

**Public Notice of Meeting**  
**WILTON-LYNDEBOROUGH COOPERATIVE**  
**SCHOOL BOARD MEETING**  
**Tuesday, August 24, 2021**  
**Wilton-Lyndeborough Cooperative M/H School**  
**6:30 p.m.**

**Videoconferencing:** [meet.google.com/mbh-gvuu-ket](https://meet.google.com/mbh-gvuu-ket)

**Audio:** +1 339-788-5413 PIN: 661 239 549#

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. Business Administrator's Report
    - ii. Director of Student Support Services Report
    - iii. Director of Technology's Report
- VI. NHSBA MEMBERSHIP**
- VII. DRAFT BACK TO SCHOOL PLAN**
  - i. Use of Lockers
- VIII. SCHOOL BOARD MEMBER VACANCY**
- IX. SCHOOL BOARD WORKSHOP**
- X. POLICIES**
  - a. 3<sup>rd</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
  - b. 2<sup>nd</sup> Read**
    - i. DAF-1-Allowability
    - ii. DAF-2-Cash Management and Fund Control
    - iii. DAF-3-Procurement
    - iv. DAF-10-Grant Budget Reconciliation

**XI. ACTION ITEMS**

- a. Approve Minutes of Previous Meeting**

**XII. COMMITTEE REPORTS**

- i. Policy Committee
- ii. Budget Liaison

**XIII. RESIGNATIONS/APPOINTMENTS/LEAVES**

- a. FYI-New Hire-Jacklyn Bird-LCS Custodian**
- b. FYI-New Hire-Patricia Avron-LCS Paraprofessional**
- c. Resignation-Anne Setaro-WLC Paraprofessional**

**XIV. PUBLIC COMMENTS**

**XV. SCHOOL BOARD MEMBER COMMENTS**

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

- i. Personnel Matters

**XVII. ADJOURNMENT**

**INFORMATION: Next School Board Meeting-September 14, 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

---

Peter Weaver  
Superintendent of Schools

Ned Pratt  
Director of Student Support Services

Kristie LaPlante  
Business Administrator

Emily Stefanich  
District Curriculum Coordinator

**BUSINESS ADMINISTRATOR REPORT**

August 24, 2021

My first two months with the District have been full of introductions, meetings, trainings, analyzing financial data, and working to correct previous accounting misclassifications while identifying improved procedures moving forward.

Before I provide transparent reporting on some of the growing pains I have faced in the last few weeks, I want to focus on the accomplishments of our Facilities and Food Services divisions.

Our **Facilities team** has been BUSY this summer freshening up our schools and preparing them for the 2021/2022 school year.

- Districtwide, Facilities Director “Buddy Erb” and his team of seven custodial staff have spent countless hours stripping and waxing all floors, deep cleaning walls and furniture, yard maintenance/landscaping, and preventative maintenance on heating systems. Additionally, the Facilities team painted interior walls at FRES.
- The roofing company is completing Phase Six of the nine-phase programmed replacement project at WLC.
- Due to COVID, the lighting replacement project is delayed while the vendor awaits receipt of all supplies.
- Much needed maintenance has been completed in the kitchen at WLC: condensation drain was fixed, leaky sinks will have been repaired by August 24<sup>th</sup>, new belt installed on exhaust fans, holes have been repaired, refrigerators have undergone annual maintenance, and gaskets are being replaced on the walk-in freezers.

Our new **Food Services Director, Erin Smith**, has taken advantage of several training opportunities as she prepares for the upcoming school year. Erin has completed 24 hours of online training programs, has mentored with an area District’s Food Services Director, as well as received direct training from our former Food Services Director all while building her team to provide and serve meals in our three schools.

One of the biggest challenges I have faced has been resolving a **lack of data/recordkeeping** with what is required to adequately do my job. I am very **fortunate** that the staff within my office as well as Mrs. Fowler have been able to fill in the blanks as best as they can. When all else has failed, I have had to return to square one and to recreate missing information or interpret the missing information to the best of my ability.

As I briefly reported to the Board on August 10<sup>th</sup>, Mr. Weaver and I met with the District’s auditing firm, Plodzik & Sanderson to review the results of their June 2021 Financial Analysis. I have corrected the General Fund and Bank Reconciliation discrepancies and am now focused on **identifying the grant deficiencies** (reporting and reimbursement of significant funds as well as misclassification of Grant expenditures in the General Fund).

I have been reviewing and researching FY21 Expenditures to ensure all Grant transactions are identified and removed from the General Fund to ensure we **maximize our reimbursable expenses**. Once that is complete I will feel confident with our Grant reimbursement requests (within their respective deadlines) and will feel confident with the data reported to the Department of Education and Department of Revenue for tax rates.

Because of these discrepancies and the need to ensure accuracy in numbers, I will be requesting a **30-day extension** from the Department of Education for submitting the Annual Financial Statement (“DOE 25”).

Prior to my tenure with the District, the **NH Department of Education Bureau of Federal Compliance** conducted an audit of grant funds spent during the FY20 School Year. While the Audit did not return any significant faulty findings, the fallout of not responding in a timely manner to their supplemental requests for required information has put the District in jeopardy of having to pay back grant monies spent in that school year. As I became aware of these issues, I have been working with the Compliance Auditor to remedy the missing information and restore the District to compliant status.

On August 17<sup>th</sup>, Mr. Weaver and I met with the **Budget Committee** as an unofficial kick-off for the FY23 Budget Development process. In the month of September, I will be meeting with all Building and Program Administrators to discuss and review their requests for funding next year and encouraging each entity to start developing five-year plans to better communicate anticipated need. It is my hope to have a complete first draft of the FY23 Budget available by mid-October.

Finally, I want to reassure the School Board and the Community that I will stabilize the Business Administrator position and restore confidence in the District's financial and business practices. I am a firm believer that the public should have access to transparent and accurate data in order to establish trust, build relationships, and make sound decisions.

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

***School Administrative Unit #63***

192 Forest Road Lyndeborough, NH 03082

603-732-9227

---

Peter Weaver  
Superintendent of Schools

Ned Pratt  
Director of Student Support Services

Kristie LaPlante  
Business Administrator

Emily Stefanich  
District Curriculum Coordinator

## **Student Support Services Report August 2021**

The Office of Student Support Services has been very busy this summer with closing out the 2020-2021 school year, preparing for the 2021-2022 school year, coordinating our ESY programs and hiring new staff. Highlights from the summer are:

- We welcomed a number of new staff members for the 2021-2022 school year. As of this report submission, we are still looking for a school psychologist. All other positions are filled or will be filled pending Superintendent Weaver's recommendations and the Board's approval.
- Our ESY program was a complete success this year! Our principal's have already brought for some information about activities over the summer during their Board report in early August, so I will not go into detail once again. All told, we had 53 students attend the Special Education ESY program and they will be ready to hit the ground running as we begin our new school year. A huge thank you to those students, families, teachers and staff members who participated in ESY!
- After a slow start to the enrollment, season our Preschool and Pre kindergarten programs are filling up. As we have discussed, we are servicing only students in need of special education in these programs this year, but are looking forward to opening the programs up to role model students during the 2022-2023 school year. I will be bringing recommendations for the preschool process moving forward to the Board sometime later this fall.
- Our department has been busy all summer with continued work on all financial aspects of the budget including finalizing the IDEA grants and coordinating with the business office to set up accounts for the grants, refining all related service and ABA contracts for accuracy and accounting and initial development of the FY'23 student support services budget. It has been a pleasure working closely with Kristie LaPlante and her office during this time!
- A recent request regarding the number of move-ins over the past three years and its effect on special education service program planning and delivery will be shared with the Board at a future meeting. Our department will be working to pull together all of the requested information as we begin the school year.

# August 2021 SAU63 Technology Report

Jonathan Bouley

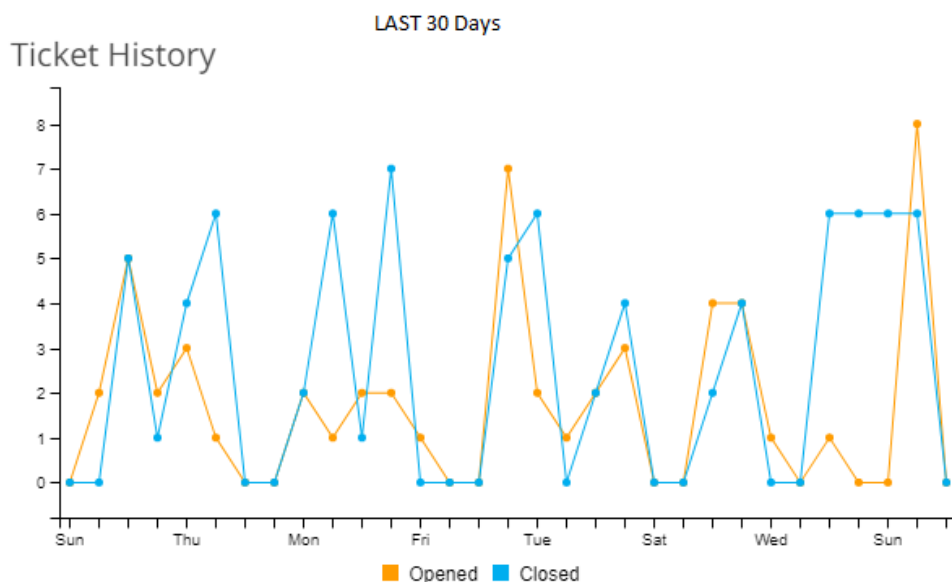
Director of Technology

My technology department theme of the year is “Stabilize and Standardize.” We have come a long way in replacing 130 chromebooks this summer and almost all of our inventory is now the same make and model line. This helps immensely on training students, staff, and supporting a reduced number of additional accessories that go to those models. We will be working to maintain and replace aging systems on a more controlled cycle to make sure we have working systems that meet the requirements of the District's needs.

We are focusing on outstanding tickets and maintaining new tickets being created. We have put out a technology survey to the staff so that we can hear the voice of one group of stakeholders to start building out our technology plan for this year, three years, and five years out. I plan on sending a survey to the students and parents as well so we have input from our entire community.

## Support:

- **Open status ticket#:** 72 backlog tickets on July 15th, 44 currently august 17th, 35 of which are the original 72. 55 total new tickets created in the last 30 days.



I have been doing a site survey of each building and an inventory of our infrastructure and have started working on plans to implement best practices and compliance measures missing and/or not being followed correctly in our environment. We are looking to write up standard operating procedures on many commonly done tasks but lack documentation to remove human error. We are looking to integrate a few systems to alleviate the need for some username and passwords for staff and students. And looking to eliminate additional excess technology and stream line down to a unified platform so we can efficiently support, train, and use tech to enhance teaching and learning.

Lastly, we have several projects in the works that we are trying to finish up before the school year starts. Off site backups, Informacast emergency notification system, cyber security training, and a few others that will go into the school year.

## **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 JICI- Weapons on School Property and School Safety and JICK- Pupil Safety and Violence Prevention, JICIB- Bullying and Cyber Bullying-Pupil Safety and Violence Prevention.

