 U.S.C. Title 18 within a safe school zone as prohibited under RSA 193-D:1, or under the Gun Free School Zones Act, unless such pupil has written authorization from the Superintendent.

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

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

#### **C. Modification or Reinstatement After Suspension or Expulsion.**

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

- 1. **Modification by Superintendent.** Subject to all other applicable laws, regulations and Board policies, and paragraph C.3, below (relating to firearms), the Superintendent is authorized to reinstate any student who has been suspended or expelled from a school in this District, and or enroll a student suspended or expelled from another school or district, on a case-by-case basis.
- 2. **Review and reinstatement by Board.** A student may request the School Board (of the district of attendance) to review an expulsion decision prior to the start of each school year by filing a written request with the Superintendent detailing the basis of the request. The Board will determine whether and in what manner it will consider any such request after consultation with the Superintendent.

3. **Modification of Expulsion for Firearms.** A student who has been expelled from this District or any other public or private school for bringing or possessing a firearm in a safe school zone as prohibited under RSA 193-D1, or under the Gun Free Schools Act, may only be reinstated or enrolled if the Superintendent first determines: possession of the firearm was inadvertent and unknowing; the firearm was for sporting purposes and the student did not intend to display the firearm to any other person while within the safe schools zone; the student is/was in the fifth or lower grade when the incident occurred; or the Superintendent determines that the firearm was not loaded; and that no ammunition was reasonably available; and that the pupil had no intention to display the firearm to other students.

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

- D. **Appeals to State Board of Education.** Any decision by the Board (i) to expel a student, (ii) not to reinstate a student upon request, or (iii) enroll a student from another state who had been expelled for a violation of the Gun Free Schools Act, may be appealed to the State Board of Education at any time that the expulsion remains in effect, subject to the rules of the State Board of Education.
- E. **Sub-committee of Board.** For purposes of sections B.6 and B.7 of this policy, "Board" or "School Board" may either be a quorum of the full Board, or a subcommittee of the Board duly authorized by the School Board.
- F. **Superintendent and Principal Designees.** Except where otherwise stated in this policy, the Superintendent may delegate any authority s/he has under this policy, and a principal may delegate any authority s/he has under this policy, to other appropriate personnel
- G. **Disciplinary Removal of Students with Disabilities.** If a student is disabled under the Individuals with Disabilities Act (IDEA), the New Hampshire RSA 186-C, Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act, or any other law providing special rights to disabled students, those laws shall govern and shall supersede these local policies to the extent these local policies are inconsistent with those laws. Accordingly, any suspension or expulsion of a child with a disability as defined in Ed 1102.01(t) shall be in accordance with Ed 1124.01.
- H. **Notice and Dissemination.** This policy shall be made available to families, students and staff as provided in Board policy JIC.
- I. **Conflict in Law or State Regulation.** If any provision of this policy shall conflict with State or Federal law, or regulation of the New Hampshire Department of Education, then such law or regulation shall apply, and the remainder of the policy shall be read and interpreted to be consistent with the law or regulation. School administrators and families are strongly encouraged to review the links for pertinent statutes and laws as referenced in this policy.

**Legal Reference:**

*18 U.S.C. § 921, Et seq., Firearms*  
*20 U.S.C. § 7151, Gun-Free Schools Act*  
*RSA 189:15, Regulations*  
*RSA 193:13, Suspension & Expulsion of Pupils*  
*RSA Chapter 193-D, Safe Schools Zones*  
*RSA 631:4, Criminal Threatening*  
*RSA 651:5, XIII "Act of Violence"*  
*NH Code of Administrative Rules, Section Ed 306.04(a)(3), Discipline*  
*NH Code of Administrative Rules, Section Ed 306.04(f), Student Discipline Policy*  
*NH Code of Administrative Rules, Section Ed. 306.04(g), Suspension & Expulsion*  
*NH Code of Administrative Rules, Section Ed 317.04, Suspension and Expulsion of Pupils Assuring Due Process Disciplinary Procedures*  
*In re Keelin B., 162 N.H. 38, 27 A.3d 689 (2011)*

## **Appendix: JICD-R**

Board Approval of Revision: 04/05/21

### **JICFA – HAZING**

It is the policy of the School Board that no student or employee of the District shall participate in or be a member of any secret fraternity or secret organization that is in any degree related to the school or to a school activity. No student organization or any person associated with any organization sanctioned by the Board of Education shall engage or participate in hazing. This District does not permit or condone student hazing.

For the purposes of this policy, hazing is defined as any act directed toward a student, or any coercion or intimidation of a student to act or to participate in or submit to any act, when: (1) Such act is likely or would be perceived by a reasonable person as likely to cause physical or psychological injury to any person; and (2) Such act is a condition of initiation into, admission into, continued membership in or association with any organization. Hazing includes but is not limited to an activity which recklessly or intentionally endangers the mental or physical health or safety of a student for the purpose of initiation or admission into or affiliation with any organization sanctioned or authorized by the Board of Education.

"Endanger the physical health" shall include, but is not limited to, any brutality of a physical nature, such as whipping; beating; branding; forced calisthenics; exposure to the elements; forced consumption of any food, beverage, drug or controlled dangerous substance; or any forced physical activity which could adversely affect the physical health or safety of the individual.

"Endanger the mental health" shall include any activity, except those activities authorized by law, which would subject the individual to extreme mental stress, such as prolonged sleep deprivation, forced prolonged exclusion from social contact which could result in extreme embarrassment, or any other forced activity which could adversely affect the mental health or dignity of the individual.

Any hazing activity, upon which the initiation or admission into or affiliation with an organization sanctioned or authorized by the Board of Education is conditioned, directly or indirectly, shall be presumed to be a forced activity, even if the student willingly participates in such activity.

This policy is not intended to deprive School District authorities from taking necessary and appropriate disciplinary action toward any student or employee. Students or employees who violate this policy will be subject to disciplinary action which may include expulsion for students and employment termination for employees.

The Superintendent shall take reasonable measures within the scope of the District's authority to prevent student hazing. All hazing reported to the District or which any District staff member has knowledge of shall be promptly reported to law enforcement, as required by RSA 631:7, Student Hazing.

A copy of this policy will be furnished to each student, teacher and coach in the School District, including being printed in the student handbook.

#### **Legal Reference:**

*RSA 631:7, Student Hazing*

*New Hampshire Code of Administrative Rules, Section Ed 306.04(a)(7), Student Hazing*

Board Approval: 10/16/17

### **JICG/ADC-TOBACCO PRODUCTS BAN - USE AND POSSESSION IN AND ON SCHOOL FACILITIES AND GROUNDS**

State law prohibits the use of any tobacco product, E-cigarette, or liquid nicotine in any facility or upon any grounds maintained by the District. Students and minors are further prohibited from possessing such items in or upon any facility, school vehicle, or grounds owned or maintained by the District.

