

**Oyster River Cooperative School District
HYBRID REMOTE MEETING*
*per Governors Executive Order #12**

August 19, 2020**ORHS Library******7:00 PM****o. CALL TO ORDER (7:00 PM)**~~I. MANIFEST REVIEW REVIEWED PRIOR TO SCHEDULED MEETING~~**II. APPROVAL OF AGENDA****III. PUBLIC COMMENTS: Please see information below****IV. APPROVAL OF MINUTES**

- Motion to approve 8/5/20 regular meeting minutes.

V. ANNOUNCEMENTS, COMMENDATIONS AND COMMENTS~~A. District~~**B. Board****VI. DISTRICT REPORTS**~~A. Assistant Superintendent/Curriculum & Instruction Report(s)~~**B. Superintendent's Report**

- Update/Status for Opening of School
- Update on Hiring
- Update Antiracism Committee Meeting

C. Business Administrator

- ESSER Fund Program

D. Finance Committee Update/Minutes~~E. Student Senate Report:~~~~F. Other:~~**VII. DISCUSSION ITEM**

- Possible Models OR Athletics
- MOU between District and Guild

VIII. ACTIONS**A. Superintendent Actions****B. Board Action Item**

- Motion to Approve a Model for Athletics
- Motion to authorize the Chair to sign the MOU between the District and Guild
- Motion to appoint District Clerk.
- Motion to approve List of Policies for a first read: AC - Nondiscrimination/Equal Opportunity, ACAA & R - Harassment and Sexual Harassment of Students & Procedure, ACAB & R - Harassment and Sexual Harassment of School Employees & Procedure

IX. SCHOOL BOARD COMMITTEE UPDATES~~A. Manifest Reviewed and Approved by Manifest Subcommittee.~~~~X. PUBLIC COMMENTS:~~**XI. CLOSING ACTIONS**

- A. Future meeting dates:** 9/2/20 – Regular Hybrid/Remote Meeting – 7:00 PM
9/16/20 – Regular Hybrid/Remote Meeting – 7:00 PM

~~XII. NON-PUBLIC SESSION: RSA 91 A:3 II {If Needed}~~~~NON-MEETING SESSION: RSA 91 A:2 I {If Needed}~~**XIII. ADJOURNMENT:****The School Board reserves the right to take action on any item on the agenda.****Respectfully submitted, Superintendent**

*Members of the public who join the meeting remotely, either by telephone or computer, will be able to offer public comment prior the meeting by submitting their question/comment by **2:00 PM on Tuesday before the regularly scheduled Board meeting via U.S. mail or email to wdifruscio@orcsd.org. Any submissions will be included as part of the meeting minutes. Please note that each submission needs to be 400 words or less.***

****Attendance Only by: School Board Members/Superintendent/Asst. Superintendent/Business Administrator/Director of Student Services/4 School Administrators/4 Directors of Operations/ Record Keeper**

Virtual Location:<https://www.orcsd.org/stream>**Microsoft Teams Audio**Conference: [tel:+1 603-766-5646](tel:+16037665646)

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Please note that we cannot assist you if the technology problem is on your end.

**Oyster River Cooperative School District
SAU #5**

Welcome to the School Board meeting. If you wish to be heard by the Board, please note “Public Comment” at the beginning of the agenda (reverse side). During the comment section of the agenda each speaker may have up to three (3) minutes within the time frame allowed. Board Chair may limit time allotment as deemed necessary. Occasionally, the Board may “suspend its rules” to allow visitor participation at the time an issue of specific interest is being addressed. A speaker will not be recognized for a second time on a particular topic.

Visitors should not expect a Board response to their comments or questions under the above since the Board may not have discussed or taken a position on the matter. The Superintendent, without speaking for the Board, may offer clarification as appropriate.

Agendas and background information are available on the district website prior to meetings. Agendas and additional information are generally available at the entrance to the meeting room or distributed at the time the item is introduced for discussion.

The ORCSD School Board will meet in regular session on the first and third Wednesdays of the month with special meetings when necessary. The School Board appreciates your attendance at these meetings and invites your continued interest in its work on behalf of the children and residents of the District.

Oyster River Cooperative School District Members:

- | | |
|--------------------|----------------------------|
| • Brian Cisneros | Term on Board: 2018 –2021 |
| • Thomas Newkirk | Term on Board: 2019 - 2022 |
| • Kenneth Rotner | Term on Board: 2019 - 2022 |
| • Denise Day | Term on Board: 2020 - 2023 |
| • Michael Williams | Term on Board: 2020 - 2023 |
| • Allan Howland | Term on Board: 2018 - 2021 |
| • Daniel Klein | Term on Board: 2018 - 2021 |

Information Regarding Nonpublic Session

On occasion, the Board agenda may include (or be adjusted to include) a Nonpublic Session. When a motion is made to do so, it will be done under the provisions of the NH State Law RSA 91-A:3 II, and one or more of the following reasons will be claimed for entering Nonpublic Session:

- a. The dismissal, promotion or compensation of any public employee or the disciplining of such employee, or the investigation of any charges against him, unless the employee affected (1) has a right to a meeting and (2) requests that the meeting be open, in which case the request will be granted.
- b. The hiring of any person as a public employee.
- c. Matters which, if discussed in public, would likely affect adversely the reputation of any person, other than a member of the public body itself, unless such person requests an open meeting.
- d. Consideration of the acquisition, sale or lease of real property or personal property which, if discussed in public, would likely benefit a party or parties whose interests are adverse to those of the general community.
- e. Consideration or negotiation of pending claims or litigation which has been threatened in writing or filed against the body or agency of any sub-division thereof, or against any member thereof because of his membership in such body or agency, until the claim or litigation has been fully adjudicated or otherwise settled.

Oyster River Cooperative School District

Hybrid Remote Meeting* Minutes

***In accordance with Governors Executive Order #12**

August 5, 2020

DRAFT

SCHOOL BOARD PRESENT VIA ROLL CALL VOTE: Brian Cisneros, Dan Klein, Tom Newkirk, Denise Day, Michael Williams, Al Howland Absent: Kenny Rotner.

Student Representative:

ADMINISTRATORS PRESENT VIA REMOTE ACCESS: James Morse, Todd Allen, Sue Caswell, Catherine Plourde, Suzanne Filippone, Jay Richard, Bill Sullivan, Misty Lowe, Felicia Sperry, Josh Olstad, Jim Rozycki, Doris Demers, Lisa Huppe

STAFF PRESENT:

GUEST'S PRESENT VIA REMOTE ACCESS:

Tom began by stating that Kenny Rotner would not be in attendance this evening as most know that he is undergoing treatment for cancer and is at Mass General this evening and that our thoughts are with him and his family.

Tom Newkirk read the following statement:

As Chair of the Oyster River Cooperative School Board, I find that due to the State of Emergency declared by the Governor as a result of the COVID-19 pandemic and in accordance with the Governor's Emergency Order #12 pursuant to Executive Order 2020-04, this public body is authorized to meet electronically.

Please note that there is no physical location to observe and listen contemporaneously to this meeting, which was authorized pursuant to the Governor's Emergency Order. However, in accordance with the Emergency Order, I am confirming that we are:

a) Providing public access to the meeting by telephone, with additional access possibilities by video or other electronic means:

We are utilizing Microsoft Teams for this electronic meeting. All members of the School Board have the ability to communicate contemporaneously during this meeting through this platform, and the public has access to contemporaneously listen and, if necessary, participate in this meeting through dialing the following phone # 1-603-766-5646 and ID Code 461362#, or by clicking on the following website address: <http://www.orcsd.org/stream>

b) Providing public notice of the necessary information for accessing the meeting:

We previously gave notice to the public of the necessary information for accessing the meeting, including how to access the meeting using Microsoft Team or telephonically. Instructions have also been provided on the website of the ORCSD Board Agenda for 08/05/20.

c) Providing a mechanism for the public to alert the public body during the meeting if there are problems with access:

If anybody has a problem, please call 603-280-4202 or email at: orcsd-video@orcsd.org.

d) Adjourning the meeting if the public is unable to access the meeting:

In the event the public is unable to access the meeting, the meeting will be adjourned and rescheduled.

Please note that **all votes** that are taken during this meeting shall be done by **roll call vote**.

Let's start the meeting by taking a roll call attendance. When each member states their presence, please also state whether there is anyone in the room with you during this meeting, which is required under the Right-to-Know law.

A roll call vote was then done with 6 Board Member present

I. CALL TO ORDER at 7:00 PM by Tom Newkirk

Tom Newkirk stated that he was fine with the agenda and asked the Board Members if there were any changes.

There were none.

II. APPROVAL OF AGENDA:

Denise Day moved to approve the agenda as written, 2nd by Brian Cisneros. Motion passed via roll call vote 6-0.

III. PUBLIC COMMENTS:

IV. APPROVAL OF WORKSHOP MINUTES:

Motion to approve both the July 14, 2020 and July 30, 2020 workshop meeting minutes: Revisions:

Denise Day requested the following changes: page 6 following paragraph 9, Add the following sentence. "Beginning of the year is the best opportunity we have to bring kids in.

Michael Williams asked to have on Page 6, paragraph 9 to replace the first sentence with, "If we started remote, will likely go remote all year.

Denise Day moved to approve the July 14, 2020 and July 30, 2020 workshop meeting minutes as amended, as a block 2nd by Al Howland. Motion passed with roll call vote 5-0-1 with Brian Cisneros sustaining.

V. ANNOUNCEMENTS, COMMENDATIONS AND COMMENTS:

A. ~~District:~~

B. Board:

Denise Day thanked everyone that took the time to write letters to the School Board and that we received dozens and appreciated everyone's perspective thoughts and concerns.

Tom Newkirk also commented on the public comments that were received. He counted over 90 responses and that the letters were well written, diplomatic and appreciated the intensity of people's position and the care taken in writing those letters.

Al Howland stated that the he had a public service announcement that the Town of Durham passed an emergency mask ordinance on Monday night and that it will last for 61 days and covers 4 zones, central business zone, church hill area, court house zone and the downtown area. The police will be passing out signs for educational purposes and masks to those that need them. He is hoping that they can have a consistent policy with UNH and explained that fines will be imposed if not followed starting at \$100, 2nd offense of \$200 and \$500 thereafter.

Tom also informed the Board that he has set up another MS walk through for Friday, August 28 and at this point in time the vertical construction of the steel will have begun. He will send out additional information to the Board.

VI. DISTRICT REPORTS:

A. Assistant Superintendent Reports: None

B. Superintendent's Report:

Jim began by stating that he echo's Denise's appreciation for all of the emails, texts and phone calls that he has received and also echoed Tom's thoughts of the powerful statements of people's positions relayed by the community.

He thanked the administrators and teachers that have worked tirelessly for the past few months on planning for the re-opening of school. Their hard work is being represented tonight.

He followed up on the Board's request from the last meeting to touch base with UNH about their COVID 19 testing. He spoke with Chris Clement the VP of Operations for UNH who is overseeing the testing. He stated that UNH would be willing to work with Oyster River to test all of our teachers and staff and the cost is \$120/staff member approximately \$51K. The Board leadership again asked Jim to reach out to UNH to test staff if there is a concern, and refer them to UNH, which is a better option. UNH once again stated that they are willing to do that and Jim stated that he appreciated how willing UNH is to help us out and thanked them.

Jim stated that he received several emails around sports and the decision by the NHIAA to move fall sports until September 8. He felt that Andy should be brought in at the next Board meeting to discuss the situation and bring the Board up to date on school sports.

Tom Newkirk asked how the NHIAA decision affects the district.

Jim stated that even if we couldn't do interscholastic sports, his concern is to make sure that kids have options and also how to keep kids active.

Jim mentioned the effort put together surrounding PPE needs and our health and safety needs. He has been working with Jim Rozycki who summarized the requests made by staff and provide a spreadsheet. Initially taking into consideration whether the request was a want or a need, this reduced the original summary costs of \$167K down to \$130K. These costs were not budgeted, and I will need to find a way to cover these costs for the safety of our staff and students. I had a conversation conceptually with the Finance Committee and as a result of the great interest rate on the bond it freed up \$250K. We will still need to be frugal, but we have no choice as we need to protect our nurses and staff. Additionally, a request by Lisa Huppe to purchase foggers for the bus was discussed. Even though this method is very thorough and gets into the crevices, we believe that the disinfecting spray that we currently have been using, along with 1 child per sheet with windows down and wearing masks will be sufficient.

Antiracism Committee

Jim updated the Board that a first organizational meeting of this small committee has been set for Tuesday, August 11 in the evening. We will be starting out with this small group to get things organized and then we will figure out how to expand out to the community.

C. Business Administrator:

Budget Update for End of Year

Sue stated that the end of year balance is \$962K with revenue it is \$1.1M and that we will meet the town obligations.

Al Howland asked how much will go into the emergency fund? Sue explained that there is a maximum of \$930K, but she will need to confirm that figure with the DRA and that she will get back to the Board with that number.

Brian Cisneros asked if the year was now closed? Sue stated yes.

ORMS Bond Final Number

Sue stated the final number was \$267,521.

Denise Day asked if there would be savings every year. Sue stated that sometimes, but it is an average so it might be higher. She will work on a schedule for that.

Bus Lease

Sue referred the Board back to their back up information where a copy of the motion that needs to be used for this approval.

A motion was offered by Denise Day, seconded by Brian Cisneros, and carried by a vote of 6-0 to approve entering into a Master Installment Purchase Agreement with Mercedes-Benz Financial Services USA LLC for the purpose of purchasing, via a financing contract, the equipment listed on the attachment. Roll Call vote of 6-0. The motion passed.

D. Finance Committee Update:

Al Howland informed the Board that the Finance Committee met on July 29th and stated that in all the years of serving on the School Board and Durham Town Council, this is the first time that he has sat down with all three representatives of the school district. They began the meeting with Dr. Morse giving a summary of the work being done for reopening schools. Al went on to say they spoke about the town impact of the lower interest rate on the taxpayer. The impact to the towns if tax bills are not paid, the unemployment trend currently happening and its impact. There was discussion surrounding ways the School District and towns can work collaboratively one being the REACH Program with the School District. He stated that currently the Town of Durham's Recreation Director works with the school district to provide summer programs to students and that they accept children from all 3 districts. The Town of Durham does not have the staff to expand this program and would like to see if Lee and Madbury would work with us. There was discussion surrounding the possible consolidation with all towns and the school district for trash and composting. They talked about investigating self-funding health care. Electric Aggregation (Green Power), Solar Arrays and the agreement the town has with the school district. This is a really good start.

The Board asked some clarifying questions regarding a section of the Finance Committee Minutes, and the use of funds, which Dr. Morse explained.

~~E. Student Senate Report:~~

~~F. Other:~~

VII. DISCUSSION ITEM:

Tom Newkirk began by stating that the next part of this meeting is going to be hard, as any decision that is made will result in disappointed parents and guardians. He went on to explain that this is a very complicated process and that they will be following Robert's Rules of Order by using repeated voting to eliminate the individual options until they have a majority vote of four. He stated that the administrators will go over their presentations, and after their presentation the Board will have a chance to ask questions and have a discussion before the elimination voting. He asked the Board if they had any questions.

Al Howland stated that he re-arranged his listing so that the elementary program, which would be the most difficult, should go first.

Dan Klein asked if after a vote was taken for a school option, what choice did they have if other decisions made affected the current school vote. Tom stated that they could move to reconsider.

Denise Day stated that she had a couple of questions and should she ask them now. If the decision was to move to remote, how would that affect the bus drivers.

Dr. Morse explained that they would become food delivery vehicles, and also material delivery vehicles for families, some would work in other divisions, but depending on the model, we will need drivers to do numerous runs throughout the day and keeping with the safety concerns of only having 26 children on a bus, open windows and masks.

Denise Day asked what would happen to meals for our students if we are in remote learning.

Jim explained that due to federal laws we would provide meals for free and reduced students and to every family who wishes to purchase food per district guidelines.

Denise Day asked what happens if we lose students to Home Schooling, what if they go to VLACS. Are they still part of our census?

Jim explained that if the student is unenrolled and goes to VLACS then we lose that student. If they participate in any model and take a VLACS course, then they are counted.