### **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  
 JICJ – Unauthorized Communication Devices  
 JICI - Weapons on School Property  
 JICK - Pupil Safety and Violence Prevention-Bullying  
 JICIB - Bullying and Cyber Bullying-Pupil Safety and Violence Prevention

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

***Second Reading:*** August 10, 2021

***Third Reading:***

***Final Adoption:***

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

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).

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.

**Human Rights Officer/Title IX Coordinator**

**Ms. Kristie LaPlante**

192 Forest Road Lyndeborough, NH 03082

603-732-9174

[k.laplane@sau63.org](mailto:k.laplane@sau63.org)

### **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, sexual orientation, gender identity, religion, ancestry, national origin or disability (and not otherwise addressed in the Title IX regulations and Section 3 of ACA-R).
8. Complaints of bullying not involving the protected categories or definitions described above may be addressed under Board Policy JICK-Pupil Safety and Violence Prevention-Bullying and JICIB-Bullying and Cyber Bullying-Pupil Safety and Violence Prevention.

## **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**

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 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 business days after receiving notice of the resolution.
3. Upon receipt of a valid appeal, the Superintendent shall provide notice to the other party, along with an opportunity to provide a written statement within five business days.
4. The Superintendent shall review the available documentation and may conduct further investigation if deemed appropriate.
5. The Superintendent's decision on the appeal shall be provided to the parties within 10 business days, if practicable. The Superintendent's decision shall be final.

### **E. Records**

The 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 business days).

As required by the Title IX regulations, a statement that the respondent is presumed not responsible for the alleged conduct and that a determination of responsibility will be made at the conclusion of the complaint); and that the parties may inspect and review evidence;
  - Notice that the parties may each have an advisor of their choice (who may be an attorney), and that the parties may inspect and review evidence;
  - Notice that knowingly making false statements or submitting false information during the complaint process is prohibited and may result in disciplinary action;
  - Notice of the name of the investigator, with sufficient time (no less than three business days) to raise concerns of conflict of interest or bias.
2. If additional allegations become known at a later time, notice of the additional allegations will be provided to the parties.
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 anytime. 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 business days to submit a written response.
  - h. Consider the parties' written responses to the evidence prior to completing the investigation report.
  - i. Create an investigative report that fairly summarizes relevant evidence and send the report to the parties and advisors (if any), for their review. The Parties may submit written responses to the report within ten business days of receipt.
  - j. After receipt of the parties' written responses (if any), forward the investigation report and party responses to the assigned decision maker.
6. The investigation shall be concluded within 40 business days if practicable. Reasonable extension of time for good reason shall be allowed.

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

1. The decision maker shall provide the parties with the opportunity to submit written, relevant questions that the party wants asked of another party or witness within five business days of when the decision maker received the investigation report and party responses.

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

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

### **1. Remedies**

Remedies are measures used to ensure that the complainant has equal access to the school

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

## **2. Discipline and Other Actions - Students**

The following are 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**

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

1. A procedural irregularity that affected the outcome of the matter;

2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal of the formal complaint was made, that could affect the outcome of the matter; or
3. The Title IX Coordinator, investigator, or decision maker had a conflict of interest or bias for or against complainants or respondents generally, or the individual complainant or respondent that affected the outcome of the matter.

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

1. Appeals must be filed with the Superintendent, who will consider the appeal.
2. The Superintendent shall 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

JICFA- Hazing

GBEB - Staff Conduct

JICJ - Unauthorized Communication Devices

JICI - Weapons on School Property

JICK - Pupil Safety and Violence Prevention-Bullying

JICIB - Bullying and Cyber Bullying-Pupil Safety and Violence Prevention

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

***Second Reading:*** August 10, 2021

***Third 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]nwelcoming 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  
 JICFA- Hazing

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

***Second Reading:*** August 10, 2021

***Third Reading:***

***Final Adoption:***

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

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).

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.

**Human Rights Officer/Title IX Coordinator**

**Ms. Kristie LaPlante**

**192 Forest Road Lyndeborough, NH 03082**

**603-732-9174**

[k.laplane@sau63.org](mailto:k.laplane@sau63.org)

### **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**

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, 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 (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 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 business days after receiving notice of the resolution.
3. Upon receipt of a valid appeal, the Superintendent shall provide notice to the other party, along with an opportunity to provide a written statement within five business days.
4. The Superintendent shall review the available documentation and may conduct further investigation if deemed appropriate.
5. The Superintendent's decision on the appeal shall be provided to the parties within 10 business days, if practicable. The Superintendent's decision shall be final.

### **E. Records**

The 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, 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).
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 allegedly 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 business days);
  - As required by the Title IX regulations, a statement that the respondent is presumed not responsible for the alleged conduct and that a determination of responsibility will be made at the conclusion of the complaint); and that the parties may inspect and review evidence;
  - Notice that the parties may each have an advisor of their choice (who may be an attorney), and that the parties may inspect and review evidence;
  - Notice that knowingly making false statements or submitting false information during the complaint procedure is prohibited and may result in disciplinary action; and
  - Notice of the name of the investigator, with sufficient time (no less than three business days) to raise concerns of conflict of interest or bias.
2. If additional allegations become known at a later time, notice of the additional allegations will be provided to the parties.
3. The 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 business days to

submit a written response.

- h. Consider the parties' written responses to the evidence prior to completing the investigation report.
  - i. Create an investigative report that fairly summarizes relevant evidence and send the report to the parties and advisors (if any), for their review and written responses within ten business days of receipt.
  - j. After receipt of the parties' written responses (if any), forward the investigation report and party responses to the assigned decision maker.
6. The investigation shall be concluded within 40 business days if practicable. Reasonable extension of time for good reason shall be allowed.

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

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

### **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 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 § 12101et 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. § 2000ftet 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:*** August 10, 2021

***Third 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 - Harassment and Sexual Harassment of Students

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

ACAB- Harassment and Sexual Harassment of School Employees

ACAB-R - Employee Discrimination/ Harassment and Title IX Sexual Harassment Complaint Procedures

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

***Second Reading:*** August 10, 2021

***Third Reading:***

***Final Adoption:***

## DAF-1 ALLOWABILITY

The Superintendent or designee is responsible for the efficient and effective administration of grant funds through the application of sound management practices. Such funds shall be administered in a manner consistent with all applicable Federal, State and local laws, the associated agreements/assurances, program objectives and the specific terms and conditions of the grant award.

**A. Cost Principles:** Except whether otherwise authorized by statute, costs shall meet the following general criteria in order to be allowable under Federal awards:

1. Be "necessary" and "reasonable" for proper and efficient performance and administration of the Federal award and be allocable thereto under these principles.
  - a. To determine whether a cost is "reasonable", consideration shall be given to:
    - i. whether a cost is a type generally recognized as ordinary and necessary for the operation of the District or the proper and efficient performance of the Federal award;
    - ii. the restraints or requirements imposed by such factors as sound business practices, arm's length bargaining, Federal, State, local, tribal and other laws and regulations;
    - iii. market prices for comparable goods or services for the geographic area;
    - iv. whether the individuals concerned acted with prudence in the circumstances considering their responsibilities; and
    - v. whether the cost represents any significant deviation from the established practices or Board policy, which may increase the expense. While Federal regulations do not provide specific descriptions of what satisfied the "necessary" element beyond its inclusion in the reasonableness analysis above, whether a cost is necessary is determined based on the needs of the program. Specifically, the expenditure must be necessary to achieve an important program objective. A key aspect in determining whether a cost is necessary is whether the District can demonstrate that the cost addresses an existing need and can prove it.
  - b. When determining whether a cost is "necessary", consideration may be given to whether:
    - i. the cost is needed for the proper and efficient performance of the grant program;
    - ii. the cost is identified in the approved budget or application;
    - iii. there is an educational benefit associated with the cost;
    - iv. the cost aligns with identified needs based on results and findings from a needs assessment; and/or

- v. the cost addresses program goals and objectives and is based on program data.
- c. A cost is allocable to the Federal award if the goods or services involved are chargeable or assignable to the Federal award in accordance with the relative benefit received.
- 2. Conform to any limitations or exclusions set forth as cost principles in Part 200 or in the terms and conditions of the Federal award.
- 3. Be consistent with policies and procedures that apply uniformly to both Federally-financed and other activities of the District.
- 4. Be afforded consistent treatment. A cost cannot be assigned to a Federal award as a direct cost if any other cost incurred for the same purpose in like circumstances has been assigned as an indirect cost under another award.
- 5. Be determined in accordance with generally accepted accounting principles.
- 6. Be representative of actual cost, net of all applicable credits or offsets.

The term "applicable credits" refers to those receipts or reductions of expenditures that operate to offset or reduce expense items allocable to the Federal award. Typical examples of such transactions are: purchase discounts; rebates or allowances; recoveries or indemnities on losses; and adjustments of overpayments or erroneous charges. To the extent that such credits accruing to/or received by the State relate to the Federal award, they shall be credited to the Federal award, either as a cost reduction or a cash refund, as appropriate.

- 7. Be not included as a match or cost-share, unless the specific Federal program authorizes Federal costs to be treated as such.
- 8. Be adequately documented:
  - a. in the case of personal services, the Superintendent shall implement a system for District personnel to account for time and efforts expended on grant funded programs to assure that only permissible personnel expenses are allocated;
  - b. in the case of other costs, all receipts and other invoice materials shall be retained, along with any documentation identifying the need and purpose for such expenditure if not otherwise clear.

**B. Selected Items of Cost:** The District shall follow the rules for selected items of cost at 2 C.F.R. Part 200, Subpart E when charging these specific expenditures to a Federal grant. When applicable, District staff shall check costs against the selected items of cost requirements to ensure the cost is allowable. In addition, State, District and program-specific rules, including the terms and conditions of the award, may deem a cost as unallowable and District personnel shall follow those rules as well.

**C. Cost Compliance:** The Superintendent shall require that grant program funds are expended and are accounted for consistent with the requirements of the specific program and as identified in the grant application. Compliance monitoring includes accounting for direct or indirect costs and reporting them as permitted or required by each grant.

**D. Determining Whether A Cost is Direct or Indirect**

1. "Direct costs" are those costs that can be identified specifically with a particular final cost objective, such as a Federal award, or other internally or externally funded activity, or that can be directly assigned to such activities relatively easily with a high degree of accuracy.

These costs may include: salaries and fringe benefits of employees working directly on a grant-funded project; purchased services contracted for performance under the grant; travel of employees working directly on a grant-funded project; materials, supplies, and equipment purchased for use on a specific grant; and infrastructure costs directly attributable to the program (such as long distance telephone calls specific to the program, etc.).

2. "Indirect costs" are those that have been incurred for a common or joint purpose benefitting more than one (1) cost objective and not readily assignable to the cost objectives specifically benefitted, without effort disproportionate to the results achieved. Costs incurred for the same purpose in like circumstances shall be treated consistently as either direct or indirect costs.

These costs may include: general data processing, human resources, utility costs, maintenance, accounting, etc.

