

**OFFICE OF THE SUPERINTENDENT OF SCHOOLS  
106 Hancock Road  
Peterborough, New Hampshire**

**CONTOOCCOOK VALLEY SCHOOL BOARD**

**POLICY COMMITTEE MEETING**

**Tuesday, October 24, 2023**

**6:00 PM**

**Location: SAU Board Room**

**Agenda**

**Committee Members:** Katherine Heck, Michael Hoyt, Thomas Kirlin, Janine Lesser, Erin Pils-Martin

- 1. Call to order**
- 2. Approval of the September 26, 2023 Minutes**
- 3. Policy Review**
  - JBAB: Transgender and Gender Non-Conforming Procedure
  - AC: Non-Discrimination, Equal Opportunity Employment and District Anti-Discrimination Plan
  - BDE: Committees and School Board Member Special-Duty Assignments
- 4. Fall Updates**
- 5. Non-Public Session RSA 91-A:3 II (If Required)**
- 6. Policy Status Update:**

**Scheduled for Next School Board Agenda:**

**Under review/revision by Administration:**

- JJJ: Access to Public School by Nonpublic, Charter Schools, and Home Educated Students
- JLDBB: Suicide Prevention and Response
- JLCB: Immunization of Students (Reworded and Re-lettered)
- JLCA: Physical Exams

**Under review by Legal:**

- IHBAA: Evaluation Requirements for Students
- IHBG: Home Education Instruction

**Under review by School Board Committee:**

- Capital Plan Policy (Budget & Property)

- EG/KDA: Public Information Program (Communication)
- IKL: Academic Integrity and Honesty
- JLCF: Wellness

**Under review with Nurses:**

- JLCA: Physical Examination of Students

**On Hold:**

- DJB/DJB-R: Purchasing Procedures
- DJE: Bidding Requirements

**Future Agenda Items:**

- Fall Update Items

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**Tuesday, September 26 2023**

**6:45 PM**

**Location: SAU Board Room**

**Minutes**

**Committee Members:** Katherine Heck, Michael Hoyt, Thomas Kirlin, Janine Lesser, Erin Pils-Martin

**Present:** Katherine Heck, Michael Hoyt, Thomas Kirlin, Erin Pils-Martin, Dr. Kimberly Saunders, Ben Moenter

**1. Call to order**

**Katherine Heck called the meeting to order at 6:48 p.m.**

**2. Approval of the September 7, 2023 Minutes**

**Mike Hoyt motioned to approve the minutes of September 7, 2023. Erin Pils-Martin seconded. Unanimous.**

**3. Policy Review**

**• JBAB: Transgender and Gender Non-Conforming Procedure**

The District has provided a procedure and the administration would like to have a policy to join it. A decision on what direction the committee would like to go to bring to the full board is needed. Erin Pils-Martin said that she preferred the NHSBA version.

Katherine Heck said that it is an old version and has been pulled because it does not comply with the new federal compliances. Our attorney recommended having procedures in place.

Katherine further said that a statement that directs one to the procedure is suggested.

Kimberly Saunders said that when we spend time and money having an attorney develop something like this, we follow it because they are the one that provides support to the district. It is better not to have a policy or procedure rather than have one and not follow it.

Kimberly Saunders said that a statement that says that the procedure will be updated in accordance with current law as it moves forward is preferred.

Katherine Heck said that a procedure can be updated immediately.

Further, Katherine said that the purpose statement in the NHSBA policy could be used. We would not get into the procedural aspects at all.

Katherine Heck asked for input and thoughts.

Mike Hoyt agreed that this needs to go with what the attorney said and leave it that way.

Wordsmithing the purpose section was asked of Kimberly Saunders. Confirmed.

Erin Pils-Martin asked where one would direct questions about the procedure. She said that she liked the language in the privacy section. Protection not to share transgender information was her preference.

Kimberly Saunders and Katherine Heck said that that language is the reason why the policy was pulled.

Kimberly said that it starts from a deficit thinking space that a parent will not support their child. Should it be believed that the child would receive physical or emotional trauma with a parent, information would not be shared. Children who are under 18 do not have privacy rights. Having a procedure that is consistent is important. This procedure is designed to support the student and the family.

We want to make sure that we do everything as prescribed by law.

Erin Pils-Martin asked about the definition of “transgender” on page 2. Why use “assigned sex” rather than “assigned gender”?

Kimberly Saunders said that it is trying to recognize the difference between a social assignment and biological assignment.

Kimberly said that this procedure will be reviewed annually.