We currently receive \$3,700 per student approximately 10% of the budget. It is about our commitment to the children not the state subsidy that is received.

Denise asked that if we lose our Barrington students, that would be significant. If we choose an option that they do not like they could choose Coe Brown or Dover.

Jim stated that could happen as Coe Brown is going all-in and nothing could stop a parent from enrolling them somewhere else.

Brian Cisneros stated that as he has watched the last two meetings and is pretty sure that a full return is not an option or a popular one, what is the threshold of us fully returning and what measurement do we use.

Jim stated that he is using the CDC Guidelines from March opposed to the most recent and also watching the baseline of 0 cases for two weeks which Madbury is the only town right now that meets that.

Brian asked what the threshold is for shutting everything back down.

Jim stated two things, the Governor or the district parents.

Brian Cisneros asked despite their best effort the parent choice is to go remote and then their schedule doesn't allow it. Do we have a contract that the decision is final?

Jim explained that we will ask parents to re-register, are they using the buses, are they remaining remote or going with the model chosen. Once chosen it can't be a revolving decision and that decision will be up for review once a quarter.

There was no additional questions or comments and Tom stated that they would begin with the K-4 Elementary Model presented by Misty Lowe, Mast Way Principal but wants to keep the high school presentation before the middle school presentation.

Re-Entry Planning Decision for Elementary School

Misty Lowe presented the 5 models that are up for consideration of the Board beginning with Model 1 – Fully In-Person Model.

This would be a very difficult model to achieve both for classroom usage and staff. Not all classrooms are large enough for a full class at 6' distancing, neither school has enough individuals, additional spaces for all pods and the current staffing cannot support all pods.

Model 2 – Hybrid AM/PM Half -Day Model –

This model allows for in-person classes of 10 -12 students with students learning ½ in-person and ½ day remotely. Everyone would wear a mask, maintain 6ft distancing, and follow other health guidelines. All remote learning assignments will be directly connected with in-person learning with a mix of technology and no-technology. Students continuing learning at home with an integration of in class assignments and remote instruction.

Model 3 – Hybrid AM/PM Half Days, K-2; Targeted Remote 3 & 4 –

This model splits K-2 into 2 groups AM/PM 4 days a week with in-person classes of 10- 12 students, which students learn for ½ the day in-person and ½ day remotely. Everyone would wear a mask, maintain 6ft distancing, and follow other health guidelines. All remote learning assignments will be directly connected with in-person learning. Students continuing learning at home with an integration of in class assignments and remote instruction.

Grades 3 & 4 remote learning with targeted, scheduled returns to school as needed: SPED/504, MTSS, SEL, Assessments, Check-in, small group lessons. Misty presented a sample schedule and also mentioned the Pros for this type of model. She also stated that she was very impressed with their 3rd & 4th graders at the end of the year to remain engaged. She is worries about their foundational skills that require adult supervision.

Al Howland asked what the number of students would be for this model?

Jim Morse stated approximately 160.

Brian Cisneros clarified that it would actual be $\frac{1}{2}$ that amount in the building at this time. Jim stated yes.

Michael Williams asked why it says 4 days a week.

Misty explained that this allows for a day of meetings for teachers as well as a day for thorough cleaning.

Michael Williams stated that he is assuming the previous model is also 4 days a week, but it doesn't say that. Misty stated yes.

Al Howland asked if cutting from 5 to 4 days, how does that meet state requirements? He also relayed an example from a HS parent that if a student was not having any trouble, this re-learning day is technically a day off. What structure is there on that 5th day to keep people engaged?

Todd Allen stated that the remote learning days are counted as instructional days based on a 6-hour day schedule and that the state requirement for elementary is 945 instructional hours. He agreed that in the spring the teachers were new to this type of learning and were not adapted to that and agree that the concept of re-learning days was lost in the shuffle. How do we make sure those re-learning days are purposeful for kids?

Catherine Plourde stated that with those Re-Learning days other benefit in an AM/PM session you are coming back into the classroom and the teachers are checking in that the work is being completed. She also expressed that without the re-learning day, meetings for special ed, 504 would not be happening as you would need to pull teachers to attend these meetings.

Dan Klein expressed concern for a $\frac{1}{2}$ day model is lacking as you just get settled in and you need to wrap up and get ready for the next session. Also, you are building in with a $\frac{1}{2}$ day model, additional transitional periods we are building in more exposure. Maybe talk more about why that model was taken away.

Misty explained that the direct instruction in class time in the morning carries over to the afternoon providing a more robust carry over.

Jim also mentioned that especially for the elementary level it eliminates technology as a heavy component of the teaching. In an AM/PM model you have had contact with your teacher, and it reduces screen time.

Brian Cisneros asked as a follow up to Dan, if the teacher in the AM is the same teacher in the PM. Jim stated yes.

There was additional discussion surrounding the make-up of class sizes, exposure chances with larger gatherings, the technology aspect of a re-learning day, the loss of continuity and the effectiveness of a re-learning day with the elementary level compared to the middle and high school level.

Tom Newkirk made a suggestion of the possibility of starting out with a re-learning day and then move to a 5th day scenario.

Jim reminded the Board of the plans for review at each quarter and 1 month before get feedback from the staff for the effectiveness of the model, what is working, what is not.

Al Howland asked how Catherine's special education component and the professional development training component fits into any of these schedules?

Misty provided a sample of what an A/B schedule looks like.

Michael Williams asked how recess fit into this schedule.

Denise stated that every option is going to hurt someone. She gave an example of what is working at her job pertaining to bringing in children to a school environment. Small groups and very limited sharing of materials with little bins for everything and the cleaning process that happens daily.

Misty replied that she has been speaking with her staff about similar ideas for students and that this will be a very difficult situation.

Michael Williams shared that the evidence of transmission by contact is unlikely, but by air transmission. He also asked if a ½ day program is chosen, what does that look like for PEP. Do they have a regular session?

Catherine stated that yes, the AM session is for 3-year old's and the PM session is for 4-year old's. There might be a slight modification that we will need to work on.

There was additional discussion surrounding the PEP program options.

Model 4 – Hybrid Remote Instruction with Targeted Groups Model K-4 –

For this model, Misty presented a sample schedule of ways students can be live with teachers throughout the remote week and she was concerned about the amount of live Team time. There would be no risk of exposure with this model.

Al Howland asked with this model that only target students come into the schools and how many students that would be.

Jim Morse stated about 20%

Model 5 – Fully Remote – most risk-free option but concerned about younger learners there would be no option for in-person targeted learners with this model it would all be done virtually.

Dan Klein asked Todd Allen what the process would look like for teachers if they needed to move to remote in a 3-day timeframe.

Todd Allen stated that no matter what option is chosen we will need more than 3 days to transition to that model and that he will be covering additional professional development days later in the presentation.

Jim stated that every model that we developed can transition.

Al Howland stated that theoretically if school shut down, this would be the model.

The Board had a continued discussion surrounding survey results for the ½ day model, that younger learners are not ready for a virtual component, the ½ day to full day comparison, and the hardship to parents surrounding some of these options. Addition of a two-day hybrid option was

suggested. Questions raised of the possibility that with any in-person learning a remote option be offered along with it. Clarification of what will be in the registration packet that will be going out.

Jim explained the staff options needed to have this in-learning option along with the remote option.

Al Howland made a motion to direct the superintendent to develop a remote option, 2nd by Dan Klein. Motion passed with roll call vote 6-0.

Tom moved the meeting forward with the voting options with a roll call vote for all.

K – 4 Elementary Schools – 5 Models for voting.

- Elementary 1 - Fully In-Person Model

VOTE: No – 6-0 – Option removed

- **Elementary 2 – Hybrid AM/PM Half-Day Model**

VOTE: Yes: 6-0 – Option chosen with confirmation for PEP included

- Elementary 3 – Hybrid AM/PM Half Days K-2; Targeted Remote 3&4

VOTE: Not voted on due to choosing Option 2

- Elementary 4 – Hybrid Remote Instruction w. Targeted Groups Model K-4

VOTE: Not voted on due to choosing Option 2

- Elementary 5 - Fully Remote

VOTE: No – 6-0 Option removed

- Elementary 6 – Hybrid Model Full Day K-4

VOTE: Not voted on due to choosing Option 2

At this point Doris Demers came to the podium to clarify a question from Denise Day pertaining to the providing of food to the district students that all students would be offered meals and those meals would be charge to the student accounts to protect the identity of the students that receive Free & Reduced.

Suzanne Filippone, HS Principal presented her options to the Board.

High School 1 – Fully Return

This model would be the traditional model of all students and faculty returning to the building. This would be out most challenging option with over 1,00 people in the building. She reviewed the benefits and challenges associated with this model. She provided a sample schedule for this model and explained that the schedule would remain the same for all models.

High School 2 – 50% Return/Alternating Days

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She stated that with this model there will be the same challenges as the previous model with over 600 people in the building and a mixing of cohorts and social distancing challenges. She again referred to the schedule provided and reviewed the benefits and challenges.

High School 3 – Remote Instruction with In-Person FLEX

This model would be smaller cohorts with some in-person support for SEL, Mental Health. Will provide the ability to be in students who need more frequent check-ins. She reviewed a sample schedule breaking down the weekly remote instruction with In-Person FLEX Model as well as an example of pre-determined dates for In-Person FLEX Scheduling. i.e. SAT Testing for 12th graders would be on September 23rd from 8:15 to 1:30.

The Board asked some clarifying questions which Suzanne answered.

High School 4 – Remote Instruction with In-Person Targeted Learners

Again, the benefits and challenges associate with this model were discussed. The Board questioned if the target groups could change over time, the number of students that would encompass, how the adding of high school students to the bus run would work, clarification of which day is for re-learning, and if a class like a science lab could be considered a cohort to come into the school for that instruction.

Suzanne answered all of the Board questions and clarified the re-learning day.

High School 5 – Fully Remote Instruction

Suzanne brought to the Boards attention a learning schedule that would be followed for all Models with a Blue Day/White Day breakdown and stated that this is fluid for use in-person or at home. There would be an off set for advisory with ½ lunch and ½ advisory and then a flip flop.

Tom asked if a remote in-person target learners was chosen would we begin this way or expand modestly.

Suzanne stated at this point she is referring to MTSS groups.

Suzanne would like to see how the building is moving and get the building into some type of structure before making that determination.

Jim reiterate the quarterly timeline that we will follow for moving forward with changes. Suzanne would have moderate ability to flex and the choice made would be reviewed at 7 weeks for feedback.

Al Howland stated that a problem with targeted groups is that they change. Like fully remote and starting small. You need the flexibility. Will learn as time goes by what works or does not work.

Michael Williams asked how you see students that choose a fully remote option fit in to either options 1 – 3?

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Suzanne stated that she does not want to lose anyone to VLACS and that our teachers are amazing educators. They can offer an incredible experience whether remote or their in-person and would like to do my best to ensure that we keep all of our students.

Dan Klein asked if assume 9th grade was a targeted group and how that would look for them using model 3?

Tom Newkirk asked that this was option 4.

Dan Klein asked if this would also work in option 3?

Denise Day stated that we start slow with the high school and possibility of transmission from the older students, they are most able to handle remote learning and still have the opportunity as with option 4 to bring in those targeted students. This also puts less of a strain on busing.

Al Howland clarified that grade 5 – 12 will have laptops.

Jim stated correct and that the hiccup right now is that even though we order in time, the delivery is not scheduled until October, so, I have asked Josh to hold onto the old laptops.

There was additional discussion surrounding a different use of option 3 for 9th grade, and the athletic participation during a remote learning environment is using option 4 or 5.

No Further discussion and Tom began the voting.

Oyster River High School - 5 Models for Voting

- High School 1 - Fully Return

VOTE: No – 6-0 – Option removed

- High School 2 – 50% Return/Alternating Days

VOTE: No – 6-0 – Option removed

- High School 3 – Remote Instruction with In-Person FLEX

VOTE: No – 4 – Denise Day, Al Howland, Dan Klein, Tom Newkirk.

Yes – Brian Cisneros, Michael Williams Option Removed

- **High School 4 – Remote Instruction with In-Person Targeted Learners**

VOTE: Yes: 4-2 – Option chosen with Brian Cisneros & Michael Williams voting against

- High School 5 – Fully Remote Instruction

VOTE: Not voted on due to choosing Option 4

At 9:25 a 5-minute recess was taken, and the meeting resumed at 9:30 with the Middle School presentation.

Jay Richard began his presentation by stating that he has 7 models for review.

Middle School 1 – Fully Return

This option would be extremely difficult for social distancing as it is using our traditional model for all students and staff returning to the building.

Middle School 2 – Grade 5 – 8 in School Every Day for ½ a Day

Using this model, we would have approximately 330 students and 100 staff in the building. Will not review the benefits and challenges but will answer any questions that you may have and reviewed the schedule.

Middle School 3 – Grade 5-8 in School Every Other Day for a Full Day

This model is very similar to the previous model as we will have the same number of students and staff in the building with the same challenges.

Middle School 4 – Each Grade in School for 1 Day Per Week

Jay explained that in this scenario there would be approximately 160 -180 student and 100+ staff in the building. Could still do an AM/PM rotation.

Middle School 5 – Hybrid 5th Grade in School 2 Days – Grade 6-8 Remote

In this model targeted groups could be brought in as needed by grade level, team, advisory. Tom clarified if this was a full day or ½ day for students.

Middle School 6 – Hybrid/Remote Instruction with Targeted Groups 5 – 8

This would be the mode that I would prefer to start school.

Middle School 7 – Fully Remote Instruction

No one in the building. Jay showed the schedule and stated that this schedule would work for a hybrid or remote model.

The Board asked clarifying questions pertaining to the length of a core class, live instruction time with students, the use of time if only have students for ½ a day, the need for consistency between all grade levels for parents, the differences of the physical buildings, the clarification of the number of students in the different options.

August 5, 2020

Tom Newkirk asked Dr. Morse if staffing was an issue.

Dr. Morse stated that the middle school has the most health issues for staff coming into the building.

The Board asked Jay if he had a preference, a question was asked to explain option 5 and why it was structured that way.

There was no additional discussion and Tom proceeded with voting.

Middle Schools – 7 Models for Voting

- Middle School 1 - Fully Return
VOTE: No – 6-0 – Option removed
- Middle School 2 – Grades 5-8 in school every day for ½ a day
VOTE: No – 6-0 – Option removed
- Middle School 3 – Grades 5-8 in school every other day for full day
VOTE: No – 6-0 – Option removed
- Middle School 4 – Each grade in school for 1 day per week
VOTE: No – 6-0 – Option removed
- Middle School 5 – Hybrid 5th grade in school 2 days – grades 6-8 remote
VOTE: No – 5 – Denise Day, Al Howland, Dan Klein, Tom Newkirk
Yes – Brian Cisneros, Michael Williams - Option Removed
- Middle School 6 – Hybrid/Remote Instruction w. Targeted Groups 5-8
VOTE: Yes: 4-2 – Option chosen with Brian Cisneros & Michael Williams voting against
- Middle School 7 – Fully Remote Instruction
VOTE: Not voted on due to choosing Option 6

VIII. ACTIONS

A. Superintendent Action Items: None

B. Board Action Items:

Todd Allen came forward to explain the reasoning behind the suggested calendar changes:

8/24 – 9/1 teacher workshop days. 9/2 – 9/18 re-entry transition orientation with first full day for students for the model selected would be 9/21.

The Board asked a clarifying question regarding the hour requirements for the state, which Todd answered. They asked if a motion was being sought for a calendar change. Jim stated that a motion was needed to change the start date for school to September 2.

There was additional discussion surrounding the time frame for review of options being too long at 9 weeks, concern that the length of time for orientation is too long and the possibility of shortening that period from September 18 to September 11. The different reasons for the schools need for the extended time for orientation.

The administration and principals answered the questions as they relate to their schools.

Al Howland made a motion to adjust the school calendar start date to September 2, 2nd by Denise Day. Motion passed with roll call vote of 5-1 with Michael Williams voting against.

Brian Cisneros asked if we could change Re-Learning day to Remote Learning Day. He also asked about snow days becoming remote learning days.