Federal education programs with supplement not supplant provisions must use a restricted indirect cost rate. In a restricted rate, indirect costs are limited to general management costs. General management costs do not include divisional administration that is limited to one (1) component of the District, the governing body of the District, compensation of the Superintendent, compensation of the chief executive officer of any component of the District, and operation of the immediate offices of these officers.

The salaries of administrative and clerical staff should normally be treated as indirect costs. Direct charging of these costs may be appropriate only if all the following conditions are met:

- a. Administrative or clerical services are integral to a project or activity.
- b. Individuals involved can be specifically identified with the project or activity.
- c. Such costs are explicitly included in the budget or have the prior written approval of the Federal awarding agency.
- d. The costs are not also recovered as indirect costs.

Where a Federal program has a specific cap on the percentage of administrative costs that may be charged to a grant, that cap shall include all direct administrative charges as well as any recovered indirect charges.

Effort should be given to identify costs as direct costs whenever practical, but allocation of indirect costs may be used where not prohibited and where indirect cost allocation is approved ahead of time by NHDOE or the pass-through entity (Federal funds subject to 2 C.F.R Part 200 pertaining to determining indirect cost allocation).

- E. Timely Obligation of Funds:** Obligations are orders placed for property and services, contracts and sub awards made, and similar transactions during a given period that require payment by the non-Federal entity during the same or a future period.

The following are examples of when funds are determined to be "obligated" under applicable regulation of the U.S. Department of Education:

When the obligation is for:

1. Acquisition of property - on the date which the District makes a binding written commitment to acquire the property.
2. Personal services by an employee of the District-when the services are performed.
3. Personal services by a contractor who is not an employee of the District - on the date which the District makes a binding written commitment to obtain the services.
4. Public utility services - when the District received the services.
5. Travel - when the travel is taken.
6. Rental of property - when the District uses the property.
7. A pre-agreement cost that was properly approved by the Secretary under the cost principles in 2 C.F.R. Part 200, Subpart E- Cost Principles - on the first day of the project period.

**F. Period of Performance:** All obligations must occur on or between the beginning and ending dates of the grant project. This period of time is known as the period of performance. The period of performance is dictated by statute and will be indicated in the Grant Award Notification ("GAN"). As a general rule, State-administered Federal funds are available for obligation within the year that Congress appropriates the funds for. However, given the unique nature of educational institutions, for many Federal education grants, the period of performance is twenty-seven (27) months. This maximum period includes a fifteen (15) month period of initial availability, plus a twelve (12) month period of carry over. For direct grants, the period of performance is generally identified in the GAN.

In the case of a State-administered grant, obligations under a grant may not be made until the grant funding period begins or all necessary materials are submitted to the granting agency, whichever is later. In the case of a direct grant, obligations may begin when the grant is substantially approved, unless an agreement exists with NHDOE or the pass-through entity to reimburse for pre-approval expenses.

For both State-administered and direct grants, regardless of the period of availability, the District shall liquidate all obligations incurred under the award not later than forty-five (45) days after the end of the funding period unless an extension is authorized. Any funds not obligated within the period of performance or liquidated within the appropriate timeframe are said to lapse and shall be returned to the awarding agency. Consistently, the District shall closely monitor grant spending throughout the grant cycle.

***First Reading:*** August 10, 2021

***Second Reading:***

***Final Adoption:***

## DAF-2 – CASH MANAGEMENT AND FUND CONTROL

Payment methods must be established in writing that minimize the time elapsed between the drawdown of federal funds and the disbursement of those funds. Standards for funds control and accountability must be met as required by the Uniform Guidance for advance payments and in accordance with the requirements of NHDOE or other applicable pass-through-entity.

In order to provide reasonable assurance that all assets, including Federal, State, and local funds, are safeguarded against waste, loss, unauthorized use, or misappropriation, the Superintendent shall implement internal controls in the area of cash management.

The District's payment methods shall minimize the time elapsing between the transfer of funds from the United States Treasury or the NHDOE (pass-through entity) and disbursement by the District, regardless of whether the payment is made by electronic fund transfer, or issuance or redemption of checks, warrants, or payment by other means.

The District shall use forms and procedures required by the NHDOE, grantor agency or other pass-through entity to request payment. The District shall request grant fund payments in accordance with the provisions of the grant. Additionally, the District's financial management systems shall meet the standards for fund control and accountability as established by the awarding agency.

The Superintendent or designee is authorized to submit requests for advance payments and reimbursements at least monthly when electronic fund transfers are not used, and as often as deemed appropriate when electronic transfers are used, in accordance with the provisions of the Electronic Fund Transfer Act (15 U.S.C. 1693-1693r).

When the District uses a cash advance payment method, the following standards shall apply:

- A. The timing and amount of the advance payment requested will be as close as is administratively feasible to the actual disbursement for direct program or project costs and the proportionate share of any allowable indirect costs.
- B. The District shall make timely payment to contractors in accordance with contract provisions.
- C. To the extent available, the District shall disburse funds available from program income (including repayments to a revolving fund), rebates, refunds, contract settlements, audit recoveries, and interest earned on such funds before requesting additional cash payments.
- D. The District shall account for the receipt, obligation and expenditure of funds.
- E. Advance payments shall be deposited and maintained in insured accounts whenever possible.
- F. Advance payments will be maintained in interest bearing accounts unless the following apply:
  - 1. The District receives less than \$120,000 in Federal awards per year.
  - 2. The best reasonably available interest-bearing account would not be expected to earn interest in excess of \$500 per year on Federal cash balances.

3. The depository would require an average or minimum balance so high that it would not be feasible within the expected Federal and non-Federal cash resources.
  4. A foreign government or banking system prohibits or precludes interest-bearing accounts.
- G. Pursuant to Federal law and regulations, the District may retain interest earned in an amount up to \$500 per year for administrative costs. Any additional interest earned on Federal advance payments deposited in interest-bearing accounts must be remitted annually to the Department of Health and Human Services Payment Management System ("PMS") through an electronic medium using either Automated Clearing House ("ACH") network or a Fedwire Funds Service payment. Remittances shall include pertinent information of the payee and nature of payment in the memo area (often referred to as "addenda records" by Financial Institutions) as that will assist in the timely posting of interest earned on Federal funds.

***First Reading:*** August 10, 2021

***Second Reading:***

***Final Adoption:***

## DAF-3 PROCUREMENT

All purchases for property and services made using federal funds must be conducted in accordance with all applicable Federal, State and local laws and regulations, the Uniform Guidance, and the District's written policies and procedures.

Procurement of all supplies, materials equipment, and services paid for from Federal funds or District matching funds shall be made in accordance with all applicable Federal, State, and local statutes and/or regulations, the terms and conditions of the Federal grant, District policies, and procedures.

The Superintendent shall maintain a procurement and contract administration system in accordance with the USDOE requirements (2 CFR 200.317-.326) for the administration and management of Federal grants and Federally-funded programs. The District shall maintain a contract administration system that requires contractors to perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders. Except as otherwise noted, procurement transactions shall also conform to the provisions of the District's documented general purchase Policy DJ.

The District avoids situations that unnecessarily restrict competition and avoids acquisition of unnecessary or duplicative items. Individuals or organizations that develop or draft specifications, requirements, statements of work, and/or invitations for bids, requests for proposals, or invitations to negotiate, are excluded from competing for such purchases. Additionally, consideration shall be given to consolidating or breaking out procurements to obtain a more economical purchase. And, where appropriate, an analysis shall be made to lease versus purchase alternatives, and any other appropriate analysis to determine the most economical approach. These considerations are given as part of the process to determine the allowability of each purchase made with Federal funds.

Contracts are awarded only to responsible contractors possessing the ability to perform successfully under the terms and conditions of a proposed procurement. Consideration is given to such matters as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources. No contract is awarded to a contractor who is suspended or debarred from eligibility for participation in federal assistance programs or activities.

Purchasing records are sufficiently maintained to detail the history of all procurements and must include at least the rationale for the method of procurement, selection of contract type, and contractor selection or rejection; the basis for the contract price; and verification that the contractor is not suspended or debarred.

To foster greater economy and efficiency, the District may enter into State and local intergovernmental agreements where appropriate for procurement or use of common or shared goods and services.

**A. Competition:** All procurement transactions shall be conducted in a manner that encourages full and open competition and that is in accordance with good administrative practice and sound business judgement. In order to promote objective contractor performance and eliminate unfair competitive advantage, the District shall exclude any contractor that has developed or drafted specifications, requirements, statements of work, or invitations for bids or requests for proposals from competition for such procurements.

Some of the situations considered to be restrictive of competition include, but are not limited to, the following:

1. unreasonable requirements on firms in order for them to qualify to do business;
2. unnecessary experience and excessive bonding requirements;
3. noncompetitive contracts to consultants that are on retainer contracts;



4. organizational conflicts of interest;
5. specification of only a "brand name" product instead of allowing for an "or equal" product to be offered and describing the performance or other relevant requirements of the procurement; and/or
6. any arbitrary action in the procurement process.

Further, the District does not use statutorily or administratively imposed State, local, or tribal geographical preferences in the evaluation of bids or proposals, unless (1) an applicable Federal statute expressly mandates or encourages a geographic preference; (2) the District is contracting for architectural and engineering services, in which case geographic location may be a selection criterion provided its application leaves an appropriate number of qualified firms, given the nature and size of the project, to compete for the contract.

To the extent that the District uses a pre-qualified list of persons, firms or products to acquire goods and services, the pre-qualified list must include enough qualified sources as to ensure maximum open and free competition. The District allows vendors to apply for consideration to be placed on the list as requested.

- B. Solicitation Language:** The District shall require that all solicitations incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured. Such description shall not, in competitive procurements, contain features, which unduly restrict competition. The description may include a statement of the qualitative nature of the material, product or service to be procured and, when necessary, shall set forth those minimum essential characteristics and standards to which it shall conform if it is to satisfy its intended use. Detailed product specifications should be avoided if at all possible.

When it is impractical or uneconomical to make a clear and accurate description of the technical requirements, a "brand name or equivalent" description may be used as a means to define the performance or other salient requirements of procurement. The specific features of the named brand which shall be met by offers shall be clearly stated; and identify all requirements which the offerer shall fulfill and all other factors to be used in evaluating bids or proposals.

The Board will not approve any expenditure for an unauthorized purchase or contract.

- C. Procurement Methods:** The District shall utilize the following methods of procurement:

1. Micro-purchases

Procurement by micro-purchase is the acquisition of supplies or services, the aggregate dollar amount of which does not exceed \$10,000. To the extent practicable, the District shall distribute micro-purchase equitably among qualified suppliers. Micro-purchases may be made without soliciting competitive quotations if the Superintendent considers the price to be reasonable. The District maintains evidence of this reasonableness in the records of all purchases made by this method.

2. Small Purchases (Simplified Acquisition)

Small purchase procedures provide for relatively simple and informal procurement methods for securing services, supplies, and other property that does not exceed the competitive bid threshold of \$250,000. Small purchase procedures require that price or rate quotations shall be obtained from an adequate number of qualified sources.

