

**Public Notice of Meeting**  
**WILTON-LYNDEBOROUGH COOPERATIVE**  
**SCHOOL BOARD MEETING**  
**Tuesday, August 10, 2021**  
**Wilton-Lyndeborough Cooperative M/H School**  
**6:30 p.m.**

**Video conferencing:** [meet.google.com/nfp-buhr-dcg](https://meet.google.com/nfp-buhr-dcg)

**Audio:** [+1 601-516-5550](tel:+16015165550) PIN: 610 683 759#

Due to current events, all videoconferencing options may be subject to modifications. Please check [www.sau63.org](http://www.sau63.org) for the latest information.

- I. CALL TO ORDER-Alexander LoVerme-Chair**
- II. PLEDGE OF ALLEGIANCE**
- III. ADJUSTMENTS TO THE AGENDA**
- IV. PUBLIC COMMENTS:** This is the public's opportunity to speak to items on the agenda. In the interest of preserving individual privacy and due process rights, the Board requests that comments (including complaints) regarding individual employees or students be directed to the Superintendent in accord with the processes set forth in School Board Policies KE and KEB.
- V. BOARD CORRESPONDENCE**
  - a. Reports**
    - i. Superintendent's Report
    - ii. Principals' Reports
    - iii. Curriculum Coordinator's Report
  - b. Letters/Information**
    - i. General Assurances
- VI. ACCOUNTING FIRM/CPA REPORT**
- VII. NHSBA MEMBERSHIP**
- VIII. DRAFT BACK TO SCHOOL PLAN**
- IX. SCHOOL BOARD MEMBER VACANCY**
- X. SCHOOL BOARD WORKSHOP UPDATE**
- XI. POLICIES-2<sup>ND</sup> READ**
  - i. ACAA- Harassment and Sexual Harassment of Students
  - ii. ACAA-R-Student Discrimination-Harassment and Title IX Sexual Harassment Complaint Procedures
  - iii. ACAB-Harassment and Sexual Harassment of School Employees
  - iv. ACAB-R-Employee Discrimination-Harassment and Title IX Sexual Harassment Complaint Procedures
  - v. AC-Nondiscrimination-Equal Opportunity
- XII. ACTION ITEMS**
  - a. Approve Minutes of Previous Meeting**

**XIII. COMMITTEE REPORTS**

- i. Policy Committee

**XIV. RESIGNATIONS/APPOINTMENTS/LEAVES**

- a. Appointment-Kira Brewster-SPED Teacher/Case Manager WLC
- b. Appointments-Pending
- c. Resignation-Megan Sass-School Psychologist

**XV. PUBLIC COMMENTS**

**XVI. SCHOOL BOARD MEMBER COMMENTS**

**XVII. NON-PUBLIC SESSION RSA 91-A: 3 II (A) (B) (C)**

- i. Personnel and Student Matters

**XVIII. ADJOURNMENT**

**INFORMATION: Next School Board Meeting-August 24, 6:30 PM at WLC**

The Wilton-Lyndeborough Cooperative School District does not discriminate on the basis of race, color, religion, national origin, age, sex, handicap, veteran status, sexual orientation, gender identity or marital status in its administration of educational programs, activities or employment practice.

***Wilton-Lyndeborough Cooperative School District***

***School Administrative Unit #63***

192 Forest Road Lyndeborough, NH 03082  
603-732-9227

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Peter Weaver  
Superintendent of Schools

Ned Pratt  
Director of Student Support Services

Kristie LaPlante  
Business Administrator

Emily Stefanich  
District Curriculum Coordinator

**SUPERINTENDENT'S REPORT**

**August 10, 2021**

I have returned from a working vacation and am excited to get back to district business! The month of July has been a whirlwind - from properly closing out the last school year to preparing to open the doors for our students soon! This combined with building a new leadership team and ensuring that our new administrators have the proper supports has been challenging. I'm happy to report that we are all in good spirits and determined as ever!

Working on our **back-to-school protocol** has been trying during these times, as our current COVID-19 situation seems to be changing rapidly. I've attached a draft proposal for you to consider this evening. A particular focus I would like to draw your attention to is the use of evidence and a data decision matrix to help us in making critical decisions as information and health & safety conditions change. Regardless of our collective decisions, I want to ensure that our back-to-school plan is flexible and responsive to allow us to pivot as necessary given the changing data available to us.

Ms. LaPlante and I met with Scott Eagen on July 23. The report from Plodzik & Sanderson is complete and is included on the agenda for tonight's meeting.

We have continued to work through our hiring procedures and have one **appointment** coming to the Board this evening, Kira Brewster, SPED Case Manager.

Our **extended leadership team** held a retreat on August 3rd. Our agenda included developing group norms and expectations, a critical book discussion titled *The Five Dysfunctions of a Team* and how the model can positively impact our team development and our focus on climate and culture in our buildings. Ms. LaPlante also presented a framework and overview of our budget expectations and processes. I am grateful to work with such a great group of talented individuals who bring so much to our district! On August 12th, we will meet again to develop our District goals, continue our discussion on the budget processes, and begin to build a data dashboard.

On August 3rd, I met with **Steve Brown**, Steve's School Bus Service, and we talked about pick-ups/drop-offs, snow days, sanitation, physical distancing, and a mask requirement while in a school bus. Our meeting was cordial and mutually supportive.

We are required to share with you the **General Assurances** and I have provided a copy of the documents that require signatures from the Superintendent and Board Chair. This is a requirement from the DOE and after signatures are captured, they are returned to the DOE. One of the documents lists the federal grants we receive and another shows what they are for and how we spend them.

I want to comment briefly on a question I've received about **Critical Race Theory (CRT)** and how this topic that is constantly in the media, is related to our schools. I have just recently begun to try to understand this topic and certainly do not purport to understand these ideas in any deep and meaningful way. My experience in our District-in our WLC classrooms-is one where we do not shy away from teaching about the imperfections of our history nor do we shy away from teaching about the richness of our society and our perpetual efforts to improve the American experience. We introduce concepts in context, emphasize the examination of evidence to build conclusions, and hopefully inspire our students to be part of the change process to continue to make our communities and our society a better place for all of us.

Wilton-Lyndeborough Cooperative School District provides a safe and educational environment that promotes student exploration, critical thinking and responsible citizenship.

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We currently have not discussed this topic in any way at the building level. Rather, my immediate focus is to emphasize the importance of a written and approved curriculum for all of our classes that is aligned with established standards and expectations, the need for an ongoing, formal review and revision process, and I want to emphasize the importance of the alignment between our written curriculum and what is taught in the classroom. With this, I want to ensure that we have a curriculum approval system in place when modifying our written curriculum. I want to turn your attention to two items:

- First, we are working to reestablish our policy guidelines that frame how our curriculum is developed and adopted in the District. We will look at these policies in the Policy Committee and ensure that we have a clear understanding that will guide our curriculum process and decision making moving forward.
- Second, House Bill 2 passed by both the legislature and signed by our Governor on June 25th, 2021 speaks to some of this issue. The general emphasis with the Prohibition on Teaching Discrimination is on treating everyone with equality, dignity, and respect. It places a prohibition on what can be taught, clarifies what can be taught in US History, and provides clarification for families who believe that a school has violated this prohibition. The link attached will help to clarify important points in the law: <https://www.doj.nh.gov/civil-rights/index.htm> **FAQs: New discriminatory practice prohibitions applicable to K-12 educational programs**



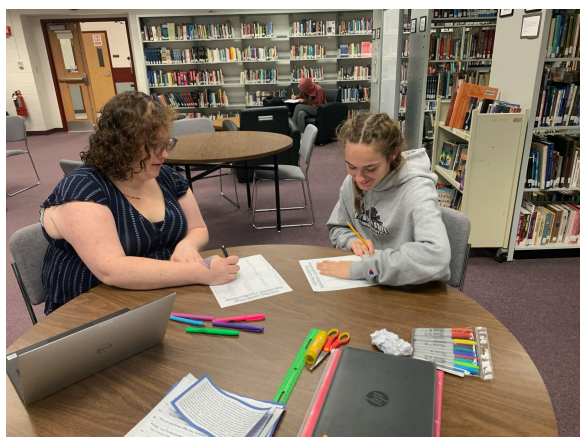
**WILTON-LYNDEBOROUGH COOPERATIVE**  
**MIDDLE SCHOOL / HIGH SCHOOL**  
57 SCHOOL ROAD  
WILTON, NEW HAMPSHIRE 03086  
(603) 732-9230  
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Dr. Sarah Edmunds, Principal  
Kathryn Gosselin, Assistant Principal

Amanda J. Kovaliv, School Counseling Coordinator  
Alice Bartoldus, Middle School Counselor

### August 2021 WLC Principal's Report



Chelsea Swett and Ms. Wentworth work on math together in summer school.

#### **Competency Recovery/Summer School/ESY/RISE**

Competency Recovery: The 2021 competency recovery days went very well at WLC. They took place from June 14-June 24 and multiple students were able to quickly make up competencies that they needed to pass and are back on track for a bright, new start of the 2021-2022 school year.

Summer School: High school summer school is continuing until August 9 and we have six students who are taking full advantage of this opportunity. Middle school summer school ended on July 29. The students who attended were successful and will move on confidently in the fall.

ESY (Extended School Year): Students participating in ESY were very successful and had a lot of fun! Their program will continue until August 6. They worked on honing their skills to make the transition to next year even better.

#### RISE Program(Reaching Independent Structured Environment):

The RISE program had their own share of fun this summer as they continued to learn and grow. Students had the opportunity to help grow vegetables in the WLC garden, go bowling, pick blueberries, do daily Zumba exercises, and cook!

We are so thankful to the teachers who did an incredible job working in all of these programs to help our students find success: Thank you to: Victoria Schauer, Maggie Dwyer, Cathy Blais, Jessica Wentworth, Hannah Trovich, Kim Meyer, Katie Morrow, Gisele Dailey, Kira Brewster, Kim Kershliis, Tracy Girouard, Ashley Ansara, Christina Hahn, Kiersten Streeter, Chrissy Hyer, and Kristen Douglass.



Hannah Degan celebrates while bowling a great game.



### **SEL (Social Emotional Learning) Fun Fridays**

Students are focusing on the themes of compassion, gratitude, courage, forgiveness, and friendship all while having a blast and getting used to being with others again after the pandemic. They have seen magic shows, participated in arts and crafts, eaten lots of snacks, and genuinely enjoyed each other's company! Thank you to Alice Bartoldus, Mandy Kovaliv, and Kiersten Streeter for making this program happen.

Emily Lafleur and Jodywyn Gibson make bracelets on Fun Friday

### **Professional Development**

Teachers have also been in the building meeting, discussing, and building interdisciplinary curriculum. Social studies teacher Zach Provost and English teacher Alison Bowman met in the WLC library to collaborate.

Assistant Principal Katie Gosselin and I will be attending a workshop on the new student discipline laws that went into effect on July 1. This is being provided by Drummund and Woodsum and we look forward to bringing our new understanding of these laws back to WLC and updating our discipline policy where needed.

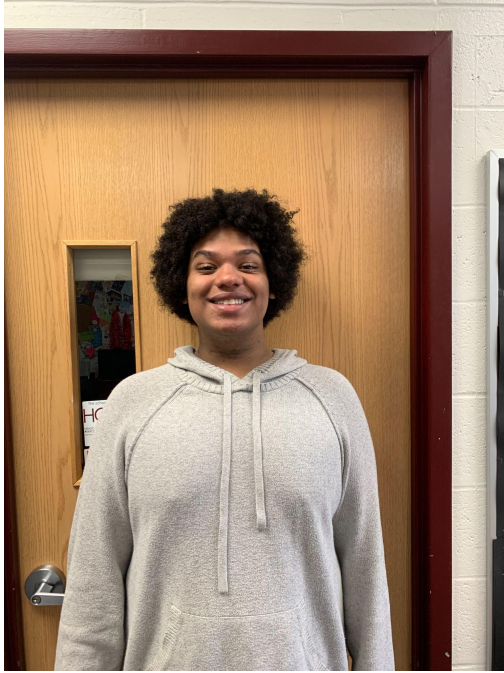


### **New Teacher Orientation Days/Returning Teacher PD**

We are very excited to welcome our new teachers on August 18 and 19! Our returning teachers will join us August 24-27. We are currently planning our professional development and celebration of a new school year.

### **Cleaning and Upkeep**

The school is starting to have the put together, shiny sheen of a new school year! We are almost ready for our students to return. Thank you so much to Buddy Erb, Ann Bird, Jackie Bird, Josh Morrow, and Scott Hasu. Their work has been tireless.



### **Student Recognition**

Shawn Bishop of the class of 2022 has made us all proud by winning the Youth in Care Leader of the Year Award for NH. This award is given to young people in the foster care system that advocate not only for themselves but for others in their community. He was also presented this award in recognition of his resilience and perseverance throughout his life. He will receive his award in an August 12th ceremony.

Shawn is a student athlete at WLC and works for the WLC technology director over the summer. He will continue with the tech department during the school year as an intern. Congratulations, Shawn! We are so very proud of you and all of your many accomplishments! You inspire us all!



# SAU 3 School Board Report August 2021 Florence Rideout Elementary School



## GETTING STARTED

It is hard to believe it has only been three weeks since I began my new role. The time has truly flown by! As I settle into my new role as principal of Florence Rideout Elementary School I have been **welcomed, impressed, and inspired**. Staff, community members and students have welcomed me warmly. I have observed staff working with students and have been impressed by their interactions and the custodial staff has worked hard and with such pride to make our beautiful building ready for a new year. The greatest joy, however, has been the laughter and smiles offered by students every day. All of these interactions have filled me with the anticipation and excitement a new school year brings.

Along with our new administrative assistant, Christina Gauthier, I have been working on developing a new schedule to meet the new contract expectations, quickly working to understand the diverse role of a building administrator in a small community, looking at data, and working on all of the details that need to be in place for the start of the year.

## Summer Programming at FRES

## ESY, RISE, AND SUMMER ACADEMY

Summer Academy, ESY, and RISE are underway. Each day over 70 students arrive at FRES for summer programming. Attendance has been very good. All three programs are staffed by educators who are working to ensure each student is growing academically and as ready for the fall as possible. Summer Academy ends this week, the ESY program ends next week, and the RISE program will end the following week. Students have received instruction in the following areas: reading, writing, math, science, and music. The direct instruction and practice has differentiated to meet the needs of individual students.

A small group of rising 6th graders who participated in the Summer Academy served as peer tutors. These students worked throughout the week to move through a cycle of learn, prepare, and teach. After spending time learning about a specific topic the students developed a plan to then teach the topic to others. The photos below show our rising 6th graders teaching a small group STEM activity. Not only did these peer tutors help their younger peers learn new information and skills, they also served as outstanding role models. Thank you to all!



## NEW STAFF AT FRES

We will welcome some new faces at FRES as well as some familiar faces in new roles for the 21-22 school year.

Jessica Hill - First Grade Teacher

Katie Balcom - School Nurse

Eric Bouldin - Custodian

Christina Gauthier - Administrative Assistant to the Principal

Gina Galluzzo - Fourth Grade Teacher, former remote teacher

Kristen Dame - First Grade Teacher, former interventionist

Bridget Fuller - WIN Coordinator and interventionist, former first grade teacher.

We are in the process of filling the open Title 1 tutor position. This should be complete in the next few days.

## LISTENING SESSIONS

As I work to develop a shared vision for the upcoming year at FRES I sought the input of staff, families, and community members. Through these listening sessions I was able to talk with members of all stakeholder groups. I was able to meet with nearly every staff member of FRES. They took time from their summer break to come in, meet me, and share their hopes and dreams for our school. Parents, too, came in to share information about their children and what they believe is most important for the upcoming year. Community members offered suggestions and opinions about ways we could improve. Most compelling though, was the unanimously shared belief that FRES was a great school with incredible staff and students. EVERY person I spoke with, including students, shared the desire to continue to build a positive and welcoming school where all members are treated fairly and challenged to become the best versions of themselves as possible. FRES is a great school with a lot of heart!

Any parent, guardian, or community member is **still** welcome to contact FRES to schedule a time to meet with me. Please call Christina Gauthier at (603) 732-9264 to schedule a time.

pdf

Listening Sessions Letter

Introductory letter shared with the community.

[Download](#)

404.0 KB

## RESPONSIVE CLASSROOM

This year FRES will focus on the tenets and strategies of the Responsive Classroom(RC) model. Responsive Classroom is not a program, but rather a way of creating a safe, supporting, and rigorous school environment. Many teachers at FRES are familiar with the model and use components of it already. Collectively we will learn and implement RC school wide. To learn more out Responsive Classroom please follow the link below.

<https://www.youtube.com/embed/mhV6AcBxeBc>



## TRADITIONS

All the best to the WLCS seniors as they move on to new adventures and a hearty welcome to those kiddos new to FRES!

## FRES PTO MEETING

### WHEN

WEDNESDAY, AUG. 11TH, 6:30PM

### WHERE

FRES LIBRARY

### MORE INFORMATION

Please join us for our first meeting of the new school year. All are welcome to attend and join us as we begin planning for the upcoming school year.



***Wilton-Lyndeborough Cooperative School District***  
***School Administrative Unit #63***

192 Forest Road Lyndeborough, NH 03082  
603-732-9227

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Emily Stefanich, M.Ed  
District Curriculum Coordinator

**Curriculum Coordinator Report: August 10<sup>th</sup>, 2021**

**Professional Learning**

**Instructional Leadership Mini-Retreat** – On Monday August 2<sup>nd</sup>, the superintendent, building principals and myself gathered to ground ourselves on a shared vision around data & assessment, curriculum and professional development. We were able to read an article about the importance of data and its relevance to our roles as school/district leaders. As a team, we looked at what our priorities and expectations are this year around curriculum writing, as well as what our new teacher and teacher workshop days will look like later in August.

**New Teacher Mentoring Program** – All new instructional staff have been paired with an experienced mentor in their school building. On August 18<sup>th</sup> and 19<sup>th</sup>, our new staff will gather at WLC and FRES to onboard with district staff.

**Teacher Workshop Days** – As an instructional leadership team, we have been working on determining the agenda for each of the days. During one of these days, there will be a review of our curriculum templates and time to build common language/vocabulary around the terms that we use so that all instructional staff are ready to hit the ground running when school starts.

**Curriculum**

**Revising Curriculum Templates** – I have been working to revise and refine the templates based on staff feedback and information from our building principals. These templates will still cover all pertinent information relevant to instructional units, but will be more efficient and include more focused language. They will also streamline information so that it is readily accessible and easy to navigate for anyone reading the documents.

**Curriculum Databases** – I have created two Google Sheets that have all of the curriculum documents for FRES/LCS and WLC. These two sheets can be used by building principals to inventory what they have, monitor completeness as well as help us facilitate a process for reviewing the documents. As the fall progresses, I will be working with the building principals to create a process for creation, review and revision for the curriculum documents with the goal of having completely written curriculum documents for WLC by the end of the year, as well as completed scope & sequence and competencies for every content at LCS/FRES by the end of the year.

**Data & Assessment**

**Data Dashboard** – During our instructional leadership retreat, we created a list of all of the data points we collect in a given school year. From this list, we identified the top data points that would represent if we were being successful as a school district, which included various standardized assessment measures as other data our schools are already collecting. We will begin accumulating this data and creating a

visual dashboard that we can share publicly on our website, the school board and to our larger communities that represents where we are in that moment. This is in its initial draft form as we build it as a leadership team. We will be seeking input and feedback from our faculties as well as the school board as we seek to revise and refine our final product. We will create a process for regular updates to the dashboard and use this as a tool to facilitate student success in the district.

## **Grants**

**Introductory Meetings** – In the month of July, I met with Dr. Julie Heon, our grants coordinator, to get an understanding of our grants process and information. We also met with Kristie LaPlante to discuss how the Title Grants are executed and the process for allocating the funds.