Jim said yes that is correct and this also can be used for heat days.

There was a brief discussion.

IX. SCHOOL BOARD COMMITTEE UPDATES:

~~A. Manifests Reviewed and Approved by Manifest Committee:~~

~~Denise Day and Dan Klein reviewed the manifests.~~

~~Payroll Manifest #~~

~~Vendor Manifest #~~

Denise Day mentioned that the Policy Committee met and that they reviewed, with District Counsel the Title IX policy that needs to be revamped due to Federal guideline changes. She also informed the Board that the District Counsel will be at the next Board meeting to review these new Federal regulations.

~~X. PUBLIC COMMENTS:~~

XI. CLOSING ACTIONS:

- A. Future Meeting Dates: 8/19/20 - Regular Hybrid/Remote Meeting 7:00 PM
9/2/20 - Regular Hybrid/Remote Meeting - 7:00 PM

~~XII. NON-PUBLIC SESSION RSA 91-A:3 II {If Needed} NON-MEETING SESSION: RSA 91-A:2 I {If Needed}~~

XIII. ADJOURNMENT:

Brian Cisneros made a motion to adjourn the meeting at 10:10 p.m., 2nd by Al Howland. Motion passed with a roll call vote of 6-0.

Respectfully Submitted,

Wendy L. DiFruscio
Executive Assistant to
Superintendent of Schools



Frank Edelblut
Commissioner

Christine M. Brennan
Deputy Commissioner

STATE OF NEW HAMPSHIRE
DEPARTMENT OF EDUCATION
101 Pleasant Street
Concord, N.H. 03301
TEL. (603) 271-3495
FAX (603) 271-1953

TO: Superintendents/Charter School Administrators

FROM: Timothy Carney
Bureau of Federal Compliance

DATE: May 11, 2020

SUBJECT: Elementary and Secondary School Emergency Relief (ESSER) Fund Program Assurances

Attached are the New Hampshire Department of Education (NHDOE) Program Assurances for the Elementary and Secondary School Emergency Relief (ESSER) Funds grant. New Hampshire Local Education Agencies (LEAs), which can include School Districts, SAUs and public Charter Schools may apply to the NHDOE for ESSER Fund grants.

As the Superintendent/Charter School Administrator, you must carefully review and sign the attached Program Assurances as part of the ESSER Fund grant application process. These Program Assurances must be signed and uploaded to the *District Page* of the online Grants Management System before an application for ESSER funds can be approved.

Please remember that these Program Assurances are reviewed and signed by you, the Superintendent/Charter School Administrator as indicating your agreement to fully comply with the laws and regulations specific to the ESSER Fund grant. The attached Program Assurances are not all-inclusive as to the entire scope of requirements for the LEA. Superintendents/Charter School Administrators are responsible for understanding all requirements of the ESSER Fund grant.

The Process:

Please read each step carefully:

1. The Superintendent/Charter School Administrator carefully reviews the Program Assurances for the ESSER Fund grant program and consults with the LEA School Board/Charter School Board of Trustees about the content and obligations related to the Program Assurances.
2. The Superintendent/Charter School Administrator signs and dates the signature block on the last page of the Program Assurances.
3. The Program Assurances (this entire document) must then be scanned and uploaded to the District Page of the NHDOE online Grants Management System (GMS).

Please note that the Program Assurances apply to the entire period of performance of the ESSER Fund grant which may include multiple State and LEA fiscal years. The requirements of the annual NHDOE General Assurances, Requirements and Definitions for Participation in Federal Programs document also apply to the ESSER Fund grant program.

Should you have any questions or need additional information, please send an email to CARESact@doe.nh.gov.

New Hampshire Department of Education

ESSER FUND GRANT PROGRAM ASSURANCES

Local Education Agencies (LEAs) must submit a signed copy of these Program Assurances to the New Hampshire Department of Education **prior** to receiving funds for grants awarded under the Elementary and Secondary School Emergency Relief (ESSER) Fund. By signing these ESSER Fund Program Assurances, the LEA assures that it will accept and administer the funds in accordance with all applicable Federal and State statutes and regulations.

The local education agency (LEA) hereby assures the New Hampshire Department of Education that the LEA will:

1. Comply with the requirement that ESSER funds will be used only for activities allowable under section 18003(d) of Division B of the CARES Act. The US Department of Education does not consider the following to be an allowable use of ESSER funds, under any part of 18003: 1) subsidizing or offsetting executive salaries and benefits of individuals who are not employees of the LEA or 2) expenditures related to state or local teacher or faculty unions or associations.
2. Comply with the requirement that equitable services will be provided to students and teachers in non-public schools as required under 18005 of Division B of the CARES Act and in the same manner as provided under section 1117 of the ESEA, as determined through timely and meaningful consultation with representatives of non-public schools. That a public agency will maintain control of funds for the services and assistance provided to a non-public school under the ESSER Fund. That a public agency will have title to materials, equipment, and property purchased with ESSER funds. That service to a non-public school with ESSER funds will be provided by a public agency directly, or through contract with, another public or private entity.
3. Comply with the requirement that, to the greatest extent practicable, the subrecipient will continue to compensate its employees and contractors during the period of any disruptions or closures related to COVID-19 in compliance with Section 18006 of Division B of the CARES Act. In addition, each entity that accepts funds will continue to pay employees and contractors to the greatest extent practicable based on the unique financial circumstances of the entity. CARES Act funds generally will not be used for bonuses, merit pay, or similar expenditures, unless related to disruptions or closures resulting from COVID-19.
4. Comply with the requirement that, to the extent applicable, the subrecipient will include in its application for ESSER funds a description of how it will comply with the requirements of section 427 of GEPA (20 U.S.C. 1228a). The description must include information on the steps the subrecipient proposes to take to permit students, teachers, and other program beneficiaries to overcome barriers (including barriers based on gender, race, color, national origin, disability, and age) that impede equal access to, or participation in, the program.
5. Comply with the requirement that the subrecipient will adhere to the provisions of all applicable acts, regulations and assurances; the following provisions of Education Department General Administrative Regulations (EDGAR) 34 CFR parts 76, 77, 81, 82, 84, 97, 98, and 99; the OMB

Guidelines to Agencies on Government-wide Debarment and Suspension (Non-procurement) in 2 CFR part 180, as adopted and amended as regulations of the Department in 2 CFR part 3485; and the Uniform Guidance in 2 CFR part 200, as adopted and amended as regulations of the Department in 2 CFR part 3474.

6. Have the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management and completion of the project(s) described in this application.
7. Comply with the requirement to cooperate with any examination of records with respect to such funds by making records available for inspection, production, and examination, and authorized individuals available for interview and examination, upon the request of (i) the State of New Hampshire and its agencies; (ii) the US Department of Education and/or its Inspector General or the Comptroller General of the United States; or (iii) any other federal agency, commission, or department in the lawful exercise of its jurisdiction and authority; and will establish a proper accounting system in accordance with generally accepted accounting standards or NHDOE directives.
8. Not dispose of, modify the use of, or change the terms of the real property title or other interest in the site and facilities without permission and instructions from the awarding agency. Will record the Federal awarding agency directives and will include a covenant in the title of real property acquired in whole or in part with Federal assistance funds to assure nondiscrimination during the useful life of the project.
9. Comply with the requirements of the assistance-awarding agency with regard to the drafting, review and approval of construction plans and specifications.
10. Provide and maintain competent and adequate engineering supervision at the construction site to ensure that the complete work conforms with the approved plans and specifications and will furnish progressive reports and such other information as may be required by the Federal assistance awarding agency or State.
11. Initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
12. Establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain. Additionally, will comply with the requirement that none of the funds expended under this program will be used to acquire equipment if such acquisition results in a direct financial benefit to any organization representing the interests of the purchasing entity or its employees.
13. Comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§4728-4763) relating to prescribed standards of merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
14. Comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.

15. Comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681 1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§290 dd-3 and 290 ee 3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.
16. Comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal and federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
17. Comply with the provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.
18. Comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§276a to 276a-7), the Copeland Act (40 U.S.C. §276c and 18 U.S.C. §874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§327- 333) regarding labor standards for federally-assisted construction sub-agreements.
19. Comply with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
20. Comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.); (f) conformity of Federal actions to State (Clean Air) implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523); and, (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93-205).

21. Comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
22. Assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. §470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§469a-1 et seq).
23. Comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance, if applicable.
24. Comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. §§2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance, if applicable.
25. Cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133, "Audits of States, Local Governments, and Non-Profit Organizations."
26. Comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing this program. This program will be administered in accordance with applicable statutes, regulations, program plans, and applications.
27. Comply with the requirements of Section 106(g) of the Trafficking Victims Protection Act (TVPA) of 2000, as amended (22 U.S.C. 7104) which prohibits grant award recipients or a sub-recipient from (1) Engaging in severe forms of trafficking in persons during the period of time that the award is in effect (2) Procuring a commercial sex act during the period of time that the award is in effect or (3) Using forced labor in the performance of the award or subawards under the award.
28. Comply with the requirements adopted by the US Department of Education in the Code of Federal Regulations at 2 CFR 175 and incorporates those requirements into this grant through this condition. The grant condition specified in 2 CFR 175.15(b) is incorporated into this grant with the following changes.

Paragraphs a.2.ii.B and b.2. ii. are revised to read as follows:

“a.2.ii.B. Imputed to you or the subrecipient using the standards and due process for imputing the conduct of an individual to an organization that are provided in 34 CFR part 85.”

“b.2. ii. Imputed to the subrecipient using the standards and due process for imputing the conduct of an individual to an organization that are provided in 34 CFR part 85.”

Under this condition, the Secretary may terminate this grant without penalty for any violation of these provisions by the grantee, its employees, or its subrecipients.

29. Comply with the requirement to make reports available to the NHDOE and to the US Department of Education Secretary as may be needed for the NHDOE and the Secretary to

perform their duties under this program, and maintain records (as required in GEPA Section 443) and provide access to those records as is deemed necessary by the NHDOE or Secretary to carry out their responsibilities.

30. Comply with the requirement to provide opportunities for the participation in, planning for, and operation of each program by teachers, parents, and other interested agencies, organizations, and individuals.
31. Comply with the requirement that applications, evaluations, plans, or reports related to each program will be made available to parents and the public.
32. Comply with the requirement that any facilities constructed under this program will be consistent with overall state construction plans and standards and with the requirements of Section 504 of the Rehabilitation Act of 1973 in order to ensure that the facilities are accessible to and usable by individuals with disabilities.
33. Comply with the requirement that the effective procedures have been adopted for acquiring and disseminating information and research regarding the programs and for adopting, where appropriate, promising educational practices to teachers and administrators participating in each program.
34. Comply with the requirement that subrecipients and their grant personnel are prohibited from text messaging while driving a government owned vehicle, or while driving their own privately owned vehicle during official grant business, or from using government supplied electronic equipment to text message or email when driving. Subrecipients must comply with these conditions under Executive Order 13513, "Federal Leadership on Reducing Text Messaging While Driving," October 1, 2009.
35. Comply with the requirements that when issuing statements, press releases, requests for proposals, bid solicitations and other documents describing projects or programs funded in whole or in part with Federal money, subrecipients shall clearly state:
 - 1) the percentage of the total costs of the program or project which will be financed with Federal money;
 - 2) the dollar amount of Federal funds for the project or program; and
 - 3) the percentage and dollar amount of the total costs of the project or program that will be financed by non-governmental sources.

Subrecipients must comply with these conditions under Division B, Title V, Section 505 of Public Law 115-245, Consolidated Appropriations Act, 2019.

By signing this document, I attest I have read and understand the obligations of all the assurance statements above (1 through 35) for the ESSER Fund grant and will ensure that the LEA complies with the assurances. I further attest that I have provided a copy of these ESSER Fund grant assurances to the LEA School Board/Charter School Board of Trustees and have consulted with them, including explaining the obligations of the LEA described by these assurances. I will ensure that the LEA electronically attach this signed document in the online Grants Management System – District page and that a copy will be kept on file at the LEA.

LEA Name: _____

Signature of Superintendent/Charter School Administrator: _____

Date: _____



New Hampshire

Department of Education

Bureau of Integrated Programs

CARES Act, Elementary and Secondary Schools
Emergency Relief (ESSER) Grant
2019-2020 School Year
CFDA# 84.424D
May 11, 2020

<u>Dis#</u>	<u>SAU #</u>	<u>District</u>	<u>Allocation</u>
		New Hampshire State Minimum LEA Distribution	33,877,234.80
5	9	Albany	256.91
9	53	Allenstown	152,221.75
15	72	Alton	56,366.91
17	39	Amherst	22,622.96
19	46	Andover	30,246.42
23	2	Ashland	62,771.68
29	15	Auburn	24,046.95
31	86	Barnstead	110,515.78
33	74	Barrington	66,280.23
35	9	Bartlett	36,792.83
39	23	Bath	20,536.94
41	25	Bedford	95,269.33
47	23	Benton	61.63
51	3	Berlin	634,941.48
53	35	Bethlehem	47,384.51
57	67	Bow	63,223.61
63	16	Brentwood	4,995.90
71	41	Brookline	9,143.45
75	48	Campton	68,266.45
79	15	Candia	35,714.11
91	9	Chatham	-
93	82	Chester	10,651.64
95	29	Chesterfield	26,222.54
99	53	Chichester	19,304.93
101	6	Claremont	763,422.09
103	7	Clarksville	88.53
105	7	Colebrook	121,627.78
107	7	Columbia	257.45
111	8	Concord	953,636.64

112	1	Contoocook Valley	332,039.12
113	9	Conway	507,698.77
114	98	Coos County School District	-
115	100	Cornish	22,897.81
117	99	Croydon	462.45
127	53	Deerfield	46,975.32
131	10	Derry Cooperative	699,561.96
141	11	Dover	650,543.14
142	70	Dresden	36,035.92
147	20	Dummer	-
149	19	Dunbarton	14,478.69
153	16	East Kingston	-
159	9	Eaton	-
162	48	Ellsworth	-
165	14	Epping	132,340.88
167	53	Epsom	59,642.01
171	20	Errol	99.91
172	16	Exeter Region Cooperative	87,611.25
173	16	Exeter	106,746.94
174	60	Fall Mountain Regional	362,737.79
175	61	Farmington	362,869.23
185	18	Franklin	539,150.57
187	13	Freedom	30,923.88
189	83	Fremont	31,692.26
191	73	Gilford	126,744.92
195	79	Gilmanton	33,140.15
199	19	Goffstown	276,562.63
203	20	Gorham Randolph Shelburne Cooperative	80,305.87
204	71	Goshen	261.06
208	49	Governor Wentworth Regional	539,307.27
211	75	Grantham	14,478.69
215	50	Greenland	17,535.35
222	97	Hale's Location	-
223	55	Hampstead	50,031.98
227	21	Hampton Falls	9,330.71
225	90	Hampton	88,641.77
233	70	Hanover	5,938.53
235	29	Harrisville	7,401.14
236	9	Hart's Location	-
238	23	Haverhill Cooperative	170,787.72
245	24	Henniker	58,109.31
247	18	Hill	12,589.92
251	34	Hillsboro-Deering Cooperative	350,819.75

255	92	Hinsdale	188,678.75
257	48	Holderness	18,256.20
259	41	Hollis	7,918.03
260	41	Hollis-Brookline Cooperative	20,077.89
261	15	Hooksett	145,577.58
263	66	Hopkinton	46,010.07
267	81	Hudson	454,775.02
269	2	Inter-Lakes Cooperative	156,594.20
271	9	Jackson	9,808.78
274	47	Jaffrey-Rindge Cooperative	274,975.91
275	24	John Stark Regional	59,684.42
276	65	Kearsarge Regional	171,635.60
279	29	Keene	518,592.59
281	16	Kensington	-
285	30	Laconia	982,086.97
288	35	Lafayette Regional	14,978.20
291	35	Landaff	269.76
295	88	Lebanon	230,376.53
299	71	Lempster	26,294.29
305	68	Lincoln-Woodstock Cooperative	69,863.03
306	35	Lisbon Regional	159,937.19
315	27	Litchfield	63,223.61
317	84	Littleton	265,217.51
319	12	Londonderry	168,605.83
327	76	Lyme	8,043.71
333	13	Madison	58,114.58
335	37	Manchester	6,697,800.84
339	29	Marlborough	59,229.75
341	29	Marlow	9,769.18
342	63	Mascenic Regional	197,599.60
343	89	Mascoma Valley Regional	256,840.73
345	62	Mason	13,834.98
351	26	Merrimack	392,036.74
352	46	Merrimack Valley	373,876.66
353	69	Middleton	52,536.62
355	20	Milan	39,647.29
357	40	Milford	235,564.65
359	64	Milton	130,165.98
363	93	Monadnock Regional	423,834.10
365	77	Monroe	11,765.27
367	39	Mont Vernon	10,135.08
369	45	Moultonborough	96,419.02
371	42	Nashua	3,274,147.56

