

## *AGENDA*

### **SCHOOL ADMINISTRATIVE UNIT NO. 12 Office of the Superintendent of Schools Londonderry, New Hampshire 03053**

The meeting of the Londonderry School Board will be held on Tuesday, December 20, 2022, at 7:00 PM at the Londonderry High School, 295 Mammoth Road, Londonderry, NH in the LHS Cafeteria. The meeting will be broadcast on local Cable Access Ch. 21 as well as the District's YouTube Channel.

- 7:00 PM      1.      Call To Order
2.      Pledge of Allegiance
- 7:05 PM      3.      Consent Agenda
- 3.1      Resignation(s)
- Katherine McKinnon      Dining Services      North School  
                                 Jenna Sullivan      Support Staff      Moose Hill
- 3.2      Retirements:
- Tom Ciccarello      Teacher      High School
- 3.3      Minutes      December 13, 2022
- 3.4      Meetings:
- January 3, 2023      Budget Workshop      7:00 PM      LHS Cafe  
                                 January 10, 2023      Regular Meeting      7:00 PM      LHS Cafe  
                                 January 12, 2023      Budget Public Hearing      7:00 PM      LHS Cafe  
                                 January 24, 2023      Regular Meeting      7:00 PM      LHS Cafe
- 7:10 PM      4.      Committee Reports
- 4.1      Student Council
- 4.2      Teacher Liaison
- 4.3      School Board Liaisons
- 7:20 PM      5.      Budget Workshop
- 5.1      Dining Services
- 5.2      IT
- 5.3      Buildings & Grounds
- 5.4      District Office
- 5.5      Estimated Revenue
- 5.6      Warrant Articles

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8:30 PM 6.

Announcements and Presentations

6.1 Filing Period for Candidates - First day is Wednesday, January 18, 2023, and Last day is Friday, January 27, 2023

- One (1) School Board Member - 3-year term
- One (1) School Board Member - 3-year term

To make arrangements to file, please contact Kerri Stanley, School District Clerk at (603)860-9369. Ms. Stanley will be at the School District Office on Friday, January 27, 2023, from 3:00PM to 5:00PM, for the purpose of final filing

8:35 PM 7.

Public Comment

Public comment will be incorporated throughout the budget presentation

9:05 PM 8.

Deliberations

8.1 Superintendent Nomination

8.2 LHS Program of Studies - Jason Parent & Curriculum Coordinators

8.3 Second Reading of Policy ACAB - Harassment and Sexual Harassment of School Employees - Kim Carpinone

8.4 Second Reading of Policy ACAB-R - Employee Discrimination/Harassment & Title IX Sexual Harassment Complaint Procedures - Kim Carpinone

8.5 Second Reading to Rescind Policy ACA-E - Sexual Harassment Prevention Policy

8.6 First Reading of Policy JED-R - Attendance Policy - Dan Black & Kim Carpinone

8.7 First Reading of Policy JED - District-Wide Student Truancy Policy - Dan Black & Kim Carpinone

8.8 First Reading of Policy KBA Right to Know Procedures - Dan Black

9:45 PM 9.

Non-Public Session

Non-Public Session requested under RSA 91-A:3, Section II (b)

9.1 Nomination(s)

10. Adjournment

(Please note: In addition to the items listed on the agenda the Board may consider other matters not on the posted agenda and they may enter a non-public session or convene in a non-meeting session in accordance with RSA 91-A if the need arises.)

**SCHOOL ADMINISTRATIVE UNIT NO. 12**  
**Office of the Superintendent of Schools**  
**Londonderry, New Hampshire 03053**

The meeting of the Londonderry School Board was held on Tuesday, December 13, 2022, at 7:00 PM at the Londonderry High School, 295 Mammoth Road, Londonderry, NH in the LHS Cafeteria. The meeting was broadcasted on local Cable Access Ch. 21 as well as the District's YouTube Channel. In attendance were School Board members: Mrs. Butcher, Amy Finamore, Mr. Gray, Mrs. Loughlin and Mr. Slater. Also in attendance were Interim Superintendent, Mr. Black, Business Administrator, Mrs. McKenney and School Board Secretary, Lisa Muse.

Also in attendance were Budget Committee members: Patrick Cassidy, Ron Dunn, Jennifer Kenney, Tim Siekmann and Lynn Wiles.

1. **Call To Order:** The meeting was called to order at 7:00PM by Amy Finamore.

2. **Pledge of Allegiance:** The Pledge of Allegiance was led by Amy Finamore.

3. **Consent Agenda:** *Mr. Slater made a motion to accept the Consent Agenda. Mrs. Loughlin seconded the motion. The motion passed by a vote of 5-0.*

**3.1 Resignations**

Areej Shoaib Support Staff Moose Hill

**3.2 Minutes** December 6, 2022

**3.3 Meetings:**

December 20, 2022	Reg Meeting & Budget Workshop	<b>7:00PM*</b>	LHS Cafe
January 3, 2023	Budget Workshop	7:00 PM	LHS Cafe
January 10, 2023	Regular Meeting	7:00 PM	LHS Cafe
January 12, 2023	Budget Public Hearing	7:00 PM	LHS Cafe
January 24, 2023	Regular Meeting	7:00 PM	LHS Cafe

**\*Denotes a change**

**4. Committee Reports**

**4.1 Student Council:** None

**4.2 Teacher Liaison:** None

**4.3 School Board Liaisons:** Mrs. Butcher talked about the MH PTA the art contest. The next meeting is January 5<sup>th</sup> at 7pm and will be held in person and hybrid. Mr. Gray mentioned the North School PTA Santa Breakfast is Saturday. South School PTA finished up their holiday stroll. He discussed more formalizing the member of the public for committees and provides some research and feedback. Mr. Slater suggests this be an agenda item after the budget process so it can be discussed in more detail.

**5. Announcements and Presentations**

**5.1 Filing Period for Candidates** - First day is Wednesday, January 18, 2023, and Last day is Friday, January 27, 2023

- One (1) School Board Member - 3-year term
- One (1) School Board Member - 3-year term

To make arrangements to file, please contact Kerri Stanley, School District Clerk at (603)860-9369. Ms. Stanley will be at the School District Office on Friday, January 27, 2023, from 3:00PM to 5:00PM, for the purpose of final filing

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**6. Budget Workshop**

**6.1 Music:** Serge Beaulieu: The Music budget is on Page 99-103. He reads his executive summary from the budget book. There are 1300 students involved in music throughout the District. He discusses the students that participate at each grade level. The Capital Reserve on page 279 is detailed.