**Section A: Assurances for ESSA - Title I Part A**

*All Sections cited are from the Elementary and Secondary Education Act, as amended by the Every Student Succeeds Act through P.L. 114-95, unless otherwise noted.*

The local education agency (LEA) hereby assures the New Hampshire Department of Education that pursuant to the requirements in ESSA, Title I, Part A the LEA will:

- A-1 USE FEDERAL FUNDS ONLY TO SUPPLEMENT, NOT SUPPLANT, OTHER RESOURCES**  
Use federal funds received under this part only to supplement the funds that would, in the absence of such federal funds, be made available from non-federal sources for the education of students participating in programs assisted under Title I, and not to supplant such funds. *Section 1118(b).*
- Under ESSA, LEAs must demonstrate that the methodology they use to allocate state and local funds to schools provides each Title I school with all of the state and local money it would receive if it did not participate in the Title I program. This should expand Title I's spending options. Title I costs must still be allowable and must still support eligible students among other requirements.
- A-2 MEET COMPARABILITY OF SERVICES REQUIREMENTS**  
Ensure compliance with all comparability requirements, including establishing and implementing on a grade-span by grade-span basis or a school-by-school basis: (a) a local educational agency-wide salary schedule; (b) a policy to ensure equivalence among schools in teachers, administrators, and other staff; and (c) a policy to ensure equivalence among schools in the provision of curriculum materials and instructional supplies. *Section 1118(c).*
- A-3 INFORM SCHOOLS ABOUT SCHOOLWIDE PROGRAM OPTIONS AND PROVIDE TECHNICAL ASSISTANCE TO SCHOOLWIDE PROGRAMS**  
Inform eligible schools (40% poverty and above) and parents of schoolwide program authority and the ability of such schools to consolidate funds from federal, state, and local sources under *Section 1114*.
- Provide technical assistance and support to schoolwide programs, including a one-year planning period (exceptions provided in *Section 1114 (b)(1)*), in consultation with stakeholders described in *Section 1114(b)(2)* resulting in a written plan that addresses the required components pursuant to *Section 1114*.
- A-4 PROVIDE SERVICES TO ELIGIBLE STUDENTS IN TARGETED ASSISTANCE SCHOOLS**  
Provide supplementary services to educationally disadvantaged students in Title I schools. Eligible students are children identified by the school as failing, or most at risk of failing, to meet the state's challenging student academic achievement standards on the basis of multiple, educationally related, objective criteria, pursuant to *Section 1115*.
- A-5 PROVIDE ASSISTANCE TO SCHOOLS TO CLOSE THE ACHIEVEMENT GAP**  
Ensure that all children receive a high-quality education and close the achievement gap between children meeting the challenging State academic standards and those children who are not meeting such standards. *Section 1112(b).*
- A-6 ENSURE QUALIFIED AND EFFECTIVE EDUCATORS IN ALL LEA SCHOOLS**  
Ensure, through incentives for voluntary transfers, the provision of professional development, recruitment programs, or other effective strategies, that students from low-income families and minority students are not taught at higher rates than other students by unqualified, out-of-field, or beginning educators. *Section 1111(g)(1)(B).*
- Ensure that all teachers and paraprofessionals working in a program supported with Title I funds meet applicable state certification and licensure requirements, including any requirements for certification obtained through alternative routes to certification. *Section 1111(g)(2)(I).*
- At the beginning of each school year, the LEA receiving funds under this Part shall notify the parent(s) of each student attending any school receiving funds under this Part that the parents may request, and the LEA will provide the parents on request (and in a timely manner), information regarding the professional qualifications of the student's classroom teachers, including at a minimum, the following: (i) Whether the students' teacher (I) has met State qualifications and licensing criteria for the grade levels and subject areas in which the teacher provides instruction; (II) is teaching under emergency or other provisional status through which State qualification or licensing criteria have been waived; and, (III) is teaching in the field of discipline of the certification of the teacher. *Section 1112(e)(1).*
- A-7 USE INTERVENTIONS THAT IMPROVE OUTCOMES FOR STUDENTS**  
Take into account the strength of the evidence when selecting curricula and relevant interventions, identifying supports, services, and interventions that are likely to be effective for improving student outcomes. Title I, Section 1003 requires the use of evidence-based interventions that meet higher levels of evidence for schools identified for Comprehensive or Targeted Support and Improvement. *Section 1003 (b)(1)(B) and Section 8101(21)(A).*

- A-8 ASSIST SCHOOLS TO INCREASE PARENT AND FAMILY ENGAGEMENT**  
Develop and maintain a written policy on parent and family engagement and work in consultation with schools as they develop and implement their plans for activities under *Section 1116*. Parents shall be notified of this policy in an understandable and uniform format and to the extent practicable, provided in a language the parents can understand. Such policy shall be made available to the local community and updated periodically to meet the changing needs of parents and the school. *Section 1116(b)(1)*.
- Conduct outreach to all parents and family members and implement programs, activities, and procedures for the involvement of parents and family members in programs assisted under this Part consistent with this Section. Such programs, activities, and procedures shall be planned and implemented with meaningful consultation with parents of participating children. Each LEA shall develop jointly with, agree on with, and distribute to, parents and family members of participating children a written parent and family engagement policy. The policy shall establish the LEA's expectations and objectives for meaningful parent and family involvement. *Section 1116(a)(1-2)*.
- A-9 ALIGN EARLY CHILDHOOD SERVICES WITH HEAD START STANDARDS**  
In the case of an LEA that chooses to use funds under this Part to provide early childhood education services to low-income children below the age of compulsory school attendance, ensure that such services comply with the performance standards established under *Section 641A(a)* of the Head Start Act (*42 USC §9836a(a)*). *Section 1112(c)(7)*.
- A-10 PROVIDE EQUITABLE SERVICES FOR ELIGIBLE STUDENTS IN PRIVATE SCHOOLS:**  
Provide, after timely and meaningful consultation with private school officials, equitable services to eligible students attending private elementary and secondary schools in accordance with *Section 1117*.
- The LEA must consult with each non-public school about the Title I, Part A grant. The LEA must maintain a written record of the consultation in its records and provide a copy to the SEA by posting the signed document on the online Grants Management System.
- A-11 IMPLEMENT THE STATEWIDE ASSESSMENT PROGRAM AND USE ASSESSMENT RESULTS TO REVIEW AND ASSESS PROGRESS:**  
Comply with the statewide assessment program requirements under *Section 1111(b)(2)* or Innovative Assessment and Accountability Demonstration Authority under *Section 1204(b)(1)*, (i.e. Performance Assessment for Competency Education). Use the results of the statewide assessment and other measures or indicators available to the LEA, to review annually the progress of each school served by the LEA and receiving funds under this Part. In addition, make widely available through public means (includes posting in a clear and easily accessible manner on the LEA's website and, where practicable, on the website of each school served by the LEA for each grade level served, information on each assessment required by the State to comply with *Section 1111*, other assessments required by the State, and where such information is available and feasible to report, assessments required by the LEA, including: (i) subject matter assessed; (ii) the purpose for which the assessment is designed and used; (iii) the source of the requirement for the assessment; and (iv) where such information is available: (I) the amount of time students will spend taking the assessment and the schedule for the assessment; and (II) the time and format for disseminating results.
- A-12 PARTICIPATE IN THE NATIONAL ASSESSMENT OF EDUCATIONAL PROGRESS (NAEP), GRADES 4 and 8, READING AND MATHEMATICS:**  
Participate, if selected, in NAEP for reading and mathematics in grades 4 and 8 carried out under *Section 303(b)(3)* of the NAEP Authorization Act (*20 USC SEC 9622(b)(3)*).
- A-13 PROVIDE TIMELY STUDENT REPORTS TO PARENTS AND TEACHERS**  
Ensure that the results from the statewide academic assessments required under *Section 1111(b)(2)* and *Section 1204(b)(1)* will be provided to parents and teachers as soon as practicable after the assessment is taken, in an understandable and uniform format and, to the extent feasible, in a language that the parents can understand.
- A-14 PUBLICLY DISSEMINATE ANNUAL LEA AND SCHOOL REPORT CARDS**  
Disseminate LEA and school report cards containing, at a minimum, information on teacher quality, assessment, and school and LEA accountability to all schools in the LEA and to all parents of students attending those schools in an understandable and uniform format and, to the extent practicable, in a language that the parents can understand, and make the information available through public means. *Section 1111(h)(2)*.
- A-15 COORDINATE WITH OTHER EDUCATIONAL SERVICES**  
Coordinate and integrate services provided under this Part with other educational services at the LEA or individual school level, such as services for English Learners, children with disabilities, migratory children, American Indian, Alaska Native, and the Native Hawaiian children, and homeless children and youths, in order to increase program effectiveness, eliminate duplication, and reduce fragmentation of the instructional program.

In compliance with *Section 1112*, coordinate and integrate services with other programs under this Act (including Title I, Part C, Title II, Title III, etc.), the Individuals with Disabilities Education Act, the Rehabilitation Act of 1973, the Carl D. Perkins Career and Technical Education Act of 2006, the Workforce Innovation and Opportunity Act, the McKinney-Vento Homeless Assistance Act, the Head Start Act, the Adult Education and Family Literacy Act, and other Acts, as appropriate. Equity of services will be met for disadvantaged students, to include:

- Selecting migratory children who are eligible to receive services on the same basis as other children who are selected to receive services;
- Conducting outreach to identify homeless children and youth and working in consultation with shelters and other community agencies to identify and remove barriers to enrollment;
- Assuring space is available in Title I programs for students in foster care, homeless children and youth, and that homeless students are eligible for Title I services by virtue of their homelessness;
- Complying with the requirements of Immigrant Data Collection Survey located in the NH DOE Education Statistics System on an annual basis to ensure appropriate services are provided to English language learners; and
- If the LEA uses Title I or Title III funds to provide a language instruction educational program as determined under Title III, the LEA must comply and coordinate parent services for English learners as outlined in *Section 1112(3)(A-D)*.

**A-16 ENSURE THE EDUCATIONAL STABILITY OF STUDENTS IN FOSTER CARE**

Enroll foster youth or allow the foster youth to remain in their school of origin, unless a determination is made that it is not in the child's best interest to attend that school. Best interest factors include, but are not limited to, appropriateness of the current educational setting and proximity to the school in which the child is enrolled at the time of placement. *Section 1111(g)(1)(E)(i)*.

Ensure that if a determination is made that it is not in the child's best interest to remain in the school of origin, the child will be immediately enrolled in a new school, even if the child is unable to produce records normally required for enrollment. *Section 1111(g)(1)(E)(ii)*.

LEAs will immediately contact the school of origin to obtain relevant academic and other records. *Section 1111(g)(1)(E)(iii)*.

Develop and implement clear written procedures governing transportation for students in foster care in their school of origin when in their best interest. The procedure will be provided, arranged, and funded for the duration of their time in foster care, and ensure that students promptly receive that transportation. The transportation procedure must describe how this requirement will be met in the event of a dispute regarding which agency or agencies (LEA, multiple LEAs or child welfare agency) will pay any additional costs incurred in providing transportation, and must describe which agency or agencies will initially pay the additional costs so that transportation is provided promptly during the pendency of the dispute. *Section 1112(c)(5); 34 Code of Federal Regulations §299.13(c)(1)(ii)*.

Designate a point of contact (POC) if the corresponding child welfare agency notifies the LEA in writing that it has designated an employee to serve as a POC for the LEA. *Section 1111(g)(1)(E)(iv)*.

**A-17 COORDINATION REQUIREMENTS:**

Coordinate activities described under *Section 1119 (b)* with Head Start agencies and, if feasible, other entities carrying out early childhood development programs. Each LEA shall develop agreements with such Head Start agencies and other entities to carry out such activities, i.e., systematic procedures for receiving records of preschool children, communication, parent and family engagement, teachers and Head Start to discuss needs of children, joint transition-related training and linking LEA educational services with Head Start agencies. *Section 1119*.

**A-18 EDUCATION FOR HOMELESS CHILDREN AND YOUTHS**

Reserve Title I, Part A funds as necessary to provide comparable services to homeless children and youth that assist them to effectively take advantage of educational opportunities as provided to children in schools funded under Title I, Part A. These comparable services shall be provided to homeless children and youth in public schools, shelters and other locations where children may live (institutions for neglected children and, where appropriate, local institutions such as local community day school programs). This reservation requirement is not formula driven. The method of determination of such funds shall be determined as follows:

- Based on the total allocation received by the LEA; and,
- Prior to any allowable expenditure or transfers by the LEA. *Section 1113(c)(3)(A)*.
- In consultation with the LEA's Homeless Liaison.

By signing this document, I attest I have read and understand the obligations of all the assurance statements above (A-1 through A-18) for Title I, Part A and will ensure that the LEA complies with the assurances. I further attest that I have provided a copy of all the assurances for these programs the LEA will participate in to the LEA School Board/Board of Trustees and have consulted with them, including explaining the obligations of the LEA under 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.

Additionally, I agree that the LEA has engaged in the Equitable Services Consultation process to provide services to eligible students in private schools (if applicable).

LEA Name: SAU #63 Wilton-Lyndeborough Cooperative School District

Signature of Superintendent/Charter School Administrator: 

Date: 7/19/21

## **Section B: Assurances for ESSA - Title II, Part A**

*All Sections cited are from the Elementary and Secondary Education Act, as amended by the Every Student Succeeds Act through P.L. 114-95, unless otherwise noted.*

The local education agency (LEA) hereby assures the New Hampshire Department of Education that pursuant to the requirements in ESSA, Title II, Part A the LEA will:

### **B-1 ENGAGE IN CONSULTATION AND USE DATA**

Use data (*Section 2102(b)(2)(D)*) and ongoing consultation described in *Section 2102(b)(3)* to continually update and improve activities supported under this part.

### **B-2 COORDINATE PROFESSIONAL DEVELOPMENT**

Coordinate activities authorized under this part with professional development activities provided through other Federal, State, and local programs as outlined in *Section 2102(b)(2)(F)*

### **B-3 DEVELOPMENT OF THE APPLICATION WITH MEANINGFUL CONSULTATION**

Consult partners with relevant and demonstrated expertise in programs and activities to meet the purpose of this title. Coordinate activities with other related strategies, programs, and activities being conducted in the community. *Section 2102(b)(3)(A)(B)(C)*

### **B-3 TARGET FUNDS TO NEEDIEST SCHOOLS**

Target funds to schools within the jurisdiction of the LEA that are implementing comprehensive support and improvement and targeted support and improvement activities under *Section 1111(d)* and have the highest percentage of low income children counted under *Section 1124(c)*. *Section 2102(b)(2)(C)*

### **B-4 ENSURE PRIVATE SCHOOL PARTICIPATION**

Comply with *Section 8501* regarding equitable participation by private school teachers in professional development activities. Provide for the equitable participation of private school teachers, and other educational personnel in private schools, and engage in meaningful consultation, in a timely manner, with private school officials during the design and development of their Title II, Part A program. *Section 2102(b)(2)(E)*.

The LEA must consult with each non-public school about the Title II, Part A grant. The LEA must maintain a written record of this consultation in its records and provide a copy to the SEA by posting the signed document on the online Grants Management System.

### **B-5 ALIGN ACTIVITIES WITH CHALLENGING STATE ACADEMIC STANDARDS**

Description of the Title II, Part A program activities carried out should include alignment with challenging State academic standards. Section 2102(2)(A)

#### **B-6 PROVIDE PROFESSIONAL DEVELOPMENT ACTIVITIES**

Ensure that all professional development activities provided are evidenced-based and intended to improve the subject matter knowledge and the teaching and leadership skills of teachers, principals, and other school leaders and, in appropriate cases, paraprofessionals. Section 2102(b)(2)(B).

#### **B-7 SUPPLEMENT, NOT SUPPLANT**

Ensure that Title II, Part A funds shall only be used to supplement, and not supplant, non-federal State and local funds that would otherwise be used for activities authorized under Title II, Part A. *Section 2301.*

By signing this document, I attest I have read and understand the obligations of all the assurance statements above (B-1 through B-7) for Title II, Part A and will ensure that the LEA complies with the assurances. I further attest that I have provided a copy of all the assurances for these programs the LEA will participate in to the LEA School Board/Board of Trustees and have consulted with them, including explaining the obligations of the LEA under 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.

Additionally, I agree that the LEA has engaged in the Equitable Services Consultation process to provide services to eligible students in private schools (if applicable).

LEA Name: SAU #63 Wilton-Lyndeborough Cooperative School District

Signature of Superintendent/Charter School Administrator: 

Date: 7/19/21



**Section C: Assurances for ESSA – Title III, Part A**

*All Sections cited are from the Elementary and Secondary Education Act, as amended by the Every Student Succeeds Act through P.L. 114-95, unless otherwise noted.*

The local education agency (LEA) hereby assures the New Hampshire Department of Education that pursuant to the requirements in ESSA, Title III, Part A the LEA will:

**C-1 CONSULT WITH OTHERS ON PLAN DEVELOPMENT**

Assure consultation has occurred with teachers, researchers, school administrators, parents and family members, community members, public or private entities, and institutions of higher education, in developing and implementing the Title III plan. *Section 3116(b)(5).*

**C-2 ASSESS ENGLISH PROFICIENCY ANNUALLY**

Assess annually the English proficiency of all English learners participating in a program funded under Title III, consistent with *Section 3113(b)(3)(D).*

**C-3 REQUIRED ACTIVITIES**

An eligible entity will use the funds to: *Section 3115 (C)*

(1) to increase the English language proficiency of English learners by providing effective language instruction educational programs that meet the needs of English learners and demonstrate success in increasing—

- (A) English language proficiency; and
- (B) student academic achievement;

(2) to provide effective professional development to classroom teachers (including teachers in classroom settings that are not the settings of language instruction educational programs), principals and other school leaders, administrators, and other school or community-based organizational personnel, that is—

- (A) designed to improve the instruction and assessment of English learners;
- (B) designed to enhance the ability of such teachers, principals, and other school leaders to understand and implement curricula, assessment practices and measures, and instructional strategies for English learners;
- (C) effective in increasing children's English language proficiency or substantially increasing the subject matter knowledge, teaching knowledge, and teaching skills of such teachers; and
- (D) of sufficient intensity and duration (which shall not include activities such as 1-day or short-term workshops and conferences) to have a positive and lasting impact on the teachers' performance in the classroom, except that this subparagraph shall not apply to an activity that is one component of a long-term, comprehensive professional development plan established by a teacher and the teacher's supervisor based on an assessment of the needs of the teacher, the supervisor, the students of the teacher, and any local educational agency employing the teacher, as appropriate; and

(3) to provide and implement other effective activities and strategies that enhance or supplement language instruction educational programs for English learners, which—

- (A) shall include parent, family, and community engagement activities; and
- (B) may include strategies that serve to coordinate and align related programs.

**C-4 COMPLY WITH PRIVATE SCHOOL PARTICIPATION REQUIREMENTS**

After timely and meaningful consultation with appropriate private school officials, provide to children who are enrolled in private elementary and secondary schools in areas served by such agency, consortium, or entity and to their teachers or other educational personnel, on an equitable basis, educational services or other benefits that address their needs under Title III the program. *Section 8501.*

The LEA must consult with each non-public school about the Title III, Part A grant. The LEA must maintain a written record of the consultation in its records and provide a copy to the SEA by posting the signed document on the Online Grants Management System.

**C-5 USE TITLE III FUNDS TO ONLY SUPPLEMENT, NOT SUPPLANT, OTHER RESOURCES**

Use Title III funds in order to supplement the level of Federal, State, and local public funds that, in the absence of such availability, would have been expended for programs for English learner and Immigrant children and youth, and in no way supplant such Federal, State, and local public funds. *Section 3115(g).*

**C-6 DEVELOP A LOCAL PLAN**

Each eligible entity shall submit a plan to the State educational agency containing the following information:

Under Title III Sec. 3116(b) CONTENTS, each plan submitted under subsection (a) shall—

- (1) Describe the effective programs and activities, including language instruction educational programs (LIEPs) proposed to be developed, implemented and administered under the subgrant that will help

- English learners increase their English language proficiency and meet the challenging State academic standards;
- (2) Describe how the eligible entity will ensure that elementary schools and secondary schools receiving funds under this subpart assist English learners in-
    - a. Achieving English proficiency based on the State's English language proficiency assessment under section 1111(b)(2)(G), consistent with the State's long-term goals, as described in section 1111(c)(4)(A)(ii); and
    - b. Meeting the challenging State academic standards;
  - (3) Describe how the eligible entity will promote parent, family and community engagement in the education of English learners;
  - (4) Contain assurances that—
    - a. Each local educational agency that is included in the eligible entity is complying with section 1112(e) prior to, and throughout, each school year as of the date of application;
    - b. the eligible entity is not in violation of any State law, including State constitutional law, regarding the education of English learners, consistent with sections 3125 and 3126;
    - c. the eligible entity consulted with teachers, researchers, school administrators, parents and family members, community members, public or private entities, and institutions of higher education, in developing and implementing such plan; and
    - d. the eligible entity will, if applicable, coordinate activities and share relevant data under the plan with local Head Start and Early Head Start agencies, including migrant and seasonal Head Start agencies, and other early childhood education providers.