375	29	Nelson	20,554.23
377	19	New Boston	29,922.64
381	50	New Castle	-
387	16	Newfields	-
388	4	Newfound Area	305,775.08
391	50	Newington	-
399	31	Newmarket	108,728.42
401	43	Newport	470,624.82
405	21	North Hampton	14,229.58
407	58	Northumberland	142,032.84
411	44	Northwood	58,898.62
413	44	Nottingham	23,970.29
423	5	Oyster River Coop	39,496.13
425	28	Pelham	119,867.58
427	53	Pembroke	174,773.16
428	48	Pemi-Baker Regional	193,464.81
435	23	Piermont	541.30
437	7	Pittsburg	28,961.80
439	51	Pittsfield	264,449.28
441	32	Plainfield	12,226.45
447	48	Plymouth	121,202.61
449	52	Portsmouth	286,291.37
450	35	Profile	36,190.73
970	301	Prospect Mountain JMA	51,189.88
453	33	Raymond	212,343.42
457	0	Rivendell	25,878.45
461	54	Rochester	1,104,894.31
463	56	Rollinsford	13,352.58
467	48	Rumney	58,592.89
471	50	Rye	14,639.57
473	57	Salem	415,582.97
476	17	Sanborn Regional	117,291.91
485	21	Seabrook	205,855.58
486	80	Shaker Regional	283,691.19
491	56	Somersworth	549,979.92
493	39	Souhegan Cooperative	14,516.41
495	21	South Hampton	-
499	58	Stark	423.91
501	7	Stewartstown	80,603.79
503	24	Stoddard	17,277.01
507	44	Strafford	31,370.53
509	58	Stratford	57,738.35
511	16	Stratham	7,305.35

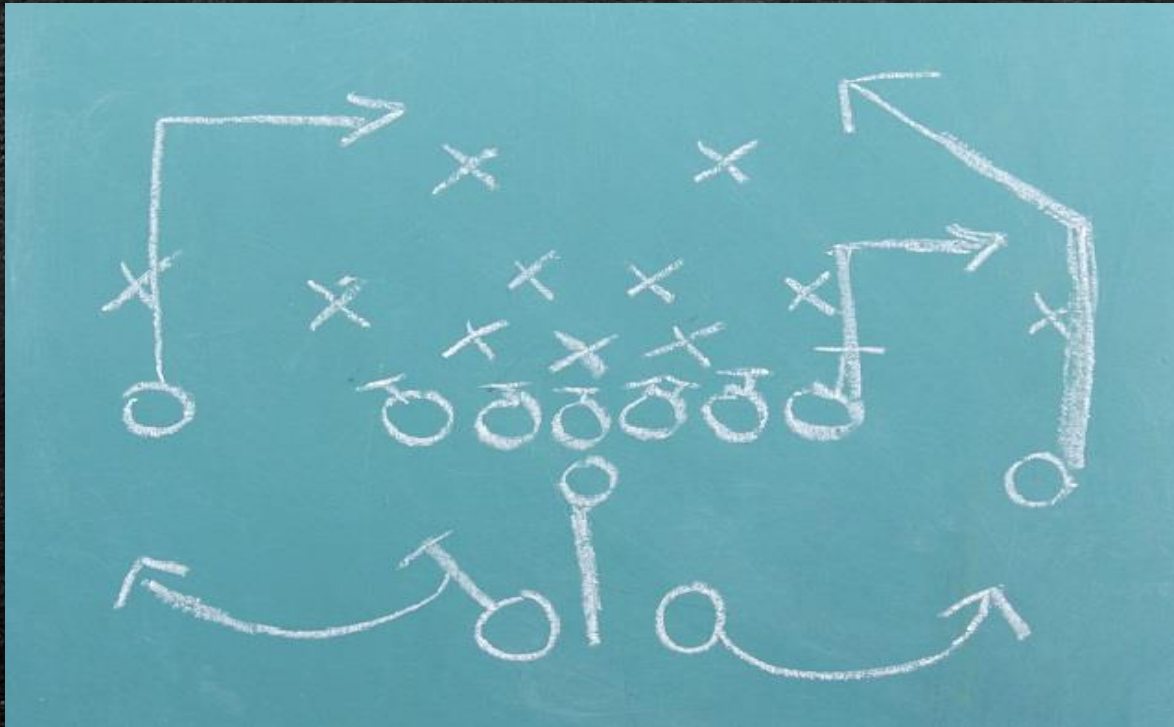
513	96	Sullivan	-
515	85	Sunapee	34,266.28
519	91	Surry	-
525	13	Tamworth	88,449.14
531	48	Thornton	51,097.06
534	55	Timberlane Regional	124,009.74
539	6	Unity	31,862.49
543	64	Wakefield	147,356.41
549	23	Warren	27,348.16
551	34	Washington	15,200.88
553	48	Waterville Valley	-
555	24	Weare	91,215.76
559	48	Wentworth	31,205.43
563	29	Westmoreland	13,274.63
568	36	White Mountains Regional	386,946.92
572	63	Wilton-Lyndeborough	69,774.02
573	94	Winchester	312,334.86
575	95	Windham	29,315.60
579	34	Windsor	-
581	21	Winnacunnet Cooperative	144,719.11
582	59	Winnisquam Regional	349,793.25
725	401	Academy for Science and Design	5,761.32
710	401	Capital City Public Charter School	-
707	401	Cocheco Arts and Technology Charter Academy	17,245.13
743	401	Compass Classical Academy Charter	54,862.26
723	401	CSI Charter School	-
742	401	Gate City Charter School	31,496.44
702	401	Granite State Arts Charter School	10,926.59
709	401	Great Bay eLearning Charter School	21,704.88
708	401	Kreiva Academy Public Charter School	16,540.55
706	401	Leaf Charter School	-
719	401	Ledyard Charter School	24,552.67
733	401	Making Community Connections Charter School	72,183.44
744	401	MicroSociety Academy Charter	16,388.27
729	401	Mill Falls Charter School	15,345.90
704	401	Mountain Village Charter School	9,287.27
740	401	NEXT Charter School	13,999.66
703	401	North Country Charter Academy	36,555.97
728	401	PACE Career Academy Charter School	31,195.34
735	401	Polaris Charter School	12,138.15
737	401	Robert Frost Charter School	17,765.15
705	401	Seacoast Charter School	14,743.63
714	401	Spark Academy of Advanced Technologies	8,859.76

721	401	Strong Foundations Charter School	32,879.44
717	401	Surry Village Charter School	10,216.96
731	401	The Birches Charter School	7,102.59
741	401	The Founders Academy Charter School	17,482.23
727	401	Virtual Learning Academy Charter School	16,935.26
712	401	Windham Academy Public Charter School	-

For questions about the grant or allocations: CARESACT@doe.nh.gov

DRAFT

2020 Fall Athletics- Options and Information



Presented by Andy Lathrop

Questions To Be Answered

- Can we provide a safe program for our athletes during the Covid 19 Pandemic?
- If we participate interscholastically, what guidelines and restrictions do we place on participation?
- What are the complications/obstacles?
- If we do not participate interscholastically, what can we do to keep our kids active and maintaining a healthy lifestyle?
- What effect would not playing have on our athletic community?
- What effect would playing have?

ORHS AND ORMS FALL SPORTS

ORHS

Soccer

Field Hockey

Golf

Cross Country

Volleyball

Unified Soccer

Football (with PHS)

ORMS

Soccer

Field Hockey

Cross Country Country

Volleyball

Benefits and Challenges of Athletics this Fall

Benefits

1. Social and emotional well being
2. Varsity athletes that may be college bound do not lose out on an opportunity to play
3. Physical benefits of athletic activities
4. Sense of community and school spirit
5. A return to some sense of normalcy
6. Offering sports in our District allows for equitable access to athletic opportunities for all students.

Challenges

1. Social distancing- Some sports are easier than others.
2. Travel-busing constraints.
3. Spectators- Large crowds cannot happen. Are spectators allowed at all?
4. Disinfecting equipment, locker rooms, etc. can be challenging.
5. Playing in other communities that may have higher Covid-19 numbers.

2020 Athletic Models - 5 Possible Scenarios

Option 1. Full Fall Sports Offerings

- All teams Varsity, JV, Reserve and Middle School teams would participate in full game/practice schedule. Regular game schedule and opponents would be kept.
- State guidelines for youth and amateur sports are followed.
- HS away games moved to Saturdays and Sundays as much as possible to alleviate bus constraints.
- Summer protocols of daily screening and temperature checks prior to activities remain in place.
- Teams meet 5-6 times per week, games and practices.
- Follow all proposed ORCSD 2020 Fall Athletics Protocols
- If competition is possible, Unified Sports would be offered.

Option 2. Hybrid #1 (High School Interscholastic Competition Only)

- Varsity, JV and Reserve would participate in a modified schedule. 10-12 game schedule. Would be eligible for NHIAA postseason.
- Opponents would be from surrounding towns- Dover, Portsmouth, Exeter, Winnacunnet, Coe Brown, STA, Spaulding, Newmarket, etc.
- HS away games moved to Saturdays and Sundays as much as possible to alleviate bus constraints.
- Parents would transport athletes to away games to eliminate busing and to decrease chances of exposure.
- Practices would take place everyday, with staggered start times to avoid mixing teams.
- Summer protocols of daily screening and temperature checks prior to activities remain in place.
- Middle School and Unified would be a strictly intramural and skill-based program. Would meet 2-3 times and the program would be run by fall coaches.
- Follow all proposed ORCSD 2020 Fall Athletics Protocols

Option 3. Hybrid #2 (Varsity Interscholastic Competition Only)

- Varsity sports compete interscholastically on a reduced schedule. 10-12 game schedule. Would be eligible for NHIAA post season.
- Playing interscholastically for Varsity limits ORCSD travel to other communities to 7 ORHS teams as opposed to 25 ORCSD teams.
- Opponents would be from surrounding towns- Dover, Portsmouth, Exeter, Winnacunnet, Coe Brown, STA, Spaulding, Newmarket, etc.
- HS away games moved to Saturdays and Sundays as much as possible to alleviate bus constraints.
- Parents would transport athletes to away games to eliminate busing and to decrease chances of exposure.
- JV, Reserve, Unified and Middle School Teams practice 2-3 times per week in a skill based, intramural program. Small sided games would be permitted (playing against each other). No interscholastic competition. Program run by fall coaches.
- Staggered practices to avoid mixing teams.
- Follow all proposed ORCSD 2020 Fall Athletics Protocols
- Summer protocols of daily screening and temperature checks prior to activities remain in place.

Option 4. Hybrid #3 (No Interscholastic Competition)

- Varsity, JV, Reserve, Unified and Middle School Teams would participate in a skill based, intramural program 2-3 times per week. Small sided games would be permitted (playing against each other).
- No interscholastic competition. NHIAA fall sports for ORHS would be cancelled.
- No post season eligibility for Varsity teams.
- Programs run by fall coaches.
- Athletic Trainer could offer supplemental strength and conditioning programs.

Option 5. **No Athletic or Physical Activities**

- ORCSD would not sponsor any athletic or intramural based programs.
- Teams would not be permitted to practice in any way.
- No interscholastic competition. NHIAA fall sports for ORHS would be cancelled.

Things to Consider

1. Athletics are a voluntary activity, yet almost 70% of our student body participates over the course of the year.
2. Our summer programs have been extremely successful and have followed a detailed plan to mitigate risk. (See ORCSD Athletic Fields Re-Opening Document).
3. Does not having an option for students to play for their school create an inequity issue in access to athletics?
4. What are the implications for college bound athletes if a season is not played?
5. Remote learning allows for athletes to cohort with their teams, while not mixing with the general student body. This also aids in contact tracing.
6. Regional play limits travel to local areas only and reduces the risk of exposure.
7. What are the potential negative impacts on our student-athletes if they do not have athletics as an outlet?
 - Grades
 - Mental Health (including increase in stress, depression, anxiety)
 - Unhealthy weight gain, obesity
 - Social Development
 - Student leadership and community building

PENDING SCHOOL BOARD APPROVAL

ORCSD 2020 PROPOSED FALL ATHLETICS PROTOCOLS



Prepared by:
Andy Lathrop, ORCSD Director of Athletics

The overarching goal for fall athletics during the Covid-19 pandemic is to balance safety with continued opportunity for students to access the Oyster River Athletic Program.

ORCSD ATHLETIC GOALS

The goals of interscholastic athletics at Oyster River include:

1. Encourage all participants to develop respect for self and others, leadership skills, self-discipline, and positive sportsmanship.
2. Develop physical skills, mental skills, physical conditioning and the ability to work cooperatively with others in a team setting.
3. Assist the faculty and administration in implementing the Oyster River Cooperative School District Vision Statement. Coaches, like teachers, are educators and responsible for implementing all aspects of the Vision Statement and implementing and adhering to school regulations.
4. Offer well-planned instruction prior to participation in an interscholastic sport for students who desire to play the game, are physically able, and who can compete fairly.

NHIAA and NATIONAL FEDERATION OF HIGH SCHOOLS SPORT BY SPORT COVID-19 RISK

Lower risk: cross country (with staggered starts), track and field, swimming, bowling, golf, tennis, alpine skiing, nordic skiing (with staggered starts), sideline spirit;

Moderate risk: volleyball, soccer, baseball, softball, ice hockey, field hockey, girl's lacrosse, gymnastics, bass fishing;

Higher risk: basketball, football, wrestling, spirit, boy's lacrosse.

General Safety Protocol for all Sports:

While there is no guarantee that playing sports under these conditions eliminates any possibility of exposure to Covid-19, these precautions are in place to limit the risk.

1. Social distancing of at least 6 feet should be maintained when possible. No hugging, shaking hands, or fist bumps for support/encouragement.
2. Clean and disinfect frequently touched surfaces and exercise equipment including balls.
3. Thoroughly wash your hands with soap and water for at least 20 seconds or use an alcohol-based hand sanitizer that contains at least 60% alcohol.
4. Wear a cloth face covering that covers your nose and mouth in public settings.
5. Athletes will provide their own water/water bottles and will not share.
6. Cover mouth and nose when coughing or sneezing.
7. Stay at home if you are sick.
8. **Pre and Post Game Ceremony:** Elimination of handshakes before and after the match.
9. Daily screening and temperature checks will be mandatory and will be recorded in Final Forms (Athletic Software) by coaches.
10. AD and ATC will clear opposing teams upon arrival with screening questions and temperature checks.
11. If any positive symptoms are present, those athletes would be required to return to their team bus or other designated area by Athletic Trainer.
12. No concessions; or gatherings near fields or in parking lots.
13. Following practices and contests, athletes will proceed directly to their ride, not congregating in any area. If an athlete's ride is not immediately present, they will wait in a designated area, maintaining a distance of at least 6 feet from any other person or frequently used pathway.
14. It is advised that all athletes and staff shower as soon as possible after a workout session.
15. Staff will disinfect and store all equipment, secure all fields used, and ensure all athletes have met their rides home prior to departure.
16. Breathable Gator masks will be provided to each athlete to wear if they choose.
17. Coaches will be required to take the NFHS Covid-19 for Coaches and Administrators online course.