**6.2 High School:** Jason Parent: The High School budget is on page 71-90. The budgets have remained consistent over the past four years. The FY24 budget is \$522,375 which is an increase of \$5,901 or 1% of last year's budget. There are no new textbooks requests. FY24 projected 1301 students which represents a dip in the Middle School enrollment coming to the High School. 92 students attend MST/Alvirne. Londonderry High is ranked among the best schools in New Hampshire. It has one of the lowest dropout rates in New Hampshire. There were 156 NH scholars and 56% of the senior class. The class GPA average is 3.24. The master schedule is driven by student requests. 20,000 course requests were made and 99% were granted.

Mr. Siekmann asks about library media numbers being above default. Mrs. McKenney said page 37 details what is going up in the budget. The main factor for the school increases is due to supplies.

**6.3 Middle School:** William Van Bennekum: He discusses what is behind the LMS philosophy and building relationships with the students is the key component. The FY24 budget is \$185,199 which is an increase of \$14,012. He discusses that the increases are related to general supplies, teacher supplies and the Read 180 program. He discusses the community connection between the Middle School and the families.

Mr. Cassidy has positive feedback about music, High School and Middle School.

Mrs. Kenney asks about the decreases for the 8<sup>th</sup> grade class trip. She also inquired about HomeEc being completely removed. Mr. Van Bennekum said it wasn't cut, it was just shifted to a different line. It is discussed that the math reduction is because they are not using print materials as a consumable.

Public comment:

Janet Bornstein, Boyd Rd: She asks about the High School library media line on page 82. Mr. Parent details what is included in that line item.

Mrs. Loughlin asks about the costs for the eighth-grade promotion ceremony.

Amy Finamore discusses some formatting budget layouts and Mrs. McKenney give more details.

**6.4 Moose Hill**

**6.5 Matthew Thornton**

**6.6 North School**

**6.7 South School**

The elementary schools present together. The summer Math Academy will continue in 2023. Iready is being used for grades 1-5. They discuss the enrollment at each school. The temporary classroom at North School is in the budget for moving a program from South School to North School. A permanent curriculum coordinator for the elementary level is discussed. A full-time administrative assistant in each building is also in the budget. The kindergarten committee will also continue to provide information to the Board. Social emotional learning is a priority in each school. Choose Love is the curriculum utilized. All four schools are involved with community outreach.

Mr. Wiles asks about enrollment numbers and Mr. Dutton mentions that this is the driving force for the increases and decreases.

Mr. Dunn asks for the schools plans if the default budget were to pass. Mr. Dutton said general supplies would be looked at for materials. Mrs. McKenney states that Mr. Black will present what it will look like if the default budget were to happen at the January 3<sup>rd</sup> meeting.

Public comment: Janet Bornstein, Boyd Rd: She asks about the program that they want to move from South to North and does it affect the South School budget and is told no.

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Mr. Slater stated that we are 17 students less over the six schools. The increases all seem to be materials. Personnel is not able to be shifted or moved. He doesn't see any major increases and costs have gone up across the board about 5.5%.

**6.8 Curriculum:** Mr. Black: He discussed page 235 which included Iready costs, PSAT costs, summer school supplies and the biggest chunk of money is tuition reimbursement with teachers. This was reduced over the past couple of years due to Covid. This account was cut, and the State is investing in letter training. Page 239 is discussed.

Public comment: None

5-minute break is taken.

## 7. Public Comment

Public comment will be incorporated throughout the budget presentation

### 9.1 New MOU with the Hooksett School District – Lisa McKenney and Dan Black:

Mr. Black mentioned the Hooksett School Board agreed to an MOU, and he is proposing they enter into this. Transportation will be in the MOU. Mrs. McKenney mentioned we took Hooksett over declining enrollment to offset the tax rate and collect revenue. We are under no obligation to accept students if we don't have the room. The difference in this MOU is the tuition rate will align with Pinkerton. Our tuition rate presently is \$12,500 and next year it will be \$15,408 per student. The Hooksett School Board has approved the increase. If there are any special education costs that is above and beyond this base rate. The language will allow us to bus some of the Hooksett students. Providing transportation increases the amount of Hooksett students. We have 122 students at \$12,500 and we budgeted for 109 students for next year which produces a total revenue of \$1,679,472 Check this. There is a reduction of 32 cents on the tax rate due to these students. There are no added costs to accept these students. The heating and lighting will not change.

*Mr. Slater made a motion to open public comment. Mrs. Loughlin seconded the motion. The motion passed by a vote of 5-0.*

Christine Perez, Wesley Drive: She discusses some information she received on recession from Moody Analytics and the State. She asks that we do not do the Hooksett MOU for five years. She discusses the apartments in town that are at the Planning Board for 350+ apartments.

Tim Porter, Quentin Drive: He asked if there were to be an increase to enrollment from Londonderry students is there a level that we would get to that we would want to start blocking the Hooksett enrollment. Mrs. McKenney said we would not except students if we did not have room for them.

Janet Bornstein, Boyd Road: She asks what the cost of bussing Hooksett students and is told that is \$64,000 for a bus.

*Mr. Slater made a motion to close public comment. Mrs. Loughlin seconded the motion. The motion passed by a vote of 5-0.*

## 8. Old Business

### 8.1 Continued conversation on Right to Know Requests and Policy:

Mr. Black spoke with the Town Manager, Mr. Malaguti and inquired about processes the town right to know process. They get a lot of right to knows in the land use department. They follow a similar approach when they get right to knows from far away that they tell them when they are in the area to stop on by. One major difference is the law, and they don't have an internal policy like we do, and he described by making files available through a drop box. Mr. Black feels we still need to protect ourselves from far away entities. Any citizen that wants information, Mr. Malaguti gave advice on how to make the process easier. We want to stay away from electronically transmitting information especially if far away. He feels our policy works the way it is.

Mr. Slater mentioned that anyone can do a 91:A and when it is requested the work must be done whether coming from far away or in town. It doesn't stop the process and the process/work must be done. He feels a thumb drive can be dropped

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off and we load the information, and they pick it back up. He looked at four local districts and every District has the option with the thumb drive. He is looking at a way to not tie up staff. He thinks the flash drive language should be added in. He feels this shows the community we have nothing to hide.