*Each educational agency must comply with Sec. 3302 Parent Notification prior to, and throughout, each school year.*

#### **C-7 USE OF IMMIGRANT SET-ASIDE FUNDS**

Understand that by accepting Title III Immigrant Set-Aside funds, if applicable, to use these funds to support activities that provide enhanced instructional opportunities for immigrant children and youth and agree to comply with all associated program requirements. *Section 3115(e).*

<b>Title III</b> <b>LEA CERTIFICATION ON TEACHERS' FLUENCY IN ENGLISH</b>	
I certify that all teachers in any language instruction educational program for English learners that is, or will be, funded under Title III are fluent in English and any other language used for instruction, including having written and oral communication skills. <i>Section 3116(c).</i>	
Signature of the Superintendent / Charter School Administrator	Date

By signing this document, I attest I have read and understand the obligations of all the assurance statements above (C-1 through C-12) for Title III, Part A and will ensure that the LEA complies with the assurances. I further attest that I have provided a copy of all the assurances for these programs the LEA will participate in to the LEA School Board/Board of Trustees and have consulted with them, including explaining the obligations of the LEA under 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.

Additionally, I agree that the LEA has engaged in the Equitable Services Consultation process to provide services to eligible students in private schools (if applicable).

SAU # 63  
LEA Name: Wilton-Lyndeborough Cooperative School District

Signature of Superintendent/Charter School Administrator: 

Date: 7/19/21

**Section D: Assurances for ESSA - Title IV, Part A**

*All Sections cited are from the Elementary and Secondary Education Act, as amended by the Every Student Succeeds Act through P.L. 114-95, unless otherwise noted. <https://sa/esupportivelearning.ed.gov/title-iv-part-a-statute>*

The local education agency (LEA) hereby assures the New Hampshire Department of Education that pursuant to the requirements in ESSA, Title IV, Part A, Section 4106, the LEA will:

**D-1 UNDERSTAND THE PURPOSE OF THE TITLE IV, PART A PROGRAM [ESSA Section 4101]**

The purpose of the Title IV-A Program is to improve students' academic achievement by increasing the capacity of the LEA schools, and local communities to:

- (1) provide all students with access to a well-rounded education;
- (2) improve school conditions for student learning; and
- (3) improve the use of technology in order to improve the academic achievement and digital literacy of all students.

**D-2 DEVELOP AN APPLICATION THROUGH CONSULTATION WITH A TITLE IV-A STAKEHOLDER TEAM [ESSA Section 4106 (c)]**

An LEA, or consortium of LEAs, shall develop its application through consultation with a Title IV-A Stakeholder Team that includes representatives from a variety of stakeholder groups. The Stakeholder Team should include, but not be limited to, parents, teachers, principals, other school leaders, specialized instructional support personnel, students, community based organizations, local government representatives, private school leaders who participate in equitable services, other school leaders, and others with relevant and demonstrated expertise in programs and activities designed to meet the purpose of Title IV-A.

**D-3 PRIORITIZE ACTIVITIES IN THE APPLICATION ON NEED AND CONDUCT A COMPREHENSIVE NEEDS ASSESSMENT, IF NECESSARY [ESSA Section 4106 (d)]**

The Stakeholder Team of an LEA, or consortium of LEAs, shall prioritize the needs based on an assessment of for improvement of—

- (A) access to, and opportunities for, a well-rounded education for all students;
- (B) school conditions for student learning in order to create a healthy and safe school environment; and
- (C) access to personalized learning experiences supported by technology and professional development for the effective use of data and technology.

LEAs receiving allocations above \$30,000 shall be required to conduct a comprehensive needs assessment, at least once every three years.

LEAs receiving less than \$30,000 can assess needs in other ways.

**D-4 PRIORITIZE THE DISTRIBUTION OF FUNDS TO MOST IN NEED SCHOOLS OR STUDENT POPULATIONS [ESSA Section 4106 (e)(2)(A)]**

The LEA, or consortium of LEAs, shall assure they prioritize the distribution of Title IV, Part A funds to schools that:

- (a) are among the schools with the greatest need (as determined by the LEA);
- (b) have the highest percentages of low-income students;
- (c) are identified for comprehensive support and improvement;
- (d) have consistently underperforming subgroups;
- (e) are identified as a persistently dangerous public elementary school or secondary school under Section 8532.

**D-5 PROVIDE EQUITABLE SERVICES FOR ELIGIBLE STUDENTS IN PRIVATE SCHOOLS [ESSA Section 4106 (e)(2)(B)]**

The LEA will provide, after timely, meaningful, and continued consultation with private, nonprofit (ESSA Section 8101) school officials, equitable services to eligible students attending private, non-profit elementary and secondary schools in accordance with Section 8501.

The LEA must consult with each non-public school about the Title IV, Part A grant, and include representation on their Stakeholder Team. The LEA must maintain a written records of consultation and participation in its records and provide a copy of the initial consultation to the SEA by posting the signed document on the Online Grants Management System.

**D-6 USE TITLE IV, PART A FUNDS FOR STUDENT SUPPORT AND ACADEMIC ENRICHMENT:**

The LEA will assure that one of these conditions shall apply:

- (1) If the LEA, or consortium of LEAs, receives a Title IV-A allocation in an amount less than \$30,000, shall be required to develop activities that support at least one of the three Title IV-A Program areas. [ESSA Section 4106 (f)]
- (2) If the LEA, or consortium of LEAs, receives a Title IV-A allocation greater than \$30,000, the LEA shall be required to develop activities that support at least one of the three Title IV-A Program areas, in the following proportion:
  - use not less than 20 percent of funds received under Title IV-A to support one or more of the activities authorized under section 4107; activities to support well-rounded educational opportunities. [ESSA Section 4106 (e)(2)(C)]
  - use not less than 20 percent of funds received under Title IV-A to support one or more of the activities authorized under section 4108; activities to support safe and healthy students. [ESSA Section 4106 (e)(2)(D)]

- use a portion of funds received under Title IV-A to support one or more activities authorized under section 4109(a), but will not use more than 15% of funds in this program area to purchase technology infrastructure to support the effective use of technology, according to section 4109(b). [ESSA Section 4106 (e)(2)(E)]

**D-7 USE FEDERAL FUNDS ONLY TO SUPPLEMENT, NOT SUPPLANT, OTHER RESOURCES [ESSA Section 4110]**

Use Title IV, Part A funds only to supplement, not supplant, non-Federal funds that would otherwise be used for activities that are authorized under Title IV, Part A, but are either state/locally required or have been previously funded through state or local budgets.

**D-8 ANNUAL REPORTING TO THE STATE:**

Annually report to the State for inclusion in the report described in Section 4104(a)(2) how funds are being used under Title IV-A to meet the State's Title IV-A Program requirements.

By signing this document, I attest I have read and understand the obligations of all the assurance statements above (A-1 through A-18) for Title I, Part A and will ensure that the LEA complies with the assurances. I further attest that I have provided a copy of all the assurances for these programs the LEA will participate in to the LEA School Board/Board of Trustees and have consulted with them, including explaining the obligations of the LEA under 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.

Additionally, I agree that the LEA has engaged in the Equitable Services Consultation process to provide services to eligible students in private schools (if applicable).

LEA Name: SAU#63 Wilton-Lyndeborough Cooperative School District

Signature of Superintendent/Charter School Administrator: 

Date: 7/19/21

**Section E: Assurances for ESSA - Title V, Part B, Subpart 2**

*All Sections cited are from the Elementary and Secondary Education Act, as amended by the Every Student Succeeds Act through P.L. 114-95, unless otherwise noted.*

The local education agency (LEA) hereby assures the New Hampshire Department of Education that pursuant to the requirements in ESSA, Title V, Part A, Subpart 2 the LEA will:

**E-1 USE FEDERAL FUNDS ONLY TO SUPPLEMENT, NOT SUPPLANT, OTHER RESOURCES**

Use Title V, Part A, Subpart 2 funds only to supplement, not supplant, non-Federal funds that would otherwise be used for Title V, Part A, Subpart 2 activities. *Section 5232.*

By signing this document, I attest I have read and understand the obligations of all the assurance statements above (E-1) for Title V, Part A, Subpart 2 and will ensure that the LEA complies with the assurances. I further attest that I have provided a copy of all the assurances for these programs the LEA will participate in to the LEA School Board/Board of Trustees and have consulted with them, including explaining the obligations of the LEA under 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.

Additionally, I agree that the LEA has engaged in the Equitable Services Consultation process to provide services to eligible students in private schools (if applicable).

LEA Name: SAU #63 Wilton-Lyndeborough Cooperative School District

Signature of Superintendent/Charter School Administrator: 

Date: 7/19/21

**Section F: Assurances for IDEA, Part B**

*All Sections cited are from the Individuals with Disabilities Education Act as amended by P.L. 108-446, and the IDEA Regulations (34 CFR §300.201 through §300.213) unless otherwise noted.*

The LEA hereby assures the New Hampshire Department of Education that for purposes of implementing the Individuals with Disabilities Education Act (IDEA), the LEA requesting special education funds will make the following assurances as required by IDEA Part B, 20 U.S.C. §§ 1411 et seq., and 34 C.F.R. Part 300:

**F-1 COMPILE AND MAINTAIN FINANCIAL REPORTING REQUIREMENTS**

Comply with federal requirements under the IDEA. Prescribed formulas and financial records specified in statute or regulations must be compiled and maintained by the submitting agency, be submitted with applications when required, and be available for audit review annually.

The LEA must document its adherence to Maintenance of Effort requirements (34 CFR § 300.203-205), which provide that the LEA must budget for and spend at least the same total or per capita amount from the combination of state and local funds, for the education of students with IEPs as it spent for that purpose in the most recent fiscal year in which it met maintenance of effort from that same source of combined state and local funds. Such planning budgets shall be made available to the New Hampshire Department of Education upon request.

**F-2 POLICY AND PROCEDURES**

In providing for the education of children with disabilities within its jurisdiction, the LEA must have in effect policies, procedures, and programs that are consistent with the State policies and procedures established under 34 CFR §§ 300.101-300.163, and 34 CFR §§ 300.165-300.174.

**F-3 PRIVATE SCHOOL STUDENT PARTICIPATION**

Provide for equitable services to students with disabilities ages 3-21 enrolled by their parents in private schools located within the LEA's boundaries, regardless of where the students reside, and home schooled students, consistent with the requirements of federal law. This includes child find, child count, timely and meaningful consultation, and expenditure of a proportionate share of federal IDEA funds. 34 C.F.R. §§ 300.130-300.144.

**F-4 FREE AND APPROPRIATE PUBLIC EDUCATION IN THE LEAST RESTRICTIVE ENVIRONMENT**

Provide that each eligible child with a disability receives a free appropriate public education in the least restrictive environment according to the description in the child's accepted Individualized Education Program (IEP) consistent with 20 U.S.C. § 1412(a)(5) and 34 C.F.R. §§ 300.114-300.119, and applicable state special education laws, regardless of funding for such services.

**F-5 PROVISION OF ACCESSIBLE INSTRUCTIONAL MATERIALS**

**Timely delivery of accessible materials** - The LEA hereby assures that it will take all reasonable steps to provide print instructional materials in accessible formats to students with disabilities (who need those materials) at the same time as other students receive print instructional materials in accordance with 34 CFR § 300.172. Not later than December 3, 2006, an LEA that chooses to coordinate with the National Instructional Materials Access Center (NIMAC), when purchasing print instructional materials, must acquire those instructional materials in the same manner, and subject to the same conditions as an SEA under Sec. 300.172.

**F-6 MONITORING: PRIOR MONITORING AND AUDIT FINDINGS MUST BE CORRECTED**

In accordance with requirements from the federal Office of Special Education Programs, special education monitoring and/or audit findings must be corrected as soon as possible but no later than one year after the finding is made. See OSEP Memorandum 09-02 (October 17, 2008).

**F-7 PROVISION**

In providing for the education of children with disabilities within its jurisdiction, the LEA assures that it will meet each of the conditions in 34 CFR §300.201 through §300.213.

By signing this document, I attest I have read and understand the obligations of all the assurance statements (F-1 through F-7) above for the Individuals with Disabilities Education Act, and will ensure the LEA complies with the assurances. I further attest that I have provided a copy of all the assurances for these programs the LEA will participate in to the LEA School Board/Board of Trustees and have consulted with them, including explaining the obligations of the LEA under these assurances. I will ensure that the LEA

electronically attaches this signed document in the online Grants Management System – District page and that a copy will be kept on file at the LEA.

Additionally, I agree that the LEA has engaged in the Equitable Services Consultation process to provide services to eligible students in private schools (if applicable).

LEA Name: SQU#63 Wilton-Windelbough Cooperative School District

Signature of Superintendent/Charter School Administrator: [Signature]

Date: 7/19/21

**Section G: Assurances for the Strengthening Career and Technical Education for 21<sup>st</sup> Century Act (Perkins VI)**

*All Sections cited are from the Carl D. Perkins Career and Technical Education Act of 2006, as amended by the Strengthening Career and Technical Education for the 21<sup>st</sup> Century Act P.L. 115-224, unless otherwise noted.*

**The local education agency (LEA) hereby assures the New Hampshire Department of Education that pursuant to the requirements in the Strengthening Career and Technical Education for 21<sup>st</sup> Century Act, the LEA will:**

**G-1 ADMINISTRATION**

Administer each program, service or activity covered by the LEA local application in accordance with all applicable statutes and regulations governing the Strengthening Career and Technical Education for 21<sup>st</sup> Century Act and in accordance with *Section 135 Local Uses of Funds*.

**G-2 CIVIL RIGHTS ACT**

Be in compliance with *Executive Order 12246; Title VI of the Civil rights Act of 1964, as amended; Title IX Regulations; Section 504 of the Rehabilitation Act of 1973, as amended; Individuals with Disabilities Education Act* and any other federal or state laws, regulations and policies which apply to the operation of the programs.

**G-3 FINANCIAL AUDIT**

Comply with the requirement of the Act and the provisions of the State plan, including the provision of a financial audit of funds received under the Act which may be included as part of an audit of other Federal or State programs. *(Section 122(d)(13)(A))*.

**G-4 CONFLICT OF INTEREST**

Not to expend funds under the Act to acquire equipment (including computer software) in any instance in which such acquisition results in a direct financial benefit to any employee of the acquiring entity, or any organization affiliated with such an employee. *(Section 122 (d)(13)(B))*.

**G-5 REPORTING**

Comply with all reporting requirements in a timely manner and ensure that the information reported is valid, reliable, and accurate.

**G-6 DISCRIMINATION**

Comply with the guidelines for eliminating discrimination and denial of services on the basis of race, color, national origin, sex, and handicap on vocational education programs *(34 CFR Part 100, Appendix B)*.

By signing this document, I attest I have read and understand the obligations of all the assurance statements above (G-1 through G-6) for the Strengthening Career and Technical Education for the 21<sup>st</sup> Century Act, and will ensure that the LEA complies with the assurances. I further attest that I have provided a copy of all the assurances for the program the LEA will participate in to the LEA School Board and have consulted with them, including explaining the obligations of the LEA under these assurances. I will ensure that the LEA will electronically attach this signed document in the online Grants Management System District page and a copy will be kept on file at the LEA.

LEA Name: SAU # 63 Wilton-Lyndeborough Cooperative School District

Signature of Superintendent: \_\_\_\_\_

Date: 7/19/21



General Education Provisions Act (GEPA) Section 427 and 442 Requirements

SAU Number: 63

LEA Name: Wilton-Lyndeborough Cooperative School District

Contact Information for the person responsible for fulfilling GEPA requirements.

Name:

Peter Weaver

Phone Number:

603 732-9227

E-mail

Address:

192 Forest Road Lyndeborough NH 03082

Superintendent/Charter School Administrator Signature:

PW 7/19/21

GEPA 427 General Educational Provisions Act Requirement

<http://www2.ed.gov/fund/grant/apply/appforms/gepa427.doc>

Section 427 requires each LEA applying for funds to include in its application a description of the steps the LEA proposes to take to ensure equitable access to and participation in its federally assisted programs for students, teachers, and other program beneficiaries with special needs. The statute highlights six types of barriers that can impede equitable access or participation: gender, race, national origin, color, disability, or age. Based on local circumstances, you should determine whether these or other barriers may prevent your students, teachers, et al from such access to, or participation in, the federally funded project or activities.

1. How does the LEA ensure equitable access for students and teachers to participate in federally assisted programs?

Students and teachers are not identified or sorted according to gender, race, national origin, color, disability, orientation, or age, that is, profile data is not part of any process, protocol, or procedure used to determine access. The district disseminates and enforces policies that prohibit discrimination and has a procedure for reporting discrimination. The district has a Title IX Coordinator who proactively seeks data on accessibility.

#### **GEPA 442 General Educational Provision Act Requirements**

Section 442 of GEPA requires subrecipients to provide opportunities for the participation in, planning for, and operation of each program by teachers, parents, and other interested agencies, organizations, and individuals.

1. Please describe how such participation opportunities will be provided.

The district will offer participation in programs to students and teachers in various courses that utilize grant funding as appropriate to their qualifications and interests through the course selection and assignment process. The district will offer participation in, planning for, and operation of each program to teachers, parents, and other interested agencies, organizations, and individuals through website notices, announcements at school board meetings, and through school newsletters.

Section 442 of GEPA requires subrecipients applications, evaluations, plans, or reports related to each program will be made available to parents and the public.

2. Please describe how such information will be made available to parents and the public.

Parents and the public will be informed through the district website that applications, evaluations, plans, and reports related to each program are available for review upon request through the superintendent's office.

# **General Assurances, Requirements and Definitions for Participation in Federal Programs**

## **A. General Assurances**

Assurance is hereby given by the subrecipient that, to the extent applicable:

- 1) The subrecipient has the legal authority to apply for the federal assistance, and the institutional, managerial, and financial capability (including funds sufficient to pay non-federal share of project costs, as applicable) to ensure proper planning, management, and completion of the project described in all applications submitted.
- 2) The subrecipient will give the awarding agency, the NHDOE, the Comptroller General of the United States and, if appropriate, other State Agencies, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
- 3) The subrecipient will 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. The subrecipient 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 non-discrimination during the useful life of the project.
- 4) The subrecipient will comply with the requirements of the assistance awarding agency with regard to the drafting, review and approval of construction plans and specifications.
- 5) The subrecipient will 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 assistance awarding agency or State.
- 6) The subrecipient will 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.
- 7) The subrecipient will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
- 8) The subrecipient will 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.
- 9) The subrecipient will 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 or federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of federal participation in purchases.
  - 10) The subrecipient will comply, as applicable, with 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. The subrecipient further assures that no federally appropriated funds have been paid or will be paid by or on behalf of the subrecipient to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any federal grant; the entering into of any cooperative agreement; and the extension, continuation, renewal, amendment, or modification of any federal grant or cooperative agreement.
  - 11) The subrecipient will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported in whole or in part with federal funds.
  - 12) The subrecipient will 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 in whole or in part with federal funds.
  - 13) The subrecipient will 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.
  - 14) The subrecipient will comply with all applicable requirements of all other federal laws, executive orders, regulations, and policies governing all program(s).
  - 15) The subrecipient will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and 2 CFR 200.501, Subpart F, "Audit Requirements," as applicable.
  - 16) The recipient will 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 subrecipient 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.
  - 17) The control of funds provided to a subrecipient that is a Local Education Agency under each program, and title to property acquired with those funds, will be in a public agency, and a public agency will

administer those funds and property.