Sport Specific Protocol:

Golf:

1. The nature of golf is conducive to social distancing.
2. Masks will be required of participants during practices and matches. The only exception will be when the athlete is in active play (ie. swinging club).
3. When in foursomes 6' of distance must always be maintained.
4. Golfers will not pick up a ball that does not belong to them
5. Rakes in sand traps will not be used.
6. There will be no pin flags on the courses.

Cross Country:

1. Meets will be limited to two schools only (including OR).
2. Staggered starts will replace the traditional start to aid in social distancing.
3. Our home course allows for 6ft spacing between runners at the starting line. Multiple heats will be necessary. The amount of time used to stagger the heats will be determined by the coaching staff to avoid the heats running into each other on the course.
4. Image based equipment will be used at the finish to avoid corralling and congestion at the finish.
5. Coaches will create workout "pods" of same students always training and rotating together in practice to ensure more limited exposure if someone develops an infection.
6. ORCSD would purchase the stickers that go on the bibs to aid in the placing athletes as they finish.

Volleyball:

1. Face coverings are permissible during play. Gaitor face masks will be provided by ORCSD to all players.
2. Players are required to be in masks when not in the game.
3. Move the location of the prematch conference to center court with one coach and one referee positioned on each side of the net. All four individuals maintain a social distance of 3 to 6 feet.
4. Suspend the use of the coin toss to determine serve/receive. The visiting team will serve first in set 1 and alternate first serve for the remaining non-deciding sets.

5. Suspend roster submission at the prematch conference. Rosters are submitted directly to the officials' table.
6. Teams would not switch benched between sets.
7. Limit bench personnel to observe the 3-6' distance.
8. No handshakes, hugging or fist bumps before and after match. Group celebrations between points will not be permitted.
9. Ball will be cleaned and or replaced beforehand, at time outs or whenever stoppage occurs. There will be a minimum of 4 game balls available at the scorer's table to be rotated into games. This will allow for the 5-minute contact time recommended for our sanitization spray.
10. Visiting team will bring their own balls for warm-ups.
11. Athletes will be required to sanitize hands upon arrival to the gym, prior to the match and at time outs.
12. Volleyball practices will be limited to one team at a time only.
13. Fans- See spectator protocol at the end of this document.

Field Hockey:

1. Mouthguards and cloth facemasks are optional.
2. Players are required to wear masks when not in the game. Gaitor masks will be provided by ORCSD.
3. Officials/Coaches/Players should only move the ball with a stick. No picking up of the ball at any time.
4. Essential personnel only. Scorers must stay with their bench, only the designated timer would be allowed at the table.
5. Subbing area increased to be 6 ft from 50 yd line on respective side of 50 yd line
6. Elimination of handshakes before and after the match.
7. Hand sanitizer should be plentiful at all contests and practices. Disinfectant and sanitizer will be supplied by the District.
8. Benches will be eliminated and replaced with chairs to encourage social distance of substitutes.
9. Disinfecting of all equipment, including sticks will take place before and after practice and competition. Spray bottles will be provided to coaches by ORCSD.
10. Fans- See spectator protocol at the end of this document.

Soccer:

1. Cloth face masks are permissible to wear during competition. Gaiter masks will be provided by ORCSD for players not in play on sidelines or during half-time or timeouts.
2. Athletes will be required to use hand sanitizer prior to the game.
3. The mouthguard requirement has been suspended.
4. Gloves are permissible to wear during play.
5. Pregame Conference-Limit attendees to head referee or center referee, the head coach from each team, and a single captain from each team. Move the location of the pregame conference to center of the field. All individuals maintain a social distance of 6 feet. Suspend handshakes prior to and following the Pregame Conference.
6. Limit to essential personnel which includes home team scorer and timer with a recommend distance of 6 feet between individuals. Visiting team personnel (scorer, statisticians, etc.) are not deemed essential personnel and will need to find an alternative location.
7. Elimination of handshakes before and after the match.
8. Hand sanitizer should be plentiful at all contests and practices.
9. Benches will be eliminated and replaced with chairs to encourage social distance of substitutes.
10. 4-5 sanitized game balls will be on hand at each game. These will be the only balls permitted to enter play. They will be cleaned again at halftime.
11. Fans- See spectator protocol at the end of this document.

Spectators, Officials and Facility Specific Protocol:

Spectators:

1. Spectators will be limited to athlete's parents and appropriate game management personnel.
2. Spectators from other schools are not permitted at ORHS at this time.
3. Spectators will be screened by Athletic Director at the entrance area.
4. Hand sanitizing stations will be made available at all indoor and outdoor venues
5. Masks will be required at all times on the ORCSD campus, regardless of social distancing.
6. Spectators are expected to maintain a minimum of 6' of social distance at all times.
7. No food or drink will be allowed at our facilities.

Officials:

1. Officials will have assigned parking upon arrival and will be screened prior to gaining access to Kingswood facilities.
2. Officials will be required to wear masks during all transitional movements on campus.

Gymnasium Specific:

1. Spectators will enter through main gymnasium doors and exit the through the doors on the other side of the bleachers.
2. Spectators will be screened by Athletic Director at the entrance area.
- 3.
4. Hand sanitizer will be available in the lobby upon entering the building. Spectators are encouraged to use it upon entrance to the building.
5. Spectators are asked to remain in the bleachers and not to interact with players inside the gymnasium.
6. Family members are asked to sit together and at least 6' away from others.
7. Bleachers will be marked to maintain 6' of social distance between families.
8. When waiting for your student athlete following the game, please wait outside, preferably in your vehicle. Do not congregate in the lobby or parking lots.

Turf Field:

1. Gates will remain closed. At no time should spectators enter the track/field area. Fans need to remain outside the fenced area around the perimeter of the field.
2. Hand sanitizer will be available via the dispensers located on the service building.
3. Spectators should remain with family members and maintain 6' of social distance from others.
4. Fans should enter the facility by accessing the sidewalk from the high school and exiting in the other direction.
5. When waiting for your student athlete following the game, please wait outside the turf area, preferably in your vehicle. Do not congregate in parking lots.

Locker Rooms:

1. Locker rooms will be available for changing purposes at 50% capacity for ORHS students. Athletes should come dressed for play whenever possible.
2. Rooms will not be available for teams outside of ORCSD.
3. Masks will be worn at all times while in the locker rooms.
4. Student athletes will be encouraged to spend the least amount of time in the locker room as possible.
5. Coaches will monitor use and time spent in the rooms.

Resources:

NFHS Guidance for opening up High School Athletics and Activities

NHIAA Reopening Sports Guidance

Governors Reopening Task Force: Youth and Amateur Sports Guidance



FAN SECTION 5x14

Entry Screening Area

Paved Area

**Office of the Superintendent Oyster
River School District
36 Coe Drive, Durham, NH 03824**

INTEROFFICE MEMORANDUM

TO: School Board

FROM: Dr. James C. Morse, Sr.

DATE: August 14, 2020

RE: Nomination for District Openings

Please nominate the below listed individual for the 2020-2021 school year:

- School District Clerk: Jessica Marion Laughton

Thank you.

Policies for
 First/Second Read/Adoption/Deletion
**SB Meeting of
 August 19, 2020**

Title	Code
Policies for First Read	
Nondiscrimination/Equal Opportunity	AC
Harassment and Sexual Harassment of Students/Procedure	ACCA/-R
Harassment and Sexual Harassment of School Employees/Procedure	ACAB/-R
Policies for Second Read/Adoption	
Policies for Deletion/Replacement	
As a reference the July 29, 2020 policy minutes are attached to this packet.	

OYSTER RIVER COOPERATIVE SCHOOL BOARD	Policy Code: AC
Date of Adoption: February 13, 2009 Review School Board First Read: March 13, 2013 School Board Second Read/Adoption: April 3, 2013 Returned to Policy for Review: July 9 & July 23 <u>School Board First Read: August 19, 2020</u>	Page 1 of 2 Category: Recommended

NONDISCRIMINATION/EQUAL OPPORTUNITY

The Oyster River School District does not discriminate on the basis of sex or other protected categories in its education programs and activities, as required by federal and state laws/regulations.

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

Discrimination against and harassment of students because of age, sex, gender identity, sexual orientation, race, creed, color, ancestry or national origin, marital status, familial status, physical or mental disability, religion or economic status are prohibited.

The School District does not tolerate discrimination, harassment or retaliation and takes steps to ensure students, employees and third parties are not subject to any discrimination, harassment, or retaliation in District programs or activities. The Board directs the school administration to implement a continuing program designed to prevent discrimination against all.

The District will designate a Nondiscrimination Officer who will be responsible for ensuring compliance with all federal and state requirements relating to nondiscrimination. The Nondiscrimination Officer will be a person with direct access to the Superintendent.

The Board directs the administration to implement internal complaint procedures for resolving complaints of discrimination under this policy and to provide adequate notice of the availability of such complaint procedures.

The Board directs the administration to 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.

The District will require all persons, agencies, vendors, contractors, and other persons and organizations doing business with or performing services for the District to subscribe to all applicable federal and state laws pertaining to contract compliance.

The Oyster River School District will respond promptly and effectively to allegations of discrimination, harassment, and retaliation. It will promptly conduct investigations and takes appropriate action, including, but not limited to, disciplinary action, against individuals found to have violated its policies, as well as providing appropriate remedies to complaints and the Oyster River community.

Legal Reference: Equal Employment Opportunities Act of 1972 (P.L. 92-261 amending Title VII of the Civil Rights Act of 1964 (42 U.S.C. § 2000(e) et seq.)
Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681 et seq.)
Title VI of the Civil Rights Act of 1964 (P.L. 88-352)
Age Discrimination in Employment Act of 1967 (29 U.S.C. § 621 et seq.)
Equal Pay Act of 1963 (29 U.S.C. § 206)
Rehabilitation Act of 1973 (Section 504) (29 U.S.C. § 794 et seq.); 34 CFR § 104.7, as amended
Americans with Disabilities Act (42 U.S.C. § 12101 et seq.), as amended
Genetic Information Nondiscrimination Act of 2008 (42 U.S.C. § 2000ff et seq.)
NH RSA 186:11; 354-A:7
NH Code Admin. R. Ed. 303.01(i)

Cross Reference: ACAA/JBAA- Harassment and Sexual Harassment of Students
ACAA-R/JBAA-R – Student Discrimination/Harassment and Title IX
Sexual Harassment Complaint Procedures

<u>OYSTER RIVER COOPERATIVE SCHOOL BOARD</u>	<u>Policy Code: AC</u>
<u>Date of Adoption: February 13, 2009</u> <u>Review School Board First Read: March 13, 2013</u> <u>School Board Second Read/Adoption: April 3, 2013</u> <u>Returned to Policy for Review: July 9 & July 23</u> <u>School Board First Read: August 19, 2020</u>	<u>Page 2 of 2</u> <u>Category: Recommended</u>

Cross References Cont'd

- ACAB/GBAA - Harassment and Sexual Harassment of School Employees
- ACAB-R/GBAA-R – Employee Discrimination/Harassment and Title IX
Sexual Harassment Complaint Procedures
- JICK – Bullying and Cyberbullying Pupil Safety and Violence Prevention
- JICK-R – Bullying/Cyberbullying Reporting Form
- JICK-R1 – Bullying Investigation Form

OYSTER RIVER COOPERATIVE SCHOOL BOARD	Policy Code: ACAA
Date of Adoption: February 13, 2008 Revised: March 18, 2009 Code and Title Change-Adopted School Board: May 2, 2012 Policy Committee Review: July 9 & July 23 School Board First Read: August 19, 2020	Page 1 of 2

HARASSMENT AND SEXUAL HARASSMENT OF STUDENTS

Harassment of Oyster River students because of age, sex, gender identity, sexual orientation, race, creed, color, ancestry or national origin, marital status, familial status, physical or mental disability, religion or economic status is prohibited. Such conduct is a violation of Board policy and may constitute illegal discrimination under state and federal laws.

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

Harassment and sexual harassment of students by school employees is considered grounds for disciplinary action, up to and including discharge. Harassment and sexual harassment of students by other students is considered grounds for disciplinary action, up to and including expulsion. The Superintendent will determine appropriate sanctions for harassment of students by persons other than school employees and students.

A. Harassment

Harassment includes, but is not limited to, verbal abuse and other offensive conduct based on of age, sex, gender identity, sexual orientation, race, creed, color, ancestry or national origin, marital status, familial status, physical or mental disability, religion or economic status. Harassment that rises to the level of physical assault, battery and/or abuse and bullying behavior are also addressed Board Policies JICIA – Weapons, Violence and School Safety and JICK – Bullying.

B. Sexual Harassment

Sexual harassment is addressed under federal and state laws/regulations. The scope and definitions of sexual harassment under these laws differ, as described below.

1. Title IX Sexual Harassment

Under the federal Title IX regulations, sexual harassment includes the following conduct on the basis of sex which takes place within the context of the school district's education programs and activities:

- a. "Quid pro quo" sexual harassment by a school employee: Conditioning a school aid, benefit or service (such as a better grade or a college recommendation) on an individual's participation in unwelcome sexual conduct;
- b. "Hostile environment" sexual harassment: Unwelcome conduct based on sex that a reasonable person would determine is so severe, pervasive *and* objectively offensive that it effectively denies an individual's equal access to the school unit's education programs and activities; or
- c. Sexual assault, dating violence, domestic violence and stalking as these terms are defined in federal laws.

2. Other Forms of Sexual Harassment

Some forms of sexual harassment may not meet the definition under Title IX (see paragraph 1, above) but is still prohibited under New Hampshire law.

OYSTER RIVER COOPERATIVE SCHOOL BOARD	Policy Code: ACAA
Date of Adoption: February 13, 2008 Revised: March 18, 2009 Code and Title Change-Adopted School Board: May 2, 2012 Policy Committee Review: July 9 & July 23 School Board First Read: August 19, 2020	Page 2 of 2

The District defines non-Title IX “sexual harassment” as unwelcome sexual advances, requests for sexual favors, and other verbal, non-verbal, or physical conduct of a sexual nature when:

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

C. Reports and Complaints of Harassment or Sexual Harassment

All school employees are required to report possible incidents of harassment or sexual harassment involving students to the Title IX Coordinator. Failure to report such incidents may result in disciplinary action.

Students, parents/legal guardians and other individuals are strongly encouraged to report possible incidents of harassment or sexual harassment involving students to the Title IX Coordinator. The Title IX Coordinator is also available to answer questions and provide assistance to any individual who is unsure whether harassment or sexual harassment has occurred.

All reports and complaints of harassment or sexual harassment against students shall be addressed through the Student Unlawful Discrimination/Harassment and Title IX Sexual Harassment Procedures (ACAA-R).

Legal Reference: Americans with Disabilities Act (42 U.S.C. §12101 et seq., as amended; 28 C.F.R. § 35.107)
Section 504 of the Rehabilitation Act of 1973 (Section 504) (29 U.S.C. § 794 et seq., as amended; 34 C.F.R. § 104.7)
Title IX of the Education Amendments of 1972 (20 USC § 1681, et seq.); 34 C.F.R. Part 106
Clery Act (20 U.S.C. §1092(f)(6)(A)(v) - definition of sexual assault)
Violence Against Women Act (34 U.S.C. § 1092(f)(6)(A)(v) – definition of sexual assault;
34 U.S.C. § 12291(a)(10) – dating violence; 34 U.S.C. §12291(a)(3) – definition of stalking;
34 U.S.C. §12291(a)(8) – definition of domestic violence)
Title VI of the Civil Rights Act of 1964 (42 USC § 2000d)
NH RSA 186:11; 193:38; 193:39; 354-A
NH Code Admin. R. Ed. 303.01(i) and (j)

Cross Reference: ACAA-R/JBAA-R – Student Discrimination/Harassment and Title IX Sexual Harassment Complaint Procedures
AC – Nondiscrimination/Equal Opportunity and Affirmative Action
ACAD – Hazing
GBEB – Staff Conduct with Students
JFCK – Student Use of Cellular Telephones and Other Electronic Devices
JICIA – Weapons, Violence and School Safety
JICK - Bullying

OYSTER RIVER COOPERATIVE SCHOOL BOARD	Policy Code: JBAA-R ACAA-R
Date of Adoption: February 13, 2008 Revised: March 18, 2009, October 16, 2019 Code and Title Change-Adopted School Board: May 2, 2012 <u>Policy Committee Review: 7/9 & 7/23 SB 1st Read: 8/19/20</u>	Page 1 of 12

STUDENT DISCRIMINATION/HARASSMENT AND TITLE IX SEXUAL HARASSMENT COMPLAINT PROCEDURES

The [Oyster River School](#) Board has adopted these student procedures in order to provide prompt and equitable resolution of reports and complaints of unlawful discrimination and harassment of students, including sexual harassment, as described in policies AC – Nondiscrimination/Equal Opportunity and Human Rights and ACAA/JBAA – Harassment and Sexual Harassment of Students.