Mr. Gray asked if a recommendation came from the Town manager from our point of view. Mr. Black explained that the Town doesn't have records that include people and kids with sensitive information that we need to navigate.

*Mr. Slater made a motion to make all 91:As available through email that are already in electronic format at the District Office. Mr. Gray seconded the motion. The motion passed by a vote of 4-1.*

Mr. Black mentioned at the next meeting, they will come back with updated version of the policy for the first reading.

## **9. Deliberations**

### **9.1 New MOU with the Hooksett School District – Lisa McKenney and Dan Black:**

Mr. Slater asks Mr. Parent if Mrs. Perez has ever come in to see the schedule process. He would like Mr. Parent to go through class sizes with her, and he would like to join in the meeting. Mr. Slater asks if this MOU is year to year, but Mrs. McKenney said it is a five-year contract so two freshman classes. He knows what our enrollment is and what the optimum on the schools would be at 1600. We are at 1300 students so we do have that room for much larger capacity which will take more than five-year. He feels confident we can house these students. \$1.6 million in revenue and 32 cents to the taxpayers is a big deal. The High School schedule is very difficult to put together taking into account space and size.

Mr. Gray asked what the teachers' thoughts are on this topic. Mr. Parent said the staff has enjoyed the families and students of Hooksett. They add to enrich class discussion and they do well academically. Stress on the teachers has never surfaced.

*Mr. Slater made a motion to authorize the Superintendent to move forward with the new MOU with the Hooksett School District. Mrs. Loughlin seconded the motion. The motion passed by a vote of 5-0.*

### **9.2 First Reading of Policy ACAB - Harassment and Sexual Harassment of School Employees - Dan Black & Kim Carpinone**

Mr. Slater inquired about when the policies are brought forward where do the recommendations come from. Mrs. Carpinone said the Department of Justice. The District works closely with the legal team and provides the training to the administrators to implement the policies.

*Mr. Slater made a motion to move Policy ACAB – Harassment and Sexual Harassment of School Employee to a second reading. Mrs. Loughlin seconded the motion. The motion passed by a vote of 5-0.*

### **9.3 First Reading of Policy ACAB-R - Employee Discrimination/Harassment & Title IX Sexual Harassment Complaint Procedures - Dan Black & Kim Carpinone**

*Mr. Slater made a motion to move Policy ACAB-R – Employee Discrimination/Harassment & Title IX Sexual Harassment Complaint Procedures to a second reading. Mrs. Loughlin seconded the motion. The motion passed by a vote of 5-0.*

### **9.4 First Reading to Rescind ACA-E Sexual Harassment Prevention Policy-Employee Dan Black & Kim Carpinone**

*Mr. Slater made a motion to move Policy ACA-E Sexual Harassment Prevention Policy – Employee to a second reading for the purpose of rescinding. Mrs. Loughlin seconded the motion. The motion passed by a vote of 5-0.*

**9.5 Discussion on Policy GCQAB - Tutoring for Pay - Amy Finamore:** She reads the policy and feels it should be updated to reflect males and females teach and the second piece it does not mean that

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staff/teachers are not tutoring but they cannot tutor Londonderry students. She is curious if the Board will alter the policy to allow tutoring for pay and only outside of contracted work hours. Mr. Slater asks why this policy is in place. Mr. Black feels the spirit of the policy was to not put staff in a position that they would be accused of using their role to make money in other means. He feels this could be updated, and there are ways to make sure we don't get ourselves in trouble. If families are looking for help and teachers are willing, we should be able to find a way. Mrs. Loughlin said the wording needs to be clear. Staying after school to get extra help is part of their responsibility. Not your own students might be the wording to use.

*Mrs. Loughlin made a motion to request that the District Office revise Policy GCQAB – Tutoring for Pay and bring it forward for a first reading. Mr. Slater seconded the motion. The motion passed by a vote of 5-0.*

Mr. Black said 6-8 weeks ago we signaled to tutor.com that we were willing to partner with them. We got signed up as a District November 13<sup>th</sup>, and Mr. Parent sent out an email Monday and Mr. Van Bennekum will send out an email tomorrow to Middle School parents. Any family that is interested can go to tutor.com and basically a child can ask for a tutor and its back-and-forth 24/7 through the computer. Mr. Black spoke with other superintendents that use it and like it. Mr. Van Bennekum mentioned that grades 6-8 requires a parental permission and its only for Middle School and High School students. Mr. Black feels that this would be very valuable for the smaller subjects hard to get help in.

**10. Non-Public Session:**

*Mr. Slater made a motion to move into Non-Public Session requested under RSA 91-A:3, Section II (b). Mrs. Loughlin seconded the motion. The motion passed by a roll call vote of 5-0.*

**Non-Public Session requested under RSA 91-A:3, Section II (b)**

**10.1 Personnel Issues(s)**

**10.2 Nomination(s)**

**11. Adjournment**

The meeting was adjourned at 9:20PM.

Respectfully submitted,

Lisa Muse  
School Board Secretary

**9:44PM:** *The School Board came out of the non-public meeting and Mrs. Butcher made a motion to seal the non-public minutes of the session until 1/10/2023. Mr. Gray seconded the motion. The motion passed by a vote of 5-0.*

The meeting was adjourned at 9:45PM.

## LONDONDERRY HIGH SCHOOL

To: Daniel Black and the members of the Londonderry School Board

From: Jason Parent, Shawn Flynn, Kim Lindley-Soucy, Maureen O'Dea

Re: Program of Studies 2023 - 2024

Date: December 20, 2022

The Complete Program of Studies can be accessed online.

Please be advised of the following proposed revisions to the Program of Studies for the 2023 - 2024 school year.

### **BUSINESS**

#### **New Course:** Interactive Business

Interactive Business is designed to introduce students to many functions of modern business. The course demonstrates for students how these functions exist in a changing society and the types of decisions which must be made within that environment. The course is also designed to provide information about the multitude of career fields in the areas of business. Students will be given the opportunity to perform hands-on work during the school day when the opportunity arises. This is an entry/beginner level class that welcomes and fosters genuine interactions among students of all abilities. This class would count as a math experience. (There is no budgetary impact as a result of this proposed course.)