- 18) Personnel funded from federal grants and their subcontractors will adhere to the prohibition from text messaging while driving an organization-owned vehicle, or while driving their own privately owned vehicle during official Grant business, or from using organization-supplied electronic equipment to text message or email while driving. Recipients must comply with these conditions under Executive Order 13513, "Federal Leadership On Reducing Text Messaging While Driving," October 1, 2009 (pursuant to provisions attached to federal grants funded by the US Department of Education).
- 19) The subrecipient assures that it will adhere to the Pro-Children Act of 2001, which states that no person shall permit smoking within any indoor facility owned or leased or contracted and utilized for the provision of routine or regular kindergarten, elementary, or secondary education or library services to children (P.L. 107-110, section 4303[a]). In addition, no person shall permit smoking within any indoor facility (or portion of such a facility) owned or leased or contracted and utilized for the provision of regular or routine health care or day care or early childhood development (Head Start) services (P.L. 107-110, Section 4303[b][1]). Any failure to comply with a prohibition in this Act shall be considered to be a violation of this Act and any person subject to such prohibition who commits such violation may be liable to the United States for a civil penalty, as determined by the Secretary of Education (P.L. 107-110, section 4303[e][1]).
- 20) The subrecipient will comply with the Stevens Amendment.
- 21) The subrecipient will submit such reports to the NHDOE and to U.S. governmental agencies as may reasonably be required to enable the NHDOE and U.S. governmental agencies to perform their duties. The subrecipient will maintain such fiscal and programmatic records, including those required under 20 U.S.C. 1234f, and will provide access to those records, as necessary, for those Departments/agencies to perform their duties.
- 22) The subrecipient will assure that expenditures reported are proper and in accordance with the terms and conditions of any project/grant funding, the official who is authorized to legally bind the agency/organization agrees to the following certification for all fiscal reports and/or vouchers requesting payment [2CFR 200.415(a)].  
  
*"By signing this General Assurances, Requirements and Definitions for Participation in Federal Programs document, I certify to the best of my knowledge and belief that the reports submitted are true, complete, and accurate, and the expenditures, disbursements and cash receipts are for the purpose and objectives set forth in the terms and conditions of the Project Award. I am aware that any false, fictitious, or fraudulent information, or the omission of any material fact, may subject me to criminal, civil or administrative penalties for fraud, false statements, false claims or otherwise."*
- 23) If an LEA, the subrecipient will provide reasonable opportunities for systematic consultation with and participation of teachers, parents, and other interested agencies, organizations, and individuals, including education-related community groups and non-profit organizations, in the planning for and operation of each program.
- 24) If an LEA, the subrecipient shall assure that any application, evaluation, periodic program plan, or report relating to each program will be made readily available to parents and other members of the general public upon request.
- 25) If an LEA, the subrecipient has adopted effective procedures for acquiring and disseminating to teachers and administrators participating in each program, significant information from educational research, demonstrations, and similar projects, and for adopting, where appropriate, promising

educational practices developed through such projects. Such procedures shall ensure compliance with applicable federal laws and requirements.

- 26) The subrecipient will comply with the requirements of the Gun-Free Schools Act of 1994.
- 27) The subrecipient will submit a fully executed and accurate Single-Audit Certification form to the NHDOE not later than March 31, 2022. The worksheet will be provided to each subrecipient by the NHDOE.
- 28) The subrecipient shall comply with the restrictions of New Hampshire RSA 15:5.
- 29) The subrecipient will comply with the requirements in 2 CFR Part 180, Government-wide Debarment and Suspension (Non-procurement).
- 30) The subrecipient certifies that it will maintain a drug-free workplace and will comply with the requirements of the Drug-Free Workplace Act of 1988.
- 31) The recipient will adhere to the requirements of Title 20 USC 7197 relative to the Transfer of Disciplinary Records.
- 32) Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§4728-4763) relating to prescribed standards for 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).
- 33) Will 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.
- 34) Will comply, if applicable, 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.
- 35) Will 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).
- 36) Will 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.
- 37) Will 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.).

- 38) As appropriate and to the extent consistent with law, the non-Federal entity should, to the greatest extent practicable under a Federal award, provide a preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States (including but not limited to iron, aluminum, steel, cement, and other manufactured products). The requirements of this section must be included in all subawards including all contracts and purchase orders for work or products under this award (2 CFR 200.322).

## **B. Explanation of Grants Management Requirements**

The following section elaborate on certain requirements included in legislation or regulations referred to in the "General Assurances" section. This section also explains the broad requirements that apply to federal program funds.

### **1. Financial Management Systems**

Financial management systems, including records documenting compliance with federal statutes, regulations, and the terms and conditions of the federal award, must be sufficient to permit the preparation of reports required by general and program-specific terms and conditions; and the tracing of funds to a level of expenditures adequate to establish that such funds have been used according to the Federal statutes, regulations, and the terms and conditions of the Federal award.

Specifically, the financial management system must be able to:

- a) Identify, in its accounts, all federal awards received and expended and the federal programs under which they were received. Federal program and federal award identification must include, as applicable, the CFDA title and number, federal award identification number and year, name of the federal agency, and name of the pass-through entity, if any.
- b) Provide accurate, current, and complete disclosure of the financial results of each federal award or program.
- c) Produce records that identify adequately the source and application of funds for federally funded activities.
- d) Maintain effective control over, and accountability for, all funds, property, and other assets. The subrecipient must adequately safeguard all assets and assure that they are used solely for authorized purposes.
- e) Generate comparisons of expenditures with budget amounts for each federal award.

### **2. Written Policies and Procedures**

The subrecipient must have written policies and procedures for:

- a) Cash Management (2 CFR 200.302(b)(6) & 200.305)
- b) Determining the allowability of costs in accordance with 2 CFR 200 Subpart E—Cost Principles and the terms and conditions of the Federal award. (2 CFR 200.302(b)(7))
- c) Conflict of Interest (2 CFR 200.318(c))
- d) Procurement (2 CFR 200.320)
- e) Method for conducting Technical Evaluations of Proposals and Selecting Recipients (2 CFR 200.320(b)(20)(ii))
- f) Suspension and Debarment (2 CFR 200.214)
- g) Travel Costs (2 CFR 200.475)
- h) Equipment and Supplies (2 CFR 200.313(d), 200.314)

- i) Time and Effort (2 CFR 200.430(i))
- j) Record Keeping (2 CFR 200.334 and 200.335)

### 3. Internal Controls

The subrecipient must:

- a) Establish and maintain effective internal control over the federal award that provides reasonable assurance that the non-federal entity is managing the federal award in compliance with federal statutes, regulations, and the terms and conditions of the federal award. These internal controls should be in compliance with the guidance outlined in “Standards for Internal Control in the Federal Government” issued by the Comptroller General of the United States or the “Internal Control Integrated Framework”, issued by the Committee of Sponsoring Organizations of the Treadway Commission (COSO).
- b) Comply with federal statutes, regulations, and the terms and conditions of the federal awards.
- c) Take prompt action when instances of noncompliance are identified, including noncompliance identified in audit findings.
- d) Take reasonable measures to safeguard and protect personally identifiable information and other information the federal awarding agency or pass-through entity designates as sensitive or the subrecipient considers sensitive consistent with applicable federal, state, local, and tribal laws regarding privacy and obligations of confidentiality.
- e) Maintain all accounts, records, and other supporting documentation pertaining to all costs incurred and revenues or other applicable credits acquired under each approved project in accordance with 2 CFR 200.334.

### 4. Allowable Costs

In accounting for and expending project/grant funds, the subrecipient may only charge expenditures to the project award if they are;

- a) in payment of obligations incurred during the approved project period;
- b) in conformance with the approved project;
- c) in compliance with all applicable statutes and regulatory provisions;
- d) costs that are allocable to a particular cost objective;
- e) spent only for reasonable and necessary costs of the program; and
- f) not used for general expenses required to carry out other responsibilities of the subrecipient.

### 5. Audits

This part is applicable for all non-federal entities as defined in 2 CFR 200, Subpart F.

- a) In the event that the subrecipient expends \$750,000 or more in federal awards in its fiscal year, the subrecipient must have a single or program-specific audit conducted in accordance with the provisions of 2 CFR 200, Subpart F. In determining the federal awards expended in its fiscal year, the subrecipient shall consider all sources of federal awards, including federal resources received from the NHDOE. The determination of amounts of federal awards expended should be in accordance with the guidelines established by 2 CFR 200, Subpart F.
- b) In connection with the audit requirements, the subrecipient shall also fulfill the requirements relative to auditee responsibilities as provided in 2 CFR 200.508.
- c) If the subrecipient expends less than \$750,000 in federal awards in its fiscal year, an audit conducted in accordance with the provisions of 2 CFR 200, Subpart F, is not required. In the event that the subrecipient expends less than \$750,000 in federal awards in its fiscal year and elects to have an audit conducted in accordance with the provisions of 2 CFR 200, Subpart F, the cost of the



audit must be paid from non-federal resources (i.e., the cost of such an audit must be paid from subrecipient resources obtained from non-federal entities).

The subrecipient assures it will implement the following audit responsibilities;

- a) Procure or otherwise arrange for the audit required by this part in accordance with auditor selection regulations (2 CFR 200.509), and ensure it is properly performed and submitted no later than nine months after the close of the fiscal year in accordance with report submission regulations (2 CFR 200.512).
- b) Provide the auditor access to personnel, accounts, books, records, supporting documentation, and other information as needed so that the auditor may perform the audit required by this part.
- c) Prepare appropriate financial statements, including the schedule of expenditures of federal awards in accordance with financial statements regulations (2 CFR 200.510).
- d) Promptly follow up and take corrective action on audit findings, including preparation of a summary schedule of prior audit findings and a corrective action plan in accordance with audit findings follow-up regulations (2 CFR 200.511(b-c)).
- e) Upon request by the NHDOE Bureau of Federal Compliance (BFC), promptly submit a corrective action plan using the NHDOE template provided by the BFC for audit findings related to NHDOE funded programs.
- f) For repeat findings not resolved or only partially resolved, the subrecipient must provide an explanation for findings not resolved or only partially resolved to the BFC for findings related to all NHDOE funded programs. The BFC will review the subrecipient's submission and issue an appropriate Management Decision in accordance with 2 CFR 200.521.

## 6. Reports to be Submitted

### Audits/Management Decisions

Copies of reporting packages for audits conducted in accordance with 2 CFR 200, Subpart F shall be submitted, by or on behalf of the recipient directly to the following:

- a) The Federal Audit Clearinghouse (FAC) in 2 CFR 200, Subpart F requires the auditee to electronically submit the data collection form described in 200.512(b) and the reporting package described in 200.512(c) to FAC at:  
[https://harvester.census.gov/facides/\(S\(mqamohbpjfj0hmyhlr45p1po1\)\)/account/login.aspx](https://harvester.census.gov/facides/(S(mqamohbpjfj0hmyhlr45p1po1))/account/login.aspx)

Copies of other reports or management decision letter(s) shall be submitted by or on behalf of the subrecipient directly to:

- a) New Hampshire Department of Education  
Bureau of Federal Compliance  
101 Pleasant Street  
Concord, NH 03301
- b) In response to requests by a federal agency, auditees must submit a copy of any management letters issued by the auditor, 2 CFR 200.512(e).

Any other reports, management decision letters, or other information required to be submitted to the NHDOE pursuant to this agreement shall be submitted in a timely manner.

### Single Audit Certification

An executed and accurate Single-Audit Certification form shall be submitted to the NHDOE no later than

**March 31, 2022.** A copy of the form will be provided to each subrecipient by the NHDOE.

## **7. Debarment, Suspension, and Other Responsibility Matters**

As required by Executive Orders (E.O.) 12549 and 12689, Debarment and Suspension, and implemented at 2 CFR Part 180, for prospective participants in primary covered transactions, as defined in 2 CFR 180.120, 180.125 and 180.200, no contract shall be made to parties identified on the General Services Administration's *Excluded Parties List System* as excluded from Federal Procurement or Non-procurement Programs in accordance with E.O.s 12549 and 12689, "Debarment and Suspension." This list contains the names of parties debarred, suspended, or otherwise excluded by agencies, and contractors declared ineligible under statutory or regulatory authority other than E.O. 12549. Contractors with awards that exceed the small purchase threshold shall provide the required certification regarding their exclusion status and that of their principal employees.

The federal government imposes this requirement in order to protect the public interest, and to ensure that only responsible organizations and individuals do business with the government and receive and spend government grant funds. Failure to adhere to these requirements may have serious consequences – for example, disallowance of cost, termination of project, or debarment.

To assure that this requirement is met, there are four options for obtaining satisfaction that subrecipients and contractors are not suspended, debarred, or disqualified. They are:

The subrecipient certifies that it and its principals:

- a) Are not presently debarred, suspended, proposed for debarment, and declared ineligible or voluntarily excluded from covered transactions by any federal Department or agency.
- b) Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state, or local) transaction or contract under a public transaction; violation of federal or state antitrust statutes; commission of embezzlement; theft, forgery, bribery, falsification, or destruction of records; making false statements; or receiving stolen property.
- c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (federal, state, or local) with commission of any of the offenses enumerated in this certification.
- d) Have not within a three-year period preceding this application had one or more public transactions (federal, state, or local) terminated for cause or default.

Where the subrecipient is unable to certify to any of the statements in this certification, they shall attach an explanation to this document.

## **8. Drug-Free Workplace (Grantees Other Than Individual)**

As required by the Drug-Free Workplace Act of 1988 and implemented in 34 CFR 84.200 the subrecipient certifies that it will continue to provide a drug-free workplace by:

- a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance (34 CFR 84.610) is prohibited in the subrecipient's workplace and specifying the actions that will be taken against employees for violation of such prohibition.
- b) Establishing, as required by 34 CFR 84.215, an ongoing drug-free awareness program to inform employees about:
  - o The dangers of drug abuse in the workplace.

- The recipient's policy of maintaining a drug-free workplace.
  - Any available drug counseling, rehabilitation, and employee assistance programs.
  - The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.
- c) Requiring that each employee engaged in the performance of the project is given a copy of this statement.
- d) Notifying the employee in the statement that, as a condition of employment under the project, the employee will:
- Abide by the terms of the statement.
  - Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction.
- e) Notifying the agency in writing within 5 calendar days after receiving notice of an employee's conviction of a violation of a criminal drug statute in the workplace, as required by 34 CFR 84.205(c)(2), from an employee or otherwise receiving actual notice of employee's conviction. Employers of convicted employees must provide notice, including position title to:

Director, Grants and Contracts Service  
 U.S. Department of Education  
 400 Maryland Avenue, S.W. [Room 3124, GSA – Regional Office Building No. 3]  
 Washington, D.C. 20202-4571

(Notice shall include the identification number[s] of each affected grant).

- f) Taking one of the following actions, as stated in 34 CFR 84.225(b), within 30 calendar days of receiving the required notice with respect to any employee who is convicted of a violation of a criminal drug statute in the workplace.
- Taking appropriate personnel action against such an employee, up to and including termination consistent with the requirements of the Rehabilitation Act of 1973, as amended.
  - Requiring such employee to participate satisfactorily in drug abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health, law enforcement, or other appropriate agency.
- g) Making a good-faith effort to maintain a drug-free workplace through implementation of the requirements stated above.

## **9. General Education Provisions Act (GEPA) Requirements - Section 427 (Federal Requirement) Equity for Students, Teachers, and Other Program Beneficiaries**

The purpose of Section 427 of GEPA is to ensure equal access to education and to promote educational excellence by ensuring equal opportunities to participate for all eligible students, teachers, and other program beneficiaries in proposed projects, and to promote the ability of such students, teachers, and beneficiaries to meet high standards. Further, when designing their projects, grant applicants must address the special needs and equity concerns that might affect the ability of students, teachers, and other program beneficiaries to participate fully in the proposed project.

Program staff within the NHDOE must ensure that information required by Section 427 of GEPA is included in each application that the Department funds. *(There may be a few cases, such as research grants, in which Section 427 may not be applicable because the projects do not have individual project*

beneficiaries. Contact the Government Printing Office staff should you believe a situation of this kind exists).

The statute highlights **six types of barriers that can impede equitable access or participation: gender, race, national origin, color, disability, and age.** Based on local circumstances, the applicant can determine whether these or other barriers may prevent participants from access and participation in the federally assisted project, and how the applicant would overcome these barriers.

These descriptions may be provided in a single narrative or, if appropriate, may be described in connection with other related topics in the application. Subrecipients should be asked to state in the table of contents where this requirement is met.

NHDOE program staff members are responsible for screening each application to ensure that the requirements of this section are met before making an award. If this condition is not met, after the application has been selected for funding the program staff should contact the subrecipient to find out why this information is missing. Documentation must be in the project file indicating that this review was completed before the award was made. If an oversight occurred, the program staff may give the applicant another opportunity to satisfy this requirement, but must receive the missing information before making the award, 34 CFR 75.231.

All applicants for new awards must satisfy this provision to receive funding. Those seeking *continuation* awards do not need to submit information beyond the descriptions included in their original applications.

#### **10. Gun Possession** (Local Education Agencies (LEAs) only)

As required by Title XIV, Part F, and Section 14601 (Gun-Free Schools Act of 1994) of the Improving America's Schools Act:

The LEA assures that it shall comply with the provisions of RSA 193:13 III.

RSA 193:13, III. Any pupil who brings or possesses a firearm as defined in section 921 of Title 18 of the United States Code in a safe school zone as defined in RSA 193-D:1 without written authorization from the Superintendent or designee shall be expelled from school by the local school board for a period of not less than 12 months.

The LEA assures that it has adopted a policy, which allows the Superintendent or Chief Administrative officer to modify the expulsion requirement on a case by case basis. RSA 193:13, IV.

The LEA assures that it shall report to the NHDOE in July of each year, a description of the circumstances surrounding any expulsions imposed under RSA 193:13, III and IV including, but not limited to:

- a) The name of the school concerned;
- b) The grade of the student disciplined;
- c) The type of firearm involved;
- d) Whether or not the expulsion was modified, and
- e) If the student was identified as Educationally Disabled.

The LEA assures that it has in effect a policy requiring referral to the criminal justice or juvenile delinquency system of any student who brings a firearm or weapon to school.

Ed 317.03 Standard for Expulsion by Local School Board.

- a) A school board which expels a pupil under RSA 193:13, II or III, shall state in writing its reasons, including the act leading to expulsion, and shall provide a procedure for review as allowed under RSA 193:13, II.
- b) School boards shall make certain that the pupil has received notice of the requirements of RSA 193-D and RSA 193:13 through announced, posted, or printed school rules.
- c) If a student is subject to expulsion and a firearm is involved, the Superintendent shall contact local law enforcement officials whenever there is any doubt concerning:
  - 1) Whether a firearm is legally licensed under RSA 159; or
  - 2) Whether the firearm is lawfully possessed, as opposed to unlawfully possessed, under the legal definitions of RSA 159.
- d) If a pupil brings or possesses a firearm in a safe school zone without written authorization from the Superintendent, the following shall apply:
  - 1) The Superintendent shall suspend the pupil for a period not to exceed 10 days, pending a hearing by the local board; and
  - 2) The school board shall hold a hearing within 10 days to determine whether the student was in violation of RSA 193:13, III and therefore is subject to expulsion.

## 11. Lobbying

As required by Section 1352, Title 31, of the U.S. Code, and implemented in 34 CFR Part 82, for persons entering into a grant or cooperative agreement over \$100,000, as defined in 34 CFR 82.105 and 82.110, the applicant certifies that:

- a) No federally appropriated funds have been paid or will be paid by or on behalf of the subrecipient to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any federal grant; the entering into of any cooperative agreement; and the extension, continuation, renewal, amendment, or modification of any federal grant or cooperative agreement.
- b) If any funds other than federally appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with federal grants or cooperative agreements, the subrecipient shall complete and submit Standard Form - LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- c) The subrecipient shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including subcontracts, sub-grants, contracts under grants, and cooperative agreements) and that all sub-recipients shall certify and disclose accordingly.

## New Hampshire RSA 15:5 - Prohibited Activities.

- I. Except as provided in paragraph II, no recipient of a grant or appropriation of state funds may use the state funds to lobby or attempt to influence legislation, participate in political activity, or contribute funds to any entity engaged in these activities.
- II. Any recipient of a grant or appropriation of state funds that wishes to engage in any of the activities prohibited in paragraph I, or contribute funds to any entity engaged in these activities, shall segregate the state funds in such a manner that such funds are physically and financially separate from any non-state funds that may be used for any of these purposes. Mere bookkeeping separation of the state funds from other moneys shall not be sufficient.

## **12. Subrecipient Monitoring**

In addition to reviews of audits conducted in accordance with 2 CFR 200, Subpart F, subrecipient monitoring procedures may include, but not be limited to, on-site visits by NHDOE staff, limited scope audits, and/or other procedures. By signing this document, the subrecipient agrees to comply and cooperate with any monitoring procedures/processes deemed appropriate by the NHDOE. In the event the NHDOE determines that a limited scope audit of the project recipient is appropriate, the subrecipient agrees to comply with any additional instructions provided by NHDOE staff to the subrecipient regarding such audit.