#### **A. Definitions.**



"Tobacco product(s)" means any product containing tobacco including, but not limited to, cigarettes, smoking tobacco, cigars, chewing tobacco, snuff, pipe tobacco, smokeless tobacco, and smokeless cigarettes, as well as any other product or item included in RSA 126-K:2, XI as the same may be amended or replaced from time-to-time.

"E-cigarette" means any electronic smoking device composed of a mouthpiece, a heating element, a battery, and electronic circuits that provides a vapor of pure nicotine mixed with propylene glycol to the user as the user simulates smoking. This term shall include such devices whether they are manufactured as e-cigarettes, e-cigars, or e-pipes, or under any other product name as well as any other product or item included in RSA 126-K:2, II-a as the same may be amended or replaced from time-to-time.

"Liquid nicotine" means any liquid product composed either in whole or in part of pure nicotine and propylene glycol and manufactured for use with e-cigarettes, as well as any other product or item included in RSA 126-K:2, III-a as the same may be amended or replaced from time-to-time.

"Facility" is any place which is supported by public funds and which is used for the instruction of students enrolled in preschool programs and in all grades maintained by the District. This definition shall include all administrative buildings and offices and areas within facilities supportive of instruction and subject to educational administration, including, but not limited to, lounge areas, passageways, rest rooms, laboratories, classrooms, study areas, cafeterias, gymnasiums, maintenance rooms, and storage areas.

**B. Students**

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

Enforcement of the prohibition against students shall initially rest with building principals, or their designees, who may also report any violation to law enforcement, for possible juvenile, criminal or other proceedings as provided under state law. Additional consequences may be administered pursuant to printed student conduct rules.

**C. Employees**

No employee shall use any tobacco product, E-cigarette, or liquid nicotine, in any facility, in any school vehicle or anywhere on school grounds maintained by the District.

Initial responsibility for enforcement of this prohibition shall rest with building principals, or their designees. Any employee(s) who violate(s) this policy is subject to disciplinary action which may include warning, suspension or dismissal. Violations may also be referred to appropriate law enforcement and/or other appropriate agencies for criminal or other proceedings as provided under state law.

**D. All other persons**

No visitor, contractor, vendor or other member of the public, shall use any tobacco product, E-cigarette, or liquid nicotine in any facility, in any school vehicle, or anywhere on school grounds maintained by the District.

The building principal(s), and where appropriate, other site supervisor (athletic director, vehicle driver, etc.), or their designee(s), shall have the initial responsibility to enforce this section, by requesting that any person who is violating this policy to immediately cease the use of tobacco products, E-cigarette or liquid nicotine. After this request is made, if any person refuses to refrain from using such products in violation of this policy, the principal, site supervisor, or designee may call contact the appropriate law enforcement agency(ies) for possible criminal or other proceedings as provided under state law.

**E. Implementation and Notice - Administrative Rules and Procedures.**

The Superintendent shall establish administrative rules and procedures to implement this policy, which rules and procedures may be building level and/or district-wide. Rules and procedures relating to student violations and resulting disciplinary consequences should be developed in consultation with building principal(s).

The Superintendent, working with the building principal(s), shall provide annual notice to employees, students and parents of the pertinent provisions of this policy (e.g., student or staff handbook) along with applicable administrative regulations and procedures, which may include prescribed consequences for violations of this policy. Such notice should include information that violation of this Policy could lead to criminal or other such proceedings.

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

**Legal References:**

*RSA 155:64 – 77, Indoor Smoking Act*

*RSA 126 – K:2, Definitions*

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

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

Board Approval of Revision: 11/05/18

## **JICI – WEAPONS ON SCHOOL PROPERTY**

Weapons are not permitted on school property, in school vehicles or at school-sponsored activities. This policy applies to students and members of the public alike. Student violations of this policy may result in both school disciplinary action and notification of local law enforcement authorities as mandated by law. Members of the public who violate this policy will be reported to local law enforcement authorities.

The term “weapons” includes, but is not limited to, firearms (rifles, pistols, revolvers, pellet guns, BB guns, etc.) knives, slingshots, metallic knuckles, firecrackers, billy-clubs, stilettos, switchblade knives, swords, canes, pistol canes, black jacks, daggers, dirk knives, explosives, incendiaries, martial arts weapons or self-defense weapons (as defined by RSA 159:24 and RSA 159:20 respectively), or any other object or substance which, in the manner it is used or threatened to be used, is known to be capable of producing death or bodily injury.

In addition, any student who is determined to have brought a firearm (as defined by 18 U.S.C. §921) to school will be expelled for not less than one year (365 days). This expulsion may be modified by the Superintendent upon review of the specific case in accordance with other applicable law.

Pursuant to the provisions of 20 U.S.C. § 7151, Gun-Free Schools Act, the Board requires the Superintendent or designee to contact local law enforcement authorities and/or the Division of Children and Youth Services and notify them of any student who brings a firearm or weapon on school property.

Weapons under control of law enforcement personnel are permitted.

All students will receive written notice of this policy at least once each year.

**Legal References:**

*18 U.S.C. § 921 Et seq., Firearms*

*20 U.S.C. § 7151, Gun-Free Schools Act*

*RSA 193-D, Safe School Zones*

*RSA 193:13, Suspension and Expulsion of Students*

*NH Code of Administrative Rules, Section Ed. 317, Standards and Procedures for Suspension and Expulsion of Pupils Including Procedures Assuring Due Process*

Board Approval of Revision: 5/20/13

## **JICK- PUPIL SAFETY AND VIOLENCE PREVENTION-BULLYING POLICY**

### **I. Definitions** (RSA 193-F:3)

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

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

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

2. Cyberbullying. Cyberbullying is defined as any conduct defined as "bullying" in this policy that is undertaken through the use of electronic devices. For purposes of this policy, any references to the term bullying shall include cyberbullying.
3. Electronic devices. Electronic devices include, but are not limited to, telephones, cellular phones, computers, pagers, electronic mail, instant messaging, text messaging, and websites.
4. School property. School property means all real property and all physical plant and equipment used for school purposes, including public or private school buses or vans.

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

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

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

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

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

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

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

### **False Reporting**

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

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

### **Reprisal or Retaliation**

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

1. The consequences and appropriate remedial action for a student, teacher, school administrator or school volunteer who engages in reprisal or retaliation shall be determined by the Principal after consideration of the nature, severity and circumstances of the act, in accordance with law, Board policies and any applicable

collective bargaining agreements.