### **SCIENCE**

#### **New Course:** Honors Earth Space Science

This class would offer an accelerated and intensified curriculum designed to meet high-school level "Next Generation Science Standards" Earth Space Science Standards at the depth, pace, and rigor of an honors level class. Next Generation Science Standards provide a unique opportunity to increase geoscience literacy with a focus on further development of science and engineering skills. Students will meet these standards by exploring curriculum developed around student-relevant phenomena, instruction, lab activities, and research. Many of the labs and activities in the Honors level course would utilize the same materials and equipment already owned or budgeted for in the current program. (There is no budgetary impact as a result of this proposed course.)



## **ENGLISH**

### **New Course:** Holocaust and Genocide Studies

This college prep, one-semester elective would be open to juniors and seniors who are interested in furthering their depth of knowledge of the Holocaust and other modern-day genocides. Students will use interdisciplinary approaches to analyze case studies of genocide to better understand what genocide is, and to build their own definition and concept of this complex topic. Guest lecturers as well as Holocaust and genocide survivors affiliated with the Cohen Center for Holocaust and Genocide Studies would be part of the student experience. There would be no budgetary implication for our work with Cohen Center.

### **New Course:** Writing Out Loud

This one semester course will be a practical level hands-on class where students will produce content to be published in *The Lancer Spirit*. Specific activities and assignments will be created to meet the needs of the specific students in the class. Students will have the opportunity to express themselves in written, oral, digital and/or artistic forms and work toward a shared goal of producing content to be published. Students will have the opportunity to be creative in what they produce and the medium in which they produce to evaluate sources and information. Students will need perseverance to work through obstacles they may encounter as they learn new skills, technology, etc., will be encouraged to feel ownership of the content they produce, will be provided numerous ways to practice what they have learned and reflect on their work to find ways to keep improving. Students will be engaged citizens by selecting topics to cover that are relevant to them, and to cover events, issues and people in the Londonderry community.

### **New Course:** Modernism

This one semester class would be a study of literature in the early 20th century, focusing on the inner workings of the individual, shifting values, historical context (in terms of concurrent politics, as well as an artistic bridge between romanticism/realism and postmodernism), censorship, and unreliable narrators. Also considered would be the intersection of forms, including art and dance.

### **New Course:** Children's Literature

In this one semester course, students will examine popular works of children's literature to examine world-building and narrative structure, historical context, and the value of escapism for children.

**New Course: The Art of Storytelling**

The goal of this one semester course is to provide students with an understanding of new and exciting ways to tell stories. Units of study may include graphic novels and visual narrative, spoken word poetry, podcasting, film, movement, and performance. This project-based practical level course will study mentor texts and give students the opportunity to explore their own interests as they develop their personal narrative styles. Students will have the opportunity to engage with new forms of media and publish digital works. This course is suitable for all levels and abilities.

**FAMILY AND CONSUMER SCIENCES****New Course: Life Skills**

This would be a course where students get introduced to all areas of Family and Consumer Sciences in one semester. A few weeks would be spent each on kitchen skills, clothing design/basic sewing skills, budgeting, career exploration, early childhood education and relationships.

**COUNSELING DEPARTMENT****New Course: College Seminar**

This course is designed to meet the needs of any student investigating post-secondary educational opportunities. The course increases awareness of all the college options available after high school and gives students a clear path to what's next in their lives.

**MATH****Updated Description for Honors Pre-Calculus, now Advanced Placement Precalculus:**

Advanced Placement Precalculus prepares students for other higher-level mathematics and science courses. Students study graphical, numerical, verbal, and analytical representations and their applications in a variety of contexts. Additionally, students apply their understanding of functions by constructing and validating appropriate function models for scenarios, sets of conditions, and data sets, thereby gaining a deeper understanding of the nature and behavior of each function type.

**Original Description of Honors Pre-Calculus:**

This course is the study of advanced mathematical topics needed as preparation for AP Calculus as well as Calculus II. Students need a solid background in Geometry, Algebra II, and Trigonometry. Graphing calculators are used when appropriate. Topics covered include, but not limited to, linear and quadratic functions, polynomial functions, polynomial equations and inequalities, functions and their graphs, operations on functions, exponential and logarithmic functions and applications, analytic geometry, trigonometric functions and applications,

trigonometric formulas, trigonometric equations, polar coordinates and polar form of complex numbers, vectors, determinants and applications, matrices and applications, sequences and series, limits and continuity of functions, counting principles, and Binomial Theorem and curve fitting (time permitting).

## **Science**

### **Updated Description - Advanced Placement Physics II**

A new course piloted as a continuation of Advanced Placement Physics I. This course is a continuation of the study of elementary physics that began in College Physics I. Topics to be investigated include the fundamentals and the applications of oscillating systems and sound waves, heat energy and thermodynamics, electrical charges, and electric and magnetic fields.



# Londonderry School District

## Kimberly Carpinone, Director of Pupil Services

Memo

To: Daniel Black  
From: Kimberly Carpinone  
Date: December 15, 2022  
Re: Policy update

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For this Board meeting we are presenting the following for a first reading:

Amending Policies:

**JED Truancy Policy** – Updates the definition of truancy to be consistent with RSA 189:35 and the intervention process consistent with the penalties per RSA 193.

**JED-R Londonderry School District Attendance Policy** – this amendment creates a cohesive district wide procedural approach to school attendance. The procedures define an excused and unexcused absence from school and the process the Londonderry School District follows to be in compliance with RSA 189 and RSA 193.

In addition the following policies are being presented for a second reading:

**ACAB – Harassment and Sexual Harassment of Employees** - to be compliant with changes that were made in 2020

**ACAB-R Employee discrimination/harassment and Title IX Sexual Harassment Complaint Procedures** - to be compliant with changes that were made in 2020

Rescind Policy:

**ACA-E – Londonderry School District Employee Sexual Harassment Prevention Policy**

**LONDONDERRY SCHOOL DISTRICT  
DISTRICT-WIDE STUDENT TRUANCY POLICY**

The Londonderry School District believes every pupil should attend school regularly. The principal or his/her designee(s) has the authority to excuse students for absences due to personal illness; bereavement; family commitments or personal appointments which cannot be scheduled at another time such as lawyer, physician, court; compliance with the established ordinance for religious instruction or observance. A student who is excused must, however, still fulfill the school's requirements for advancement.