## **13. More Restrictive Conditions**

Subrecipients found to be in noncompliance with program and/or fund source requirements or determined to be "high risk" shall be subject to the imposition of more restrictive conditions as determined by the NHDOE.

## **14. Obligations by Subrecipients**

Obligations will be considered to have been incurred by subrecipients on the basis of documentary evidence of binding commitments for the acquisition of goods or property or for the performance of work, except that funds for personal services, for services performed by public utilities, for travel, and for the rental of facilities shall be considered to have been obligated at the time such services were rendered, such travel was performed, and/or when facilities are used (see 34 CFR 76.707).

## **15. Personnel Costs – Time Distribution**

Charges to federal projects for personnel costs, whether treated as direct or indirect costs, are allowable to the extent that they satisfy the specific requirements of 2 CFR 200.430, and will be based on payrolls documented in accordance with generally accepted practices of the subrecipient and approved by a responsible official(s) of the subrecipient.

When employees work solely on a single federal award or cost objective, charges for their salaries and wages must be supported by personnel activity reports (PARs), which are periodic certifications (at least semi-annually) that the employees worked solely on that program for the period covered by the certification. These certifications must be signed by the employee or a supervisory official having firsthand knowledge of the work performed by the employee.

When employees work on multiple activities or cost objectives (e.g., more than one federal project, a federal project and a non-federal project, an indirect cost activity and a direct cost activity, two or more indirect activities which are allocated using different allocation bases, or an unallowable activity and a direct or indirect cost activity), the distribution of their salaries or wages will be supported by personnel activity reports or equivalent documents that meet the following standards:

- a) Reflect an after-the-fact distribution of the actual activity of each employee
- b) Account for the total activity for which each employee is compensated
- c) Prepared at least monthly and must coincide with one or more pay period
- d) Signed and dated by the employee

## **16. Protected Prayer in Public Elementary and Secondary Schools**

As required in Section 9524 of the Elementary and Secondary Education Act (ESEA) of 1965, as amended by the No Child Left Behind Act of 2001, LEAs must certify annually that they have no policy that prevents or otherwise denies participation in constitutionally protected prayer in public elementary and secondary

schools.

## 17. Purchasing/Procurement

The non-Federal entity must have and use documented procurement procedures, consistent with the standards of this section and 2 CFR 200.317, 200.318, and 200.319 for any of the following methods of procurement used for the acquisition of property or services required under a Federal award or sub-award.

1. Informal procurement methods
  - a. Micro-purchases
  - b. Small purchases
2. Formal procurement methods
  - a. Sealed bids
  - b. Proposals
3. Noncompetitive procurement

## 18. Retention and Access to Records

Requirements related to retention and access to project/grant records, are determined by federal rules and regulations. Federal regulation 2 CFR 200.334, addresses the retention requirements for records that applies to all financial and programmatic records, supporting documents, statistical records, and all other non-Federal entity records pertinent to a Federal or Project award. If any litigation, claim, or audit is started before the expiration date of the retention period, the records must be maintained until all litigation, claims, or audit findings involving the records have been resolved and final action taken.

Access to records of the subrecipient and the expiration of the right of access is found at 2 CFR 200.337 (a) and (c), which states:

a) Records of non-Federal entities. The Federal awarding agency, Inspectors General, the Comptroller General of the United States, and the pass-through entity, or any of their authorized representatives [including but not limited to the NHDOE] must have the right of access to any documents, papers, or other records of non-Federal entity which are pertinent to the Federal award, in order to make audits, examinations, excerpts, and transcripts. The right also includes timely and reasonable access to the non-Federal entity's personnel for the purpose of interview and discussion related to such documents.

c) Expiration of right of access. The rights of access in this section are not limited to the required retention period but last as long as the records are retained.

## 19. The Stevens Amendment

All federally funded projects must comply with the Stevens Amendment of the Department of Defense Appropriation Act, found in Section 8136, which provides:

*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, all grantees receiving federal funds, including but not limited to state and local governments, shall clearly state (1) the percentage of the total cost 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 funded by non-governmental sources.*

## 20. Transfer of Disciplinary Records

Title 20 USC 7197 requires that the State have a procedure to assure that a student's disciplinary records, with respect to suspensions and expulsions, are transferred by the project recipient to any public or private elementary or secondary school where the student is required or chooses to enroll. In New Hampshire, that assurance is statutory and found at RSA 193-D:8.

The relevant portions of the federal and state law appear below.

- a) **Disciplinary Records** - In accordance with the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. 1232g), not later than 2 years after the date of enactment of this part, each State receiving Federal funds under this Act shall provide an assurance to the Secretary that the State has a procedure in place to facilitate the transfer of disciplinary records, with respect to a suspension or expulsion, by local educational agencies to any private or public elementary school or secondary school for any student who is enrolled or seeks, intends, or is instructed to enroll, on a full- or part-time basis, in the school.
- b) **193-D:8 Transfer Records; Notice** – All elementary and secondary educational institutions, including academies, private schools, and public schools, shall upon request of the parent, pupil, or former pupil, furnish a complete school record for the pupil transferring into a new school system. Such record shall include, but not be limited to, records relating to any incidents involving suspension or expulsion, or delinquent or criminal acts, or any incident reports in which the pupil was charged with any act of theft, destruction, or violence in a safe school zone.

### C. Definitions (2 CFR 200.1)

- 1) **Audit finding** - *Audit finding* means deficiencies which the auditor is required by 2 CFR 200.516 (a) to report in the schedule of findings and questioned costs.
- 2) **Management decision** - *Management decision* means the Federal awarding agency's or pass-through entity's written determination, provided to the auditee, of the adequacy of the auditee's proposed corrective actions to address the findings, based on its evaluation of the audit findings and proposed corrective actions.
- 3) **Pass-through entity** - *Pass-through entity (PTE)* means a non-Federal entity that provides a subaward to a subrecipient to carry out part of a Federal program.
- 4) **Period of performance** - *Period of performance* means the total estimate time interval between the start of an initial Federal award and the planned end date, which may include one or more funded portions, or budget periods. Identification of the Period of Performance in the Federal award per 2 CFR 200.211(b)(5) does not commit the awarding agency to fund the award beyond the currently approved budget period.
- 5) **Subaward** - *Subaward* means an award provided by a pass-through entity to a subrecipient for the subrecipient to carry out part of a Federal award received by the pass-through entity. It does not include payments to a contractor or payments to an individual that is a beneficiary of a Federal program. A subaward may be provided through any form of legal agreement, including an agreement that the pass-through entity considers a contract.



- 6) **Subrecipient** - *Subrecipient* mean an entity, usually but not limited to non-Federal entities, that receives a subaward from a pass-through entity to carry out part of a Federal award; but does not include an individual that is a beneficiary of such award. A subrecipient may also be a recipient of other Federal awards directly from a Federal awarding agency.

## CERTIFICATION

**Instructions:** The Superintendent, or other Qualifying Administrator, if the School District or School Administrative Unit (SAU) does not have a Superintendent, (*See* RSA 194-C:5, II) **must** consult with the School Board for the School District/SAU by informing said School Board about the District's/SAU's participation in Federal Programs and the terms and conditions of the General Assurances, Requirements and Definitions for Participation in Federal Programs. The Superintendent or other Qualifying Administrator and the Chair of the School Board **must** sign this certification page (and initial the remaining pages) as described below and return it to the NHDOE. **No payment for project/grant awards will be made by the NHDOE without a fully executed copy of this General Assurances, Requirements and Definitions for Participation in Federal Programs on file.** For further information, contact the NHDOE Bureau of Federal Compliance.

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### Superintendent or other Qualifying Administrator Certification:

We the undersigned acknowledge that [a] person is guilty of a violation of R.S.A. § 641:3 if [h]e or she makes a written or electronic false statement which he or she does not believe to be true, on or pursuant to a form bearing a notification authorized by law to the effect that false statements made therein are punishable; or (b) With a purpose to deceive a public servant in the performance of his or her official function, he or she: (1) Makes any written or electronic false statement which he or she does not believe to be true; or (2) Knowingly creates a false impression in a written application for any pecuniary or other benefit by omitting information necessary to prevent statements therein from being misleading; or (3) Submits or invites reliance on any writing which he or she knows to be lacking in authenticity; or (4) Submits or invites reliance on any sample, specimen, map, boundary mark, or other object which he or she knows to be false.

Accordingly, I, the undersigned official legally authorized to bind the named School District/SAU hereby apply for participation in federally funded education programs on behalf of the School District/SAU named below. I certify, to the best of my knowledge, that the below School District/SAU will adhere to and comply with these General Assurances, Requirements and Definitions for Participation in Federal Programs (pages 1 through 17 inclusive). I further certify, as is evidenced by the Minutes of the School Board Meeting held on \_\_\_\_\_, \_\_\_\_\_, that I have informed the members of the School Board of the federal funds the District/SAU will be receiving and of these General Assurances, Requirements and Definitions for the Participation in Federal Programs for the District's/SAU's participation in said programs.

SAU Number: 63 District or SAU Name: Wilton-Lyndeborough Cooperative  
School District

Peter Weaver PW 7/19/24  
Typed Name of Superintendent Signature Date  
or other Qualifying Administrator

**School Board Certification:**

I, the undersigned official representing the School Board, acknowledge that the Superintendent, or other Qualifying Administrator, as identified above, has consulted with all members of the School Board, in furtherance of the School Board's obligations, including those enumerated in RSA 189:1-a, and pursuant to the School Board's oversight of federal funds the District will be receiving and of the General Assurances, Requirements and Definitions for Participation in Federal Programs in said programs.

\_\_\_\_\_  
Typed Name of School Board  
Chair (on behalf of the School Board)

\_\_\_\_\_

Signature

\_\_\_\_\_  
Date

Please email or mail a copy of the entire document to:

New Hampshire Department of Education  
Bureau of Federal Compliance  
101 Pleasant Street  
Concord, NH 03301

federalcompliance@doe.nh.gov



## **INDEPENDENT ACCOUNTANT'S REPORT ON APPLYING AGREED-UPON PROCEDURES**

James A. Sojka, CPA\*

Sheryl A. Pratt, CPA\*\*\*

Michael J. Campo, CPA, MACCY

Scott T. Eagen, CPA, CFE

Karen M. Lascelle, CPA, CVA, CFE

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Brian P. McDermott, CPA\*\*

Justin Larsh, CPA

Sylvia Y. Petro, MSA, CFE

To the Members of the School Board  
Wilton-Lyndeborough Cooperative School District  
Wilton, New Hampshire

We have performed the procedures enumerated below on evaluating the Wilton-Lyndeborough Cooperative School District's (WLCSD's) grant accounting and reporting, and compliance with certain accounting procedures of WLCSD for the period July 1, 2020 through May 31, 2021. WLCSD's management is responsible for the School District's grant accounting and reporting, and compliance with certain accounting procedures.

WLCSD has agreed to and acknowledged that the procedures performed are appropriate to meet the intended purpose of evaluating the School District's grant accounting and reporting, and compliance with certain accounting procedures. This report may not be suitable for any other purpose. The procedures performed may not address all the items of interest to a user of this report and may not meet the needs of all users of this report and, as such, users are responsible for determining whether the procedures performed are appropriate for their purposes.

The procedures and associated findings are as follows:

### **Fund Balance**

#### Procedure:

1. We obtained the general ledger for the period July 1, 2020 through May 31, 2021 and compared the beginning fund balance reported in the general ledger for the WLCSD general fund, grants fund, and food service fund to the audited fund balances at June 30, 2020.

#### Findings:

We identified variances in the beginning fund balance of the general fund and grants fund of \$54,270 and \$26,637, respectively.

	<u>General Fund</u>	<u>Grants Fund</u>	<u>Food Service Fund</u>
June 30, 2020 Fund Balance per:			
Infinite Visions General Ledger	\$ 860,146	\$ (26,637)	\$ -
Audit Report	914,416	-	-
Variance	<u>\$ (54,270)</u>	<u>\$ (26,637)</u>	<u>\$ -</u>

#### Comments:

In connection with this procedure, we reviewed the ending general ledger fund balance at June 30, 2020 and noted that it agreed with the June 30, 2020 audited fund balance. The likely cause of the fund balance variances noted an improper rollforward procedure for the year ended June 30, 2020. It is required to perform a rollforward procedure annually to bring forward beginning balances into the upcoming fiscal years general

**PLODZIK & SANDERSON, P.A.**  
*Certified Public Accountants*

ledger database. When this rollforward is performed prior to making all audit adjustments, the rollforward must be reversed and reperformed. We recommend the Business Administrator contact technical support for Infinite Visions general ledger software to reverse and reperform the rollforward procedure.

## Bank Reconciliations

### Procedure:

2. We obtained monthly bank reconciliations and bank statements for TD Bank General Fund Operating Account X0055, and monthly general ledger reporting for the period July 2020 through May 2021. We compared the reconciled bank balance per the monthly bank reconciliation to the ending cash balance per the general ledger for cash accounts.

### Findings:

We identified the following variances between the monthly bank reconciliations for TD Bank General Fund Operating Account X0055 and the general ledger cash account 04.0100.000.00.00000:

<u>TD Bank General Fund Operating Account X0055</u>				
	<u>Reconciled</u>	<u>General Ledger</u>		
<u>Month</u>	<u>Bank Balance</u>	<u>Balance</u>	<u>Variance</u>	
July 2020	\$ 962,715.93	\$ 1,007,846.87	\$ (45,130.94)	
August 2020	\$ 1,470,742.50	\$ 1,424,045.96	\$ 46,696.54	
September 2020	\$ 1,490,920.67	\$ 1,444,224.13	\$ 46,696.54	
October 2020	\$ 1,269,887.39	\$ 1,223,190.85	\$ 46,696.54	
November 2020	\$ 1,734,553.63	\$ 1,687,857.09	\$ 46,696.54	
December 2020	\$ 1,773,524.91	\$ 1,726,828.37	\$ 46,696.54	
January 2021	\$ 1,378,735.47	\$ 1,332,038.93	\$ 46,696.54	
February 2021	\$ 1,371,958.06	\$ 1,287,116.40	\$ 84,841.66	
March 2021	\$ 1,780,762.64	\$ 1,695,920.98	\$ 84,841.66	
April 2021	\$ 1,738,582.35	\$ 1,702,221.64	\$ 36,360.71	
May 2021	\$ 1,381,392.02	\$ 1,364,103.87	\$ 17,288.15	

### Comments:

We identified variances between the reconciled bank balance and general ledger balance beginning in July of 2020. We noted two outstanding disbursements on the July 2020 bank reconciliation that were listed as direct voucher postings totaling \$55,676.94. These transactions remain outstanding as of the May 2021 bank reconciliation. The School District should research and correct these direct voucher postings, then begin to re-reconcile the accounts starting in July 2020. Additionally, once a monthly bank statement reconciliation is completed it should be formally closed in the accounting system to prevent future changes to that bank statement. We noted that the bank statement was reconciled as of June 30, 2020; however, March 2019 was the last time a bank reconciliation was closed.

### Procedure:

3. We obtained monthly bank reconciliations and bank statements for TD Bank School Lunch Program Account X0912 and monthly general ledger reporting for the period July 2020 through May 2021. We compared the reconciled bank balances to the ending cash balance per the general ledger for cash account 21.0100.000.00.00000.



Findings:

The reconciled bank balances for TD Bank School Lunch Program Account X0912 and the general ledger cash account 21.0100.000.00.00000 agreed without exception:

**TD Bank School Lunch Program Account X0912**

	<b><u>Reconciled</u></b>	<b><u>General Ledger</u></b>		
<b><u>Month</u></b>	<b><u>Bank Balance</u></b>	<b><u>Balance</u></b>	<b><u>Variance</u></b>	
July 2020	\$ 25,822.41	\$ 25,822.41	\$	-
August 2020	\$ 25,822.41	\$ 25,822.41	\$	-
September 2020	\$ 29,305.01	\$ 29,305.01	\$	-
October 2020	\$ 31,769.16	\$ 31,769.16	\$	-
November 2020	\$ 33,827.06	\$ 33,827.06	\$	-
December 2020	\$ 35,819.06	\$ 35,819.06	\$	-
January 2021	\$ 37,573.31	\$ 37,573.31	\$	-
February 2021	\$ 58,120.67	\$ 58,120.67	\$	-
March 2021	\$ 58,849.42	\$ 58,849.42	\$	-
April 2021	\$ 59,925.27	\$ 59,925.27	\$	-
May 2021	\$ 62,502.91	\$ 62,502.91	\$	-

Comments:

None.

Procedure:

4. Verify the completion of monthly reconciliations between the reconciled cash balance per Infinite Visions general ledger software and the School District Treasurer's reconciled cash balance, for the period July 2020 through May 2021.

Findings:

Due to issues with the general ledger cash reconciliations, reconciliations with the Treasurer were not completed at the time of our procedures.

Comments:

We noted that the School District Treasurer was attempting to perform reconciliations with the general ledger while we were performing our procedures. It is recommended that the Treasurer review and reconcile with the general ledger once the appropriate adjustments have been made to the general ledger bank reconciliations. In the future it is imperative that the general ledger reconciliation be performed monthly in a timely manner, to provide the Treasurer with the ability to perform a timely reconciliation with the general ledger.

**Budget Reconciliation**

Procedure:

5. Reconcile revenue and expenditure budgets posted in Infinite Visions general ledger software to adopted budget per State of New Hampshire Department of Revenue Form MS-22R – *DRA Revised/Reviewed Appropriations* and Form MS-24R – *Revised Estimated Revenues Adjusted* for the fiscal year ending June 30, 2021.

Findings:

The expenditure budget per Infinite Visions general ledger software agrees to State of New Hampshire Department of Revenue Form MS-22R – *DRA Revised/Reviewed Appropriations*. No revenue budget was entered into Infinite Visions; therefore, the budget does not reconcile to State of New Hampshire Department of Revenue Form MS-24R – *Revised Estimated Revenues Adjusted*.



Comments:

We recommend that both the revenue and expenditure budgets be recorded in the general ledger. This budget entry should be reconciled to the approved budget, per the state forms noted above. It is critical that the School District track revenue and expenditure variances on an ongoing basis in order to have a better estimate of cash flows, potential errors, and fund balance estimates.

**Trust Fund Transfers**

Procedure:

6. We obtained and reviewed the March 7, 2020 Annual Meeting Minutes of the Wilton-Lyndeborough Cooperative School District for the purpose of identifying warrant articles appropriating funds into the School District's trust funds. We identified the following approved warrant articles appropriating money to School District Trust Funds:

**WA #7** – Raise and appropriate \$150,000 to be added to the Wilton-Lyndeborough Cooperative Building/Equipment & Roadway Capital Reserve Fund.

**WA #8** – Raise and appropriate \$100,000 to be added to the Wilton-Lyndeborough Educating Educationally Disabled Children Capital Reserve Fund.

We reviewed supporting documentation to verify that the transfers above were completed.

Findings:

We verified the transfer of funds for the appropriations above via Wilton-Lyndeborough Cooperative School District check no. 32920, dated 1/27/2021, payable to the Town of Wilton-Trustee of Trust Funds, in the amount of \$250,000. We noted that check no. 32920 in the amount of \$250,000 cleared the bank account on 2/8/2021.

Comments:

None

**Food Service**

Procedures:

7. We obtained the manual breakfast and lunch meal count sheets maintained by each school location (Florence Rideout Elementary School, Lyndeborough Central School, and Wilton-Lyndeborough Cooperative Middle/High School) and monthly USDA National School Lunch Program meal reimbursement claim forms for the period August 2020 through June 2021. We compared the total monthly breakfast and lunch meals served per the manual meal count sheets to the monthly USDA National School Lunch Program meal reimbursement claim forms to determine if any differences exist.

	<b>Meal Count Sheets</b>	<b>Meal Claim Forms</b>	<b>Difference</b>
August 2020	-	39	39
September 2020	4,047	4,070	23
October 2020	5,148	4,641	(507)
November 2020	5,143	5,143	-
December 2020	4,136	4,136	-
January 2021	6,075	6,075	-
February 2021	3,746	3,746	-
March 2021	7,696	7,696	-
April 2021	5,775	5,775	-
May 2021	7,260	7,260	-
June 2021	2,712	2,712	-
Total	<u>51,738</u>	<u>51,293</u>	<u>(445)</u>



Findings:

We identified three variances between the monthly meal count sheets in the months of August 2020, September 2020, and October 2020:

**August 2020** – School District did not retain a meal count sheet for the month of August 2020. Unable to verify 39 meals claimed.