3. Sealed Bids

Sealed, competitive bids shall be obtained when the purchase of, and contract for, single items of supplies, materials, or equipment which amounts to \$250,000 and when the Board determines to build, repair, enlarge, improve, or demolish a school building/facility the cost of which will exceed \$250,000.

- a. In order for sealed bidding to be feasible, the following conditions shall be present:
- i. a complete, adequate, and realistic specification or purchase description is available;
  - ii. two (2) or more responsible bidders are willing and able to compete effectively for the business; and
  111. the procurement lends itself to a firm fixed price contract and the selection of the successful bidder can be made principally on the basis of price.

- b. When sealed bids are used, the following requirements apply:

- i. Bids shall be solicited in accordance with the provisions of State law and DJE . Bids shall be solicited from an adequate number of qualified suppliers, providing sufficient response time prior to the date set for the opening of bids. The invitation to bid shall be publicly advertised.
- ii. The invitation for bids will include product/contract specifications and pertinent attachments and shall define the items and/or services required in order for the bidder to properly respond.
- iii. All bids will be opened at the time and place prescribed in the invitation for bids; bids will be opened publicly.
- iv. A firm fixed price contract award will be made in writing to the lowest responsive and responsible bidder. Where specified in bidding documents, factors such as discounts, transportation cost, and life cycle costs shall be considered in determining which bid is lowest. Payment discounts may only be used to determine the low bid when prior experience indicates that such discounts are usually taken.
- v. The Board reserves the right to reject any and all bids for sound documented reason.
- vi. Bid protests shall be handled pursuant to the process set forth in DAF-3.1.

4. Competitive Proposals

Procurement by competitive proposal, normally conducted with more than one sources submitting an offer, is generally used when conditions are not appropriate for the use of sealed bids or in the case of a recognized exception to the sealed bid method.

If this method is used, the following requirements apply:

- a. Requests for proposals shall be publicized and identify all evaluation factors and their relative importance. Any response to the publicized requests for proposals shall be considered to the maximum extent practical.
- b. Proposals shall be solicited from an adequate number of sources.
- c. The District shall use its written method for conducting technical evaluations of the proposals received and for selecting recipients.
- d. Contracts shall be awarded to the responsible firm whose proposal is most advantageous to the program, with price and other factors considered.

The District may use competitive proposal procedures for qualifications-based procurement of architectural/engineering (A/E) professional services whereby competitors' qualifications are evaluated, and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation. The method, where price is not used as a selection factor, can only be used in procurement of A/E professional services. It cannot be used to purchase other types of services though A/E firms are a potential source to perform the proposed effort.

5. Noncompetitive Proposals

Procurement by noncompetitive proposals allows for solicitation of a proposal from only one source and may be used only when one or more of the following circumstances apply:

- a. the item is available only for a single source;
- b. the public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation;
- c. the Federal awarding agency or pass-through entity expressly authorizes noncompetitive proposals in response to a written request from the District; and/or
- d. after solicitation of a number of sources, competition is determined to be inadequate.

**D. Contracting with Small and Minority Businesses, Women's Business Enterprises, and Labor Surplus**

**Area Firms:** The District must take necessary affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible. Affirmative steps must include:

1. Placing qualified small and minority businesses and women's business enterprises on solicitation lists;
2. Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;
3. Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women's business enterprises;
4. Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's business enterprises;
5. Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce; and
6. Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in paragraphs (1) through (5) of this section.

**E. Contract/Price Analysis:** The District shall perform a cost or price analysis in connection with every procurement action in excess of \$250,000 (i.e., the Simplified Acquisition/Small Purchase limit), including contract modifications. (See 2 CFR 200.323(a)). A cost analysis generally means evaluating the separate cost elements that make up the total price, while a price analysis means evaluating the total price, without looking at the individual cost elements.

The method and degree of analysis is dependent on the facts surrounding the particular procurement situation; however, the District shall come to an independent estimate prior to receiving bids or proposals.

When performing a cost analysis, the District shall negotiate profit as a separate element of the price. To establish a fair and reasonable profit, consideration is given to the complexity of the work to be performed,

the risk borne by the contractor, the contractor's investment, the amount of subcontracting, the quality of its record of past performance, and industry profit rates in the surrounding geographical area for similar work.

- F. Time and Materials Contracts:** The District shall use a time and materials type contract only (1) after a determination that no other contract is suitable; and (2) if the contract includes a ceiling price that the contractor exceeds at its own risk. Time and materials type contract means a contract whose cost to the District is the sum of the actual costs of materials, and direct labor hours charged at fixed hourly rates that reflect wages, general and administrative expenses, and profit.

Since this formula generates an open-ended contract price, a time-and-materials contract provides no positive profit incentive to the contractor for cost control or labor efficiency. Therefore, the District sets a ceiling price for each contract that the contractor exceeds at its own risk. Further, the District shall assert a high degree of oversight in order to obtain reasonable assurance that the contractor is using efficient methods and effective cost controls, and otherwise performs in accordance with the terms, conditions, and specifications of their contracts or purchase orders.

- G. Suspension and Disbarment:** The District will award contracts only to responsible contractors possessing the ability to perform successfully under the terms and conditions of the proposed procurement. All purchasing decisions shall be made in the best interests of the District and shall seek to obtain the maximum value for each dollar expended. When making a purchasing decision, the District shall consider such factors as (1) contractor integrity; (2) compliance with public policy; (3) record of past performance/ and (4) financial and technical resources.

The Superintendent shall have the authority to suspend or debar a person/corporation, for cause, from consideration or award of further contracts. The District is subject to and shall abide by the non-procurement debarment and suspension regulations implementing Executive Orders 12549 and 12689, 2 CFR Part 180.

Suspension is an action taken by the District that immediately prohibits a person from participating in covered transactions and transactions covered under the Federal Acquisition Regulation (48 CFR chapter 1) for a temporary period, pending completion of an agency investigation and any judicial or administrative proceedings that may ensue. A person so excluded is suspended. (See 2 CFR Part 180 Subpart G).

Debarment is an action taken by the Superintendent to exclude a person from participating in covered transactions and transactions covered under the Federal Acquisition Regulation (48 CFR chapter 1). A person so excluded is debarred. (See 2 CFR Part 180 Subpart H).

The District shall not subcontract with or award sub-grants to any person or company who is debarred or suspended. For contracts over \$25,000 the District shall confirm that the vendor is not debarred or suspended by either checking the Federal government's System for Award Management ("SAM"), which maintains a list of such debarred or suspended vendors at [www.sam.gov](http://www.sam.gov) (which replaced the former Excluded Parties List System or EPLS); or collecting a certification from the vendor. (See 2 CFR Part 180 Sub part C).

Documentation that debarment/suspension was queried must be retained for each covered transaction as part of the documentation required under DAF-3, paragraph J. This documentation should include the date(s) queried and copy(ies) of the SAM result report/screen shot, or a copy of the or certification from the vendor. It should be attached to the payment backup and retained for future audit review.

**H. Additional Requirements for Procurement Contracts Using Federal Funds:**

1. For any contract using Federal funds under which the contract amount exceeds the upper limit for Simplified Acquisition/Small Purchases (see DAF-3.C.2), the contract must address administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and must provide for sanctions and penalties. (See 2 CFR 200, Appendix II(A)).

2. For any contract using Federal funds under which the contract amount exceeds \$10,000, it must address the District's authority to terminate the contract for cause and for convenience, including the manner by which termination will be effected and the basis for settlement. (See 2 CFR 200, Appendix II(B)).
  3. For any contract using Federal funds under which the contract amount exceeds \$150,000, the contract must include clauses addressing the Clean Air Act and the Federal Water Pollution Control Act. (See 2 CFR 200, Appendix II(G)).
  4. For any contract using Federal funds under which the contract exceeds \$100,000, the contract must include an anti-lobbying clause, and require bidders to submit Anti-Lobbying Certification as required under 2 CFR 200, Appendix II (J).
  5. For each contract using Federal funds and for which there is no price competition, and for each Federal fund contract in which a cost analysis is performed, the District shall negotiate profit as a separate element of the price. To establish a fair and reasonable profit, consideration must be given to the complexity of the work to be performed, the risk borne by the contractor, the contractor's investment, the amount of subcontracting, the quality of the contractor's past performance, and industry profit rates in the surrounding geographical area for similar work. (See 2 CFR 200.323(b)).
- I. **Bid Protest:** The District maintains the following protest procedures to handle and resolve disputes relating to procurements and, in all instances, discloses information regarding the protest to the awarding agency.

A bidder who wishes to file a bid protest shall file such notice and follow procedures prescribed by the Request For Proposals (RFPs) or the individual bid specifications package, for resolution. Bid protests shall be filed in writing with the Superintendent within seventy-two (72) hours of the opening of the bids in protest.

Within five (5) days of receipt of a protest, the Superintendent shall review the protest as submitted and render a decision regarding the merits of the protest and any impact on the acceptance and rejection of bids submitted. Notice of the filing of a bid protest shall be communicated to the Board and shall be so noted in any subsequent recommendation for the acceptance of bids and awarding of contracts.

Failure to file a notice of intent to protest, or failure to file a formal written protest within the time prescribed, shall constitute a waiver of proceedings.

- J. **Maintenance of Procurement Records:** The District shall maintain records sufficient to detail the history of all procurements. These records will include, but are not necessarily limited to, the following: rationale for the method of procurement, selection of contract type, contractor selection or rejection, the basis for the contract price (including a cost or price analysis), and records regarding disbarment/suspension queries or actions. Such records shall be retained consistent with District Policy *EHB*

***First Reading:*** August 10, 2021

***Second Reading:***

***Final Adoption:***

## DAF-10 GRANT BUDGET RECONCILIATION

Budget estimates are not used as support for charges to Federal awards. However, the District may use budget estimates for interim accounting purposes. The system used by the District to establish budget estimates produces reasonable approximations of the activity actually performed. Any significant changes in the corresponding work activity are identified by the District and entered into the District's records in a timely manner.

The District's internal controls include a process to review after-the-fact interim charges made to a Federal award based on budget estimates and ensure that all necessary adjustments are made so that the final amount charged to the Federal award is accurate, allowable, and properly allocated.

***First Reading:*** August 10, 2021

***Second Reading:***

***Final Adoption:***

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

The videoconferencing link was published several places including on the meeting agenda.

Present: *Alex LoVerme, Brianne Lavallee, Jonathan Vanderhoof, Matt Mannarino, Tiffany Cloutier-Cabral, Jim Kofalt, Charlie Post (6:35) and Paul White*

*Superintendent Peter Weaver, Business Administrator Kristie LaPlante, Principals Sarah Edmunds, and Kathleen Chenette, Director of Student Support Services Ned Pratt, Technology Director Jonathan Bouley, Curriculum Coordinator Emily Stefanich, and Clerk Kristina Fowler*

**I. CALL TO ORDER**

Chairman LoVerme called the meeting to order at 6:30pm.