Complaints alleging harassment or discrimination against employees or third parties based on a protected status should be addressed through the Board’s Employee & Third Party Discrimination/Harassment and Title IX Sexual Harassment Complaint Procedures (ACAB-R).

Any individual who is unsure about whether unlawful discrimination or harassment has occurred and/or or which complaint procedure applies is encouraged to contact:

Catherine Plourde
Director of Student Services/Title IX Coordinator
Oyster River Cooperative School District
36 Coe Drive
Durham, New Hampshire 03824
(603) 868-5100
cplourde@oresd.org

Section 1. Definitions

For purposes of these complaint procedures, the following definitions will be used. The Title IX Coordinator shall assess all reports and complaints to ensure that they are addressed under the appropriate policy and complaint procedure.

A. Discrimination/Harassment Complaint Procedure Definitions

1. “Discrimination or harassment”: Discrimination or harassment on the basis of an individual’s membership in a protected category, which, for students, includes age, sex, gender identity, sexual orientation, race, creed, color, ancestry or national origin, marital status, familial status, physical or mental disability, religion or economic status.
2. “Discrimination”: Treating individuals differently or interfering with or preventing them from enjoying the advantages or privileges afforded to others because of their membership in a protected category.
3. “Harassment”: Oral, written, graphic, electronic or physical conduct relating to an individual’s actual or perceived membership in a protected category that is sufficiently severe, pervasive or persistent so as to interfere with or limit that individual’s ability to participate in the school district’s programs or activities by creating a hostile, intimidating or offensive environment.
4. Other forms of “sexual harassment” means unwelcome sexual advances, requests for sexual favors, and other verbal, non-verbal, or physical conduct of a sexual nature when:

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- a. Submission to such conduct is made either explicitly or implicitly a term or condition of a student's educational benefits;
 - b. Submission to or rejection of such conduct by a student is used as the basis for decisions affecting a student's educational benefits; or
 - c. Such conduct has the purpose and effect of substantially interfering with a student's academic performance or creates an intimidating, hostile or offensive educational environment.
5. "Sexual orientation": Under New Hampshire law, this means "having or being perceived as having an orientation for heterosexuality, bisexuality, or homosexuality."
 6. "Gender identity": Under New Hampshire law, this means "a person's gender-related identity, appearance, or behavior, whether or not that gender-related identity, appearance, or behavior is different from that traditionally associated with the person's physiology or assigned sex at birth."
 7. "Complaint" is defined as an allegation that a student has been discriminated against or harassed on the basis of race, color, sex, sexual orientation, gender identity, religion, ancestry, national origin or disability (and not otherwise addressed in the Title IX regulations and Section 3 of ACAA-R).
 8. Complaints of bullying not involving the protected categories or definitions described above may be addressed under Board Policy JICK – Bullying and Cyberbullying of Students.

B. Title IX Sexual Harassment Complaint Procedure Definitions

1. "Sexual Harassment": Under the federal Title IX regulations, sexual harassment includes the following conduct on the basis of sex which takes place within the context of the school district's education programs and activities:
 - a. "Quid pro quo" sexual harassment by a school employee: Conditioning a school aid, benefit or service (such as a better grade or a college recommendation) on an individual's participation in unwelcome sexual conduct;
 - b. "Hostile environment" sexual harassment: Unwelcome conduct based on sex that a reasonable person would determine is so severe, pervasive *and* objectively offensive that it effectively denies an individual's equal access to the school district's education programs and activities; or
 - c. Sexual assault, dating violence, domestic violence and stalking as these terms are defined in federal laws.
2. "Report": Under the Title IX regulations, any individual may make a report of sexual harassment involving a student, whether the individual is the alleged victim or not. School employees are required to report possible incidents of sexual harassment involving a student. A report must be made to the Title IX Coordinator. A report triggers certain actions by the Title IX Coordinator for the alleged victim of sexual harassment, but an investigation is not conducted unless a "Formal Complaint" (as defined below) is filed.
3. "Formal Complaint": Under the Title IX regulations, the alleged victim of sexual harassment can file a written complaint that triggers the complaint procedure in Section 3 of ACAA-R. Only a student and/or their parent/legal guardian (and in certain circumstances, the Title IX Coordinator) may file a formal complaint.

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4. "Student": For the purposes of this procedure, a student an individual who is enrolled or participating in the school district's education programs and activities or is attempting to enroll or participate.

Section 2. Unlawful Discrimination/Harassment Complaint Procedure

This procedure should be used for any complaint of unlawful harassment or discrimination based on a protected category which does not involve Title IX sexual harassment under Section 3 below.

A. How to Make A Complaint

1. School employees are required to promptly make a report to the Title IX Coordinator if they have reason to believe that a student has been discriminated against or harassed.
2. Students (and others) who believe that they, or another student has been harassed or discriminated against should report their concern promptly to the Title IX Coordinator, or to the building principal (who will report the matter to the Title IX Coordinator).
3. The individual making the report must provide basic information in writing concerning the allegation of harassment or discrimination (i.e., date, time, location, individual(s) who alleged engaged in harassment or discrimination, description of allegation) to the Title IX Coordinator.
4. If an individual is unsure as to whether unlawful discrimination or harassment has occurred, or who need assistance in preparing a written complaint, they are encouraged to discuss the matter with the Title IX Coordinator.
5. Individuals will not be retaliated against for reporting suspected discrimination or harassment, or for participating in an investigation. Retaliation is illegal under federal and state nondiscrimination laws, and any retaliation will result in disciplinary action, up to and including discharge for employees, and expulsion for students.
6. Individuals are encouraged to utilize the school district's complaint procedure. However, individuals are hereby notified that they also have the right to report incidents of discrimination or harassment to the New Hampshire Commission for Human Rights, 2 Industrial Park Drive, Bldg. One, Concord, NH 03301 (telephone: (603) 271-2767; e-mail: humanrights@nh.gov); and/or to the federal 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).

B. Complaint Handling and Investigation

1. The Title IX Coordinator will promptly inform the Superintendent and the person who is the subject of the complaint (respondent) that a complaint has been received.
2. The Title IX Coordinator may pursue an informal resolution of the complaint with the agreement of the parties involved. Any party to the complaint may decide to end the informal resolution process and pursue the formal process at any point. Any informal resolution is subject to the approval of the parties and the Superintendent, who shall consider whether the resolution is in the best interest of the school district and the parties in light of the particular circumstances and applicable policies and laws.

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3. The Title IX Coordinator may implement supportive measures to a student to reduce the risk of further discrimination or harassment to a student while an investigation is pending. Examples of supportive measures include but are not limited to ordering no contact between the individuals involved or changing classes.
4. The complaint will be investigated by a trained internal or external individual designated by the Superintendent and the Title IX Coordinator. Any complaint about an employee who holds a supervisory position shall be investigated by a person who is not subject to that supervisor's authority. Any complaint about the Superintendent should be submitted to the Chair of the Board, who should consult with legal counsel concerning the handling and investigation of the complaint.
5. The investigator shall consult with the Title IX Coordinator as agreed during the investigation process.
6. The respondent will be provided with an opportunity to be heard as part of the investigation. The complainant shall not be required to attend meetings with the respondent but may choose to do so as part of an informal resolution process.
7. The complainant and the respondent may suggest witnesses to be interviewed and/or submit materials they believe are relevant to the complaint.
8. If the complaint is against an employee of the school district, any rights conferred under an applicable collective bargaining agreement shall be applied.
9. Privacy rights of all parties to the complaint shall be maintained in accordance with applicable state and federal laws.
10. The investigation shall be completed within 30 business days of receiving the complaint, if practicable. Reasonable extensions of time for good reason shall be allowed.
11. The investigator shall provide a written report and findings to the Title IX Coordinator.

C. Findings and Subsequent Actions

1. The Title IX Coordinator shall consult with the Superintendent concerning the investigation and findings.
2. If there is a finding that discrimination or harassment occurred, the Title IX Coordinator, in consultation with the Superintendent shall:
 - i. Determine what remedial action, if any, is required to end the discrimination or harassment, remedy its effect and prevent recurrence; and
 - ii. Determine what disciplinary action should be taken against the individual(s) who engaged in discrimination or harassment, if any.
3. Inform the complainant and the respondent in writing of the results of the investigation and its resolution (in accordance with applicable state and federal privacy laws).

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D. Appeals

1. After the conclusion of the investigation, the complainant or respondent may seek an appeal of the findings solely on the basis of either: (a) prejudicial procedural error or (b) the discovery of previously unavailable relevant evidence that could significantly impact the outcome.
2. Appeals must be submitted in writing to the Superintendent within five business days after receiving notice of the resolution.
3. Upon receipt of a valid appeal, the Superintendent shall provide notice to the other party, along with an opportunity to provide a written statement within five business days.
4. The Superintendent shall review the available documentation and may conduct further investigation if deemed appropriate.
5. The Superintendent's decision on the appeal shall be provided to the parties within 10 business days, if practicable. The Superintendent's decision shall be final.

E. Records

The Title IX Coordinator shall keep a written record of the complaint process.

Section 3. Title IX Sexual Harassment Complaint Procedure

This section should be used for complaints of as defined in Section 1.B.1.

A. How to Make A Report

1. School employees who have reason to believe that a student has been subjected to sexual harassment is required to promptly make a report to the Title IX Coordinator.
2. Students, parents/legal guardians or other individuals who believe a student has been sexually harassed are encouraged to make a report to the Title IX Coordinator.
3. If the individual making the report is the alleged victim, or if the alleged victim is identified by the individual making the report, the Title IX Coordinator will meet with the alleged victim to discuss supportive measures that may be appropriate in the particular circumstances and explain the process for filing a formal complaint.
 - a. Supportive measures are individualized measures designed to ensure the student can continue to access educational programs and activities (such as requiring no contact between individuals or changing classes).
 - b. Supportive measures may be continued even if the alleged victim chooses not to file a formal complaint, if appropriate under the particular circumstances.
4. The school district cannot provide an informal resolution process for resolving a report unless a formal complaint is filed.

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5. Individuals will not be retaliated against for reporting sexual harassment, or for participating in an investigation. Retaliation is illegal under federal and state nondiscrimination laws, and any retaliation will result in disciplinary actions, up to and including discharge for employees, or expulsion for students.
6. Any student (or their parent/legal guardian) who believes they have been the victim of sexual harassment is encouraged to utilize the school district's complaint procedure. However, students (and their parents/legal guardians) are hereby notified that they also have the right to report sexual harassment to the New Hampshire Commission for Human Rights, 2 Industrial Park Drive, Bldg. One, Concord, NH 03301 (telephone: (603) 271-2767; e-mail: humanrights@nh.gov); and/or to the federal 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).
7. The Superintendent shall be informed of all reports and formal complaints of sexual harassment.

B. How to Make A Formal Complaint

1. An alleged student victim and/or their parent/legal guardian may file a formal written complaint requesting investigation of alleged Title IX sexual harassment. The written complaint must include basic information concerning the allegation of sexual harassment (i.e., date, time, location, individual(s) who allegedly engaged in sexual harassment, description of allegation, etc.).

Students who need assistance in preparing a formal written complaint are encouraged to consult with the Title IX Coordinator.

2. In certain circumstances, the Title IX Coordinator may file a formal complaint even when the alleged victim chooses not to. Examples include if the respondent (person alleged to have engaged in sexual harassment) has been found responsible for previous sexual harassment or there is a safety threat within the school district. In such cases, the alleged victim is not a party to the case, but will receive notices as required by the Title IX regulations at specific points in the complaint process.
3. In accordance with the Title IX regulations, the Title IX Coordinator must dismiss a formal complaint if: a) the conduct alleged in the formal complaint does not constitute sexual harassment under the Title IX regulations and this policy; or b) if the conduct alleged did not occur within the scope of the school district's education programs and activities, or c) did not occur in the United States.
4. In accordance with the Title IX regulations, the Title IX Coordinator may dismiss a formal complaint if: a) a complainant withdraws the formal complaint, or withdraws particular allegations within the complaint; b) the respondent is no longer employed by or enrolled in the school district; or c) there are specific circumstances that prevent the school district from gathering evidence sufficient to reach a determination regarding the formal complaint.
5. If a formal complaint is dismissed under this procedure, the Title IX Coordinator will promptly and simultaneously send written notices to the parties explaining the reasons. Parties have the opportunity to appeal dismissals in accordance with subsection I below.

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6. If the conduct alleged in a formal complaint potentially violates other laws, Board policies and/or professional expectations, the school district may address the conduct under the applicable policy/procedure.

C. Emergency Removal or Administrative Leave

The Superintendent may remove a student from education programs and activities on an emergency basis, or place an employee on administrative leave during the complaint procedure:

1. If there is a determination (following an individualized safety and risk analysis) that there is an immediate threat to the physical health or safety of an individual arising from the allegations of sexual harassment. Examples of such circumstances might include, but are not limited to, a continued threat of violence against a complainant by a respondent, or a respondent's threat of self-harm due to the allegations.
2. The respondent (and in the case of a student, their parent/legal guardian) will be provided notice of the emergency removal or administrative leave and will be provided an opportunity to challenge the decision following the removal (this is an opportunity to be heard, not a hearing). The respondent has the burden to demonstrate why the emergency removal or administrative leave was unreasonable.
3. Any such decision shall be made in compliance with any applicable disability laws, including the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act and the Americans with Disabilities Act.

D. Notice to Parties of Formal Complaint

1. The Title IX Coordinator will provide to the parties written notice of the formal complaint and allegations of sexual harassment potentially constituting prohibited conduct under the Title IX regulations and this procedure. The notice shall include:
 - Notice regarding the complaint procedure and the availability of an informal resolution process;
 - Sufficient details known at the time (including identities of parties, if known; the conduct alleged; and the date and location of the alleged incident, if known), with sufficient time to prepare before any initial interview (not less than five business days).
 - As required by the Title IX regulations, a statement that the respondent is presumed not responsible for the alleged conduct and that a determination of responsibility will be made at the conclusion of the complaint; and that the parties may inspect and review evidence;
 - Notice that the parties may each have an advisor of their choice (who may be an attorney), and that the parties may inspect and review evidence;
 - Notice that knowingly making false statements or submitting false information during the complaint process is prohibited and may result in disciplinary action;
 - Notice of the name of the investigator, with sufficient time (no less than three business days) to raise concerns of conflict of interest or bias.
2. If additional allegations become known at a later time, notice of the additional allegations will be provided to the parties.

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3. The Title IX Coordinator will discuss supportive measures with each party and implement such measures as appropriate.

E. Informal Resolution Process

After a formal complaint has been filed, and if the Title IX Coordinator believes the circumstances are appropriate, the Title IX Coordinator may offer the parties the opportunity to participate in an informal resolution process to resolve the complaint without completing the investigation and determination process. Informal resolutions cannot be used to resolve a formal complaint where a student is the complainant and the respondent is an employee.

Informal resolutions can take many forms, depending on the particular case. Examples include, but are not limited to, facilitated discussions between the parties; restorative justice; acknowledgment of responsibility by a respondent; apologies; disciplinary actions against a respondent or a requirement to engage in specific services; or supportive measures. Both parties must voluntarily agree in writing to participate in an informal resolution process, and either party can withdraw from the process at any time. The Superintendent must agree to the terms of any informal resolution reached between the parties. If an informal resolution agreement is reached, it must be signed by both parties and the school district. Any such signed agreement is final and binding according to its terms.

If an informal resolution process does not resolve the formal complaint, nothing from the informal resolution process may be considered as evidence in the subsequent investigation or determination.