**September 2020** – Addition error in totaling meal count sheet resulted in additional 23 meals claimed.

**October 2020** – Meal counts from October 1 and October 2 for all schools were not included in October reimbursement claim resulting in an underclaiming of 507 meals.

Comments:

Due to COVID-19 pandemic the School District changed procedure and used manual meal count sheets instead of relying on the point-of-sale system for meal counts, as they have historically done. This change was consistent with alternative procedure guidelines received from the Department of Education. The School District has indicated that they will return to using the point-of-sale system totals to determine reimbursable meal counts for the fiscal year ended June 30, 2022, which should decrease the probability of reporting errors.

**Grants**

Procedures:

8. We obtained the New Hampshire Department of Education (NH DOE) grant agreements for the open grants for July 1, 2020, through May 31, 2021. We also obtained monthly reporting for each grant from the NH DOE grants management system, and general ledger expenditure reports for each grant for fiscal years 2019, 2020, and 2021. We performed the following procedures:

- a. We compared the total NH DOE budget by grant to project to date expenditures per the general ledger to determine the unexpended budget by grant.
- b. We compared the total funding received by WLCS D by grant, to the project to date expenditures per the general ledger to determine the unreimbursed expenditures by grant.

The results of our procedures are summarized on the following page.

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<u>Period of Performance</u>	<u>Grant Number</u>	<u>Grant Name</u>	<u>Budget per NH DOE</u>	<u>Total Funding Received</u>	<u>Project to Date Expenditures per GL</u>	<u>Unreimbursed Grant Expenditures</u>	<u>Reimbursements Without Recorded GL Expenditures</u>	<u>(Overexpended) Unexpended Budget</u>
<b><u>June 30, 2021 and Prior</u></b>								
	20200146	Title I	\$ 94,728.89	\$ 89,175.25	\$ 148,237.75	\$ 5,553.64	\$ -	\$ (59,062.50)
	92562	Preschool	\$ 6,029.00	\$ 5,987.97	\$ 6,029.00	\$ 41.03	\$ -	\$ -
	20203272	Pre-Engineering	\$ 15,000.00	\$ 15,000.00	\$ -	\$ -	\$ (15,000.00)	\$ -
	20203449	Robotics	\$ 11,465.00	\$ 11,464.78	\$ 11,464.78	\$ -	\$ -	\$ 0.22
	N/A	SPSRF 1	\$ 110,200.00	\$ 110,200.00	\$ -	\$ -	\$ (110,200.00)	\$ -
	N/A	SPSRF 2	\$ 6,465.69	\$ 6,465.69	\$ -	\$ -	\$ (6,465.69)	\$ -
<b><u>August 31, 2021</u></b>								
	20211132	Title I	\$ 97,992.64	\$ 40,086.54	\$ -	\$ -	\$ (40,086.54)	\$ 97,992.64
<b><u>September 30, 2021</u></b>								
	20190332	Title IIA	\$ 28,605.49	\$ 28,605.49	\$ 30,617.98	\$ -	\$ -	\$ (2,012.49)
	20190462	Title IVA	\$ 14,757.38	\$ 14,757.38	\$ 14,757.38	\$ -	\$ -	\$ -
	92562	IDEA	\$ 200,851.53	\$ 196,485.81	\$ 203,414.58	\$ 4,365.72	\$ -	\$ (2,563.05)
	20651	Preschool	\$ 2,385.15	\$ 2,385.15	\$ 2,385.15	\$ -	\$ -	\$ -
	95668	Remote Learning	\$ 6,000.00	\$ 5,960.00	\$ 5,960.00	\$ -	\$ -	\$ 40.00
	20200462	Title IVA	\$ 16,677.52	\$ 9,486.55	\$ 13,304.79	\$ 3,818.24	\$ -	\$ 3,372.73
	20200332	Title IIA	\$ 31,456.04	\$ 26,138.25	\$ 26,138.25	\$ -	\$ -	\$ 5,317.79
	202584	IDEA	\$ 191,169.84	\$ 177,929.36	\$ 191,051.34	\$ 13,121.98	\$ -	\$ 118.50
	202584	Preschool	\$ 4,060.51	\$ 2,513.32	\$ 2,755.18	\$ 241.86	\$ -	\$ 1,305.33
<b><u>September 30, 2022</u></b>								
	20210840	IDEA	\$ 191,770.84	\$ -	\$ 122,687.69	\$ 122,687.69	\$ -	\$ 69,083.15
	20210840	Preschool	\$ 2,141.00	\$ -	\$ 607.19	\$ 607.19	\$ -	\$ 1,533.81
	Unassigned	Title IVA	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
	Unassigned	Title IIA	\$ 7,291.11	\$ -	\$ -	\$ -	\$ -	\$ 7,291.11
	Unassigned	Cares - ESSER I	\$ 69,774.02	\$ -	\$ 26,939.88	\$ 26,939.88	\$ -	\$ 42,834.14
<b><u>September 30, 2023</u></b>								
	Unassigned	Crrsa - ESSER II	\$ 69,746.75	\$ -	\$ -	\$ -	\$ -	\$ 69,746.75

Findings:

- a. Our procedures identified a total underspent NH DOE grant budget of \$298,636.17 for all grants reviewed, an additional \$63,638.04 in overspent budgets was identified. It is anticipated that some or all over the overspent budgets will be reclassified and applied towards the underspent budget balance. The net amount of this activity is a net under expenditure of \$234,998.13 for all funds reviewed. The period of performance to obligate the remaining grant funding is included in the comments below. Additionally, our procedures identified \$5,594.67 in approved funding that had lapsed prior to June 30, 2021.
- b. Our procedures identified \$171,782.56 in unrequested reimbursements. This represents expenditures recorded in the grants fund general ledger, for which a reimbursement has not been requested. As noted above there is a potential for up to an additional \$63,638.04 in expenditures that need to be reclassified to the proper grant accounts. It is anticipated that some or all of these funds will be reclassified to active grants, providing a range of unrequested reimbursements between \$171,782.56 and \$235,420.60. Our procedures also identified \$171,752.23 in reimbursements received that do not have a corresponding general ledger expenditure recorded in the grants fund. The majority of these funds represent expenditures recorded in the general fund that were not properly reclassified to the grants fund.

Comments:

***June 30, 2021 Period of Performance***

20200146 – Title I

Grant was underspent by \$5,553.64, the project was closed with an unused grant balance. We noted additional general ledger expenditures recorded to this project totaling \$59,602.50, these funds are believed to be related to grant 20211132 – Title I. Management will need to review these expenditures and make any necessary adjustments to record and request these funds under the appropriate grant, or reclassify the expenditures as general fund expenditures, as appropriate.

92562 – Preschool

Grant was underspent by \$41.03, the project was closed with an unused grant balance. We noted the general ledger reflects expenditures in this amount, and general ledger expenditures in total agreed to the NH DOE budget for this grant. Management did not note an explanation for the unreimbursed amounts.

20203272 – Pre-Engineering

We noted that funds received for this grant in the amount of \$15,000.00 agrees to the budgeted funds per NH DOE. No expenditure was recorded in the grants fund for this grant. Upon further review the \$15,000.00 was recorded as a reduction to accounts payable, and a general ledger adjustment is necessary to reclassify this amount to the proper expenditure account.

20203449 – Robotics

NH DOE grant budget of \$11,465.00 agrees to recorded general ledger expenditures for this grant, and to total funding received. No exceptions noted.

SPSRF 1

Funds received for this grant in the amount of \$110,200.00 agree with the total grant budget per NH DOE. The expenditures for this grant were originally recorded in the general fund. An adjusting entry was made to remove these expenditures from the general fund, but a corresponding entry was not made to record the expenditures in the grants fund. Management will need to ensure that this entry is completed.

SPSRF 2

Funds received for this grant in the amount of \$6,465.69 agree with the total grant budget per NH DOE. The expenditures for this grant are currently recorded in the general fund. An adjusting entry is required to remove these expenditures from the general fund and record the expenditures in the grants fund. Management will need to ensure that these entries are completed.



**August 31, 2021 Period of Performance**

20211132 – Title I

There are no expenditures recorded under this grant. \$40,086.54 has been received of the \$97,992.64 budget per the NH DOE. As noted in grant 20200146 – Title I, management has indicated that the \$59,062.50 in excess expenditures should be reclassified to the 20211132 – Title I grant. Management should verify that this is the correct entry. The period of performance for this grant ends on August 31, 2021, management has until that time to obligate the appropriate amount of expenditures, which range from \$38,930.14 to \$97,992.64, depending on the analysis and adjustment related to the excess expenditures recorded in grant 2020146 – Title I.

**September 30, 2021 Period of Performance**

20190332 – Title IIA

Recorded general ledger expenditures of \$30,617.98 exceed the NH DOE budget of \$28,605.49 by \$2,012.49. These excess expenditures should be reviewed and charged against eligible future Title IIA grants or reclassified to the general fund, as appropriate.

20190462 – Title IVA

NH DOE grant budget of \$14,757.38 agrees to recorded general ledger expenditures for this grant, and to total funding received. No exceptions noted.

92562 – IDEA

Recorded general ledger expenditures of \$203,414.58 exceed NH DOE grant budget of \$200,851.33 by \$2,563.05. These excess expenditures should be reviewed and charged against eligible future IDEA grants or reclassified to the general fund, as appropriate. An unrequested reimbursement of \$4,365.72 exists for this grant, which should be reviewed and requested.

20651 – Preschool

NH DOE grant budget of \$2385.15 agrees to recorded general ledger expenditures for this grant, and to total funding received. No exceptions noted.

95668 – Remote Learning

Recorded general ledger expenditures of \$5,960.00 are within the NH DOE grant budget of \$6,000.00 for this grant. Management has until September 30, 2021 to obligate the remaining \$40.00 of funding available under this grant.

20200462 -Title IVA

Recorded general ledger expenditures of \$13,304.79 are within the NH DOE grant budget of \$16,677.52 for this grant. Management has until September 30, 2021 to obligate the remaining \$3,372.43 of funding available under this grant. An unrequested reimbursement of \$3,818.24 exists for this grant, which should be reviewed and requested.

20200032 – Title IIA

Recorded general ledger expenditures of \$26,138.25 are within the NH DOE grant budget of \$31,456.04 for this grant. Management has until September 30, 2021 to obligate the remaining \$5,317.79 of funding available under this grant. A portion of the remaining expenditures, up to \$2,012.49 may already be obligated, but recorded under the wrong grant, 20190332 – Title IIA. Management should review both grants and make adjustments as appropriate.

202584 - IDEA

Recorded general ledger expenditures of \$191,051.34 are within the NH DOE grant budget of \$191,169.84 for this grant. Management has until September 30, 2021 to obligate the remaining \$118.50 of funding available under this grant. An unrequested reimbursement of \$13,121.98 exists for this grant, which should be reviewed and requested.



202584 - Preschool

Recorded general ledger expenditures of \$2,755.18 are within the NH DOE grant budget of \$4,060.51 for this grant. Management has until September 30, 2021 to obligate the remaining \$1,305.33 of funding available under this grant. An unrequested reimbursement of \$241.86 exists for this grant, which should be reviewed and requested.

**September 30, 2022 Period of Performance**

2021840 - IDEA

Recorded general ledger expenditures of \$122,687.69 are within the NH DOE grant budget of \$191,770.84 for this grant. Management has until September 30, 2022 to obligate the remaining \$69,083.15 of funding available under this grant. An unrequested reimbursement of \$122,687.69 exists for this grant, which should be reviewed and requested. No reimbursement requests have been made for this grant whose period of performance began August 21, 2019.

2021840 - Preschool

Recorded general ledger expenditures of \$607.19 are within the NH DOE grant budget of \$2,141.00 for this grant. Management has until September 30, 2022 to obligate the remaining \$1,533.81 of funding available under this grant. An unrequested reimbursement of \$607.19 exists for this grant, which should be reviewed and requested. No reimbursement requests have been made for this grant whose period of performance began August 21, 2019.

Unassigned – Title IVA

Grant application needs to be completed for this grant.

Unassigned – Title IIA

Grant application needs to be completed for this grant. A partially approved budget of \$7,291.11 has been awarded by NH DOE for this grant.

Unassigned – Cares ESSER 1

Recorded general ledger expenditures of \$26,939.88 are within the NH DOE grant budget of \$69,774.02 for this grant. Management has until September 30, 2022 to obligate the remaining \$42,834.14 of funding available under this grant. An unrequested reimbursement of \$26,939.88 exists for this grant, which should be reviewed and requested.

**September 30, 2023 Period of Performance**

Unassigned – Cares ESSER 2

No general ledger expenditures have been recorded against the NH DOE grant budget of \$69,746.75. Management has until September 30, 2023 to obligate the funding available under this grant.

We were engaged by Wilton-Lyndeborough Cooperative School District to perform this agreed-upon procedures engagement and conducted our engagement in accordance with attestation standards established by the American Institute of Certified Public Accountants. We were not engaged to and did not conduct an examination or review engagement, the objective of which would be the expression of an opinion or conclusion, respectively, on evaluating the School District's grant accounting and reporting, and compliance with certain accounting procedures. Accordingly, we do not express such an opinion or conclusion. Had we performed additional procedures, other matters might have come to our attention that would have been reported to you.

We are required to be independent of Wilton-Lyndeborough Cooperative School District and to meet our other ethical responsibilities, in accordance with the relevant ethical requirements related to our agreed-upon procedures engagement.

This report is intended solely for the information and use of the members of the School Board and management of the Wilton-Lyndeborough Cooperative School District and is not intended to be and should not be used by anyone other than those specified parties.

*Blodzik & Sanderson*  
*Professional Association*

July 23, 2021



## **ACAA HARASSMENT AND SEXUAL HARASSMENT OF STUDENTS**

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 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.

The District defines other forms of "sexual harassment" as unwelcome sexual advances, requests for sexual favors, and other verbal, non-verbal or physical conduct of a sexual nature in the following situations:

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

## **C. Reports and Complaints of Harassment 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).

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

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 - Student Unlawful 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

***First Reading: July 13, 2021***

***Second Reading:***

***Final Adoption:***

## ACAA-R STUDENT DISCRIMINATION/HARASSMENT AND TITLE IX SEXUAL HARASSMENT COMPLAINT PROCEDURES

*[Note to Local Boards: This document has been substantially revised due to the requirements in the new Title IX sexual harassment regulations that become effective on August 14, 2020. The definition of sexual harassment in the Title IX regulations has been narrowed and the regulations require a more formal procedure than local Boards have generally used to address discrimination/harassment complaints. At the same time, local Boards still need to comply with other federal and state laws/regulations governing discrimination and harassment, in addition to Title IX. For these reasons, we have structured this document in three sections:*

- A. Section 1 provides the definitions used in the complaint procedures;
- B. Section 2 sets out the general discrimination/harassment complaint procedure to address complaints of all forms of discrimination/harassment, except for those involving Title IX sexual harassment. This is very similar to the procedure school districts have used in the past; and
- C. Section 3 The third section sets out is the new Title IX sexual harassment complaint procedure.

*Local school districts have the option of addressing all discrimination/ harassment complaints through the Title IX procedure if they wish and deleting Section 2. However, we suggest that local Boards carefully consider this option, as it means that all complaints will need to be addressed through a more formal process than school districts have customarily used.*

*Please note that in previous versions of this sample, the designation of employees to be notified of discrimination/harassment complaints and who are responsible for various actions, has been left largely to the discretion of the school district. The Title IX regulations require that the individual designated as the Title IX Coordinator be responsible for addressing all Title IX complaints. Because it can be difficult to assess which law and regulations a complaint should be addressed under, we recommend that a combined Human Rights Officer/Title IX Coordinator be the individual to receive all discrimination/harassment complaints and to determine the appropriate procedure to use in specific cases. Assessing complaints, and deciding which policy/procedure is appropriate to address them is complex and requires comprehensive training for Human Rights Officers/Title IX Coordinators.*

**Any proposed changes to these procedures should be reviewed with legal counsel prior to adoption to ensure compliance with legal requirements.]**

The 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 - 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).

**[Note to Local Boards: We refer to a combined Human Rights Officer/Title IX Coordinator in this sample.]**

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

**[INSERT FULL HRO/TITLE IX COORDINATOR INFORMATION HERE:**

**NAME, TITLE**

**PHYSICAL ADDRESS**

**TELEPHONE NUMBER**

**EMAIL ADDRESS]**

## **Section 1. Definitions**

For purposes of these complaint procedures, the following definitions will be used. The Human Rights Officer/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 are prohibited.
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": this means unwelcome sexual advances, requests for sexual favors, and other verbal, non-verbal or physical conduct of a sexual nature in the following situations:
  - a. Submission to such conduct is made either explicitly or implicitly a term or condition of a student's educational benefits;

- b. Submission to or rejection of such conduct by a student is used as the basis for decisions on educational benefits; or
  - c. Such conduct has the purpose and effect of substantially interfering with a student's academic performance or creates an intimidating, hostile or offensive environment.
- 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, sexualorientation, gender identity, religion, ancestry, national origin or disability (and not otherwise addressed in the Title IX regulations and Section 3 of ACAAA-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 Human Rights Officer/Title IX Coordinator. A report triggers certain actions by the HRO/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 HRO/Title IX Coordinator) may file a formal complaint.
4. "Student": For the purposes of this procedure, a student is 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**

***[Note to Local Boards: This procedure generally tracks the procedure in earlier versions of ACAA-R, with some adjustments in an effort to minimize differences, where possible, between this complaint procedure and the Title IX sexual harassment complaint procedure in Section 3.]***

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

### **A. How to Make A Complaint**

1. School employees are required to promptly make a report to the HRO/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 HRO/Title IX Coordinator, or to the building principal (who will report the matter to the HRO/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 HRO/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 HRO/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, Concord, NH 03301., and/or to the federal Office for Civil Rights, U.S. Department of Education, 5 Post Office Square, 8<sup>th</sup> Floor, Boston, MA 02109-3921 (telephone: 617-289-0111).

## **B. Complaint Handling and Investigation**

1. The HRO/Title IX Coordinator will promptly inform the Superintendent and the person who is the subject of the complaint (respondent) that a complaint has been received.
2. The HRO/Title IX Coordinator may pursue an informal resolution of the complaint with the agreement of the parties involved. Any party to the complaint may decide to end the informal resolution process and pursue the formal process at any point. Any informal resolution is subject to the approval of the parties and the Superintendent, who shall consider whether the resolution is in the best interest of the school district and the parties in light of the particular circumstances and applicable policies and laws.
3. The HRO/Title IX Coordinator may implement supportive measures 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 HRO/Title IX Coordinator. Any complaint about an employee who holds a supervisory position shall be investigated by a person who is not subject to that supervisor's authority. Any complaint about the Superintendent should be submitted to the 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 HRO/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 40 calendar **[or 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 HRO/Title IX Coordinator.

### **C. Findings and Subsequent Actions**

1. The HRO/Title IX Coordinator shall consult with the Superintendent concerning the investigation and findings.
2. If there is a finding that discrimination or harassment occurred, the HRO/Title IX Coordinator, in consultation with the Superintendent shall:
  - Determine what remedial action, if any, is required to end the discrimination or harassment, remedy its effect and prevent recurrence; and
  - 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 calendar **[or 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 calendar **[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 calendar **[or business]** days, if practicable. The Superintendent's decision shall be final.

***[The Board should decide whether to allow appeals of the Superintendent's decisions to the Board. We recommend discussing this option with legal counsel before drafting such language.]***

### **E. Records**

The HRO/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 HRO/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 HRO/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 HRO/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.
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, Concord, NH 03301 and/or to the federal Office for Civil Rights, U.S. Department of Education, 5 Post Office Square, 8<sup>th</sup> Floor, Boston, MA 02109-3921 (telephone: 617-289- 0111).
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 HRO/Title IX Coordinator.

2. In certain circumstances, the HRO/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 HRO/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 HRO/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 HRO/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 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**

1. The Superintendent may remove a student respondent from education programs and activities on an emergency basis during the complaint procedure:
  - a. 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.