**II. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was recited.

**• RECOGNITION OF MS. DEB ROSKE**

Ms. Cloutier-Cabral, on behalf of the School Board, gave a special presentation honoring Ms. Deb Roske, former Food Service Director for all her endless efforts and contributions to the students and school district. Ms. Cloutier-Cabral also expressed appreciation for the entire food service team, Melanie Jones, Jamie Skinner and Bill Ryan.

**III. ADJUSTMENTS TO THE AGENDA**

Superintendent Weaver reported the following adjustments, an additional recommendation for appointment of an industrial arts teacher and a first read of policies DAF-1-3 and 10.

*A MOTION was made by Ms. Lavallee and SECONDED by Mr. White to accept the adjustments to the agenda.*

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

**IV. PUBLIC COMMENTS**

The public comment section of the agenda was read.

Jeff Jones of Wilton spoke regarding COVID protocols and asked the Board to look at what is occurring right now; Wilton is up to 8. He voiced we need to think long and hard about the guidance the CDC has given us and wearing masks and think about N95 masks and trying to set a good example around that and not just cloth masks. He is also asking the Board to consider a remote option. His children were all homeschooled last year and they are considering sending their children back to school with one vaccinated but his younger children do not have the opportunity to be vaccinated; he has concern. He wants to give them a bridge to reenter school.

Chairman LoVerme called out all the phone numbers and names joined in the meeting asking if they wanted to comment.

**V. BOARD CORRESPONDENCE**

**a. Reports**

**i. Superintendent's Report**

Superintendent gave an overview of his report that included it has been a challenge in the last few weeks to close out last year and open this year. The new administration team is strong but there is a lot of work to do before the teachers come back and a lot to do before we open. He notes feeling good about where we are. Regarding a question he received, he spoke of Critical Race Theory (CRT). He focused on how curriculum is added, reviewed, adopted and developed, how books are changed and adopted and how materials are introduced. Ultimately, the Board has the authority to approved additions and deletions. When we talk about curriculum, it is more about the process and to hold those accountable for the curriculum. He spoke of wanting the curriculum published so that parents know what their kids are learning and how it is connected across grades. He spoke of reassuring parents that there is a process in place and we stick by it. He reported we are looking at an additional \$400,000 in ESSER funds; a plan needs to be developed and submitted by Aug. 23. We need to solicit input from stakeholders, parents, kids, teachers, and administration. We need to know from the Board the best way to get input from the community in terms of how to spend that money; where do people see the need. How do we get that feedback to the Board before it is due? He notes we only just received the guidance last Friday from the DOE and are now trying to take action on it. He recommends doing a survey but

asks the Board how to proceed. It was noted that the person asking about CRT, might have been more interested in content rather than the process of how we get there. It was asked if there is a process to let the Board know what is taught. Superintendent reports he had never heard of CRT until the spring and has been in education for the last 25 years. It wasn't intended for us to have a conversation about it at the HS level; it was designed for the graduate level law program. It is confusing; the conversation and dialogue has gotten convoluted. His experience in the last year is that we do teach about racism, discrimination and sexism. We also talk about how we overcome those shortcomings and how we come together and don't shy away from either one. CRT is not in our curriculum nor has he experienced it in any of our teachers. He hopes that reassures the community. The Superintendent notes moving forward we focus on curriculum changes within the agreed procedures. Mr. Vanderhoof notes if we do not know what is being asked we need to drill down to what the question is, find out, and get back to them with those answers. Superintendent spoke the Government in combination with the Legislature passed HB 2; it is now law and has some guidance on what can be taught and what is prohibited. He provided a link in his report for the community to look at. If parents are concerned about what is being taught, there is a process they can follow to get support. It outlines an approach for parents to follow but certainly, he would recommend they speak to the Principal first. A question was asked if the ESSER money (\$400,000) is additional on top of everything else, we have been allocated. Ms. LaPlante spoke the district has been allocated \$917,420 although it could encompass more because of remote learning; she does not have that figure with her. We have supplemental SPSRF 1 and 2 and ESSER funds 1, 2 and this is 3 (\$450,000), it has to be spent over 3 years. We have time to spend it but need to develop the framework of what our goals and cost are. A question was raised if we can change the plan after submission. Ms. LaPlante will know more tomorrow after a DOE training but she anticipates it will be a working document as long as we stick with the same concepts. Chairman LoVerme notes if you want public input you will have to get the word out to them one way or another. Ms. LaPlante notes 20% (approximately \$90,000) goes toward learning loss; we will have an admin meeting to discuss and that is in addition to all the Title 1 funds. We will come up with an internal draft. A question was raised if any of these funds go to High Mowing. Ms. LaPlante confirms no, that was only required for ESSER 1. A question was raised if we could afford to keep the after school tutoring going. Ms. LaPlante responds likely we can, we still have funds from ESSER 2. A question was raised how much money is left from all the ESSER funds. Ms. LaPlante does not have an answer as she is still trying to reconcile all the grant fund discrepancies but will have a concrete number shortly. Ms. Lavallee noted regarding the ESSER funds, tonight we heard from a parent regarding a virtual option for students and she would like to see us look at staffing and see how we can assist parents for virtual learning. She does not want teachers doing any dual platform this year and this is an opportunity for us to do that.

## **ii. Principals' Reports**

Ms. Edmunds reported this is her first Principal's Report. She spoke of the summer programs, competency recovery, summer school, ESY and RISE that have been going fabulous. In the beginning, students took advantage of competency recovery and were able to grab those they missed and get back on track for a new start to 21-22. Summer school was added with ESSER funds and it was helpful for many students; at least 6 are in a very different place than when they started. They had a great time celebrating the students, provided social emotional learning with school counselors and had raffles and snacks. ESY was successful and has just ended. She thanked all those who were involved in the summer programs; they made it successful and fun. Professional Development (PD) was happening with teachers writing curriculum, collaborating, working with veteran teachers. She is going to a workshop on student discipline laws; handbooks will be updated. New teacher orientation is Aug. 18 and 19; PD is being planned. School is starting to look like how she loves it, that new school smell; she thanked the custodial staff individually. They have done tireless work this summer to get us up and running with all the changes. She honored Shawn Bishop who was present, a senior this year who has made us all proud by being awarded the Youth and Care Leader for NH. This award is given to those who are an advocate for themselves and others in the community. He is a student athlete, works for the district in the IT department and will continue to do that during the school year. We are proud of you and how much you inspire us! He received a standing ovation and a round of applause. An update was asked for regarding the lighting project. Ms. Edmunds spoke noting they came today; it will continue into the school year. Ms. Cloutier-Cabral notes she is so proud to hear about Shawn Bishop and all the teachers who came out to help. It was expressed part of the attraction for the lighting project was that it would be completed over the summer when it was less disruptive. She was asked what the cause of it being extended was. Ms. Edmunds will check with Mr. Erb and get back to the Board. A question was raised what is the expected level of disruption for students, are they planning to work at night and weekends. Her understanding is that it is not during the school day and she would know ahead of time when it was happening. Chairman LoVerme congratulated Shawn Bishop.

Ms. Chenette reported this is also her first report. She feels as though she has landed in an amazing place in her career although at times feels she is drinking from a fire hose but that will end soon. She has been holding "listening sessions" with community but mostly have been with staff; they all care about your kids and are eager to start a fresh new year. There is a PTO meeting tomorrow at 6:30pm. She notes the staff is amazing! The summer RISE program had its last week. She shared the staff has made a commitment to renewing the use of Responsive Classroom. LCS staff is invited to participate in all the PD we do and all staff meetings. She met with the Chief of Police today to introduce herself and heard at some of the listening sessions that dismissal can be chaotic; we spoke of tightening that up and believes it was successful. They are working on their pivoting plans and have been analyzing some of the things they did last year, working with Mr. Erb and the custodians to see what lunch can look like and working through that still. It is still quite a learning curve right now. They have had 5 new students register in the last 2 weeks. She reviewed the class sizes which some are inching up the maximum class size, grade 1-57, (19 in each class), grade 2-43, grade 3-43, grade 4-37 and grade 5-39. Ms. Cloutier-Cabral notes it was a great report and glad she is doing the listening sessions and obtaining input. Ms. Chenette notes if anyone is interested in the listening sessions contact the school.



### iii. Curriculum Coordinator's Report

Ms. Stefanich reports this is also her first report. She feels less like she is drinking from a fire hose now; breaking it into bite-sized pieces has been helpful for her. They had an instructional leadership retreat and talked about goals and vision. They are planning new teacher orientation and PD days that align with all the instructional goals that were set at the instructional leadership retreat. Curriculum is the big piece and she understands parents wanting to know what their children are learning. The first step is figuring those out and completing an inventory of what we have. They are going to try to pare down the curriculum template a little bit. Some of the templates are not completed yet. We are using template version 1.0 and there is now version 2.0, the language is more targeted and efficient. The goal is to update those for teachers and parents and the community so they can look at it so they will understand what their kids are learning. At the leadership retreat, they hit on an idea of a data dashboard, a place to have key metrics for the district available to see where we are and where we are going as well as for the community. We are in the process of paring down those numbers and making sure, they know what the key metrics are for success and measuring those goals. They are also working on grants and working with Dr. Heon and Ms. LaPlante and are in the process of creating a timeline for that. A question was raised when she thinks the curriculum will be published. She responds it is too early to tell. We have internally inventoried what we have, there are gaps, and areas we need to focus on. As a leadership team, we talked about WLC and having those written (scope, sequence, and competencies) and documented so we have them in place. FRES uses a different curriculum and it may be that we are getting the scope and sequence done and some units but not all. We want to make sure we have a process for curriculum review so that it is accurate and high quality and polished to the standards we set as a school district and Board. Ms. Cloutier-Cabral likes the idea of the data dashboard and questions if it is something the community will be able to access at will. Ms. Stefanich's goal is to put it on the website where it is easily accessible and be able to see, as an example 80% of the students are efficient in math at this school.

#### b. Letters/Information

##### i. General Assurances

Superintendent spoke of the General Assurances. There are 17 pages; the Board Chair and Superintendent sign these before submission. It is quite detailed and are included for viewing. He notes he is not an expert on this topic.