F. Investigation

1. The complaint will be investigated by a trained internal or external individual designated by the Superintendent and Title IX Coordinator. Any complaint about an employee who holds a supervisory position shall be investigated by a person who is not subject to that supervisor's authority. Any complaint about the Superintendent should be submitted to the Chair of the Board, who should consult with legal counsel concerning the handling and investigation of the complaint.
2. The investigator shall consult with the Title IX Coordinator as agreed during the investigation process.
3. If the complaint is against an employee of the school district, rights conferred under an applicable collective bargaining agreement shall be applied, to the extent they do not conflict with the Title IX regulatory requirements.
4. Privacy rights of all parties to the complaint shall be maintained in accordance with applicable state and federal laws.
5. The investigator will:
 - a. Meet with each party after they have received appropriate notice of any meeting and its purpose, with sufficient time to prepare.
 - b. Allow parties to have their advisor at all meetings related to the complaint, although advisors may not speak on behalf of a party or interfere with the process.

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- c. Allow parties a reasonable opportunity to identify witnesses and submit favorable and unfavorable evidence.
 - d. Interview witnesses and conduct such other activities that will assist in ascertaining facts (site visits, review of documents, etc.).
 - e. Consider evidence that is relevant and directly related to the allegations in the formal complaint.
 - f. During the course of the investigation, provide both parties with an equal opportunity to inspect and review any evidence that is obtained in the investigation that is directly related to the allegations in the formal complaint (including evidence which the school district does not intend to rely upon in reaching a determination of responsibility), and favorable and unfavorable evidence.
 - g. Prior to completion of the investigation report, provide each party and advisor (if any) the evidence subject to inspection and review, and provide the parties with ten business days to submit a written response.
 - h. Consider the parties' written responses to the evidence prior to completing the investigation report.
 - i. Create an investigative report that fairly summarizes relevant evidence and send the report to the parties and advisors (if any), for their review. The Parties may submit written responses to the report within ten business days of receipt.
 - j. After receipt of the parties' written responses (if any), forward the investigation report and party responses to the school administrator designated by the Superintendent to serve as decision maker.
6. The investigation shall be concluded within 30 business days if practicable. Reasonable extension of time for good reason shall be allowed.

G. Determination of Responsibility

1. The decision maker shall provide the parties with the opportunity to submit written, relevant questions that the party wants asked of another party or witness within five business days of when the decision maker received the investigation report and party responses.
 - a. The decision maker shall explain to a party proposing questions if the decision maker excludes a question as not relevant.
2. Each party shall be provided the opportunity to review the responses of another party and/or witness, and to ask limited written follow-up questions within five business days of receiving the answers.
3. Each party will receive a copy of the responses to any follow-up questions.

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4. The decision maker shall review the investigation report, the parties' responses and other relevant materials, applying the preponderance of the evidence standard ("more likely than not").
5. The decision maker shall issue a written determination, which shall include the following:
 - a. Identification of all the allegations potentially constituting sexual harassment as defined in the Title IX regulations and this policy;
 - b. A description of the procedural steps taken from receipt of the formal complaint through the determination, including notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and meetings held;
 - c. A determination regarding responsibility as to each allegation and findings of fact supporting the determinations;
 - d. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the school district imposes on the respondent, and whether remedies designed to restore or preserve equal access to the school district's programs and activities will be provided to the complainant;
 - e. The school district's appeal procedure and permissible bases for the parties to appeal the determination.
6. The written determination shall be provided to the parties simultaneously. The determination concerning responsibility becomes final either on the date that the school district provides the parties with the written determination of the results of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which the appeal would no longer be considered timely.

H. Remedies, Discipline and Other Actions

1. Remedies

Remedies are measures used to ensure that the complainant has equal access to the school district's education programs and activities following the decision maker's determination. Such remedies may include supportive measures, and may include other appropriate measures, depending upon the determination and the needs of the complainant. The Title IX Coordinator is responsible for implementing remedies and providing any needed assistance to the Complainant.

2. Discipline and Other Actions - Students

The following are examples of the types of discipline and other actions that may be imposed on a student determined to be responsible for one or more violations involving sexual harassment:

- In or out of school suspension.
- Expulsion.
- Restorative justice.
- Requirement to engage in education or counseling program.

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3. Discipline and Other Actions – Employees

The following are examples of the types of disciplinary actions that may be imposed on an employee determined to be responsible for one or more violations involving sexual harassment:

- Written warning.
- Probation.
- Demotion.
- Suspension without pay.
- Discharge.

The following are examples of other types of actions that may be imposed on an employee when there is a determination of responsibility:

- Performance improvement plan.
- Counseling.
- Training.
- Loss of leadership/stipend position.

I. Appeals

The parties have the opportunity to appeal a determination regarding responsibility, and from dismissals of formal complaints to the Superintendent. Under the Title IX regulations, appeals are allowed on the following grounds:

1. A procedural irregularity that affected the outcome of the matter;
2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal of the formal complaint was made, that could affect the outcome of the matter; or
3. The Title IX Coordinator, investigator, or decision maker 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.

An appeal must be filed in writing within five business days of receiving the determination, stating the grounds for the appeal and including any relevant documentation in support of the appeal. Appeals submitted after this deadline are not timely and shall not be considered.

1. Appeals must be filed with the Superintendent, who will consider the appeal.
2. The Superintendent shall notify the other party in writing of the appeal and will allow both parties to submit a written statement in support of, or challenging, the determination of the decision maker.

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3. The Superintendent shall conduct an impartial review of the appeal, including consideration of the written record of the matter, and may consult with legal counsel or other school district officials in making their decision.
4. The Superintendent shall issue a written decision describing the result of the appeal and rationale for the result and provide the written decision simultaneously to the parties. The decision will either deny the appeal; grant the appeal and remand to the decision maker for further consideration; or grant the appeal by revising the disciplinary or other action(s).

J. Records

Records in connection with sexual harassment reports and the complaint process shall be maintained for a minimum of seven years.

Legal Reference: Americans with Disabilities Act (42 U.S.C. §12101 et seq., as amended; 28 C.F.R. § 35.107) Section 504 of the Rehabilitation Act of 1973 (Section 504) (29 U.S.C. § 794 et seq., as amended; 34 C.F.R. § 104.7)
Title IX of the Education Amendments of 1972 (20 USC § 1681, et seq.); 34 C.F.R. Part 106 Clery Act (20 U.S.C. §1092(f)(6)(A)(v) - definition of sexual assault)
Violence Against Women Act (34 U.S.C. § 1092(f)(6)(A)(v) – definition of sexual assault; 34 U.S.C. § 12291(a)(10) – dating violence; 34 U.S.C. §12291(a)(3) – definition of stalking; 34 U.S.C. §12291(a)(8) – definition of domestic violence)
Title VI of the Civil Rights Act of 1964 (42 USC § 2000d)
RSA 186:11; 193:38-39; and 354-A
NH Code Admin. R. Ed. 303.01(i) and (j)

Cross Reference: ACAA/JBAA – Harassment and Sexual Harassment of Students
AC – Nondiscrimination/Equal Opportunity and Human Rights
ACAD – Hazing
GBEB – Staff Conduct with Students
JFCK – Student Use of Cellular Telephones and Other Electronic Devices
JICIA – Weapons, Violence and School Safety
JICK – Bullying

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HARASSMENT AND SEXUAL HARASSMENT OF SCHOOL EMPLOYEES

Harassment of Oyster River school employees because of race, creed, color, sex, sexual orientation, gender identity, religion, ancestry or national origin, age, marital status, familial status, genetic information or disability is prohibited. Such conduct is a violation of Board policy and may constitute illegal discrimination under state and federal laws.

Any employee who engages in harassment or sexual harassment shall be subject to disciplinary action, up to and including discharge.

A. Harassment

Harassment includes, but is not limited to, verbal abuse, threats, physical assault and/or battery based on race, color, sex, sexual orientation, gender identity, religion, ancestry or national origin, age, genetic information or disability.

B. Sexual Harassment

Sexual harassment is addressed under federal and state laws and regulations. The scope and definitions of sexual harassment under these laws differ, as described below.

1. Title IX Sexual Harassment

Under the federal Title IX regulations, sexual harassment includes the following conduct on the basis of sex which takes place within the context of the school unit's education programs and activities:

- a. "Quid pro quo" sexual harassment by a school employee: Conditioning a school aid, benefit or service (such as a promotion or favorable evaluation) on an individual's participation in unwelcome sexual conduct;
- b. "Hostile environment" sexual harassment: Unwelcome conduct based on sex that a reasonable person would determine is so severe, pervasive and objectively offensive that it effectively denies an individual's equal access to the school unit's education programs and activities; or
- c. Sexual assault, dating violence, domestic violence and stalking as these terms are defined in federal laws.

2. Sexual Harassment Under Title VII and New Hampshire Law

Under another federal law, Title VII, and under New Hampshire law/regulations, sexual harassment is defined differently. New Hampshire State law defines sexual harassment as unwelcome sexual advances, requests for sexual favors and other verbal, non-verbal, or physical conduct of a sexual nature when:

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

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C. Reports and Complaints of Harassment or Sexual Harassment

Any employee who believes they have been harassed or sexually harassed is encouraged to make a report to the Human Rights Officer/Title IX Coordinator. The Human Rights Officer/Title IX Coordinator is also available to answer questions and provide assistance to any individual who is unsure whether harassment or sexual harassment has occurred.

All reports and complaints regarding harassment or sexual harassment of employees shall be addressed through the Employee & Third-Party Unlawful Discrimination/ Harassment and Title IX Sexual Harassment Complaint Procedures (ACAB-R/GBAA-R).

Legal References: Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681 et seq.); 34 C.F.R. Part 106
 Clery Act (20 U.S.C. §1092(f)(6)(A)(v) - definition of sexual assault)
 Violence Against Women Act (34 U.S.C. § 1092(f)(6)(A)(v) – definition of sexual assault;
 34 U.S.C. § 12291(a)(10) – dating violence; 34 U.S.C. §12291(a)(3) – definition of stalking;
 34 U.S.C. §12291(a)(8) – definition of domestic violence)
 Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d)
 Americans with Disabilities Act (42 U.S.C § 12101 et seq.), as amended
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 Genetic Information Nondiscrimination Act of 2008 (42 U.S.C. § 2000ff et seq.)
 RSA 354-A:7
 NH Code Admin. R. Ed. 303.01(i) and (j)

Cross Reference: ACAB-R/GBAA-R - Employee & Third-Party Discrimination/ Harassment and Title IX Sexual Harassment Complaint Procedure
 AC - Nondiscrimination/Equal Opportunity and Affirmative Action
 ACAD - Hazing

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EMPLOYEE DISCRIMINATION/HARASSMENT AND TITLE IX SEXUAL HARASSMENT COMPLAINT PROCEDURES

The Oyster River School Board has adopted these employee procedures in order to provide prompt and equitable resolution of employee complaints of discrimination and harassment, including sexual harassment, as described in policies AC – Nondiscrimination/Equal Opportunity and ACAB/GBAA – Harassment and Sexual Harassment of School Employees.

The complaint procedure in Section 2 may also be used, to the extent applicable, by visitors, including parents, volunteers and others having lawful access to the schools who wish to make a complaint of discrimination or harassment.

Complaints alleging harassment or discrimination against students based on a protected category should be addressed through the Board’s Student Discrimination/ Harassment and Title IX Sexual Harassment Complaint Procedures (ACAA-R).

Any individual who is unsure about whether discrimination or harassment has occurred and/or or which complaint procedure applies is encouraged to contact:

Catherine Plourde
 Director of Student Services/Title IX Coordinator
 Oyster River Cooperative School District
 36 Coe Drive
 Durham, New Hampshire 03824
 (603) 868-5100
cplourde@oresd.org

Section 1. Definitions

For purposes of these complaint procedures, the following definitions will be used. The Title IX Coordinator shall assess all reports and complaints to ensure that they are addressed under the appropriate policy and complaint procedure.

A. Discrimination/Harassment Complaint Procedure Definitions

1. “Discrimination or harassment”: Discrimination or harassment on the basis of an individual’s membership in a protected category, which, for employees, includes race, creed, color, sex, sexual orientation, gender identity, religion, ancestry or national origin, age, marital status, familial status, genetic information or disability.
2. “Discrimination”: Treating individuals differently or interfering with or preventing them from enjoying the advantages or privileges afforded to others because of their membership in a protected category.
3. “Harassment”: Oral, written, graphic, electronic or physical conduct relating to an individual’s actual or perceived membership in a protected category that is sufficiently severe, pervasive or persistent so as to interfere with or limit that individual’s ability to participate in the school district’s programs or activities by creating a hostile, intimidating or offensive environment.

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4. "Sexual harassment" under New Hampshire law means unwelcome sexual advances, requests for sexual favors and other verbal, non-verbal, or physical conduct of a sexual nature when:
 - a. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
 - b. Submission to or rejection of such conduct by an employee is used as the basis for employment decisions affecting the employee; or
 - c. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.
 - d. "Sexual orientation": Under New Hampshire law, this means "having or being perceived as having an orientation for heterosexuality, bisexuality, or homosexuality."
 - e. "Gender identity": Under New Hampshire law, this means "a person's gender-related identity, appearance, or behavior, whether or not that gender-related identity, appearance, or behavior is different from that traditionally associated with the person's physiology or assigned sex at birth." This does not include sexual harassment as defined in the Title IX regulations (see Section 1.B).
 - f. "Complaint" is defined as an allegation that an employee or other third party has been discriminated against or harassed on the basis of race, color, sex, sexual orientation, gender identity, age, religion, ancestry, national origin, genetic information or disability (and in regard to sex, conduct not otherwise addressed in the Title IX regulations and Section 3 of ACAB-R).
 - g. "Employee": Whenever the term "employee" is used in Section 2, it includes visitors or others who have a lawful basis to make a complaint of discrimination or harassment.

B. Title IX Sexual Harassment Complaint Procedure Definitions

1. "Title IX sexual harassment": Under the federal Title IX regulations, sexual harassment includes the following conduct on the basis of sex which takes place within the context of the school district's education programs and activities:
 - a. "Quid pro quo" sexual harassment by a school employee: Conditioning a school aid, benefit or service (such as a promotion or favorable evaluation) on an individual's participation in unwelcome sexual conduct;
 - b. "Hostile environment" sexual harassment: Unwelcome conduct based on sex that a reasonable person would determine is so severe, pervasive and objectively offensive that it effectively denies an individual's equal access to the school district's education programs and activities; or
 - c. Sexual assault, dating violence, domestic violence and stalking as these terms are defined in federal laws.
2. "Report": Under the Title IX regulations, any individual may make a report of sexual harassment involving an employee, whether the individual is the alleged victim or not. A report must be made to the Title IX Coordinator. A report triggers certain actions by the Title IX Coordinator for the alleged victim of sexual harassment, but an investigation is not conducted unless a "Formal Complaint" is filed.

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3. "Formal Complaint": Under Title IX, the alleged victim of sexual harassment can file a written complaint that triggers the complaint procedure in Section 3 of ACAB-R. Only a school employee (and in certain circumstances, the Title IX Coordinator) may file a formal complaint.
4. "Employee": For the purpose of this procedure, "employee" means an applicant for employment or a current employee of the school district.

Section 2. Discrimination/Harassment Complaint Procedure

This procedure should be used for any complaint of unlawful harassment or discrimination based on a protected category which does not involve Title IX sexual harassment.