Parents/Guardians, students, school administrators, and teachers all have important responsibilities to ensure that students attend school and are on time.

Students have an obligation to attend school and to be on time for scheduled classes and scheduled activities. A student who has been absent from school on the day of a school activity taking place after school or in the evening is not eligible to take part in the activity unless advance approval of the absence has been given by the school administration.

Parents have the obligation to avoid whenever possible disruptions of the academic year by planning appointments and vacations at times that will not require students to be out of school. The building principal or his/her designee(s) is responsible for truancy issues.

The building principal or his/her designee (s) must submit attendance information to the superintendent's office and must communicate with parents when a student's attendance becomes a concern or as required by policy. School officials and parents/guardians must then work together to come up with a plan to address the child's absences or tardiness.

**Truancy**

Truancy is defined as any unexcused absence from class or school. Any absence that has not been excused for any reasons listed in JED-R will be considered an unexcused absence. Truancy and continued unexcused absences, including tardiness, will result in disciplinary action under The Disciplinary Code, Londonderry School District Policy JG.

Ten half days of unexcused absence during a school year constitutes habitual truancy. A half day is defined as a student missing more than three hours of instructional time.

The principal, his or her designee(s), or the truant officer at each school is hereby designated as the district employee responsible for overseeing truancy issues.

## **Intervention Process**

If a student has five days or ten half days of unexcused absences in the school year, the building principal or his/her designee(s) shall notify in writing parents/guardians. In accordance with New Hampshire law, the building principal or his/her designee(s) shall enclose copies of RSA 193:1, this policy, and the student's attendance record.

If truancy continues beyond ten days, the building principal or his/her designee(s) shall schedule a meeting with the parent/guardian, truant officer, and appropriate school personnel. The purpose of the meeting shall be to develop a plan to address the truancy. At the meeting, the building principal or his/her designee(s) and the truant officer shall inform the parents/guardians that additional unexcused absences may result in a report to the Division of Children Youth and Families (DCYF) and/or the filing of the appropriate action under RSA 169-D: 2, III (a) in the local district court.

If a student fails to comply with the plan and has either 20 full days or 40 half-days of unexcused absences, the building principal or his/her designee(s) and the truant officer shall consult with the Superintendent to determine whether DCYF should be notified and/or court action filed

### **Legal References:**

RSA 189:34, Appointment  
RSA 193:1, Duty of parent; Compulsory Attendance by Pupil  
RSA 193:8, Notice Requirements  
RSA 193:16, Bylaws as to Nonattendance  
RSA 189:35-a, Truancy Defined RSA 193:7, Penalty

NH Code of Administrative Rules, Section Ed 306.04 (a)(1), Attendance and Absenteeism  
NH Code of Administrative Rules, Section Ed 306.04 (c), Policy Relative to Attendance and Absenteeism

Londonderry School District Policy JED-R

### **LONDONDERRY SCHOOL BOARD**

Adopted: April 25, 1978  
Amended: September 18, 1978  
Amended: March 5, 1979  
Amended: May 20, 1985  
Amended: March 15, 2011  
First Reading to Amend: December 20, 2022

## Londonderry School District ATTENDANCE POLICY

Attendance in school is an essential part of the learning process. Students need to be present to participate in the classroom curriculum and work towards our district-wide competencies of our Portrait of a Graduate. When they are absent, there is an academic consequence. We urge all students and parents to strive for excellent attendance, as that will ensure maximum scholastic performance.

The following absences will be defined as excused in regard to the attendance policy:

<b>Reason</b>	<b>Required Documentation</b>
a. Court appointments	Court Documentation
b. Religious holidays	Parent communication - electronic, written, or by phone
c. Bereavement	Parent communication - electronic, written, or by phone
d. School sponsored activity	Coach/Teacher will provide rosters
e. Senior college visits (max. 5/yr.)	College Note - electronic or written
f. Doctor's appointment	Doctor's Note - electronic or written
g. Illness	Parent communication - electronic, written, or by phone
h. Chronic health condition*	Doctor's documentation

\*A chronic health condition refers to a medical condition that has been documented by a physician, verified by the school, and is on file in the student's medical folder in the nurse's office. Documentation should explain the impact on attendance.

**Planned Extended Absences:** Parents are urged to plan family trips during school vacations so as not to interfere with education. Vacation absences will be charged against the student's record as an unexcused absence for the purpose of the attendance policy. If a planned extended absence is unavoidable, make-up work will be given to students **either** before or after the absence based on what the teacher deems as most beneficial for the student.

**Make-up Work:** All make-up work, including tests, must be completed within one week after a student's return to school unless an alternative plan is approved by the teacher.

### **Attendance Failures at Londonderry High School:**

Once a student exceeds 10 unexcused absences for the semester, they will "attendance fail." The house offices will send out an attendance update. Missing more than half of a class, approximately 24 minutes, will count as an absence for that class.

**Appeals at Londonderry High School:** *Any student who has exceeded the ten-day unexcused absence limit and who are present in school and are not excused from class or been truant may file an appeal requesting a review of his/her attendance. If a student's absences include being present in school and are not excused from class-truancy or excessive tardiness, the appeal will automatically be denied.*

**Legal References:**

RSA 189:34, Appointment

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

RSA 193:8, Notice Requirements

RSA 193:16, Bylaws as to Nonattendance

RSA 189:35-a, Truancy Defined RSA 193:7, Penalty

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

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

Londonderry School District Policy JED

**LONDONDERRY SCHOOL BOARD**

Adopted: September 5, 2000

Amended: March 15, 2011

First Reading to Amend: December 20, 2022

DRAFT



## 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 unwelcome 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 Discrimination/Harassment and Title IX Sexual Harassment Complaint Procedures (ACAB-R).

Cross Reference:

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

AC – Nondiscrimination/Equal Opportunity

JICFA – Hazing GBCC – Anti-fraternization Policy

JIC - Bullying

First Reading to Adopt:

December 13, 2022

Second Reading to Adopt:

December 20, 2022

## **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 procedures 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.