- **IKFC: Alternate Diploma for Students with Significant Cognitive Disabilities**

Ben Moenter said that there are 4-6 students who have utilized the alternative diploma pathway.

Most students walk at graduation with their peers and will continue on with services and schooling up until age 22. It is a policy that we need but is not used frequently.

This is related to a certificate or diploma received by a student with significant cognitive disabilities.

Ben Moenter asked about the age 16. Katherine Heck said that it is based on federal law.

ConVal does not have a policy. We are doing this in practice because we have a procedure.

Mike Hoyt said that the State says that we have to participate in it but not that we have to pass it.

Do we need a policy? The policy is the board’s expression to the administration and public of what is expected.

The NHSBA policy will be reviewed and a ConVal policy may be drafted.

- **AC: Non-Discrimination, Equal Opportunity Employment and District Anti-Discrimination Plan**

ConVal’s policy was adopted in 2020 and is outdated. Pulling pieces from the sample policy, including pieces about gender identity and non-discrimination language have occurred. What is left is for the committee to confirm what they want and send it to legal review. Pg. 13-16 is the preferred policy in place of that on page 17.

Absent significant changes after legal review, it will be ready for a first read of the full board.

- **BDE: Committees and School Board Member Special-Duty Assignments**

Kimberly Saunders said that we must have a Food Service/Wellness Committee. This policy is currently suspended.

Katherine said that a committee is not needed but the discussion is necessary.

Kimberly said that it would be in the best interest to have a Food Service/Wellness Committee that meets quarterly.

Katherine Heck saw no issue with the special duty list. Strategic Planning might be moved to a special duty because it is periodic.

Equity Committee is no longer a ConVal committee. Rather, a position is in process to look at data and report to the full board.

Standing committees are Budget & Property, Policy, and Selectmen’s Advisory.

A recommendation for the realignment of committees, both standing and special duty, will be brought to the board.

Adding a statement, under special duty procedures, stating that the Strategic Planning is a committee that will meet during the process as necessary.

Erin Pils-Martin asked about the timing of adding or dismissing committees at the School Board organizational meeting after the election.

- JKAA: Use of Restraint, Seclusion, and Physical Contact

Ben Moenter said that there have been legal changes to this policy in the past month. Seclusion used to be considered closing the door on a student who has escalated. It now relates to the child's perception that they are secluded. A co-regulator would have to be in the situation to monitor regulation strategies. Another change is that Division of Health and Human Services are creating a form that districts need to submit upon the use of restraint or seclusion.

Discussion about the perception of seclusion or seclusion took place.

Katherine Heck asked that Ben Moenter, Cari Coates, and Kimberly decide what direction should be pursued. Should physical contact be kept in this policy? It will likely have to go to legal for review.

The School Board Association has sent out their fall update list of policies that take major legislative changes in consideration among others.

This committee will start with those required by law.

#### **4. Non-Public Session RSA 91-A:3 II (If Required)**

None.

#### **5. Policy Status Update:**

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##### **On Hold:**

- DJB/DJB-R: Purchasing Procedures
- DJE: Bidding Requirements

##### **Future Agenda Items:**

- Fall Update Items

**Mike Hoyt motioned to adjourn at 8:10 p.m. Tom Kirlin seconded. Unanimous.**

Respectfully submitted,

Brenda Marschok

**PURPOSE**

District policy requires that all programs, activities, and employment practices be free from discrimination based on sex, sexual orientation, or gender identity. This policy is designed in keeping with these mandates to create a safe learning environment for all students and to ensure that every student has equal access to all school programs and activities. *This policy sets out guidelines for schools and district staff to address the needs of transgender and gender nonconforming students and clarifies how state law should be implemented in situations where questions may arise about how to protect the legal rights or safety of such students. This policy does not anticipate every situation that might occur with respect to transgender or gender nonconforming students, and the needs of each transgender or gender nonconforming student must be assessed on a case-by-case basis. In all cases, the goal is to ensure the safety, comfort, and healthy development of the transgender or gender nonconforming student while maximizing the student's social integration and minimizing stigmatization of the student.*

The Board directs the Superintendent to create a procedure to ensure that transgender students are supported and there are not institutional structures that create discriminatory practices. The procedure will be reviewed annually by the Administration and updated to consistent legal and regulatory requirements.