2. Any student found to have engaged in reprisal or retaliation in violation of this policy shall be subject to measures up to, and including, suspension and expulsion.
3. Any teacher or school administrator found to have engaged in reprisal or retaliation in violation of this policy shall be subject to discipline up to, and including, termination of employment.
4. Any school volunteer found to have engaged in reprisal or retaliation in violation of this policy shall be subject to measures up to, and including, exclusion from school grounds.

#### **Process To Protect Pupils From Retaliation**

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

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

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

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

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

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

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

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

##### **Staff and Volunteers**

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

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

##### **Students**

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

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

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

##### **Parents**

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

at school they should encourage their children to:

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

#### Additional Notice and School District Programs

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

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

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

##### Student Reporting

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

##### Staff Reporting

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

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

In order to satisfy the reporting requirements of RSA 193-F:6, the Principal or designee shall be responsible for completing all New Hampshire Department of Education forms and reporting documents of substantiated incidents of bullying. Said forms shall be completed within 10 school days of any substantiated incident. Upon completion

of such forms, the Principal or designee shall retain a copy for himself and shall forward one copy to the Superintendent. The Superintendent shall maintain said forms in a safe and secure location.

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

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

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

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

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

1. Upon receipt of a report of bullying, the Principal shall, within 5 school days, initiate an investigation into the alleged act. If the Principal is directly and personally involved with a complaint or is closely related to a party to the complaint, then the Superintendent shall direct another district employee to conduct the investigation.
2. The investigation may include documented interviews with the alleged victim, alleged perpetrator and any witnesses. All interviews shall be conducted privately, separately and shall be confidential. Each individual will be interviewed separately and at no time will the alleged victim and perpetrator be interviewed together during the investigation.
3. If the alleged bullying was in whole or in part cyberbullying, the Principal may ask students and/or parents to provide the District with printed copies of e-mails, text messages, website pages, or other similar electronic communications.
4. A maximum of 10 school days shall be the limit for the initial filing of incidents and completion of the investigative procedural steps.
5. Factors the Principal or other investigator may consider during the course of the investigation, including but not limited to:
  - Description of incident, including the nature of the behavior;
  - How often the conduct occurred;
  - Whether there were past incidents or past continuing patterns of behavior;
  - The characteristics of parties involved, (name, grade, age, etc.);
  - The identity and number of individuals who participated in bullying behavior;
  - Where the alleged incident(s) occurred;
  - Whether the conduct adversely affected the student's education or educational environment;
  - Whether the alleged victim felt or perceived an imbalance or power as a result of the reported incident; and
  - The date, time and method in which parents or legal guardians of all parties involved were contacted.
6. The Principal shall complete the investigation within 10 school days of receiving the initial report. If the Principal needs more than 10 school days to complete the investigation, the Superintendent may grant

an extension of up to 7 school days. In the event such extension is granted, the Principal shall notify in writing all parties involved of the granting of the extension.

7. Whether a particular action or incident constitutes a violation of this policy shall require a determination based on all facts and surrounding circumstances and shall include recommended remedial steps necessary to stop the bullying and a written final report to the Principal.

8. Students who are found to have violated this policy may face discipline in accordance with other applicable board policies, up to and including suspension. Students facing discipline will be afforded all due process required by law.

9. Consistent with applicable law, the District will not require or request that a student disclose or provide to the District the student's user name, password or other authenticating information to a student's personal social media account. However, the District may request to a student or a student's parent/guardian that the student voluntarily share printed copies of specific information from a student's personal social media account if such information is relevant to an ongoing District investigation.

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

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

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

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

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

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

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

In support of this policy, the Board promotes preventative educational measures to create greater awareness of aggressive behavior, including bullying. The Board encourages the Superintendent to work collaboratively with all

staff members to develop responses other than traditional discipline as a way to remediate substantiated instances of bullying.

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

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

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

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

### **XV. Appeal**

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

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

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

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

### **XVII. School Officials** (RSA 193-F:4, II(n))

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

### **XVIII. Capture of Audio Recordings on School Buses**

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

### **XIX. Use of Video or Audio Recordings in Student Discipline Matters**



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

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

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

**Legal References:**

*RSA 193-F:3, Pupil Safety and Violence Prevention Act*

*RSA 570-A:2, Capture of Audio Recordings on School Buses Allowed*

*NH Code of Administrative Rules, Section Ed 306.04(a)(8), Student Harassment*

Board Approval: 8/29/16

## **JICL/GBEF/KD - ACCEPTABLE USE POLICY FOR DISTRICT TECHNOLOGY RESOURCES**

### **Scope of Policy**

Hillsboro-Deering School District (HDSD) provides access to technology devices, Internet, and data systems to employees and students for educational and business purposes. This **Acceptable Use Policy (AUP)** governs all electronic activity of employees using and accessing the district's technology, Internet, and data systems regardless of the user's physical location.

### **Guiding Principles**

- Online tools, including social media, should be used in our classrooms, schools, and central offices to increase community engagement, staff, and student learning, and core operational efficiency.
- HDSD has a legal and moral obligation to protect the personal data of our students, families, and staff.
- HDSD should provide a baseline set of policies and structures to allow schools to implement technology in ways that meet the needs of their students.
- All students, families, and staff must know their rights and responsibilities outlined in the Acceptable Use Policy and government regulations.
- Nothing in this policy shall be read to limit an individual's constitutional rights to freedom of speech or expression or to restrict an employee's ability to engage in concerted, protected activity with fellow employees regarding the terms and conditions of their employment.

### **Consequences of Breach of Policy**

Use of all HDSD technology resources is a privilege, not a right. By using HDSD Internet Systems and devices, the user agrees to follow all HDSD regulations, policies, and guidelines. Students and staff are encouraged to report misuse or breach of protocols to appropriate personnel, including building administrators, direct supervisors, and to the **Office of Information Technology (OIT)**. Abuse of these privileges may result in one or more of the following consequences:

- Suspension or cancellation of use or access privileges
- Payments for damages or repairs
- Staff discipline under appropriate School District policies, up to and including termination of employment, subject to any collective bargaining obligations.
- Student disciplinary action, depending on the severity of the breach, could include a stern warning up to expulsion.
- Liability under applicable civil or criminal laws

### **Definitions**

**Freedom of Information Act (FOIA)** - The FOIA is a law that allows for the release of government documents at the request of an individual. A FOIA request can be made to the Hillsboro-Deering School District for electronic

documents/communications stored or transmitted through district systems unless that information could be detrimental to governmental or personal interests. For more information, visit <http://www.foia.gov/>

***Family Educational Rights and Privacy Act (FERPA)*** - The FERPA law protects the privacy, accuracy, and release of information for students and families of the Hillsboro-Deering School District. personal data stored or transmitted by agents of the Hillsboro-Deering School District must abide by FERPA laws, and HDSD is required to protect the integrity and security of student and family information. For more information, visit <http://www.ed.gov/policy/gen/guid/fpco/ferpa/index.html>

***Children's Internet Protection Act (CIPA)*** - Requires schools that receive federal funding through the E-Rate program to protect students from content deemed harmful or inappropriate. The Hillsboro-Deering School District is required to filter internet access for inappropriate content, monitor the internet usage of minors, and provide education to students and staff on safe and appropriate online behavior.