**Kimberly Carpinone**  
**Director of Pupil Services**  
**6A KITTY HAWK LANDING**  
**603-432-6920**  
**kcarpinone@londonderry.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:
  - 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 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 [INSERT CONTACT INFO.] and/or to the federal Office for Civil Rights, U.S. Department of Education, 5 Post Office Square, 8<sup>th</sup> Floor, Boston, MA 02109-3921 (telephone: 617-289-0111).

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

1. The HRO/Title IX Coordinator will promptly inform the Superintendent and the person who is the subject of the complaint (respondent) that a complaint has been received.
2. The HRO/Title IX Coordinator may pursue an informal resolution of the complaint with the agreement of the parties involved. Any party to the complaint may decide to end the informal resolution process and pursue the formal process at any point. Any informal resolution is subject to the approval of the parties and the Superintendent, who shall consider whether the resolution is in the best interest of the school district and the parties in light of the particular circumstances and applicable policies and laws.
3. The HRO/Title IX Coordinator may implement supportive measures (consistent with any applicable collective bargaining agreement provisions) to reduce the risk of further discrimination or harassment while an investigation is pending. Examples of supportive measures include, but are not limited to, ordering no contact between the individuals involved, changing a work location or changing a work schedule.
4. The complaint will be investigated by a trained internal or external individual designated by the Superintendent and the HRO/Title IX Coordinator. Any complaint about an employee who holds a supervisory position shall be investigated by a person who is not subject to that supervisor's authority. Any complaint about the Superintendent should be submitted to the Chair of the Board, who should consult with legal counsel concerning the handling and investigation of the complaint.
5. The investigator shall consult with the HRO/Title IX Coordinator as agreed during the investigation process.
6. The respondent will be provided with an opportunity to be heard as part of the investigation. The complainant shall not be required to attend meetings with the respondent but may choose to do so as part of an informal resolution process.
7. The complainant and the respondent may suggest witnesses and/or submit materials they believe are relevant to the complaint.

8. If the complaint is against an employee of the school district, any rights conferred under an applicable collective bargaining agreement shall be applied.
9. Privacy rights of all parties to the complaint shall be maintained in accordance with applicable state and federal laws.
10. The investigation shall be completed within 40 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 and/or to



the federal Office for Civil Rights, U.S. Department of Education, 5 Post Office Square, 8<sup>th</sup> Floor, Boston, MA 02109-3921 (telephone: 617-289-0111).

6. The Superintendent shall be informed of all reports and formal complaints of sexual harassment.

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

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

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

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

### **C. Administrative Leave**

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

### **D. Notice to Parties of Formal Complaint**

1. The Title IX Coordinator will provide to the parties' written notice of the formal complaint and allegations of sexual harassment potentially constituting prohibited conduct under the Title IX regulations and this procedure. The notice will include:
  - Notice regarding the complaint procedure and the availability of an informal resolution process;
  - Sufficient details known at the time (including identities of parties, if known; the conduct alleged; and the date and location of the alleged incident, if known), with sufficient time to prepare before any initial interview (not less than five 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.

#### **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 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.

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

### **1. Remedies**

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

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

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

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

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

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

### **I. Appeals**

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

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

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

1. Appeals must be filed with the Superintendent, who will consider the appeal.
2. The Superintendent shall conduct an impartial review of the appeal, including consideration of the written record of the matter, and may consult with legal counsel or other school district officials in making their decision.

3. The Superintendent shall issue a written decision describing the result of the appeal and rationale for the result and provide the written decision simultaneously to the parties. The decision will either deny the appeal; grant the appeal and remand to the decision maker for further consideration; or grant the appeal by revising the disciplinary action(s).

## **J. Records**

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

Legal References: Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681 et seq.); 34 C.F.R. Part 106  
Clery Act (20 U.S.C. §1092(f)(6)(A)(v) - definition of sexual assault)  
Violence Against Women Act (34 U.S.C. § 1092(f)(6)(A)(v) – definition of sexual assault; 34 U.S.C. § 12291(a)(10) – dating violence; 34 U.S.C. §12291(a)(3) – definition of stalking; 34 U.S.C. §12291(a)(8) – definition of domestic violence)  
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 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 to Adopt: December 13, 2022  
Second Reading to Adopt: December 20, 2022

**LONDONDERRY SCHOOL DISTRICT  
EMPLOYEE  
SEXUAL HARASSMENT PREVENTION POLICY**

District Title IX Coordinator:  
Human Resource Director  
6A Kitty Hawk Landing  
Londonderry, NH 03053  
603-432-6920 ext. 1104

High School Title IX Coordinator:	Principal or designee
Middle School Title IX Coordinator:	Principal or designee
Matthew Thornton Title IX Coordinator:	Principal or designee
Moose Hill Title IX Coordinator:	Principal or designee
South School Title IX Coordinator:	Principal or designee
North School Title IX Coordinator:	Principal or designee

**LONDONDERRY SCHOOL BOARD**

Adopted: January 24, 1995  
Amended: October 20, 1998  
Amended: October 26, 2014  
Amended: October 26, 2018  
Amended: March 19, 2019



**HARASSMENT AND SEXUAL HARASSMENT OF SCHOOL EMPLOYEES POLICY  
AND COMPLAINT PROCEDURES FOR EMPLOYEES AND THIRD PARTIES**

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

**Harassment**

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

**Sexual Harassment**

Unwelcome sexual advances, suggestive or lewd remarks, requests for sexual favors, and other verbal and physical conduct of a sexual nature constitute sexual harassment when:

- A. Submission to such conduct is made either explicitly or implicitly a term or condition of an employee's work environment or employee benefits;
- B. Submission to or rejection of such conduct by an employee is used as the basis for decisions on employment benefits; and/or
- C. Such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

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

All complaints of harassment will be investigated in accordance with the Employee & Third Party Discrimination and Harassment Complaint Procedure.

**Notice and Training**

Annually, each employee shall receive a copy of this policy and its accompanying complaint procedures. This may be accomplished by including the policy/procedure with employee paychecks or by using other appropriate means to ensure that each employee receives a copy.

**Employee & Third Party Discrimination and Harassment Complaint Procedure**

This procedure has been adopted by the Board in order to provide a method of prompt and equitable resolution of employee complaints of discrimination and harassment. This procedure may also be used by other individuals (excluding students), such as parents, volunteers and

visitors to the schools who wish to make a complaint of discrimination or harassment. Complaints alleging harassment or discrimination of students based on protected status should be addressed through the Board's Student Discrimination, Harassment and Sexual Harassment Policy and Complaint Procedure (ACA-S).