### VI. ACCOUNTING FIRM/CPA REPORT

Superintendent reviewed on July 23, he and Ms. LaPlante met with Scott Eagen regarding the audit (analysis) they did and gave us a pathway to move forward and tie up all the loose ends from last year and establish good accounting practices to move forward with a clean slate. Ms. LaPlante worked hard to go through the list we received from him. Ms. LaPlante spoke that she was pleased with the meeting and Mr. Eagen brought it down to layman's terms that she could understand. The report was eye opening and she had started to see some of this before the report came out. The fund balance was not a software issue it was a bookkeeping issue, essentially some of the liability accounts payable obligations were double booked. She was able to reverse those and get the general fund and grants back to where it should have been in July 2020. The bank reconciliations proved easy to correct. There were many entries she reversed, fixed, balanced and tied out to the general ledger so that we can see what matches the bank and accurately report what we have for outstanding obligations. There were no findings of the school lunch program. Reconciliations are caught up. She continued to go through the report detailing what the issue was and how it was resolved or being resolved. Regarding revenue, it was a little misleading, as it was not being put in and analyzed in the financial software, which was noted in prior audit reports. The grants are difficult; we are looking at \$170,000 in unrequested reimbursements and probably more than that. She cannot sort ESSER clearly but has communications that things were allocated to departments. She will complete this by the Sept. 30 deadline. The \$5,000 that was unspent was not reallocated to be re-spent, it "kind of went away", and Mr. Eagen said if we had better internal policies we would have had a better way to identify when projects were completed. Mr. Eagen also highly recommended a grants coordinator but that may not be doable in a district of our size; we have an untapped resource in the office, Karen Blood (A/P), based on Mr. Eagen's recommendation we will push to do it this year and Ms. Blood will work extra hours. We have money in the budget for another half time person that will get us to Sept 30 so this will not occur again. Mr. Kofalt notes what Ms. LaPlante has accomplished in a short period is impressive, the fact she is down to settling the grants, which is the biggest task is phenomenal and great news. He asks her to let the Board know if she needs anything. Regarding grant reconciliation, he questioned because we act as a conduit for the grants for High Mowing will this continue and are we recouping any cost. She believes it will as High Mowing is included in our Title program and we allocate some money to them. She believes any administration cost we have is eligible for reimbursement and Dr. Heon is working on that. It will have no impact on the budget. Mr. Kofalt wanted to make one correction that this was not an audit. Audit has a particular meaning and this engagement was an analysis around bank reconciliation and grant reconciliation. Ms. Cloutier-Cabral notes it sounds like Ms. LaPlante has been working hard and thanks her for her efforts.

### VII. NHSBA MEMBERSHIP

Superintendent Weaver reports we have the bill for NHSBA and questions the Board if they want to continue to be members. The last meeting we spoke of the benefits of being members. He notes some members raised concern regarding their lobbying efforts and asked if there is a path to not pay for lobbying but pay for membership. Ms. LaPlante spoke of the options, open a bank account and write a check but this is not her favorite method, as you have to pay auditors to do a review and adjust each year. There is a public deposit investment pool (PDIP) which we can deposit \$50,000 and transfer that money if bills are due and interest is earned on the money and costs the district nothing. That is her preferred option however it is not an option today. The

3<sup>rd</sup> is to do a resolution and write into the minutes to say we recognize this exists, are trying to remedy to prove the funds are not from state or federal, and attach it. This is truly our intent and are hopefully next year that the electronic fund option will be available. Mr. Vanderhoof pointed out that it states in the general assurances on page 11 we are not using state funds for lobbying so we should make sure we are doing it properly. He suggests talking to the lawyer from the Merrimack situation who may have a quick resolution. Option 3 sounds like we are just recognizing we are not doing it right. Ms. LaPlante agrees; it is a newly identified issue, which is being addressed at the state level and thinks it aligns with what the DOE is trying to do regarding how funds are used. Mr. Vanderhoof questions if anyone has reached out to NHSBA to say we would like to pay but how can we do this legally. Superintendent notes, they attended a Board meeting and he is asking to move forward. This was a lengthy discussion which included, when they were here they were did not seem to recognize the issue, they ignored the RSA which is law, they were not heavy lobbyists previously but were this year, they don't seem to recognize this as a problem, they have some good deliberatives, it should be a separate account or find out what the lobbying costs are and short them. It was pointed out either way if we continue our membership we are still taking taxpayer money and paying for lobbyists. It was suggested to go back to NHSBA and tell them to resolve the issue and we will pay them but until then our membership is ended. They will need to do this regardless and it may speed it up. Support was spoken for and against renewing the membership. Ms. Lavallee spoke as Policy Committee Chair and now sees this as essential in regard to policy work. She notes none of the board members are in education and without this; she does not see how we can do our duties as board members. Disagreement was noted. Discussion continued which included they do give support but some of the policies they have had are not legal, they provide access to attorneys, they are a significant resource, if it is not them then who then. Superintendent was asked to reach out to them and share with them the comments and let them know they need to help us find a resolution and if not we may withhold payment. Mr. Vanderhoof notes he doesn't believe what we went through last year with the emergency meetings that there was anything they provided that we could not have found out. He does not believe we are completely out of options. Superintendent will call them and ask if we can break out the funds. Mr. Kofalt noted we did ask them this and they said no. Superintendent will call them tomorrow to get some clarity and report back and ask for an extension on the membership.

#### **VIII. DRAFT BACK TO SCHOOL PLAN**

Superintendent thanked families for coming out tonight; it is a big deal and a big issue. He notes he wants to make a recommendation on how to move forward. The draft plan is an extension of Mr. Lane's, he had outlined all of these mitigating factors, social distancing, wearing masks and cleaning. He took his plan and elaborated on it further. In talking with other Superintendent's they came up with a decision matrix looking at data and what is going on in the schools, are there any positive cases, clusters and identify the data points. He framed it in 3 levels, 1<sup>st</sup> level is where we are this summer, cleaning daily but no masks etc. We have had pretty good success this summer but have limited staff and students, level 2 has a remote option, mandatory masks, temperature checks, quarantining and all those things we had last year. Level 3 is looking at full remote, as there is a substantial issue. The question is how do we support teachers and maintain the momentum we had, how do we make the decision; it's not about making a recommendation on masks or not as the data is changing every day. He thinks at the Aug. 24 meeting he can present the data and if agree to use a decision matrix look at what level we are at. It will be only 6 days before school starts. He recommends using the data and identify what data point we want and use them when making those decisions. This was a lengthy discussion including, level 1 conflicts with the current policy it says masks are mandatory on school buses and strongly recommended for staff and students. It still means optional but implies if you are being a good citizen you will do this, Optional means I respect your choice. Concern was raised using automatic triggers, if we hit a certain threshold we go to a certain level. Appropriate responses change and the CDC has gone from stop buying masks, to masks are necessary, to now you need 2-3 masks to no mask if you are vaccinated to now you do need a mask. Superintendent notes the purpose is to keep all safe and in school, it is the best way to learn and matches our community culture. If we can take steps to ensure we will be in school as much as possible and the other issue is health and safety. He notes being just as confused as all of you. He believes the CDC has said masks are mandatory on buses. Discussion continued including the thresholds are arbitrary, we have to start somewhere, sounds like we agree on mitigating procedures, social distancing, sanitizer and cleaning the issue seems to be masks and remote vs. in person. Superintendent notes the data is not in our favor, less than a week ago, there were 1-4 cases in Wilton and now there are 8. Discussion was had with opinions shared. It was expressed we need to know where they 8 cases come from, nursing home etc.? It was noted putting this off until the next meeting is short notice for parents. If this model is to be used it needs work and to be updated all the time. Suggestion to have level 1 face coverings say optional, physical distancing should be left as N/A for level 1. Discussed the levels in detail. Concern is level 2 going from in person to remote optional and having numbers triggering it is hard, as you don't know which classes the remote kids are coming from. Suggestion to reword the second bullet point says, "Progressively restrictive learning environment", it sounds bad. It was noted, we should have hard numbers to trigger levels. An emergency meeting could be called if we got to the point of needing to increase the level; if we commit to a period of time having kids back in school as many as possible and as long as possible that should be the goal. The time period shows 9 weeks. It was noted when things got bad last year we sat here until 2am and if we have the numbers we don't have to debate it; it is letting the cases decided where we go rather than having these round and round discussions. It was noted it is the Board's responsibility to make that decision. A question was raised if we could accommodate parents who ask for remote and can we poll parents to ask how many prefer the option. It was also noted where do we get the money to pay for the remote option. Superintendent notes it is a goal to look to see if we can use ESSER funds, we need to support our teachers; it was tough on kids

but the teachers too and we would need to fix the dual platform issue and make sure the quality of teaching and learning is not compromised. It was suggested families would need to reach out regarding their need for remote as opposed to remote just being easier. Level 1 should have as many students in person, as we saw last year we had to have summer school because remote was not a wonderful success. Superintendent provided an overview of the plan noting we would start in level 1 if we opened today without masks. He notes we don't have to use this but should agree on some matrix or data points on how we want to open the buildings. He has not had a chance to talk to staff, do a survey with parents or talk about remote option for those with medical reasons. The data is also changing and will need current information and feedback on how people feel and work as an administrative team when things become restrictive. Ms. Lavalley noted that she has heard the term "choice" and reminds folks that today children under 12 cannot get the vaccine so those kids/parents don't have the same choice as the older kids. If we give everyone the ability to make a choice, we need to understand it is different at different ages. She agrees that if parents do not feel comfortable and do not feel safe, we need to provide a choice where they can. She strongly believes kids need to be back in school but we need to be aware of their needs. She also does not want to see the teachers in the same position as last year and wants to see administration come up with a plan to accommodate those students. Mr. Post voiced let the parents make the decision, they are in the best place to make that decision, their children, and their choice. Chairman LoVerme expressed we also heard from people masks don't work and also hears from people who are vaccinated and still got COVID. He suggests focusing on what is happening in our area. Ms. Cloutier-Cabral likes the idea of surveying the community; we used it last year and it helped with decision-making. Mr. Vanderhoof suggests we make changes to this plan and it needs to be understood that it is what is coming down the road there is only one more meeting and it is crunch time for parents to do what they need to. We need to work on this now and make decisions on what it will say so that we can use it as protocol now subject to change. Chairman LoVerme noted a prior recommended change is to change wording of "strongly recommend" to optional in level 1. Disagreement was noted of this as strongly recommended still means it is optional.

A member of the public questioned if there is a timeline for public comment. Chairman LoVerme expressed another public comment will be added now.

#### • PUBLIC COMMENTS

The public comment section of the agenda was read.

Darlene Anzalone, Lyndeborough questioned the wording. When you talk about cases where are the cases taking place and is it someone who just got a test or is it hospitalizations; she thinks you need to look at this. She expressed she does not want kids going back to school with a mask; she doesn't think it is healthy and doesn't think it should say strongly recommended. It is optional. It is her option as a parent, anyone who wants to wear one can, and if they want to keep their child home, they can and go remote that should be their right and option. There should be options to make everyone comfortable. She is not going make her children go through what they did last year. It is too political. You should look at the severity and hospitalizations, keep it local and look at our town; are the kids the ones who are spreading it because that is the population we are talking about.

Jennifer Gagnon, Wilton voiced less than 50% of the people, last she looked, in Lyndeborough and Wilton had the flu vaccine so kids are going home to people who don't have vaccines. When you say you don't like someone telling you to not care about your child well I would like you to care about my child too. Having masks optional puts everyone at risk; you will go home with everyone's breath on you and we know COVID lasts on your clothes for a certain amount of time.

Shawn McFazden, Lyndeborough questions if we go remote are the teachers already identified who will do it and if we do, will we be even be able to meet the criteria of your 3-foot rule in the classroom. Chairman LoVerme responded that last year we were able to meet it. With the increase of students are the teachers already identified, will I learn my kids will have a new teacher once we decide we will have remote? Chairman LoVerme responded we have not even discussed that yet. Mr. McFazden would like that concern addressed, as he doesn't want his kid to switch teachers because we now have a remote option.