### **Communication & Social Media**

Employees and students are provided with district email accounts and online tools to improve the efficiency and effectiveness of communication, both within the organization and with the broader community. Communication should be consistent with the professional practices used for all correspondence. When using online tools, members of the HDSD community will use appropriate behavior:

- A. When acting as a representative or employee of the Hillsboro-Deering School District.
- B. When the communication impacts or is likely to impact the classroom or working environment in the Hillsboro-Deering School District.

All communication sent by an employee using district property or regarding district business could be subjected to public access requests submitted through the Freedom of Information Act (FOIA). Users need to be aware that data and other material/files maintained on the school district's systems may be subject to review, disclosure, or discovery. Use of personal email accounts and communication tools to conduct school business is strongly discouraged and may open an individual's personal account to be subject to FOIA inquiries. HDSD will cooperate fully with local, state, and federal authorities in any investigation concerning or related to any illegal activities or activities not in compliance with school district policies or government regulations.

### **Guidelines for Online Communication**

- Communication with students should not include content of a personal nature.
- When communicating with parents/guardians of students, employees should use email addresses and phone numbers listed in the **Student Information System (SIS)** unless steps have been taken to verify that the communication is occurring with a parent/guardian that has educational rights for the student.
- When communicating with a parent/guardian, refrain from discussing any non-related students when possible.
- Employees who use internal or external social media (blogs, Twitter, etc.) are expected to refrain from discussing confidential information and/or discussing specific students. Information that can be traced back to a particular student or could allow a student to be publicly identified should not be posted on any social media sites.
- When using social media, employees are expected to refrain from posting any negative comments online about students.
- Employees are required to notify their appropriate administrator before setting up an online site to facilitate student learning. Employees are encouraged to monitor/moderate online communication to the best of their abilities.
- Employees are advised not to add any students/former students or parents as 'friends' or contacts on social media unless the site is expressly set up to support classroom instruction or school business.

- Employees may communicate with HDSD graduates (+18 years old) on social media but should be advised to maintain professionalism and caution when communicating online.
- Employees are encouraged not to add parents/guardians of students as ‘friends’ or contacts on social media to maintain professionalism and to avoid any appearance of a conflict of interest.
- Avoid responding to spam or phishing attempts that require a user to click on any links or to provide any account information. Note: HDSD will never ask for a user’s account password for any purpose and users are advised to report any suspicious requests for account information directly to the OIT Help Desk.

### **Solicitation**

The HDSD prohibits web announcements and online communication promoting a business. The Superintendent’s Office may make exceptions if benefits are judged sufficient to merit exception.

### **Use of Copyrighted Materials**

Violations of copyright law that occur while using the HDSD network or other resources are prohibited and have the potential to create liability for the district as well as for the individual. HDSD staff and students must comply with regulations on copyright plagiarism that govern the use of material accessed through the HDSD network.

Users will refrain from using materials obtained online without requesting permission from the owner if the use of the content has the potential of being considered copyright infringement. HDSD will cooperate with copyright protection agencies investigating copyright infringement by users of the computer systems and network of the Hillsboro-Deering School District.

### **Network Usage**

Network access and bandwidth are provided to schools for academic and operational services. HDSD reserves the right to prioritize network bandwidth and limit certain network activities that are negatively impacting academic and operational functions. Users are prohibited from using the HDSD network to access content that is inappropriate or illegal, including but not limited to content that is pornographic, obscene, illegal, or promotes violence.

### **Network Filtering & Monitoring**

As required in the Children’s Internet Protection Act (CIPA), HDSD is required to protect students from online threats, block access to inappropriate content, and monitor the Internet use by minors on school networks. OIT is responsible for managing the district’s Internet filter and will work with the HDSD community to ensure the filter meets the academic and operational needs of each school while protecting minors from inappropriate content. By authorizing use of technology resources, HDSD does not relinquish control over materials on the systems or contained in files on the systems. There is no expectation of privacy related to information stored or transmitted over the HDSD network or in HDSD systems. HDSD reserves the right to access, review, copy, store, or delete any files (unless other restrictions apply) stored on HDSD computers and all employee and students communication using the HDSD network. Electronic messages and data stored on HDSD computers or transmitted using HDSD systems may be treated like any other school property. District administrators and network personnel may review files and messages to maintain system integrity and, if necessary, to ensure that users are acting responsibly. HDSD may choose to deploy location tracking software on devices for the sole purpose of locating devices identified as lost or stolen.

### **Personal Use**

HDSD recognizes that users may use HDSD email, devices, and network bandwidth for limited personal use; however, personal use should not interfere with or impede district business or cause an additional financial burden on the district. Excessive use or abuse of these privileges can be deemed in violation of the Acceptable Use Policy.

### **Network Security**

The HDSD Wide Area Network (WAN) infrastructure, as well as the building-based Local Area Networks (LANs), are implemented with performance planning and appropriate security measures in mind. Modifications to an

individual building network infrastructure or use will affect LAN performance and will reduce the efficiency of the WAN. For this reason, any additional network electronics including, but not limited to, switches, routers, and wireless access points must be approved, purchased, installed, and configured solely by OIT to ensure the safety and efficiency of the network. Users are prohibited from altering or bypassing security measures on electronic devices, network equipment, and other software/online security measures without the written consent of the Information Security Officer.

### **Data & Systems**

Access to view, edit, or share personal data on students and employees maintained by HDSD central offices, individual schools, or by persons acting for the district must abide by local, state, and federal regulations, including the Family Educational Rights and Privacy Act. Student and staff information and data may only be shared with individuals deemed eligible to have access by the person(s) responsible for oversight of that data. Outside parties or non-HDSD individuals requesting protected data must receive approval from the Office of the Legal Advisor and have a non-disclosure agreement with the HDSD. Individuals requesting ongoing access to data through HDSD systems are required to have a designated HDSD administrator who will act as a “sponsor” to ensure the safety of the data.

### **Electronic Transmission of Data**

When educational records or private data are transmitted or shared electronically, staff are expected to protect the privacy of the data by password-protecting the record/file and only using HDSD systems to transmit data. Staff are also expected to ensure records are sent only to individuals with a right to said records and must take reasonable measures to ensure that only the intended recipients can access the data.