## **Definitions**

For purposes of this procedure:

- A. "Complaint" is defined as an allegation that an employee or other third party has been discriminated against or harassed on the basis of age, sex, race, religion, color, marital status, familial status, physical or mental disability, genetic information, national origin, ancestry or sexual orientation.
- B. "Discrimination or harassment" means discrimination or harassment on the basis of age, sex, race, religion, color, marital status, familial status, physical or mental disability, genetic information, national origin, ancestry or sexual orientation. "Discrimination" may include 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 class. "Harassment" may include oral, written, graphic, electronic or physical conduct relating to an individual's actual or perceived membership in a protected class that is sufficiently severe, pervasive or persistent so as to interfere with or limit that individual's ability to participate in the District's programs or activities by creating a hostile, intimidating or offensive environment.
- C. Whenever the term "employee" is used in this procedure it includes other third parties who are making a complaint of discrimination or harassment.

## **How to Make a Complaint**

- A. Any employee who believes he/she has been harassed or discriminated against is encouraged to try to resolve the problem by informing the individual(s) that the behavior is unwelcome or offensive and by requesting that the behavior stop. This shall not prevent the employee, however, from making an immediate formal complaint.
- B. Any employee who believes he/she has been harassed or discriminated against should report their concern in writing promptly to the Building Administrator or Human Resource Director. If the employee is uncomfortable reporting concerns to the Building Administrator, he/she may report the concern to another school administrator.

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 their concerns with the Building Administrator or the Human Resource Director. 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 dismissal.

- C. Any employee who believes he/she has been discriminated against or harassed is encouraged to utilize the 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 on Human Rights, 2 Chenell Drive, Concord, NH 03301-8501 (telephone: 603-271-2767) and/or to the federal Office for Civil Rights, Regional Director, U.S. Department of Education, 5 Post Office Square, 8<sup>th</sup> Floor, Boston, MA 02110-1491 (telephone: 617-289-0111).

### **Complaint Handling and Investigation**

- A. The Building Administrator or the Human Resource Director will promptly inform the Superintendent and the person who is the subject of the Complaint that a Complaint has been received.
- B. The Building Administrator or the Human Resource Director 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. The informal resolution is subject to the approval of the Superintendent who shall consider whether the resolution is in the best interest of the parties in light of the particular circumstances and applicable policies and law.
- C. The Complaint will be investigated by the Building Administrator or the Human Resource Director. 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.
  - 1. The person who is the subject of the Complaint 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 subject of the Complaint, but may choose to do so as part of the resolution process.
  - 2. The Complainant and the subject of the Complaint may suggest witnesses and/or submit materials they believe are relevant to the Complaint.
  - 3. If the Complaint is against an employee of the District, any rights conferred under an applicable collective bargaining agreement shall be applied.
  - 4. Privacy rights of all parties to the Complaint shall be maintained in accordance with applicable state and federal laws.
  - 5. The Building Administrator or the Human Resource Director shall keep a written record of the investigation process.
  - 6. The Building Administrator or the Human Resource Director may take interim remedial measures (consistent with any applicable collective bargaining

agreement provisions) to reduce the risk of further discrimination or harassment while the investigation is pending. An example of a remedial measure is ordering no contact between the individuals involved.

7. The Building Administrator or the Human Resource Director shall consult with the Superintendent concerning the investigation, conclusions, and any remedial and/or disciplinary actions.
8. The investigation shall be completed within 21 calendar days of receiving the Complaint, if practicable.

D. If the Building Administrator or the Human Resource Director determines that discrimination or harassment occurred, he/she shall, in consultation with the Superintendent:

1. Determine what remedial action, if any, is required to end the discrimination or harassment, remedy its effect and prevent recurrence.
2. Determine what disciplinary action should be taken against the person(s) who engaged in discrimination or harassment, if any; and
3. Inform the employee who made the Complaint in writing of the results of the investigation and its resolution (in accordance with applicable state and federal privacy laws).

E. If the employee who made the Complaint is dissatisfied with the resolution, he/she may appeal to the Superintendent within 14 calendar days after receiving notice of the resolution. The Superintendent shall review the investigation report and may conduct further investigation if deemed appropriate. The Superintendent's decision shall be provided in writing to the complainant within 21 business days, if practicable. The Superintendent's decision shall be final.

- Legal References: Americans with Disabilities Act (28 CFR § 35.107)  
Section 504 of the Vocational Rehabilitation Act (29 U.S.C. § 794);  
34 CFR § 104.7  
Title IX of the Educational Amendments of 1972 (34 CFR §  
106.8(b))  
Age Discrimination in Employment Act (34 CFR § 110.25)  
Genetic Information Nondiscrimination Act of 2008 (42 U.S.C. §  
2000ff et seq.)  
NH RSA 354-A:7  
NH Code Admin R. Ed 303.01(i) and (j)
- Cross Reference: AC – Nondiscrimination/Equal Opportunity  
ACA-S – Student Discrimination, Harassment and Sexual  
Harassment Policy and Complaint Procedure

LONDONDERRY SCHOOL BOARD

Adopted: August 26, 2014

Amended: March 19, 2019

Reading to Rescind: December 13, 2022

Reading to Rescind: December 20, 2022



**Londonderry School District  
Daniel Black,  
Interim Superintendent of Schools**

# Memo

**To:** Londonderry School Board  
**From:** Dan Black  
**Date:** December 15<sup>th</sup>, 2022  
**Re:** 1<sup>st</sup> Reading of Policy KBA Right to Know Procedures

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I have prepared an updated Policy KBA for the School Board's review for December 20<sup>th</sup>, 2022. Based on the tight turn around, I will not have time for our legal team to review these updates, but we will be able to have their take by the 2<sup>nd</sup> or 3<sup>rd</sup> read of this updated policy.

As we prepare for the 1<sup>st</sup> Reading on December 20<sup>th</sup>, 2022, I do want to make a few points that hopefully we can discuss in public on that night.

It was said in prior meetings that emailing Right to Know requests will save the District Office time. *I do not agree with this statement so I will want to hear more from the School Board on how that is the case.* What I am most concerned about is having to work with two of the following groups on Right to Know requests: (1) those that live far away from Londonderry looking to dig up information on us for various reasons (2) citizens that use Right to Know requests to harass and clog up the functions of a District Office.