Jeff Stratton, Wilton, he expressed he is actually one of those who doesn't think masks work. He points out a mask saying like this one the gentleman is wearing, it says on the box it can't protect against COVID or any other virus and the pores of the mask are about 200-1000 times the size of a micron of COVID, which is .1. You can look it up on the CDC website it says these masks cannot protect from the smoke in California and the wildfires are about 5 times the size of a micron. From that perspective if we are looking at the data and the data says this, they can't even decide internally what the data states. He gave an example of the CDC vs. Johns Hopkins College. He also referenced the manufacturing data analysis Six Sigma. If you look at some of the numbers they want us to meet, you are talking 4-5 Sigma that is outrageous. What I am seeing with that data is 55 cases per 100,000 that is .05% cases. Those 8 people could be in a nursing home or don't leave the house, we need to be really careful when we look at data. Let's not forget CDC guidelines, it is not a law you can use the guidelines as data and say we can go this way but you are not bound by law and there is no mask mandate. You "guys" have more leverage but between you and us we own the community and to have some "pin-head" on CNN tell us what we should and shouldn't do or from the CDC; take it with a grain of salt. He believes it is outrageous to send kids to school with masks at this juncture.

Amy Adair, Wilton spoke of having 6 kids in the school system some with disabilities and when you go to level 3 and school shuts down they are affected greatly. She asks if this is being discussed. She spoke of concerns getting the services they need. They tried the remote option, which did not work well. She spoke of concerns losing all of the needed services. She again questions if it is being discussed. Superintendent is took note of this.

Geoff Allen, Lyndeborough spoke he doesn't envy any of you, he is thankful for the administrators and the school, teachers and what they did for us last year. We all have our opinions, we will come here and dump them on you every month, and you try to do the best you can with it. He understands this. He spoke of feeling for the parents who are nervous of sending their kids back to school and the thought of them coming back to school without masks is horrible. He equally feels for the parents who just want their kids to be kids and the two things that concern him is one, there is no level zero, we start right out wearing masks on the bus, he agrees we need to see the data and identify what it is but we also need to analyze that data. We should come here and hash it out as a community; he doesn't think we should pass the buck by using numbers if it hits this, we do this. When the Superintendent said we need to identify the data to use that is spot on but then let us come here as a community and solve it as a community because that is what we do. At the end of the end of the day, we pat each other on the back, shake hands and some of will go away mad and some of us will keep our kids at home some and will send their kids to school. At the end of the day, we are community and we need to work this out together. It bothers me when we try to pass that buck. He would like us to look at having and level 0 and solving it as we get to it.

Peter Chadzynski, Lyndeborough spoke that the most important thing for him is the school is a place where students should feel safe. That level of safety or feeling differs from family to family, what is considered normal, how it was presented, what is considered a reasonable action to take and he thinks in order to create a space that is welcoming to every member of the community... The school is supposed to be a place kids feel safe and if kids are told that kids who don't wear masks are not safe you are not creating an opportunity for children to come together and that is the bottom line. People want their kids to have a normal experience and that is socialization, solving problems together, playing in hallways etc. When we are already creating a separation of mask wearers and non-mask wearers and the people who believe in COVID and the people who don't believe in COVID, school is not a place where that should exist. It should be a blanket safe space and he feels we should err on the side of more inclusion if that means doing things that help someone else get to that level of safety he supports it and supports the idea that it is easier to take restrictions away than put them on. He feels not considering the possibility of not wearing masks will keep more away from school. Where is the socialization; the more the merrier.

Laura Manning, Wilton at the end of year last year we discussed having masks optional. It was brought up they may be ridiculed. My child said the percentage of those wearing a mask was very small. It should be up to the parent and we should not step in and say you should do this when it is not something you believe in. My body, my choice is out the window with wearing masks all of a sudden. As far as flu season, will we treat it any differently than we do now because more children die of the flu than COVID. Will we have masks all winter long through flu season? Most adults had the opportunity to be vaccinated, it is their choice, if they didn't get it they apparently don't want it; it's up to them. She knows people who got COVID but it has been a much milder case just like the flu shot. She believes it is unconstitutional to make kids wear a mask according to Article 10 in the Constitution. She has looked into legal counsel on this and if this is something we will pursue and make them wear a mask, you will be hearing from me. She doesn't think we should make them wear a mask. It should be a family option.

Jon Lavoie, Lyndeborough he has heard a lot of people talk about opinions and how they feel and that is all fine, everyone has a valuable opinion but lets look at the facts, shall we. Every teacher in this district has gotten a chance to get the vaccine, have they not? Do we all agree the vaccines work? Another fact is not one child in NH has died, not one, zero, that's the number on the state website. Kids are not in danger of this virus like say 80 plus year olds, which is what the majority of this state has had. These are facts it's not my opinion. The only numbers we should be talking about is if we are going to go remote, do have enough teachers to show up to teach class that day. These are the only facts I can think of it is not really my opinion it's just how it goes. The role of the School Board to the best of my knowledge is to gather the consensus of the community and try to act on their behalf; what better way than by giving every parent the option to send their child to school with a mask or not. You don't need to take a poll; they just show up to school with the answer they would have checked in the box. It is that simple. Keep it optional, keep school open; if there is not enough teachers to teach that day that is when we have to start talking about a remote option and things of that nature. Otherwise, let's get back to normal.

Chairman LoVerme went through the list of those online asking if they wanted to comment.

A question from the public Shawn McFazden asked how did we come up with the 9 week timeframe. Chairman LoVerme responded it is a marking period. Why is it 9 weeks and not 2 weeks? Chairman LoVerme responded it is easier to keep the students within one marking period instead of being remote, then in person, remote etc. Mr. McFazden asked will we take a break on vacation like we did last year. Chairman LoVerme responded we did not take a break. We used long-term subs to cover classes. Mr. McFazden questioned why we won't take that into consideration, will we shut down for an extended week for travel reasons. Chairman LoVerme responded to him, last year there were travel guidelines; there are no travel guidelines now. Mr. McFazden voiced he doesn't want to see us for example go to level 2 because there are travel guidelines and the risk of transmission from someone is going to Florida and that is his question, are we taking that into consideration; what is your plan

for that. When you look at the guidelines they are just that guidelines, is this going to be a decision factor, will you have it laid out so everyone knows what you will be looking at. It was reiterated there are not travel guidelines at this time.

Amy Adair asked if masks are mandated what about the children who have disabilities and trouble wearing the masks, is there something in place for those kids. Last year it was a struggle as her child who just continued to take it off and they put it back on and wasn't learning. Some kids don't want to wear it. She notes some of the kids with disabilities don't understand the masks and these situations need to be considered.

The Board returned to their discussion. A question was raised if any votes will be taken on this document to solidify where we are. Superintendent Weaver will research if there is a Federal mandate on wearing masks on buses. Ms. Lavallee voiced it is considered public transportation and it is a federal mandate. Discussion continued regarding the document and wording. A poll was taken of who on the board prefers wording to be strongly recommend or optional and optional was the majority. It was pointed out there is no level zero which is back to normal. Superintendent Weaver was asked what is in the level one column, is that what we expect for the year? He responded it is status quo. A question was raised if there is a Federal mandate what is the consequence. Are local school districts expected to enforce that and if not what is the consequence. Mr. Kofalt suggests we try not to vote to specific policies tonight as there is feedback he would like to give but has not because it has not risen to the level of the current discussion. Discussion continued regarding the cycle thresholds being up and down depending on the lab, some say it is not accurate; safety is important and a feeling of being safe is important but we don't make decisions on single variables. We have to consider the kids with special needs and concerns of breathing with masks. Ms. Lavallee would like to have a feeling especially at the elementary level who will send their kids back to school without masks. If we need to look at a remote option, we need to know what we are looking at if we have to make decisions regarding staff like adding a teacher. It was noted the Board didn't hear from anyone wanting masks 100%. A member of the public voiced we want masks 100%. It was noted there were also emails from parents asking for masks. Superintendent will put together a survey for parents and send it to the Board for review. Discussion was had about remote and reasons some families would choose remote, we found out last year it was not all due to medical reasons. Superintendent noted it only takes 6-7 kids to fail class and it effects climate and culture, community and improving our school. He will send a draft survey to the Board, set a deadline and organize the feedback in a way it is understandable. Discussion continued noting a concern in the lack of effectiveness with remote learning; it is late to talk about remote and should have been discussed back in May. The Superintendent noted we are working hard to figure out how to support teachers regarding the dual platform it is brutal for learning for kids and teachers. Whether it is ESSER funds and what it would look like so that we are ready to pivot if needed. The only other option would be take 5 days off to figure it out like other districts did. A member of the public questioned why we are so worried about going remote, who are we trying to protect by getting everyone out of the schools. Chairman LoVerme reminded the public that the time for public comment is over. Superintendent will update the draft, keep the levels in place, send the Board a draft survey and organize feedback for the 24<sup>th</sup> meeting. We can make an official decision then on what opening will look like. He will research the mandate on school bus masking. He confirmed that currently masks are optional; we are working off the plan done in June.

#### **IX. SCHOOL BOARD MEMBER VACANCY**

Mr. LoVerme spoke that the vacant seat is a Wilton resident seat and 4 people have responded. Everyone has a copy. Mr. Vanderhoof expressed he has not looked at this yet as he just received it and has not had a chance to look at the protocol. It was noted since it is a Wilton seat only the Board members from Wilton can vote on it. Mr. Post disagreed. It was expressed the appointment is done by the whole board. Mr. Post notes he has had a chance to look over the letters of interest. Chairman LoVerme reviewed that it was past practice to do it that way. Ms. LaPlante spoke that there is a policy on the website that say it would be voted on by the full Board. Chairman LoVerme reviewed the names of those who submitted interest, Stephanie Kirsch, Dennis Golding, Lakisha Davison, and Dave Comley. Ms. Cloutier-Cabral asked if the candidates could be invited to speak to the Board. Chairman LoVerme asked Ms. Fowler to reach out to them to arrange this.

*A MOTION was made by Mr. Vanderhoof and SECONDED by Mr. Kofalt to table the discussion on school board member vacancy.*

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

#### **X. SCHOOL BOARD WORKSHOP UPDATE**

Superintendent reviewed at the last meeting it was discussed to tentatively set a date of Aug. 17 for the workshop. The Budget Committee is scheduled to meet the same date and he and Ms. LaPlante are invited to their meeting. He suggests if the Board continues with this date then he will attend for a short time and Ms. LaPlante will attend the full meeting. He has arranged for a facilitator for the workshop and goals will need to be set for the workshop. The 17<sup>th</sup> was briefly discussed and will not work for most members. It was suggested to put it on the agenda to prepare an outline. It was noted there are things that came up during the Policy Committee meeting that would be good to talk about during the workshop. Discussion was had regarding when to schedule this, possibly September. Superintendent suggested scheduling a 2-hour workshop and focusing on this year's goals, Board and District, how do we know if we are being successful, what measures will be used; he hopes the leadership team can attend and all can discuss. We need to have a technology plan and strategic plan; administration can share their building goals and that can be used as a starting point to help with the district goals. Superintendent to check with the facilitator to see what dates she has available.