### **Passwords**

Users are required to adhere to password requirements set forth by the Hillsboro-Deering School District when logging into school computers, networks, and online systems. Users are not authorized to share their password and must use extra caution to avoid email scams that request passwords or other personal information.

### **Media & Storage**

All local media (USB devices, hard drives, CDs, flash drives, etc.) with sensitive data must be securely protected with a password and encrypted to ensure the safety of the data contained. OIT must approve the use of cloud-storage services for storage or transmission of files containing sensitive information. Users are encouraged to use HDSD approved data/information systems for the storage and transmission of sensitive data whenever possible and avoid storage on local hardware that cannot be secured.

### **Electronic Devices**

HDSD defines electronic devices as, but not limited to, the following:

- Laptop and desktop computers, including like-devices
- Tablets
- Wireless email and text-messaging devices, i.e., iPod
- Smartphones
- Donated devices

### **Device Support**

HDSD provides necessary installation, synchronization, and software support for HDSD-issued electronic devices. Devices must be connected to the HDSD network regularly to receive up-to-date software and antivirus updates and for inventory purposes. Password protection is required on all HDSD-issued electronic devices to prevent unauthorized use in the event of loss or theft. Users are responsible for making periodic backups of data files stored locally on their devices.

### **Loss/Theft**

Users must take reasonable measures to prevent a device from being lost or stolen. In the event an electronic device is lost or stolen, the user is required to immediately notify appropriate school staff and their direct supervisor, local

authorities, and the OIT). The HDSD will take all reasonable measures to recover the lost property and to ensure the security of any information contained on the device.

### **Return of Electronic Devices**

All technology purchased or donated to the HDSD is considered district property, and all equipment assigned to employees or students must be returned before leaving their position or school. All equipment containing sensitive information and data must be returned directly to OIT before it can be redeployed.

### **Personal Electronic Devices**

The use of personal electronic devices is permitted at the discretion of the appropriate administrator and Information Security Officer. The HDSD is not responsible for the maintenance and security of personal electronic devices and assumes no responsibility for loss or theft. The district reserves the right to enforce security measures on personal devices when used to access district tools and remove devices found to violate the AUP.

### **Energy Management**

HDSD strives to reduce our environmental footprint by pursuing energy conservation efforts and practices. The district reserves the right to adjust power-saving settings on electronics to reduce energy consumption.

### **Technology Purchasing & Donations**

Technology hardware and software must be purchased or donated through OIT, unless OIT and the Business Office have granted prior approval. All technology purchases and donations must abide by HDSD procurement policies and are subject to approval by OIT. Technology pricing can include additional expenses required to ensure proper maintenance and security, including but not limited to warranties, hardware/software upgrades, virus protection, and security/inventory software. Schools or departments applying for technology grants, funding, or donations must budget for any additional expenses associated with the requested technology and can be held responsible for any additional costs incurred.

### **Legal References:**

*15 U.S.C. §§ 6501-6506 Children's Online Privacy Protection Act (COPPA)*  
*20 U.S.C. § 1232g Family Educational Rights and Privacy Act (FERPA)*  
*20 U.S.C. § 1232h Protection of Pupil Rights Amendment (PPRA)*  
*20 U.S.C. § 1400-1417 Individuals with Disabilities Education Act (IDEA)*  
*20 U.S.C. § 7926 Elementary and Secondary Education Act (ESSA)*  
*20 U.S.C. § 6777, Enhancing Education Through Technology – Internet Safety*  
*47 U.S.C. § 254, Requirements For Certain Schools – Internet Safety*  
*RSA 189:65 Definitions*  
*RSA 186:66 Student Information Protection and Privacy*  
*RSA 189:67 Limits on Disclosure of Information*  
*RSA 189:68 Student Privacy*  
*RSA 189:68-a Student Online Personal Information*  
*RSA 194:3-d, School District Computer Networks*  
*RSA 359-C:19-21 Right to Privacy/Notice of Security Breach*

Final Approval: 11/14/19

## **JKAA- USE OF RESTRAINTS AND SECLUSION**

### **Definitions:**

1. (a) “**Restraint**” means bodily physical restriction, mechanical devices, or any device that immobilizes a person or restricts the freedom of movement of the torso, head, arms, or legs. It includes mechanical restraint, physical restraint, and medication restraint used to control behavior in an emergency or any involuntary medication. It is limited to actions taken by persons who are school or facility staff members, contractors, or otherwise under the control or direction of a school or facility.

(b) **“Restraint” shall not include:**

- a. Brief touching or holding a child to calm, comfort, encourage, or guide a child, so long as limitation of freedom of movement of the child does not occur.
  - b. The temporary holding of the hand, wrist, arm, shoulder, or back for the purpose of inducing a child to stand, if necessary, and then walk to a safe location, so long as the child is in an upright position and moving toward a safe location.
  - c. Physical devices, such as orthopedically prescribed appliances, surgical dressings and bandages, and supportive body bands, or other physical holding when necessary for routine physical examinations and tests or for orthopedic, surgical, and other similar medical treatment purposes, or when used to provide support for the achievement of functional body position or proper balance or to protect a person from falling out of bed, or to permit a child to participate in activities without the risk of physical harm.
  - d. The use of seat belts, safety belts, or similar passenger restraints during the transportation of a child in a motor vehicle.
  - e. The use of force by a person to defend himself or herself or a third person from what the actor reasonably believes to be the imminent use of unlawful force by a child, when the actor uses a degree of such force which he or she reasonably believes to be necessary for such purpose and the actor does not immobilize a child or restrict the freedom of movement of the torso, head, arms, or legs of any child.
2. **“Medication restraint”** occurs when a child is given medication involuntarily for the purpose of immediate control of the child’s behavior.
  3. **“Mechanical restraint”** occurs when a physical device or devices are used to restrict the movement of a child or the movement or normal function of a portion of his or her body.
  4. **“Physical restraint”** occurs when a manual method is used to restrict a child’s freedom of movement or normal access to his or her body.
  5. **“Seclusion”** means the involuntary placement of a child alone in a place where no other person is present and from which the particular child is unable to exit, either due to physical manipulation by a person, a lock, or other mechanical device or barrier. The term shall not include the voluntary separation of a child from a stressful environment for the purpose of allowing the child to regain self-control, when such separation is to an area which a child is able to leave. Seclusion does not include circumstances in which there is no physical barrier between the child and any other person or the child is physically able to leave the place. A circumstance may be considered seclusion even if a window or other device for visual observation is present, if the other elements of this definition are satisfied.

**Procedures for Managing The Behavior of Students:**

The Superintendent is authorized to establish procedures for managing the behavior. Such procedures shall be consistent with this policy and all applicable laws. The Superintendent is further authorized to establish any other procedures necessary to implement this policy and/or any other legal requirements.