**Right now, our policy as written protects the district's time and staffing from both of these groups, but this would not be the case if email was always a tool available to complete Right to Know requests.** For that reason, I have made the following updates to the policy to achieve the Board's goal of making email transmission possible, with specific requirements to protect the School District as well.

*“In the event, that records exist in electronic format already, and do not need to be redacted for privacy reasons, the Superintendent or their designee can email those records to citizens of Londonderry NH as part of completing the request if possible; otherwise Right to Know requests will be completed in the other manners and processes as described in this policy already.”*

The motion from the school board stated from December 13<sup>th</sup> stated to update the policy as follows, with a few words added for clarity: *“Records can be made available by email that are already available in electronic format when completing a Right to Know request.”*

I have added additional language that I think is best to navigate the landscape in front of us and what I heard at the last school board meeting from other comments from the school board to hopefully reach consensus moving forward. We can use the December 20<sup>th</sup>, 2022, meeting to make sure everyone is clear and comfortable with updated language for this policy to then move on whatever updates are made to a 2<sup>nd</sup> reading.

## RIGHT -TO-KNOW PROCEDURES

Every citizen during the SAD's business hours at the SAD Office may inspect and copy SAD and Londonderry School District governmental records which are not exempt from disclosure under RSA 91-A:5 or any other statute.

### Requests for Governmental Records

A citizen's request to review a record should contain enough information to reasonably describe the record or information requested. A request for a record that does not have a reasonable description of the subject matter or time period is not sufficient. Requests should be made in writing to ensure that the SAD and School District understand the request.

### Response to Requests for Governmental Records

Governmental records which are subject to disclosure and are immediately available for review and inspection will be provided for inspection upon request whenever possible.

Often, however, governmental records may not be immediately available for a number of reasons including that the records are being used; the records must be compiled; the records must be reviewed or redacted for information which is not subject to disclosure; or the records must be reviewed by legal counsel to determine whether they are subject to disclosure.

If requested governmental records are not immediately available, the SAD or School District will within five (5) days of the request either: (1) make the record available; (2) deny the request in writing with reasons; or (3) furnish a written acknowledgement of receipt of the request and a statement of when the SAD or School District expects to be able to complete the retrieval and review necessary to determine if the record exists, whether it is subject to disclosure, and when the process is expected to be completed.

### Reviewing and Inspecting Governmental Records

When the governmental records which are not exempt from disclosure are available for review and inspection, the requester will be contacted and notified that the requested records can be reviewed at the SAD Office during business hours. **All records that are already in electronic format at the District Office shall be made available through email.**

### Costs or Fees

The cost of copies is \$ .50 per sheet when the request is for specific records identified by the requester or when the requester personally reviews and inspects the records and selects the records to be copied. The requester will be charged the cost for thumb drives, discs, or other electronic copying devices provided to the requester.



If the requester chooses not to personally review and inspect the records and does not reasonably describe the requested records, the SAD or School District may charge an hourly research charge to cover the actual cost of providing the copy instead of the per sheet copy cost.

If the requester wants the records to be mailed, the requester will be charged the actual costs of postage or delivery and the applicable costs for copies or research time and must prepay those costs.

#### **Amendments to Right- To-Know Law**

Any amendments to the Right-To-Know Law authorizing public entities to charge additional amounts for responding to Right-To-Know Law requests are incorporated into these procedures.

#### **Legal References:**

*RSA 91-A:l, Access to Governmental Records & Meetings*

LONDONDERRY SCHOOL BOARD

Adopted: August 25,2015

## RIGHT-TO-KNOW PROCEDURES

Every citizen during the SAU's business hours at the SAU Office may inspect and copy SAU and Londonderry School District governmental records which are not exempt from disclosure under RSA 91-A:5 or any other statute.

### Requests for Governmental Records

A citizen's request to review a record should contain enough information to reasonably describe the record or information requested. A request for a record that does not have a reasonable description of the subject matter or time period is not sufficient. Requests should be made in writing to ensure that the SAU and School District understand the request.

### Response to Requests for Governmental Records

Governmental records which are subject to disclosure and are immediately available for review and inspection will be provided for inspection upon request whenever possible.

Often, however, governmental records may not be immediately available for a number of reasons including that the records are being used; the records must be compiled; the records must be reviewed or redacted for information which is not subject to disclosure; or the records must be reviewed by legal counsel to determine whether they are subject to disclosure.

If requested governmental records are not immediately available, the SAU or School District will within five (5) days of the request either: (1) make the record available; (2) deny the request in writing with reasons; or (3) furnish a written acknowledgement of receipt of the request and a statement of when the SAU or School District expects to be able to complete the retrieval and review necessary to determine if the record exists, whether it is subject to disclosure, and when the process is expected to be completed.

### Reviewing and Inspecting Governmental Records

When the governmental records which are not exempt from disclosure are available for review and inspection, the requester will be contacted and notified that the requested records can be reviewed at the SAU Office during business hours.

In the event, that records exist in electronic format already, and do not need to be redacted for privacy reasons, the Superintendent or their designee can email those records to citizens of Londonderry NH as part of completing the request if possible; otherwise Right to Know requests will be completed in the other manners and processes as described in this policy already.

## **Costs or Fees**

The cost of copies is \$ .50 per sheet when the request is for specific records identified by the requester or when the requester personally reviews and inspects the records and selects the records to be copied. The requester will be charged the cost for thumb drives, discs, or other electronic copying devices provided to the requester.

If the requester chooses not to personally review and inspect the records and does not reasonably describe the requested records, the SAU or School District may charge an hourly research charge to cover the actual cost of providing the copy instead of the per sheet copy cost.

If the requester wants the records to be mailed, the requester will be charged the actual costs of postage or delivery and the applicable costs for copies or research time and must prepay those costs.

## **Amendments to Right-To-Know Law**

Any amendments to the Right-To-Know Law authorizing public entities to charge additional amounts for responding to Right-To-Know Law requests are incorporated into these procedures.

### **Legal References:**

*RSA 91-A:1, Access to Governmental Records & Meetings*

LONDONDERRY SCHOOL BOARD

Adopted: August 25, 2015

First Reading to Amend: December 20, 2022