## **XI. POLICIES-2<sup>ND</sup> READ**

Superintendent reviewed these are the policies that were reviewed at the last meeting. The policies will be updated with any changes.

- 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**

Superintendent spoke (regarding ACAA-R and ACAB-R) that throughout the policy there is a timeline of certain activities and he questions if the Board would like to use calendar days or business days. He recommends business days, there is no objection heard to use business days. He confirms he needs to identify a Human Rights Office (HRO)/Title IX Coordinator (this is added to the policy), we need to identify investigator and decision maker. Mr. Vanderhoof noted it was brought up at the last meeting the HRO/Title IX if combined then section 2 could be eliminated on both "R" policies and the process followed for all investigations would be the Title IX sexual harassment process. Superintendent noted the Title IX sexual harassment process is more in depth and time consuming. It was noted some forms of harassment do not meet the criteria of Title IX sexual harassment and if we do not keep section 2, we cannot investigate it. Disagreement was noted that you would still investigate following the Title IX sexual harassment procedures. Ms. Edmunds spoke (current Title IX Coordinator) and prefers to keep in section 2, as not all need the full formal process. Mr. Vanderhoof suggests simplifying the policy and removing section 2, as we should investigate all claims thoroughly. Ms. Edmunds was asked how much time it takes to investigate a standard Title IX claim vs. another complaint. She spoke that for a Title IX can be weeks, she may be out of the building writing reports and the other takes less time, calling parents quickly etc. but it is a week for each for each one. She does not believe there is a lot of difference between the two processes but it give her some leeway to not jump to the formal process. It was noted from the perspective of using the administration team effectively it will take more hours to do the full formal process each time. Ms. Edmunds also noted the Title IX coordinator cannot be the investigator. She confirms we follow the code of conduct, which follows the rules but maybe not to a formally documented process although it is documented regardless. Superintendent will write up both procedures side by side to see the differences clearly. He questions if the Board wants to have the Superintendent be the final appeal or do you want another level where the Board can appeal that. Chairman LoVerme responded the Superintendent (for final appeal). Superintendent suggested the Board consider adopting ACAA, ACAB and AC this evening and return with ACAA-R and ACAB-R at the next meeting. This is considered 2<sup>nd</sup> read and all policies will be brought back for a 3<sup>rd</sup> read on Aug. 24.

- **DAF-1-ALLOWABILITY**
- **DAF-2-CASH MANAGEMENT AND FUND CONTROL**
- **DAF-3-PROCUREMENT**
- **DAF-10-GRANT BUDGET RECONCILIATION**

This was the official 1<sup>st</sup> reading on these policies and all will return for a 2<sup>nd</sup> read on Aug. 24. It was noted to correct the spelling of "reconciliation" in DAF-10.

## **XII. ACTION ITEMS**

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

*A MOTION was made by Mr. White and SECONDED by Mr. Kofalt to approve the minutes of July 13, 2021 as written.*

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

*A MOTION was made by Mr. Post and SECONDED by Mr. Kofalt to approve the nonpublic minutes of July 13, 2021 as written.*

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

## **XIII. COMMITTEE REPORTS**

### **i. Policy Committee**

Ms. Lavalley reported the committee met, she was elected Chair. She had started looking at policies in preparation for August 4 meeting. She has in the process of reviewing all the policies and completed sections A and B. It appears (obtaining some history) that many policies were adopted in "chunks" and this is why many have the same adopted date in October 2010 and 2011. She looked through policies and realized some things we need to take a look at and some she needs administration to look at. We have policies in place such as one that refers to the Board reviewing the mission statement yearly and we are not doing that and do we still want that policy. There are many things to discuss in regard to the mission statement and she wonders if it should be discussed at the retreat. There is a policy referring to the philosophy of the district and it only mentions curriculum for kindergarten. She would like the Board to look at that and share thoughts next time we meet. The "B" section regarding Board Governance took a lot of time. There are policies regarding evaluating the Board and Superintendent on a yearly basis, we should do that, and if we start to do summer retreats those are some of things we could do there. There are also forms to fill out regarding board member ethics. She questions if the Board wants to continue these and if so we should practice them. There is an appendix mentioned in a policy, which is not an active, these are things to look at. She spoke of policy BDE which was

discussed at the committee and refers to community members on Board committees and how it should be determined. It says we should post it for everyone in the community to have a chance and put their name forward. That is not what took place recently regarding the facility committee. It also states we have to do this in March, which can be an issue. A lot of policies were adopted in 2010 and speak of posting; things have changed and postings can be done electronically. Ms. Edmunds will attend a workshop on student discipline and that may impact some policies. We also discussed curriculum policies IGA, IGD and reviewed HB 2 sections 297-298; it does not seem to be out of compliance with recent legislation. We spoke of the process to review curriculum, the Board is supposed to review curriculum and we need a timeline and that administration is holding staff accountable. The next meeting we will review policies related to parent refusal of content, policy BDE also needs to be looked at. She questioned if the Board had any objection to adding to the workshop agenda policies regarding self-evaluation and reviewing the mission statement. No objection heard.

#### **XIV. RESIGNATIONS / APPOINTMENTS / LEAVES**

- a. Appointment-Kira Brewster-SPED Teacher/Case Manager**
- b. Appointment-Pending-Danyele Manning-WLC Industrial Arts Teacher**
- c. Resignation-Megan Sass-School Psychologist**

Superintendent reviewed the appointments and resignation.

*A MOTION was made by Ms. Cloutier-Cabral, SECONDED by Mr. Kofalt to appoint Kira Brewster as SPED Teacher/Case Manager at WLC, masters, step 13, salary \$58,700.*

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

*A MOTION was made by Ms. Cloutier-Cabral, SECONDED by Mr. Kofalt to appoint Danyele Manning as Industrial Arts Teacher at WLC, bachelors, step 4, salary \$40,000.*

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

#### **XV. PUBLIC COMMENTS**

The public comment section of the agenda was read.

Shawn McFazden questioned why we are having the Superintendent be the appeal person if someone is being sexually harassed; it goes through the Principal then appeals to the Superintendent, it is a conflict of interest. He wouldn't feel he was getting a "fair shake" because the Principal reports to the Superintendent. You should get away from the supervisory chain and it should go to an impartial higher level. It was noted that is difficult in a district our size. Superintendent responded we will be replacing Ms. Edmunds with someone else as she has too many responsibilities. Mr. McFazden sees an issue with 2 people who work so closely together and questioned if the Superintendent if he sets policies and tells her what to do and gave examples of this. Chairman LoVerme responded the Title IX coordinator will not be the Principal. Currently it is Ms. Edmunds however we are changing that. Ms. Lavallee pointed out that within the policy it addresses the issue of an identified conflict of interest.

Jon Lavoie, Lyndeborough spoke regarding classes such as automotive which we send students to ConVal. He believes it is a good program; when you have larger interest, the community will look to try to bring it in town but it is good to utilize other towns. He questions again, who are we trying to protect by having a remote option on the table; he asks for an answer. Mr. Mannarino spoke about a study this year that suggests almost half of kids that contracted COVID have long-term effects. The study indicates long-term effects such as chronic headaches, fatigue, respiratory conditions etc. Ms. Lavallee spoke that the data represented there is specifically relating to death and the data Mr. Mannarino is referring to is not included in the dashboard. As discussed tonight, there are other factors that are not always represented in the dashboard. Mr. McFazden asks who are we trying to protect. It was noted we are trying to be proactive if school is shut down for any reason we need to have a plan. Mr. McFazden does not agree. It was noted if we need to go remote, we need to be prepared and have a plan.

Chairman LoVerme called out all the phone numbers and names joined in the meeting asking if they wanted to comment.

Mr. Dennis Golding spoke that he is a little disappointed that the Board decided to table the discussion of the school board member vacancy. Mr. Vanderhoof spoke that he just got the emails from the candidates when he walked in this morning and that is why it was tabled. Mr. Kofalt agreed. Mr. Golding responded the Board does not have to read that, only the Wilton board member residents have to read that. Mr. Vanderhoof disagreed, noting policy says otherwise. Mr. Golding disagreed, and cited RSA 671:33 subsection 2 (B). He is disappointed that he was not given a chance to speak on why he thought he would be a good fit. He is not here to argue about it, he just wanted to talk about it.

#### **XVI. SCHOOL BOARD MEMBER COMMENTS**

Mr. Mannarino voiced that it was great to hear reports from Principals and he is looking forward to the coming school year.

Ms. Cloutier-Cabral thanked all for coming out and providing feedback, she hopes that will continue and asked they encouraged their friends.

Ms. Lavallee congratulated Shawn Bishop; she is very excited for him. She is hoping administration will bring more of that (recognizing students) in the coming year and that we get back to student of the month, recognize student athletes and staff as well. The community needs to see the positive things staff and students are doing, it is important.

Mr. Post thanked the community for coming out and for the 3 gentleman who stayed for the full meeting. He thanked the public for expressing their opinion. It is important to hear what others have to say.

Chairman LoVerme thanked everyone for coming out, 29 people online tonight. Thanked Ms. Edmunds for brining Shawn in and hopes to see more of that. He wishes everyone good luck on the first day of school. He thanked Superintendent Weaver.

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

### **i. Personnel and Student Matters**

*A MOTION was made by Ms. Lavallee and SECONDED by Mr. Mannarino to enter Non-Public Session to discuss personnel and student matters RSA 91-A: 3 II (A) (B) (C) at 10:07pm.*

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

## **RETURN TO PUBLIC SESSION**

The Board entered public session at 10:47pm.

*A MOTION was made to release Megan Sass, School Psychologist from her contract by Ms. Lavallee SECONDED by Mr. White.*

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

## **XVIII. ADJOURNMENT**

*A MOTION was made by Mr. Post and SECONDED by Mr. Mannarino to adjourn the Board meeting at 10:48pm.*

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

*Respectfully submitted,  
Kristina Fowler*



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

**Date:** 8/10/21 **Time:** 10:07pm

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

*A MOTION was made by Ms. Lavallee and SECONDED by Mr. Mannarino to enter Non-Public Session to discuss personnel and student matters RSA 91-A: 3 II (A) (B) (C) at 10:07pm.*

*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.*

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

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

**Entered nonpublic session** at 10:07p.m.

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

**Description of matters** discussed and final decisions made: Discussion was had regarding personnel and student matters. No action was taken.

**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. Post to exit the Non-Public Session at 10:47pm.*

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

**Public session reconvened** at 10:47p.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

---

Peter Weaver  
Superintendent of Schools

Ned Pratt  
Director of Student Support Services

Kristie LaPlante  
Business Administrator

Emily Stefanich  
District Curriculum Coordinator

To: Anne Setaro  
FROM: Peter Weaver  
DATE: August 18, 2021  
RE: Retirement

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 August 6, 2021 that you intend to resign your position as special education paraprofessional effective immediately. Thank your many years of service and we wish you well in the future.