**Circumstances in Which Restrain May Be Used:**

Restraint will only be used to ensure the immediate physical safety of any person when there is a substantial and imminent risk of serious bodily harm to the student or others.

Restraint will only be used by trained school staff.

Restraint will not be as punishment for the behavior of a student.

Restraint will not be imposed for longer than is necessary to protect the student or others from the substantial and imminent risk of serious bodily harm.

No period of restraint of a student may exceed 15 minutes without the approval of a supervisory employee designated by the director to provide such approval. No period of restraint of a student may exceed 30 minutes unless an assessment of the mental, emotional, and physical well-being of the student is conducted by a trained and

authorized employee.

**Circumstances in Which Seclusion May Be Used:**

The School Board recognizes the statutorily imposed conditions of seclusions and hereby adopts those conditions, as defined by RSA 126-U:5-b.

Seclusion may only be used when a student's behavior poses a substantial and imminent risk of physical harm to the student or others.

Seclusion will be used only by trained school staff.

Seclusion will not be used as a form of punishment for the behavior of a student.

**Prohibition of Dangerous Restraint Techniques**

The School Board recognizes and hereby prohibits the use of "dangerous restraint techniques" as defined in RSA 126-U:4.

**Civil or Criminal Liability – School Officials:**

Nothing in the District's Policy or Procedures on the use of child restraint should be understood in any way to undercut the protection from civil and criminal liability provided school officials for the use of force against a minor, consistent with state law found at RSA 627:1, 4 and 6.

**Reporting Requirements and Parental Notification:**

In the event restraint or seclusion is used on a student, the building principal or designee will notify the student's parents/guardian/guardian ad litem of the occurrence, as soon as practical and in no event later than the time of the return of the child to the parent or guardian or the end of the business day, whichever is earlier.

The building principal or designee will, within 5 business days after the occurrence, submit a written notification/report to the Superintendent or designee. The notification shall contain all the requirements and information as mandated by RSA 126-U:7 II. The Superintendent or designee may develop a reporting form or other documents necessary to satisfy these reporting requirements.

Unless prohibited by court order, the Superintendent or designee shall, within 2 business days of receipt of the notification required in the above paragraph, send by first class mail to the child's parent or guardian the information contained in the notification/report. Each notification/report prepared under this section shall be retained by the school or facility for review in accordance with rules adopted under RSA 541-A by the state board of education and the department of health and human services.

If a school employee has intentional physical contact with a student in response to a student's aggressive misconduct or disruptive behavior, the building principal or designee will make reasonable efforts to inform the student's parent or guardian as soon as possible, but no later than the end of the school day. The building principal or designee will also prepare a written report of the incident within five (5) business days of the incident. The report will include information required under RSA 126-U:7 V.

**Transportation:**

The school district will not use mechanical restraints during the transportation of children unless case-specific circumstances dictate that such methods are necessary.

Whenever a student is transported to a location outside the school, the Superintendent or designee will ensure that all reasonable and appropriate measures consistent with public safety are made to transport or escort the student in a manner which:

1. Prevents physical and psychological trauma;
2. Respects the privacy of the child; and
3. Represents the least restrictive means necessary for the safety of the child.

Whenever a student is transported using mechanical restraints, the Superintendent or designee will document in writing the reasons for the use of the mechanical restraints.

This policy shall be provided to the parent, guardian or legal representative of each child at each school.

**Legal References:**

*RSA 126-U, Limiting the Use of Child Restraint Practices*

Board Approval of Revision: 3/5/18

**JRA- ACCESS TO STUDENT RECORDS - FERPA**

- A. General Statement.** It is the policy of the School Board that all school district personnel will follow the procedures outlined herein as they pertain to the maintenance of student records. Furthermore, it is the policy of the School Board that all school district personnel will follow the provisions of the Family Educational Rights Privacy Act (FERPA) and its corresponding regulations.
- B. Education Record.** For the purposes of this policy and in accordance with FERPA, the term “educational record” is defined as all records, files, documents and other material containing information directly related to a student; and maintained by the school district; or by such other agents as may be acting for the school district. Such records include, but are not limited to, completed forms, printed documents, handwriting, videotape, audiotape, electronic or computer files, film, print, microfilm and/or microfiche. Educational records do not include records of instructional, supervisory, and administrative personnel and educational personnel ancillary thereto which are in the sole possession of the maker thereof and which are not accessible or revealed to any other person except a substitute.
- C. Directory Information.** For the purposes of this policy, and in accordance with the provisions of FERPA and New Hampshire RSA 189:1-e, the term “directory information” means:
1. Students' name, address, telephone number, and dates of enrollment;
  2. Parents'/guardians' name(s) and address(es);
  3. Students' grade level, enrollment status and dates of attendance;
  4. Student photographs;
  5. Students' participation in recognized school activities and sports;
  6. Weight and height of members of athletic teams
  7. Post-high school plans; and
  8. Students' diplomas, certificates, awards and honors received.

Except for elements of a student’s directory information which the student’s parents or an eligible student has notified the District not to disclose, the District may release or disclose student directory information without prior consent of the student’s parents/eligible students. Within the first three weeks of each school year, the District will provide notice to parents/eligible students that the District may publish directory information without their prior consent. Parents/eligible students will be given until three (3) weeks after the first full day of school to notify the District in writing of any or all directory information items that they refuse to permit the District to release or disclose. Notice from a parent/eligible student that any or all direction information shall not be released will only be valid for that school year and must be re-issued each school year.

- D. Personally Identifiable Information.** “Personally identifiable information” is defined as data or information which makes the individual who is the subject of a record known, including a student’s name; the student’s or student’s family’s address; the name of the student’s parent or other family members; a personal identifier such as a student’s Social Security number; the student’s date of birth, place of birth, or mother’s maiden name; or other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with a reasonable certainty or information requested by a person who the District reasonably believes knows the identity of the student to whom the



education record relates.

**E. Annual Notification/Rights of Parents and Eligible Students.** Within the first four (4) weeks of each school year, the District will publish notice to parents and eligible students of their rights under State and Federal law and this policy. The District will send home with each student a notice listing these rights. The notice will include:

1. The rights of parents or eligible students to inspect and review the student's education records;
2. The intent of the District to limit the disclosure of information in a student's record, except: (a) by the prior written consent of the parent or eligible student; (b) as directory information; or (c) under certain, limited circumstance, as permitted by law;
3. The right of a student's parents or an eligible student to seek to correct parts of the student's educational records which he/she believes to be inaccurate, misleading, or in violation of student rights; this includes a hearing to present evidence that the records should be changed if the District decides not to alter them according to the parent's or eligible student's request;
4. The right of any person to file a complaint with the United States Department of Education if the District violates FERPA; and
5. The procedure that a student's parents or an eligible student should follow to obtain copies of this policy.