- b. The respondent (and their parent/legal guardian) will be provided notice of the emergency removal, 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 was unreasonable.
2. The Superintendent may place an employee respondent on administrative leave during the complaint procedure in accordance with any applicable State laws, school policies and collective bargaining agreement provisions.
3. Any decision to remove a respondent from education programs and activities on an emergency basis or place an employee on administrative leave 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 calendar **or 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 calendar **or 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 HRO/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 HRO/Title IX Coordinator believes the circumstances are appropriate, the HRO/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 HRO/Title IX Coordinator. Any complaint about an employee who holds a supervisory position shall be investigated by a person who is not subject to that supervisor's authority. Any complaint about the Superintendent should be submitted to the 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 HRO/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.
  - 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 calendar **[or 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 calendar **[or business]** days of receipt.
  - j. After receipt of the parties' written responses (if any), forward the investigation report and party responses to the assigned decision maker.
6. The investigation shall be concluded within 40 calendar **[or business]** days if practicable. Reasonable extension of time for good reason shall be allowed.

**G. Determination of Responsibility**

***[Note to Local Boards: The decision maker cannot be the investigator or Title IX Coordinator, and must receive specific training. If appeals are to***

***be heard by the Superintendent, the Board should determine if they wish to use particular upper-level administrators as decision makers.]***

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 calendar **[or 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 calendar **[or 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"). **[Note to Local Boards: School districts can use the clear and convincing standard, but we recommend retaining the preponderance standard that school districts use in most other cases.]**
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**

**[Note to Local School Boards: The Title IX regulations require school districts to provide a "range," not an exhaustive list, of measures that would be used to ensure the complainant's equal access to the school district's programs and activities. Likewise, local Boards must include a "range" of disciplinary sanctions that may be imposed. The examples below can be revised to meet local needs.]**

### **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 of the types of discipline and other actions that may be imposed on a student when there is a determination that they are 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.

### **3. Discipline and Other Actions - Employees**

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.

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

***[Note to Local Boards: The person hearing an appeal cannot be the decision maker, investigator or HRO/Title IX Coordinator. Generally, we recommend that the Superintendent be the one to consider appeals, so another individual will need to be the decision maker in that case.]***

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 calendar **[or 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.
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 U)

### **Cross Reference:**

ACAA-R- Student Unlawful Discrimination/Harassment and Title IX Sexual Harassment Complaint Procedures  
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

***First Reading: July 13, 2021***

***Second Reading:***

***Final Adoption:***

## **ACAB HARASSMENT AND SEXUAL HARASSMENT OF SCHOOL EMPLOYEES**

Harassment of school employees because of 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. 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. The New Hampshire Commission for Human Rights law states that "[u]nwelcome sexual advances, requests for sexual favors, and other verbal, non-verbal or physical conduct of a sexual nature constitutes sexual harassment 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 individual is used as the basis for employment decisions affecting such individual; 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."

### **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).

#### **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 Section 504 of the  
Rehabilitation Act of 1973 (Section 504) (29 U.S.C. § 794 et seq.), as amended  
Title VII of the Civil Rights Act of 1964 (42 U.S.C. § 2000e, et. seq.; 29 C.F.R. § 1604.11)  
Age Discrimination in Employment Act (29 U.S.C. § 623 et seq.)  
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- Employee & Third-Party Unlawful Discrimination/ Harassment and Title IX Sexual  
Harassment Complaint Procedure  
AC - Nondiscrimination/Equal Opportunity and Affirmative Action  
ACAD - Hazing

***First Reading: July 13, 2021***

***Second Reading:***

***Final Adoption:***



## **ACAB-R EMPLOYEE DISCRIMINATION/HARASSMENT AND TITLE IX SEXUAL HARASSMENT COMPLAINT PROCEDURES**

*[Note to Local Boards: This document has been substantially revised due to the requirements in the new Title IX sexual harassment regulations that become effective on August 14, 2020. The definition of sexual harassment in the Title IX regulations has been narrowed and the regulations require a more formal procedure than local Boards have generally used to address discrimination/harassment complaints. At the same time, local Boards still need to comply with other federal and state laws/regulations governing discrimination and harassment, in addition to Title IX. For these reasons, we have structured this document in three sections:]*

- A. Section 1 provides the definitions used in the complaint procedures;*
- B. Section 2 sets out the general discrimination/harassment complaint procedure to address complaints of all forms of discrimination/harassment, except for those involving Title IX sexual harassment. This is very similar to the procedure school districts have used in the past; and*
- C. Section 3 The third section sets out is the new Title IX sexual harassment complaint procedure.*

Local school districts have the option of addressing all discrimination/ harassment complaints through the Title IX procedure if they wish and deleting Section 2. However, we suggest that local Boards carefully consider this option, as it means that all complaints will need to be addressed through a more formal process than school districts have customarily used.

Please note that in previous versions of this sample, the designation of employees to be notified of discrimination/harassment complaints and who are responsible for various actions, has been left largely to the discretion of the school district. The Title IX regulations require that the individual designated as the Title IX Coordinator be responsible for addressing all Title IX complaints. Because it can be difficult to assess which law and regulations a complaint should be addressed under, we recommend that a combined Human Rights Officer/Title IX Coordinator be the individual to receive all discrimination/ harassment complaints and to determine the appropriate procedure to use in specific cases. Assessing complaints, and deciding which policy/procedure is appropriate to address them, is complex and requires comprehensive training for HRO/Title IX Coordinators.

***Any proposed changes to these procedures should be reviewed with legal counsel prior to adoption to ensure compliance with legal requirements.]***

The 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 - 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).

**[Note: We refer to a combined Human Rights Officer/Title IX Coordinator in this sample.]**

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

**[INSERT FULL HRO/TITLE IX COORDINATOR INFORMATION HERE:  
NAME, TITLE  
PHYSICAL ADDRESS  
TELEPHONE NUMBER  
EMAIL ADDRESS]**

### **Section 1. Definitions**

For purposes of these complaint procedures, the following definitions will be used. The Human Rights Officer/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, color, sex, sexual orientation, gender identity, age, religion, ancestry, national origin, 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.
4. "Sexual harassment": Under New Hampshire law, this means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature in the following situations:
  - Submission to such conduct is made either explicitly or implicitly a term or condition of a student's educational benefits;

- Submission to or rejection of such conduct by a student is used as the basis for decisions on educational benefits; or
  - Such conduct has the purpose and effect of substantially interfering with a student's academic performance or creates an intimidating, hostile or offensive 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 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).
  8. "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 Human Rights Officer/Title IX Coordinator. A report triggers certain actions by the HRO/Title IX Coordinator for the alleged victim of sexual harassment, but an investigation is not conducted unless a "Formal Complaint" is filed.

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 HRO/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**

**[Note: This procedure generally tracks the procedure in earlier versions of ACAB-R, with some adjustments in an effort to minimize differences, where possible, between this complaint procedure and the Title IX sexual harassment complaint procedure in Section 3.]**

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 HRO/Title IX Coordinator.
2. Any employee who believes they have been harassed or discriminated against should report their concern promptly to the HRO/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 HRO/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 **[INSERT CONTACT INFO.]** and/or to the federal Office for Civil Rights, U.S. Department of Education, 5 Post Office Square, 8<sup>th</sup> Floor, Boston, MA 02109-3921

(telephone: 617-289-0111).

## **B. Complaint Handling and Investigation**

1. The HRO/Title IX Coordinator will promptly inform the Superintendent and the person who is the subject of the complaint (respondent) that a complaint has been received.
2. The HRO/Title IX Coordinator may pursue an informal resolution of the complaint with the agreement of the parties involved. Any party to the complaint may decide to end the informal resolution process and pursue the formal process at any point. Any informal resolution is subject to the approval of the parties and the Superintendent, who shall consider whether the resolution is in the best interest of the school district and the parties in light of the particular circumstances and applicable policies and laws.
3. The HRO/Title IX Coordinator may implement supportive measures (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 HRO/Title IX Coordinator. Any complaint about an employee who holds a supervisory position shall be investigated by a person who is not subject to that supervisor's authority. Any complaint about the Superintendent should be submitted to the 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 HRO/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 40 calendar **or 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 HRO/Title IX Coordinator.

### **C. Findings and Subsequent Actions**

1. The HRO/Title IX Coordinator shall consult with the Superintendent concerning the investigation and findings.
2. If there is a finding that discrimination or harassment occurred, the HRO/Title IX Coordinator, in consultation with the Superintendent:
  - a) Shall determine what remedial action, if any, is required to end the discrimination or harassment, remedy its effect and prevent recurrence; and
  - 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 calendar [or 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 calendar [or 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 calendar [or business] days, if practicable. The Superintendent's decision shall be final.

***[Note: The Board should decide whether to allow appeal of the Superintendent's decision to the Board. We recommend discussing this option with legal counsel before drafting such language.]***

### **E. Records**

The HRO/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 HRO/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 HRO/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.
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 [INSERT CONTACT INFO.] and/or to the federal Office for Civil Rights, U.S. Department of Education, 5 Post Office Square, 8<sup>th</sup> Floor, Boston, MA 02109-3921 (telephone: 617-289-0111).
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 HRO/Title IX Coordinator.

2. In certain circumstances, the HRO/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 HRO/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 HRO/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 HRO/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.

### **C. Administrative Leave**

1. The Superintendent may place an employee respondent on administrative leave during the complaint procedure in accordance with any applicable State laws, school policies and collective bargaining agreement provisions.
2. Any decision to place an employee respondent on administrative leave shall be made in compliance with any applicable disability laws, including Section 504 of the Rehabilitation Act and the Americans with Disabilities Act.

### **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 calendar **[or 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 calendar **[or 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 HRO/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 HRO/Title IX Coordinator believes the circumstances are appropriate, the HRO/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.

## A. Investigation

1. The complaint will be investigated by a trained internal or external individual designated by the Superintendent and HRO/Title IX Coordinator. Any complaint about an employee who holds a supervisory position shall be investigated by a person who is not subject to that supervisor's authority. Any complaint about the Superintendent should be submitted to the 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 HRO/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.
  - 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 calendar **or 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 calendar **[or business]** days of receipt.
  - j. After receipt of the parties' written responses (if any), forward the investigation report and party responses to the assigned decision maker.
6. The investigation shall be concluded within 40 calendar **[or business]** days if practicable. Reasonable extension of time for good reason shall be allowed.

#### **G. Determination of Responsibility**

***[Note: The decision maker cannot be the investigator or Title IX Coordinator, and must receive specific training. If appeals are to be heard by the Superintendent, the Board should determine if they wish to use particular upper-level administrators as decision makers.]***

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 calendar **[or 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 calendar **[or 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"). ***[Note to Local Boards: School districts can use the clear and convincing standard, but we recommend retaining the preponderance standard that school districts use in most other cases.]***
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.

## **F. Remedies, Discipline and Other Actions**

***[Note: The Title IX regulations require school districts to provide a "range," not an exhaustive list, of measures that would be used to ensure the complainant's equal access to the school district's programs and activities. Likewise, local Boards must include a "range" of disciplinary sanctions that may be imposed.]***

### **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.

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.

## 1. 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 calendar **or 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).

## F. *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)  
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 Section 504 of the  
Rehabilitation Act of 1973 (Section 504) (29 U.S.C. § 794 et seq.), as amended  
Title VII of the Civil Rights Act of 1964 (42 U.S.C. § 2000e, et. seq.; 29 C.F.R. § 1604.11)  
Age Discrimination in Employment Act (29 U.S.C. § 623 et seq.)  
Genetic Information Nondiscrimination Act of 2008 (42 U.S.C. § 2000ft et seq.)  
RSA 186:11; and 354-A NH Code Admin. R. Ed. 303.01(i) and (j)

### Cross Reference:

AC- Nondiscrimination/Equal Opportunity  
ACAB - Harassment and Sexual Harassment of School Employees

***First Reading: July 13, 2021***

***Second Reading:***

***Final Adoption:***

## AC NONDISCRIMINATION/EQUAL OPPORTUNITY

The 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 Board directs the school administration to create and implement a continuing program designed to prevent, assess the presence of, intervene in, and respond to incidents of discrimination against all applicants, employees, students and other individuals having access rights to school premises and activities.

The school district has designated and authorized a Human Rights Officer/Title IX Coordinator who is responsible for ensuring compliance with all federal and state requirements relating to nondiscrimination, including sexual harassment. The Human Rights Officer/Title IX Coordinator is a person with direct access to the Superintendent.

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

### Legal 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; 193:38; 193:39; 354-A

NH Code Admin. R. Ed. 303.01(i)

Cross Reference:

Wilton-Lyndeborough Cooperative School District

ACAA - Unlawful Harassment and Sexual Harassment of Students ACAA-R- Student Unlawful Discrimination/Harassment and Title IX Sexual Harassment Complaint Procedures

ACAB- Unlawful Harassment and Sexual Harassment of School Employees

ACAB-R - Employee & Third-Party Unlawful Discrimination/ Harassment and Title IX Sexual Harassment Complaint Procedures

***First Reading: July 13, 2021***

***Second Reading:***

***Final Adoption:***



**WILTON-LYNDEBOROUGH COOPERATIVE  
SCHOOL BOARD MEETING  
Tuesday, July 13, 2021  
Wilton-Lyndeborough Cooperative M/H School  
6:30 p.m.**

Present: *Alex LoVerme, Brianne Lavallee (remote), Jonathan Vanderhoof, Matt Mannarino, Tiffany Cloutier-Cabral, Jim Kofalt, Charlie Post (6:47pm,remote ) and Paul White*

*Superintendent Peter Weaver, Business Administrator Kristie LaPlante, Principal Sarah Edmunds, Assistant Principal Katie Gosselin and Director of Student Support Services Ned Pratt, Technology Director Jonathan Bouley, Curriculum Coordinator Emily Stefanich, Food Service Director Erin Smith and Clerk Kristina Fowler*

**I. CALL TO ORDER**

Chairman LoVerme called the meeting to order at 6:31pm.

**II. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was recited.

**III. ADJUSTMENTS TO THE AGENDA**

The following adjustments to the agenda were requested; a nonpublic for personnel matters, replacement of a school board member and accounting firm.

*A MOTION was made by Mr. Kofalt and SECONDED by Mr. White to accept the adjustments to the agenda. Voting: via roll call vote, six ayes; one abstention from Chairman LoVerme, motion carried.*

**IV. PUBLIC COMMENTS**

The public comment section of the agenda was read. Public comment was asked for by those present and those online and on the telephone.

Ms. Heidi Kemmerer, Lyndeborough asked about lunchtime protocols at FRES. She saw a lot of food waste and had a 10am lunch duty. She noted the students were fed a lot, some took advantage of this. She questions if we will not have children socially distanced and not as much lunch duty come this school year. Chairman LoVerme responded that the administration team would be working on this.

Ms. Lavallee asked that those speaking move closer to the microphone.

**V. BOARD CORRESPONDENCE**

**a. Reports**

**i. Superintendent's Report**

Superintendent gave an overview of his report which included his settling in and meeting with staff. He thanked Ms. Fowler for her assistance during the transition. He provided a list of new hires and vacant positions. He spoke of being concerned at filling the one teaching position, industrial technology. The position is difficult to fill; it is pre-engineering and CAD plus traditional woodworking. He is problem solving with Ms. Edmunds and Ms. Gosselin and they have a contingency plan if necessary to still provide classes but maybe not all of them.

The administrative team present introduced themselves and spoke a little about their background. They are all excited and enthusiastic about their new positions. They were welcomed by the Board. Superintendent noted he is confident we will fill the other vacant positions and confirmed there is a contingency plan for the industrial technology position if it is not filled.

**VI. NHSBA MEMBERSHIP DUES**

Superintendent reviewed back in April the Board discussed continuing membership with NHSBA. There was a motion to not continue membership and he believes it failed. The bill is in and cost is \$3,195.19 (includes

membership and policy subscription); it is budgeted for 21-22. He is questioning if we should move forward with paying the bill. Discussion was had the voters voted to pass the budget and they said this is how they wanted to spend the money. It was noted that we change things in the budget all the time. It was further noted that the public doesn't vote on the minutia, line by line but by a total budget with overarching concepts; we make changes to spending and not spending all the time. We did vote as a Board against this as Peter said. Ms. Lavallee recalls that the motion did not pass therefor we would move forward with paying the bill. She understands the point made but wants to add the towns people requested a line by line budget, the Budget Committee provided that and it was part of the budget at the time and there was no objection to the specifics. Discussion continued including if that is the practice we will follow, we can't change anything. Concern was noted about setting a precedent: the line by line was available but we didn't ask about this. Chairman LoVerme noted we had a motion and it did not pass and there is no need to bring it up again. Mr. Vanderhoof spoke, that the motion did not pass but there was further discussion after the vote and Mr. Vanderhoof reported he specifically requested memberships like this should be voted on an annually basis and he has never voted to be a member of NHSBA and it should be voted whether we continue the membership or not. It should be practice to review and take a vote. He adds, if we are going to pay the bill, he advises reaching out to the attorney to find out how to do this properly within in RSA 15:5 and make sure we do it properly because we are not currently and pretty much neither is any other SAU in the state he believes. He reviewed what the RSA essentially means. Any state grants, if we get any, those funds can't be used for an organization that lobbies. The funds need to be put in a separate account and not comingled. The funds need to come from the town and go into a separate account for those reasons and not be comingled with the general fund. A question was raised if it had to be done for all memberships. It was noted it could affect the Superintendent Association; all associations lobby. Response was, not necessarily. Mr. Vanderhoof spoke that he only knows of 3 we have that have lobbied. It was discussed how this might work. It has to come from the town to the account and not into the general fund. A question was raised if the town needs to send a separate check. Ms. LaPlante spoke she has reviewed the RSA and understands the situation of comingling funds. Mr. Vanderhoof spoke that the funds have to go directly in that account that we pay the NHSBA out of, you cannot cut a check from the general fund. Once they are mixed, we are not following the RSA. Ms. LaPlante spoke that she has not had the chance to review the practice of it with other communities and would like the opportunity to see how other communities are doing this and ask what the auditors recommend; is it a trust fund, and how is it set up. She is not dismissing the concept but would be in a better position to answer if she had additional information. Mr. Vanderhoof does not believe anyone else is doing it. Ms. LaPlante noted the DRA might be helpful. Mr. Kofalt noted he believes it is possibly on the DOE Commissioners radar. He is probably looking at how and if it will be enforced in the future. Mr. Kofalt is not sure he agrees funds have to go from towns to a segregated account. He knows you have to have a separate bank account. He adds you could ask the CPA but likely, they will say no one has asked this before. It was noted if we are going to do it, we need to do it "by the book" and do it right. Superintendent Weaver confirms we will hold off on paying the bill until we are clear about earmarking it concerning lobbying. Chairman LoVerme confirms this. We should come back with a resolution for Aug. 10 and in the meantime, we will talk to them about the drop dead due date. Mr. Vanderhoof spoke that he had made a suggestion with a policy that had to do with NHSBA membership and he asked for it to be amended. It was confirmed there was no amendment made. It was noted if it was done by warrant article that could be a slippery slope since it was in the budget. Because it is in the budget, it is assumed to be open for discussion annually. It should be voted on every year. It was confirmed there is no change to the policy.

## **VII. AUGUST BOARD WORKSHOP**

Superintendent reviewed that there was discussion about having a workshop previously. He questions if the Board wants to continue with that for setting goals etc. In 2016, this was done with Dr. Ayers as the facilitator. The focus was on culture and climate etc. He questions if the Board wants the same format. Chairman LoVerme reported it was productive but doesn't remember the details. Mr. Vanderhoof was not there but has been involved with those that discussed goals and objectives. Superintendent spoke if we do have a workshop and focus on school goals, vision, and outcomes, plus measurement of success. He suggests including the administration to collaborate and discuss measuring the goals throughout the year. A question was raised, what was the follow up from the 2016 workshop; that should a critical piece if we have a workshop. Mr. Post likes that idea, we need more collaboration with the leadership team; if we come up with ideas and can't execute them; we need buy-in from both sides. He believes it would be helpful. He was at that workshop in 2016 and thought the workshop was productive; what direction do we want to go in, what could we do for staff and community and set objectives based on those. We stayed on that path of developing the curriculum; he believes it can be very productive. When we come back in the fall, it will be some sort of a reset pending COVID. A question was raised if the Board would like a facilitator, did you feel it helped to stay

on task and be productive to get things done. Mr. Vanderhoof responded, in those he was involved in there was not a facilitator. There were no long-term goals set but annually ones that went to the Strategic Planning Committee; that is where we set the agenda for that committee. It was noted it might be helpful to have a facilitator. Mr. Kofalt sees this as not a one and done scenario but the beginning of a deeper conversation of the vision of the district. He spoke with Mr. Weaver regarding his vision for the district as part of the process of hiring a superintendent. He used the phrase, “the vision of the graduate”. It focuses on why we are here and what we want students of this district to get when they reach graduation. Mr. Kofalt sees this as a first of series of gatherings and agrees there should be a facilitator. Without a facilitator, there can be a tendency to steer the conversation down a certain path and a facilitator is a neutral party who can look at it from a neutral perspective. There is consensus to have a facilitator. Superintendent will look for a facilitator for August 10. He suggests the time of the meeting be earlier in the day. There was no objection to start the board meeting earlier at 5:30pm. There will be a business meeting the first hour and then will adjourn for 2 hours to do the workshop with a facilitator. Facilitator suggestions can be sent to the Superintendent. Chairman LoVerme reported he might not be in attendance.