A. How to Make A Complaint

1. An employee who believes they have been unlawfully harassed or discriminated against (as such terms are defined in Section 1.A.1-3) is encouraged to try to resolve the problem by informing the individual(s) that the behavior is unwelcome or offensive, and requesting that the behavior stop. This shall not prevent the employee from making an immediate complaint to the Title IX Coordinator.
2. Any employee who believes they have been harassed or discriminated against should report their concern promptly to the Title IX Coordinator. A written complaint must include basic information concerning the allegation of harassment or discrimination (i.e., date, time, location, individual(s) who alleged engaged in harassment or discrimination, description of allegation).
3. Employees who are unsure as to whether unlawful discrimination or harassment has occurred, or who need assistance in preparing a written complaint, are encouraged to discuss the matter with the Title IX Coordinator.
4. Employees will not be retaliated against for reporting suspected discrimination or harassment, or for participating in an investigation. Retaliation is illegal under federal and state nondiscrimination laws, and any retaliation will result in disciplinary measures, up to and including discharge.
5. Any employee who believes they have been discriminated against or harassed is encouraged to utilize the school district's complaint procedure. However, employees are hereby notified that they also have the right to report incidents of discrimination or harassment to the New Hampshire Commission for Human Rights, 2 Industrial Park Drive, Bldg. One, Concord, NH 03301 (telephone: (603) 271-2767; e-mail: humanrights@nh.gov); and/or to the federal 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).

B. Complaint Handling and Investigation

1. The Title IX Coordinator will promptly inform the Superintendent and the person who is the subject of the complaint (respondent) that a complaint has been received.
2. The Title IX Coordinator may pursue an informal resolution of the complaint with the agreement of the parties involved. Any party to the complaint may decide to end the informal resolution process

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and pursue the formal process at any point. Any informal resolution is subject to the approval of the parties and the Superintendent, who shall consider whether the resolution is in the best interest of the school district and the parties in light of the particular circumstances and applicable policies and laws.

3. The Title IX Coordinator may implement supportive measures (consistent with any applicable collective bargaining agreement provisions) to reduce the risk of further discrimination or harassment while an investigation is pending. Examples of supportive measures include, but are not limited to, ordering no contact between the individuals involved; changing a work location or changing a work schedule.
4. The complaint will be investigated by a trained internal or external individual designated by the Superintendent and the Title IX Coordinator. Any complaint about an employee who holds a supervisory position shall be investigated by a person who is not subject to that supervisor's authority. Any complaint about the Superintendent should be submitted to the Chair of the Board, who should consult with legal counsel concerning the handling and investigation of the complaint.
5. The investigator shall consult with the Title IX Coordinator as agreed during the investigation process.
6. The respondent will be provided with an opportunity to be heard as part of the investigation. The complainant shall not be required to attend meetings with the respondent but may choose to do so as part of an informal resolution process.
7. The complainant and the respondent may suggest witnesses and/or submit materials they believe are relevant to the complaint.
8. If the complaint is against an employee of the school district, any rights conferred under an applicable collective bargaining agreement shall be applied.
9. Privacy rights of all parties to the complaint shall be maintained in accordance with applicable state and federal laws.
10. The investigation shall be completed within 30 business days of receiving the complaint, if practicable. Reasonable extensions of time for good reason shall be allowed.
11. The investigator shall provide a written report and findings to the Title IX Coordinator.

C. Findings and Subsequent Actions

1. The Title IX Coordinator shall consult with the Superintendent concerning the investigation and findings.
2. If there is a finding that discrimination or harassment occurred, the Title IX Coordinator, in consultation with the Superintendent:
 - a. Shall determine what remedial action, if any, is required to end the discrimination or harassment, remedy its effect and prevent recurrence; and

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- b. Determine what disciplinary action should be taken against the individual(s) who engaged in discrimination or harassment, if any.
3. Inform the complainant and the respondent in writing of the results of the investigation and its resolution (in accordance with applicable state and federal privacy laws).

D. Appeals

1. After the conclusion of the investigation, the complainant or respondent may seek an appeal of the findings solely on the basis of either: (a) prejudicial procedural error or (b) the discovery of previously unavailable relevant evidence that could significantly impact the outcome.
2. Appeals must be submitted in writing to the Superintendent within five business days after receiving notice of the resolution.
3. Upon receipt of a valid appeal, the Superintendent shall provide notice to the other party, along with an opportunity to provide a written statement within five business days.
4. The Superintendent shall review the available documentation and may conduct further investigation if deemed appropriate.
5. The Superintendent's decision on the appeal shall be provided to the parties within 10 business days, if practicable. The Superintendent's decision shall be final.

E. Records

The Title IX Coordinator shall keep a written record of the complaint process.

Section 3. Title IX Sexual Harassment Complaint Procedure

This section should be used only for complaints of Title IX sexual harassment as defined in Section 1.B.1.

A. How to Make A Report

1. Any individual who believes an employee has been sexually harassed (as this term is defined in Section 1.B.1) may make a report to the Title IX Coordinator.
2. If the individual making the report is the alleged victim, or if the alleged victim is identified by the individual making the report, the Title IX Coordinator will meet with the alleged victim to discuss supportive measures that may be appropriate in the particular circumstances and explain the process for filing a formal complaint.
 - a. Supportive measures are individualized measures designed to ensure the employee can continue to access and perform their work (such as requiring no contact between individuals, temporarily moving work locations or changing schedules, etc.).
 - b. Supportive measures may be continued even if the alleged victim chooses not to file a formal complaint, if appropriate under the particular circumstances.
3. The school district cannot provide an informal resolution process for resolving a report until a formal complaint is filed.

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4. Employees will not be retaliated against for reporting sexual harassment, or for participating in an investigation. Retaliation is illegal under federal and state nondiscrimination laws, and any retaliation will result in disciplinary actions, up to and including discharge.
5. Any employee who believes they have been the victim of sexual harassment is encouraged to utilize the school district's complaint procedures. However, employees are hereby notified that they also have the right to report sexual harassment to the New Hampshire Commission for Human Rights, 2 Industrial Park Drive, Bldg. One, Concord, NH 03301 (telephone: (603) 271-2767; e-mail: humanrights@nh.gov); and/or to the federal 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).
6. The Superintendent shall be informed of all reports and formal complaints of sexual harassment.

B. How to Make A Formal Complaint

1. An alleged victim may file a formal written complaint requesting investigation of alleged Title IX sexual harassment. The written complaint must include basic information concerning the allegation of sexual harassment (i.e., date, time, location, individual(s) who alleged engaged in sexual harassment, description of allegation).

Employees who need assistance in preparing a formal written complaint, are encouraged to consult with the Title IX Coordinator.

2. In certain circumstances, the Title IX Coordinator may file a formal complaint even when the alleged victim chooses not to. Examples include if the respondent (person alleged to have engaged in sexual harassment) has been found responsible for previous sexual harassment or there is a safety threat within the school district). In such cases, the alleged victim is not a party to the case but will receive notices as required by the Title IX regulations at specific points in the complaint process.
3. In accordance with the Title IX regulations, the Title IX Coordinator must dismiss a formal complaint under this Title IX procedure if: a) the conduct alleged in the formal complaint does not constitute sexual harassment under the Title IX regulations and this policy; b) if the conduct alleged did not occur within the scope of the school district's education programs and activities, or c) did not occur in the United States.
4. In accordance with the Title IX regulations, the Title IX Coordinator may dismiss a formal complaint under this Title IX procedure if: a) a complainant withdraws the formal complaint, or withdraws particular allegations within the complaint; b) the respondent is no longer employed by the school district; or c) there are specific circumstances that prevent the school district from gathering evidence sufficient to reach a determination regarding the formal complaint.
5. If a formal complaint is dismissed under this Title IX procedure, the Title IX Coordinator will promptly and simultaneously send written notices to the parties explaining the reasons. Parties have the opportunity to appeal dismissals in accordance with subsection I below.
6. If the conduct alleged potentially violates other laws, Board policies and/or professional expectations, the school district may address the conduct under Section 2 or another applicable policy/procedure.

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C. Administrative Leave

The Superintendent may place a respondent on administrative leave during the complaint procedure:

1. If there is a determination (following an individualized safety and risk analysis) that there is an immediate threat to the physical health or safety of an individual arising from the allegations of sexual harassment. Examples of such circumstances might include, but are not limited to, a continued threat of violence against a complainant by a respondent, or a respondent's threat of self-harm due to the allegations.
2. The respondent will be provided notice of the administrative leave and will be provided an opportunity to challenge the decision following the removal (this is an opportunity to be heard, not a hearing). The respondent has the burden to demonstrate why the emergency leave was unreasonable.
3. Any such decision to place an employee on administrative leave shall be made in compliance with any applicable disability laws, including Section 504 of the Rehabilitation Act and the Americans with Disabilities Act.

D. Notice to Parties of Formal Complaint

1. The Title IX Coordinator will provide to the parties written notice of the formal complaint and allegations of sexual harassment potentially constituting prohibited conduct under the Title IX regulations and this procedure. The notice will include:
 - Notice regarding the complaint procedure and the availability of an informal resolution process;
 - Sufficient details known at the time (including identities of parties, if known; the conduct alleged; and the date and location of the alleged incident, if known), with sufficient time to prepare before any initial interview (not less than five business days);
 - As required by the Title IX regulations, a statement that the respondent is presumed not responsible for the alleged conduct and that a determination of responsibility will be made at the conclusion of the complaint); and that the parties may inspect and review evidence;
 - Notice that the parties may each have an advisor of their choice (who may be an attorney), and that the parties may inspect and review evidence;
 - Notice that knowingly making false statements or submitting false information during the complaint procedure is prohibited and may result in disciplinary action; and
 - Notice of the name of the investigator, with sufficient time (no less than three business days) to raise concerns of conflict of interest or bias.
2. If additional allegations become known at a later time, notice of the additional allegations will be provided to the parties.
3. The Title IX Coordinator will discuss supportive measures with each party and implement such measures as appropriate.

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E. Informal Resolution Process

After a formal complaint has been filed, and if the Title IX Coordinator believes the circumstances are appropriate, the Title IX Coordinator may offer the parties the opportunity to participate in an informal resolution process to resolve the complaint without completing the investigation and determination process. Informal resolutions cannot be used to resolve a formal complaint where a student is the complainant and the respondent is an employee.

Informal resolutions can take many forms, depending on the particular case. Examples include, but are not limited to, facilitated discussions between the parties; restorative justice; acknowledgment of responsibility by a respondent; apologies; disciplinary actions against a respondent or a requirement to engage in specific services; or supportive measures. Both parties must voluntarily agree in writing to participate in an informal resolution process, and either party can withdraw from the process at any time. The Superintendent must agree to the terms of any informal resolution reached between the parties. If an informal resolution agreement is reached, it must be signed by both parties and the school district. Any such signed agreement is final and binding according to its terms.

If an informal resolution process does not resolve the formal complaint, nothing from the informal resolution process may be considered as evidence in the subsequent investigation or determination.

F. Investigation

1. The complaint will be investigated by a trained internal or external individual designated by the Superintendent and Title IX Coordinator. Any complaint about an employee who holds a supervisory position shall be investigated by a person who is not subject to that supervisor's authority. Any complaint about the Superintendent should be submitted to the Chair of the Board, who should consult with legal counsel concerning the handling and investigation of the complaint.
2. The investigator shall consult with the Title IX Coordinator as agreed during the investigation process.
3. If the complaint is against an employee of the school district, rights conferred under an applicable collective bargaining agreement shall be applied, to the extent they do not conflict with the Title IX regulatory requirements.
4. Privacy rights of all parties to the complaint shall be maintained in accordance with applicable state and federal laws.
5. The investigator will:
 - a. Meet with each party after they have received appropriate notice of any meeting and its purpose, with sufficient time to prepare.
 - b. Allow parties to have their advisor at all meetings related to the complaint, although advisors may not speak on behalf of a party or interfere with the process.
 - c. Allow parties a reasonable opportunity to identify witnesses and submit favorable and unfavorable evidence.

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- d. Interview witnesses and conduct such other activities that will assist in ascertaining facts (site visits, review of documents, etc.).
 - e. Consider evidence that is relevant and directly related to the allegations in the formal complaint.
 - f. During the course of the investigation, provide both parties with an equal opportunity to inspect and review any evidence that is obtained in the investigation that is directly related to the allegations in the formal complaint (including evidence which the school district does not intend to rely upon in reaching a determination of responsibility), and favorable and unfavorable evidence.
 - g. Prior to completion of the investigation report, provide each party and advisor (if any) the evidence subject to inspection and review, and provide the parties with ten business days to submit a written response.
 - h. Consider the parties' written responses to the evidence prior to completing the investigation report.
 - i. Create an investigative report that fairly summarizes relevant evidence and send the report to the parties and advisors (if any), for their review and written responses within ten business days of receipt.
 - j. After receipt of the parties' written responses (if any), forward the investigation report and party responses to the school administrator designated by the Superintendent to serve as decision maker.
6. The investigation shall be concluded within 30 business days if practicable. Reasonable extension of time for good reason shall be allowed.

G. Determination of Responsibility

1. The decision maker shall provide the parties with the opportunity to submit written, relevant questions that the party wants asked of another party or witness within five business days of when the decision maker received the investigation report and party responses.
 - a. The decision maker shall explain to a party proposing questions if the decision maker excludes a question as not relevant.
2. Each party shall be provided the opportunity to review the responses of another party and/or witness, and to ask limited written follow-up questions within five business days of receiving the answers.
3. Each party will receive a copy of the responses to any follow-up questions.
4. The decision maker shall review the investigation report, the parties' responses and other relevant materials, applying the preponderance of the evidence standard ("more likely than not").

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5. The decision maker shall issue a written determination, which shall include the following:
 - a. Identification of all the allegations potentially constituting sexual harassment as defined in the Title IX regulations and this policy;
 - b. A description of the procedural steps taken from receipt of the formal complaint through the determination, including notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and meetings held;
 - c. A determination regarding responsibility as to each allegation and findings of fact supporting the determinations;
 - d. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the school district imposes on the respondent, and whether remedies designed to restore or preserve equal access to the school district's programs and activities will be provided to the complainant;
 - e. The school district's appeal procedure and permissible bases for the parties to appeal the determination.
6. The written determination shall be provided to the parties simultaneously. The determination concerning responsibility becomes final either on the date that the school district provides the parties with the written determination of the results of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which the appeal would no longer be considered timely.

H. Remedies, Discipline and Other Actions

1. Remedies

Remedies are measures used to ensure that the complainant has equal access to the school district's education programs and activities following the decision maker's determination. Such remedies may include supportive measures, and may include other appropriate measures, depending upon the determination and the needs of the complainant. The Title IX Coordinator is responsible for implementing remedies and providing any needed assistance to the Complainant.

2. Discipline and Other Actions

The following are examples of the types of disciplinary actions that may be imposed on an employee when there is a determination that they are responsible for one or more violations involving sexual harassment:

- Written warning.
- Probation.
- Demotion.
- Suspension without pay.
- Discharge.

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The following are examples of other types of actions that may be imposed on an employee when there is a determination of responsibility:

- Performance improvement plan.
- Counseling.
- Training.
- Loss of leadership/stipend position.

I. Appeals

The parties have the opportunity to appeal a determination regarding responsibility, and from dismissals of formal complaints. Under the Title IX regulations, appeals are allowed on the following grounds:

1. A procedural irregularity that affected the outcome of the matter;
2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal of the formal complaint was made, that could affect the outcome of the matter; or
3. The Title IX Coordinator, investigator, or decision maker 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.

An appeal must be filed in writing within five business days of receiving the determination, stating the grounds for the appeal and including any relevant documentation in support of the appeal. Appeals submitted after this deadline are not timely and shall not be considered.

1. Appeals must be filed with the Superintendent, who will consider the appeal.
2. The Superintendent shall conduct an impartial review of the appeal, including consideration of the written record of the matter, and may consult with legal counsel or other school district officials in making their decision.
3. The Superintendent shall issue a written decision describing the result of the appeal and rationale for the result and provide the written decision simultaneously to the parties. The decision will either deny the appeal; grant the appeal and remand to the decision maker for further consideration; or grant the appeal by revising the disciplinary action(s).

J. Records

Records in connection with sexual harassment reports and the complaint process shall be maintained for a minimum of seven years.

Legal References: Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681 et seq.); 34 C.F.R. Part 106
Clery Act (20 U.S.C. §1092(f)(6)(A)(v) - definition of sexual assault)
Violence Against Women Act (34 U.S.C. § 1092(f)(6)(A)(v) – definition of sexual assault; 34 U.S.C. § 12291(a)(10) – dating violence; 34 U.S.C. §12291(a)(3) – definition of stalking; 34 U.S.C. §12291(a)(8) – definition of domestic violence)

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