**F. Procedure To Inspect Education Records.** Parents or eligible students may inspect and review that student's education records. In some circumstances, it may be more convenient for the record custodian to provide copies of records.

Since a student's records may be maintained in several locations, the school Principal may offer to collect copies of records or the records themselves from locations other than a student's school, so that they may be inspected at one site. If parents and eligible students wish to inspect records where they are maintained, school Principals will determine if a review at that site is reasonable.

Although not specifically required, in order that a request is handled in a timely manner, parents/eligible students should consider submitting their request in writing to the school Principal, identifying as precisely as possible the record or records that he/she wishes to inspect. The Principal will contact the parents or the eligible student to discuss how access is best arranged for their inspection or review of the records (copies, records brought to a single site, etc.).

The Principal will make the needed arrangements as soon as possible and notify the parent or eligible student of the time and place where the records may be inspected. This procedure must be completed within fourteen (14) days that the request for access is first made.

If for any valid reason such as the parent's working hours, distance between record location sites or the parent or student's health, a parent or eligible student cannot personally inspect and review a student's education records, the Principal may arrange for the parent or eligible student to obtain copies of the records.

When records contain information about students other than a parent's child or the eligible student, the parent or eligible student may not inspect and review the records of the other students. If such records do contain the names of other students, the Principal will seek consultation with the Superintendent and/or the District's attorney to determine how best to proceed. Where practicable, it may be necessary to prepare a copy of the record which has all personally identifiable information on other students redacted, with the parent or eligible student being allowed to review or receive only a copy of the redacted record. Both the original and redacted copy should be retained by the District.

**G. Procedures To Seek Correction of Education Records.** Parents of students or eligible students have a right to seek to change any part of the student's records which they believe is inaccurate, misleading or in violation of student rights. FERPA and its regulations use both "correct/ion" and "amend". For the purposes of this policy, the two words (in all of their respective forms) shall mean the same thing unless the

context suggests otherwise. To establish an orderly process to review and correct the education records for a requester, following processes are established.

1. **First-level decision.** When a parent or eligible student finds an item in the student's education records that he/she believes is inaccurate, misleading or in violation of student rights, he/she should submit a written request asking the building Principal to correct it. If the records are incorrect because of clear error and it is a simple matter to make the change, the Principal should make the correction. If the records are changed to the parent's/eligible student's satisfaction, both parties shall sign a document/form stating the date the records were changed and that the parent/eligible student is satisfied with the correction.

If the Principal believes that the record should not be changed, he/she shall:

- a. Provide the requester a copy of the questioned records at no cost;
  - b. Ask the parent/eligible student to initiate a written appeal of the denial of the request for the change, which will be forwarded to the Superintendent;
  - c. Forward the written request to the Superintendent; and
  - d. Inform the parents/eligible student that the appeal has been forwarded to the Superintendent for a decision.
2. **Second-level decision.** If the parent/eligible student wishes to challenge the Principal's decision to not change the student record, he/she may appeal the matter to the Superintendent. The parent/eligible student shall submit a written request to the Principal asking that the matter be appealed to the Superintendent. The Principal will forward to the Superintendent the request.

The Superintendent shall, within ten (10) business days after receiving the appeal:

- a. Review the request;
- b. Discuss the request with other school officials;
- c. Make a decision whether or not to make the requested correction to the educational record;
- d. Schedule a meeting with the parents/eligible student if the Superintendent believes such a meeting would be necessary; and
- e. Notify the parents/eligible student of the Superintendent's decision on their request to correct the student's educational record.

If the Superintendent determines the records should be corrected, he/she will make the change and notify the parents/eligible student in writing that the change has been made. The letter stating the change has been made will include an invitation for the parent/eligible student to inspect and review the records to verify that the records have been corrected and the correction is satisfactory. If the records are changed to the parent's/eligible student's satisfaction, both parties shall sign a document/form stating the date the records were changed and that the parent/eligible student is satisfied with the correction.

If the Superintendent determines the records will not be corrected, he/she will notify the parents/eligible student in writing of his/her decision. Such letter will also notify the parents/eligible student of their right to an appeal hearing before the School Board.

3. **Third-level decision.** If the parents or eligible student are not satisfied with the Superintendent's decision, they may submit a written request for a hearing before the School Board. The parents/eligible student shall submit the request for a hearing with the Superintendent within ten (10) business days of the Superintendent's written decision in level-two. The Superintendent will inform the School Board of the request for a hearing and will work with the School Board to schedule a hearing within forty-five (45) days of receipt of the request. Once the meeting is scheduled, the Superintendent will inform the parents in writing of the date, time and place of the

hearing.

The hearing will be held in non-public session consistent with the provisions of RSA 91-A:3, unless the parent/eligible student requests that the hearing be held in public session. The School Board will give the parent/eligible student a full and fair opportunity to present evidence relevant to the issues raised under their request/complaint. Parents/eligible students may be assisted or represented by one or more individuals of their own choice, including an attorney.

The School Board will issue its final decision in writing within thirty (30) days of the hearing, and will notify the parents/eligible student thereof via certified mail, return receipt requested. The School Board will base its decision solely on the evidence presented at the hearing. The School Board's written decision will include a summary of the evidence and the reasons for its decision.

If the School Board determines that the student record should be corrected, it will direct the Superintendent to do so as soon as possible. The Superintendent will then contact the parents/eligible student for a meeting so they can review and inspect the records to verify that they have been corrected. At this meeting, both parties shall sign a document/form stating the date the records were corrected and that the parent/eligible student is satisfied with the correction.

The School Board's decision will be final.

4. Parent/Eligible Student Explanation to be Included in Record. Notwithstanding the resolution of any request to correct a student's record(s), in accordance with section (a)(2) of FERPA, a parent or eligible student may insert into that student's educational record a written explanation respecting the content of the record.