#### VIII. SUBSTITUTE RATE

Superintendent spoke of needing help to reset the substitute rate. He spoke of being fortunate and grateful to raise it to \$120 during the pandemic which helped to cover many teacher absences and we need to maintain our competitiveness. Sixty-five dollars a day is on the low end and \$150 is too high based on area rates last year. He is recommending \$100 per day and notes he does not want to go over the paraeducator rates. The average rate for a paraeducators is currently about \$16.74 per hour and rates range from \$12-\$19 per hour. Discussion was had that we need to be competitive and do not want to lose substitutes to surrounding districts. Superintendent notes when we can’t fill in with a substitute we can utilize class coverage, sometimes teachers are available and need to give up their planning time. Ms. Edmunds did a great job with this but there is no guarantee; teachers are paid \$20 for a 40-minute class. A suggestion was made to make it \$110. Discussion continued including the need to be aware of the paraeducators rates, the need to be competitive and keeping in mind the nurse rates as well which is \$130. It was noted on the low end of the paraeducators pay scale they would make \$70 per day and should not pay substitutes more than the paraeducators but we go through this year after year. It was expressed that companies typically pay per diem workers at a higher rate as you expect them to be ready when called. Superintendent spoke that at another district, there was a pool of substitutes that worked every day around the district and that helped as it seemed that there was always a need within the district. We have highly qualified paraeducators that do a great job and we do not want to lose them to be substitutes. A question was raised how many substitutes we have. Ms. Edmunds report she has 2 that she typically utilizes. A suggestion was made to follow the recommendation of the Superintendent and make it \$100.

*A MOTION was made by Mr. White and SECONDED by Ms. Cloutier-Cabral to increase the substitute daily rate to \$100.*

*Voting: via roll call vote, seven ayes; one abstention from Chairman LoVerme, motion carried.*

#### IX. POLICIES-1<sup>ST</sup> READ

- i. ACAB Harassment and Sexual Harassment of School Employees
- ii. ACAB-R Employee Discrimination/Harassment and Title IX Sexual Harassment Complaint Procedures
- iii. ACAA Harassment and Sexual Harassment of Students
- iv. ACAA-R Student Discrimination/Harassment and Title IX Sexual Harassment Complaint Procedures
- v. AC Nondiscrimination/Equal Opportunity

Superintendent spoke regarding DAF policies that Superintendent Lane had sent to the Board. He would like to have those directed to the Policy Committee. He questions if they have an upcoming meeting. Mr. White who is on the committee responded that there is not an upcoming meeting scheduled. They did tried to schedule one but had scheduling conflicts. It was also noted that there is now a vacancy on the committee.

Superintendent reviewed tonight's policies (listed above) have to do with harassment and asks a first read be done now and will be brought back for the Aug.10 meeting for a 2<sup>nd</sup> read and adoption. Ms. Fowler will transfer them into our format. Student handbooks will also need to be updated to reflect the new policies. The DAF policies will go to the Policy Committee first. Chairman LoVerme asked members if there was any concern with the language of any of them. Mr. Vanderhoof was concerned with the Human Rights Officer/Title IX Coordinator and questioned who this is and what additional duties will we be asking them to do by passing the policy. Superintendent responded Ms. Edmunds is currently the Title IX Coordinator and we will want to move that responsibility to another administrator. We will give it some thought and have plans for meeting/retreat soon. Mr. Vanderhoof noted if we were not adding anything additional to the person's plate then we should strike that portion that talks about that part of the policy. Ms. Edmunds noted we used to have one for each building. Superintendent agrees it would be best to have one for each building and make sure they have the proper training. A question was raised if there is a deadline to have the Title IX Coordinators. It was agreed it needs to be settled and training done before school starts. Superintendent will speak with Principal Chenette to see how it was handled in their last practice. There were no changes to the policies. This was an official 1<sup>st</sup> read and will move to a 2<sup>nd</sup> reading on Aug. 10.

## **X. ACTION ITEMS**

### **a. Approve Minutes of Previous Meeting**

Ms. Lavallee was having technical issues with connectivity.

*A MOTION was made by Mr. Vanderhoof and SECONDED by Mr. Kofalt to approve the minutes of June 22, 2021 as written.*

*Voting: via roll call vote, six ayes; one abstention from Chairman LoVerme, motion carried.*

*A MOTION was made by Mr. Vanderhoof and SECONDED by Mr. Kofalt to approve the nonpublic minutes of June 22, 2021 as written.*

*Voting: via roll call vote, six ayes; one abstention from Chairman LoVerme, motion carried.*

### **• REPLACEMENT OF SCHOOL BOARD MEMBER**

Chairman LoVerme reported that Mr. Legere resigned effective July 1. He apologized as he thought it was sent to all members of the school board. We will need to find a replacement and normally we reach out to people to provide a letter of interest indicating why they should be appointed to the school board.

It was noted this leaves a vacancy on the Policy Committee. Ms. Cloutier-Cabral volunteered for the committee. Ms. Lavallee agreed to Chair the committee and they will schedule a time to meet. Policies will be sent to them once put into the district format.

### **• ACCOUNTING FIRM/CPA REPORT**

Mr. Kofalt gave an update on the CPA report, which has to do with the engagement we authorized last month. He reported the accounting firm has completed their work looking at grants and bank reconciliation specifically. He provided a brief overview, as there are many details. There is no final report yet. They found there were some adjustments required to the general ledger, the beginning balance doesn't match last year's ending balance as there were adjustments made and not rolled forward. Bank adjustments were not done for a while, and were caught up by the previous business administrator; all was in order but they still don't match the general ledger. The CPA understands clearly, why that is and what adjustments need to be made. Quite a few transactions were misclassified and this is easily fixed. They have created a punch list. He notes Ms. LaPlante has a steep learning curve stepping into a new position. The punch list is of things that all need to be done. He adds this will be a much smoother process. Regarding grants, we wanted the firm to look at this as you hear stories of districts missing a deadline and leaving money on the table. There is a lot of grant submissions due at the end of Aug. and Sept. Because a lot of transactions are misclassified in the general ledger it will be challenging to get it all fixed. One thing he wants to state very clearly is nowhere in this process has there been any report of malfeasances or anything like that. There are things that need to be corrected and adjustments need to be made. The work they have done will be helpful to be sure we get those things done on time and accurately. The annual audit is done by the same CPA's and will have a head start on that. Mr. Kofalt spoke to the Superintendent yesterday, as he wanted to give them a few days to settle into their new roles. The Superintendent, Ms. LaPlante and Dr. Heon should sit down with the CPA to walk through their findings and compare it with your existing list, come up with a plan and let the Board know what is needed to

execute that plan. Scott Egan at Plodzick and Sanderson can set this up and contact information will be provided. He adds that deadlines are approaching and time is short and we need to get it set up soon. As far as process is concern, someone from the Budget Committee had reached out asking if we had a report. The CPA firm has a process before it can be made public and they want a LOR (Letter of Representation) from the school board, which they prepare, and we sign and attest to the fact the information you provide is true to the best of our knowledge. They will prepare this and get it to us by Thursday. There has been a delay due to vacations in the CPA firm. We should have it on Thursday. In the interest of getting it out sooner than later, if the Board delegates a member to sign the LOR we can sign it and get it to them, finalize it and make it public so we don't have to wait until Aug. for anyone to see it. He requests the Board authorize the Chair and another member to sign. He volunteers to do it or Ms. Lavallee may be able to; we need 2 signatures. The LOR is common practice in situations like this.

*A MOTION was made by Mr. Kofalt and SECONDED by Ms. Cloutier-Cabral that the Board delegate authorization to sign the Letter of Representation (LOR) to Chairman LoVerme and Mr. Kofalt.\**

A question was raised if all board members will get a copy of the LOR, Mr. Kofalt confirms they will. He adds the LOR is an attestation that to the best of our knowledge the information we provide to the CPA firm is true, correct and completed. Ms. Lavallee spoke that she supports Mr. Kofalt being the second person to sign it.

*\*Voting: via roll call vote, six ayes; two abstentions from Mr. Vanderhoof and Chairman LoVerme, motion carried.*

#### **XI.RESIGNATIONS / APPOINTMENTS / LEAVES**

- a. FYI New Hire-Christina Morrissey WLC SPED Paraprofessional**
- b. FYI New Hire-Yammilette Pizzaro-FRES ABA Therapist**
- c. FYI New-Hire Lindsey Lowery-FRES ABA Therapist**
- d. FYI New Hire-Eric Bouldin-FRES Custodian**

Superintendent reviewed the new hires. It was confirmed salaries are not needed for positions that the Board does not appoint. He confirmed we do have a custodian for LCS, Karen Nadeau and all custodian positions are now filled.

#### **XII. PUBLIC COMMENTS**

The public comment section of the agenda was read. Public comment was asked for by those present and those online and on the telephone. There was no public comment heard.

#### **XIII. SCHOOL BOARD MEMBER COMMENTS**

Mr. Post expressed it was nice to see Mr. Weaver here in the chair front and center; we are off to a good start with a short meeting.

Ms. Lavallee reiterates what Mr. Post said; she is excited with all the new people on board and looks forward to this school year.

Ms. Cloutier-Cabral expressed this was a great meeting, good job with the first meeting Mr. Weaver. She is excited about the new staff and new year and all those that are moving up. The Board has been very collaborative in this meeting, it is energetic, and she can feel the energy going on.

Mr. Vanderhoof thanked Mr. Legere for serving as long as he did on the Board. He is sorry to see him go and thanks him for his service.

Mr. Kofalt thanked everyone for showing up at tonight's meeting; he understands after a long day you don't want to come a meeting and luckily, this one is a short one. He feels positive about the new faces and new people in new positions. It is a good opportunity to leverage that energy and build a positive momentum in the district. He thanks you and looks forward to working with you all the next year and beyond.

Mr. White thanked everyone for coming out and looks forward to a normal year and hope it is more of a straightforward year.

Mr. Mannarino welcomed officially Mr. Weaver, Ms. Edmunds and Ms. Gosselin and thanks them for stepping up into their new roles and is looking forward to seeing what they will do. He welcomed the new faces and is looking forward to this year. He wishes everyone all the best and success in their new positions.

Chairman LoVerme thanked the Board for coming out and being online. He thanked all the new staff, he hopes they continue to come our meetings and have a two-way communication. It is nice to put a face with a name. It will be an interesting year coming off a COVID year and there will be some challenges. He looks forward to working with everyone here and wishes everyone good luck for the new year.

**• NON-PUBLIC SESSION RSA 91-A: 3 II (A)**

*A MOTION was made by Mr. Mannarino and SECONDED by Mr. White to enter Non-Public Session to discuss personnel matters RSA 91-A: 3 II (A) at 7:47pm.*

*Voting: via roll call vote, seven ayes; one abstention from Chairman LoVerme, motion carried.*

**RETURN TO PUBLIC SESSION**

The Board entered public session at 8:09pm.

**XIV. ADJOURNMENT**

*A MOTION was made by Mr. White and SECONDED by Mr. Kofalt to adjourn the Board meeting at 8:10pm.*

*Voting: seven ayes; one abstention from Chairman LoVerme, motion carried.*

*Respectfully submitted,*

*Kristina Fowler*

**Nonpublic Session Minutes  
Wilton-Lyndeborough Cooperative School District**

**Date:** 7/13/21 **Time:** 7:47pm

**Members Present:** Alex LoVerme, Jonathan Vanderhoof, Matt Mannarino, Tiffany Cloutier-Cabral  
Jim Kofalt, Brianne Lavallee (remote), Charlie Post (remote) and Paul White

*A MOTION was made by Mr. Mannarino and SECONDED by Mr. White to enter Non-Public Session to discuss personnel matters RSA 91-A: 3 II (A) at 7:47pm.*

*Voting: via roll call vote, seven ayes; one abstention from Chairman LoVerme, motion carried.*

**Specific Statutory Reason** cited as foundation for the nonpublic session:

  x   RSA 91-A:3, II (a) *The dismissal, promotion, or compensation of any public employee or the disciplining of such employee, or the investigation of any charges against him or her, **unless** the employee affected (1) has a right to a public meeting, and (2) requests that the meeting be open, in which case the request shall be granted.*

       RSA 91-A:3, II(b) *The hiring of any person as a public employee.*

       RSA 91-A:3, II(c) *Matters which, if discussed in public, would likely affect adversely the reputation of any person, **other than a member of this board**, unless such person requests an open meeting. This exemption shall extend to include any application for assistance or tax abatement or waiver of a fee, fine or other levy, if based on inability to pay or poverty of the applicant.*

       RSA 91-A:3, II(d) *Consideration of the acquisition, sale or lease of real 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.*

       RSA 91-A:3, II(e) *Consideration or negotiation of pending claims or litigation which has been threatened in writing or filed against this board or any subdivision thereof, or against any member thereof because of his or her membership therein, until the claim or litigation has been fully adjudicated or otherwise settled*

       RSA 91-A:3, II(i) *Consideration of matters relating to the preparation for and the carrying out of emergency functions, including training to carry out such functions, developed by local or state safety officials that are directly intended to thwart a deliberate act that is intended to result in widespread or severe damage to property or widespread injury or loss of life.*

<b>Roll Call vote to enter nonpublic session:</b>	Alex LoVerme	Abstain
	Jonathan Vanderhoof	Aye
	Tiffany Cloutier-Cabral	Aye
	Charlie Post	Aye
	Brianne Lavallee	Aye
	Matt Mannarino	Aye
	Paul White	Aye
	Jim Kofalt	Aye

**Entered nonpublic session at 7:47p.m.**

**Other persons present** during nonpublic session: Superintendent Peter Weaver, Student Support Services Director Ned Pratt and clerk Kristina Fowler

**Description of matters** discussed and final decisions made: Personnel matters were discussed.

*A MOTION was made by Ms. Cloutier-Cabral and SECONDED by Mr. White to accept the resignation of Ms. Kim Meyer, SPED teacher.*

*Voting: via roll call vote, seven ayes; one abstention from Chairman LoVerme, motion carried.*

**Note:** Under RSA 91-A:3, III. *Minutes of proceedings in nonpublic sessions shall be kept and the record of all actions shall be promptly made available for public inspection, except as provided in this section. Minutes and decisions reached in nonpublic session shall be publicly disclosed within 72 hours of the meeting, unless, by recorded vote of 2/3 of the members present, it is determined that divulgence of the information likely would affect adversely the reputation of any person **other than a member of this board**, or render the proposed action of the board ineffective, or pertain to terrorism. In the event of such circumstances, information may be withheld until, in the opinion of a majority of members, the aforesaid circumstances no longer apply.*

*A MOTION was made by Mr. White and SECONDED by Mr. Mannarino to exit the Non-Public Session at 8:09pm.*

*Voting: via roll call vote, seven ayes; one abstention from Chairman LoVerme, motion carried.*

**Public session reconvened at 8:09p.m.**

**These minutes recorded by:** Kristina Fowler



***Wilton-Lyndeborough Cooperative School District***  
***School Administrative Unit #63***

192 Forest Road Lyndeborough, NH 03082  
603-732-9227

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Peter Weaver  
Superintendent of Schools

Ned Pratt  
Director of Student Support Services

Kristie LaPlante  
Business Administrator

Emily Stefanich  
District Curriculum Coordinator

TO: The WLC School Board  
FROM: Peter Weaver  
DATE: August 2, 2021  
RE: Nomination for WLC SPED Case Manager/Teacher

Please accept this as the nomination of Kira Brewster as the SPED Case Manager for WLC filling the vacancy left by Kim Meyer. Ms. Brewster has been working in the district since August 2018 as a contracted service provider as a reading/writing specialist at the middle and high school. She also has experience in developing curriculum for a private institution. Ms. Brewster has a Masters degree in Education. She attended Lesley University in Cambridge, Massachusetts and Notre Dame College in Manchester, New Hampshire. She is a NH certified teacher in Elementary Education and Special Education.

There were four applicants for this position and she was interviewed by Ms. Edmunds and Ms. Gosselin. The budgeted salary for this position is \$62,200. I recommend a motion to appoint Kira Brewster as a SPED Case Manager/Teacher at WLC at a salary of \$58,700, Masters step 13.

## **Kira Brewster M.Ed**

### **Work experience**

#### **Aug 2018 – Present – Reading/Writing Specialist – Middle and High school students**

- Plan, teach and evaluate curriculum for students who struggle with reading and writing
- Serve as a resource to help students grown in their reading and writing skills
- Instruct students in need of correction, acceleration or remediation
- Attend IEP meetings and consulting with IEP team and classroom teachers to best benefits the student.
- Responsible for carrying out IEP goals for student's success.

#### **Sept 2009-2011- Developed curriculum for a private institution for grades K-8**

#### **Sept. 2007 – Present – Private tutor/Consultant/Homeschool evaluator in several schools/homes in southern NH (Grades K-12)**

- Assist children in excelling academically
- Through unique assessment techniques, identified methods that will inspire, stimulate and connect with each student
- Help children achieve success during each tutoring session
- Tailored to an individualized approach where each child receives individual attention at every session

#### **Specific job responsibilities**

- Assess student's areas of strengths and weaknesses to design the best plan for his/her success
- Recommend the best learning environment for the student to help them improve their learning
- Review the student's classroom curricula topics and assignments to better serve the student
- Consult with student's teacher to collaborate on the subjects and areas of needed improvement
- Develop and distribute teaching materials to supplement the student's classroom lessons, including study guides
- Conduct practice tests to track progress, identify areas of improvement and help set goals for exam preparation
- Make corrections in assignments and other assessments where the students did not perform well
- Help students develop intricate learning skills (writing and listening) and how to better handle difficult topics
- Recommend resources such as books, websites and apps to allow students versatility in their learning and understanding of the subjects
- Provide students positive and constructive feedback
- Help students comprehend and assimilate the concepts and details of any given subject.
- Demonstrate academic best practices for specific subjects and assignments, including research and writing tactics
- Teach students basic study skills
- Provide parents with monthly progress reports
- Consult with parents and teachers on appropriate modifications for students with difficulties

- Offer feedback on progress to parents and teachers where appropriate
- Attend IEP meetings as an advocate for the parents
- Consult with home school parents on appropriate curriculum choices for their child
- Evaluate homeschoolers portfolios and curriculum on a yearly basis and submit a written report on the founded interview and research
- Consult with homeschool parents on the state of NH guidelines for schooling at home

**Sept. 1995- 1999 – Taught 4<sup>th</sup> grade classroom and 5<sup>th</sup> and 6<sup>th</sup> grade gifted class.**

- Prepared lesson plans and taught reading, social studies, math, science and health using appropriate learning activities for 4<sup>th</sup> graders.
- Planned learning experiences to motivate pupils with lesson plans and materials for individualized and small group instruction during out-of-classroom activities.
- Created a functional learning atmosphere and develop standards of behavior in the classroom that evaluated academic and social growth.
- Maintained books, instructional aids, and instructional supply records, created progress reports for parents on individual student progress.
- Oversaw standardized tests and developed weekly lesson plans and supplementary materials and participated in curriculum developmental programs on a district level.
- Monitored students' development by making daily notes and logging/recording the data
- Collaborated with other educational professionals and parents of children for constant progress checks.

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Peter Weaver  
Superintendent of Schools

Ned Pratt  
Director of Student Support Services

Kristie LaPlante  
Business Administrator

Emily Stefanich  
District Curriculum Coordinator

TO: Megan Sass  
FROM: Peter Weaver  
DATE: 8/4/2021  
RE: Resignation

In accordance with Policy GCQC:

“A resignation by a licensed employee who is under contract to the school should be submitted to the Superintendent. Said resignation of a licensed employee may take effect on a date approved by the Superintendent acting as agenda of the School Board.

I am in receipt of your email dated July 31 that you intend to resign your position as School Psychologist effective August 20. Thank you for your service and we wish you well in the future.