**H. Disclosure of Student Records and Student Information.** In addition to directory information, the District may disclose student records and student information without consent to the following parties on the condition that the recipient agrees not to permit any other party to have access to the released information without the written consent of the parents of the student, and under the conditions specified

1. School Officials With a Legitimate Educational Interest. School officials with a legitimate educational interest may access student records. "Legitimate education interest" refers to school officials or employees who need to know information in a student's education record in order to perform the employee's employment responsibilities and duties.
2. Other schools into which a student is transferring or enrolling, upon condition that the student's parents be notified of the transfer, receive a copy of the record if desired, and have an opportunity for a hearing to challenge the content of the record. This exception continues after the date that a student has transferred.
3. Officials for audit or evaluation purposes.
4. Appropriate parties in connection with financial aid.
5. Organizations conducting certain studies for, or on behalf of the school district. Student records or student information will only be provided pursuant to this paragraph if the study is for the purpose of: developing, validating or administering predictive tests; administering student aid programs; or improving instruction. The recipient organization must agree to limit access to the information and to destroy the information when no longer needed for the purpose for which it is released.
6. Accrediting organizations.
7. Judicial orders or lawfully issued subpoenas, upon condition that parents and the student are notified of all such orders or subpoenas in advance of compliance therewith by the District, except when a parent is a party to a court proceeding involving child abuse or neglect or dependency. The Principal shall consult with the Superintendent and legal counsel as needed to ensure compliance with the judicial order and applicable law.
8. Health and safety emergencies.

- I. Maintenance of Student Records and Data.** The Principal of each building is responsible for record maintenance, access and destruction of all student records. All school district personnel having access to records shall place great emphasis upon privacy rights of students and parents.

All entries into student records must be dated and signed by the person accessing such records.

The Principal will ensure that all records are maintained in accordance with application retention schedules as may be established by law.

- J. Disclosures Made From Education Records.** The District will maintain an accurate record of all requests for it to disclose information from, or to permit access to, a student's education records and of information it discloses and access it permits, with some exceptions listed below. This record is kept with, but is not a part of, each student's cumulative school records. It is available only to the record custodian, the eligible student, the parent(s) of the student or to federal, state or local officials for the purpose of auditing or enforcing federally supported educational programs.

The record includes:

1. The name of the person who or agency which made the request;
2. The interest which the person or agency has in the information;
3. The date on which the person or agency made the request;
4. Whether the request was granted and, if it was, the date access was permitted or the disclosure was made and;
5. In the event of a health and safety emergency, the articulable and significant threat to the health or safety of a student or other individuals that formed the basis for the disclosure; and the parties to whom the agency or institution disclosed the information.

The District will maintain this record as long as it maintains the student's education record. The records do not include requests for access or information relative to access which has been granted to parent(s) of the student or to an eligible student, requests for access or access granted to officials of the District who have a legitimate educational interest in the student; requests for, or disclosures of, information contained in the student's education records if the request is accompanied by the prior written consent of a parent(s) or eligible student or if the disclosure is authorized by such prior consent or for requests for, or disclosures of, directory information designated for that student.

The records of a request for the correction of an educational record, including any appeal of a denial of that request, if the educational record is ultimately corrected shall not be treated as part of the educational record of the student and shall be preserved separately.

**Legal References:**

*RSA 91-A:5,III, Exemptions, Pupil Records*

*RSA 189:1-e, Directory Information*

*RSA 189:66, IV, Data Inventory and Policies Publication*

*20 U.S.C. §1232g, Family Educational Rights and Privacy Act*

*34 C.F.R. Part 99, Family Educational Rights and Privacy Act Regulations*

Board Approval of Revision: 1/22/19

**KB-TITLE I FAMILY AND COMMUNITY ENGAGEMENT**

The School Board endorses the family and community engagement goals of the Every Student Succeeds Act (ESSA) and encourages collaboration between family members, community members, and school leadership. The education of children is viewed as a cooperative effort among the parents, school, community and other family members involved in supporting the child's development and education.

Pursuant to federal law, the District will develop jointly with and distribute to parents of children participating in the Title I program a written family and community engagement policy.

The goal of this policy is to:

- (1) Honor and recognize families' funds of knowledge,
- (2) Connect family engagement to student learning,
- (3) Create welcoming, inviting cultures, and
- (4) Develop the capacity of families to negotiate the roles of supporters, advocates, and collaborators.

The District will implement at least one annual meeting that is available to all families of students attending Title I schools and/or for families that include a student who receives Title I services (Targeted Schools). These meeting will provide parents and family members opportunities to participate in the design, development, operation and evaluation of the program for the next school year. Additional meetings may be held at the will of the Superintendent or school board.

These meetings shall be used to:

1. Involve parents in the joint development of the Title I program plan, the process of reviewing the implementation of the plan, and suggesting overall school improvements goals.
2. Provide the coordination, technical assistance and other support necessary to assist participating schools in planning and implementing effective family and community engagement activities to improve student academic achievement and school performance.
3. Build the schools' and parents' capacity for strong family and community engagement.
4. Coordinate and integrate Title I family and community engagement strategies with those of other educational programs.
5. Conduct, with the involvement of families, an annual evaluation of the content of the family engagement involvement policy and its effectiveness in improving the academic quality of the schools served. This will include identifying barriers to greater participation by families in activities authorized by law, particularly by parents who are economically disadvantaged, have disabilities, have limited English proficiency, have limited literacy, or are of any racial or ethnic minority background. The district will use the findings of such evaluation to design strategies for more effective family engagement and to revise, if necessary, the family engagement policies.
6. Involve families in the activities of the schools served.

Title I funding, if sufficient, may be used to facilitate parent attendance at meetings through payment of transportation and childcare costs, food for the event, and academic based supplies and activities during the event. In targeted assistance programs, the families of children identified to participate in Title I programs will receive from the school Principal and Title I staff an explanation of the reasons supporting each child's selection for the program, a set of objectives to be addressed, and a description of the services to be provided. Opportunities will be provided for the parents to meet with the classroom and Title I teachers to discuss their child's progress. Parents will also receive guidance as to how they can assist in the education of their children at home.

**Legal References:**

*20 U.S.C. §6318, Title I - Parental Involvement  
Every Student Succeeds Act (ESSA)*

Board Approval: 11/7/16

**The Hillsboro-Deering School District Policy Manual in its entirety can be accessed at**  
<https://www.hdsd.org/domain/18>

## **KEC- RECONSIDERATION OF LIBRARY MATERIALS**

Persons not in agreement with the school on its selection of books or other library material and who wish a particular book or library material to be reviewed must submit to the Principal a "Request for Reconsideration of Library Materials." The request forms are available on the school district website and at the school office. The Principal, upon receipt of a "Request for Reconsideration" will acknowledge receipt to the complainant. The Library Materials Review Committee will be formed and follow the procedures in Appendix KEC-R. The final report will be forwarded to the complainant by the Superintendent of Schools. If the complainant is dissatisfied, the next step is to submit the request to the Superintendent of Schools for action. If the complainant does not accept the Superintendent's decision, the complainant may request a review by the School Board, whose decision will be final.

During the investigation the library material will remain in use unless the Review Committee votes to remove or restrict the material until a final decision is made.

Appendix KEC-R

### **Policy Adoption & Revision History:**

Policy Committee Review: 02/02/23

First Reading: 03/06/23

Second Reading: 03/20/23

Final Approval: 04/03/23