**NON-DISCRIMINATION, EQUAL OPPORTUNITY EMPLOYMENT  
and DISTRICT ANTI-DISCRIMINATION PLAN**

*Category: Priority/Required by Law*

*Related Policies: ACAC, ACE, GBAA,  
JICK, KED*

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

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

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

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

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

Discrimination against and harassment of school employees because of age, sex, race, creed, religion, color, marital status, familial status, physical or mental disability, genetic information, national origin, ancestry, sexual orientation, or gender identity are prohibited. Additionally, the District will not discriminate against any employee who is a victim of domestic violence, harassment, sexual assault, or stalking.

**C. Policy Application.**

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

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

The District has developed a coordinated written District Anti-Discrimination Plan (the "Plan"), which includes guidelines, protocols and procedures intended to prevent, assess the presence of, intervene in, and respond to incidents of discrimination. See RSA 193:39.

**NON-DISCRIMINATION, EQUAL OPPORTUNITY EMPLOYMENT  
and DISTRICT ANTI-DISCRIMINATION PLAN**

The District’s Anti-Discrimination Plan is available upon request to the appropriate Building Principal or the SAU office.

No less than once every two years (off years from review of the District’s Suicide Prevention Plan per Policy JLDBB), the Superintendent or his/her designee shall update the District Anti-Discrimination Plan, and present the same to the Board for review. The Superintendent or his/her designee is encouraged to seek input from appropriate groups of the school and local community and coordinate with the District’s Human Rights Officer, Title IX Coordinators, and Section 504 Coordinators in drafting updates. Among other things, the Plan must include provisions, and recommendations with respect to resources, policies, complaint procedures, student education programs, plan dissemination and training appropriate to carrying out the plan objectives stated in the preceding paragraph. Such Plan updates should be submitted to the Board in time for appropriate budget consideration.

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

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

Human Rights [or Non-Discrimination] Officer District

Title IX Coordinator District

504 Coordinator District

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

U.S. Department of Education, Office of Civil Rights

U.S. Department of Agriculture, Office of Civil Rights

N.H. Human Rights Commission

N.H. Department of Justice, Civil Rights Unit

N.H. Department of Education, Commissioner of Education

**F. Complaint and Reporting Procedures.**

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



**NON-DISCRIMINATION, EQUAL OPPORTUNITY EMPLOYMENT  
and DISTRICT ANTI-DISCRIMINATION PLAN**

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

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

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

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

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

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

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

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

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

**NON-DISCRIMINATION, EQUAL OPPORTUNITY EMPLOYMENT  
and DISTRICT ANTI-DISCRIMINATION PLAN**

**H. Retaliation Prohibited.**

No reprisals or retaliation of any kind will be taken by the Board, any District employee, or any student against the complainant or other individual on account of his or her filing a complaint or report or participating in an investigation of a complaint or report filed and decided pursuant to this policy. If any individual is found to have retaliated against another in contravention of this section, this may be grounds for discipline

**I. False Reports Prohibited**

No person shall knowingly file a false report or provide false information as part of an investigation under any of the District's policies, including policy GBAA, policy ACAC, policy ACE, policy KED, and policy JICK. If any individual is found to have violated this section, this may be grounds for discipline.

**J. Administrative Procedures and Regulations.**

The Superintendent or his/her designee is authorized to develop such other procedures and regulations as are necessary and appropriate to implement this policy.

**K. Notice of Compliance.**

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

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**Legal References:**

RSA 193:38, Discrimination in Public Schools  
RSA 193:39, Discrimination Prevention Policy Required  
RSA 193-F, Student Safety and Violence Protection Act  
RSA 354-A, State Commission for Human Rights  
RSA 354-A, State Commission for Human Rights  
The Age Discrimination in Employment Act of 1967, 29 U.S.C. §621, et seq.  
The Rehabilitation Act of 1973, 29 U.S.C. § 701, et seq.  
The Americans with Disabilities Act of 1990, 42 U.S.C. §12101, et seq.  
The Americans with Disabilities Act of 1990, 42 U.S.C. §12101, et seq.  
Title IV of the Civil Rights Act of 1964, 42 U.S.C. §2000c, et seq.  
Title VII of The Civil Rights Act of 1964, 42 U.S.C. §2000e, et seq.  
Title IX of the Education Amendments of 1972, 20 U.S.C §1681, et seq.  
NH Dept of Ed. Rule 303.01(i), School Board Substantive Duties

**Purpose:**

The ConVal School Board utilizes standing committees to consider issues, proposals, and tasks in a smaller venue to allow members to delve more deeply into issues than may be possible at full School Board meetings. The committee structure is an efficient way of allowing for more thorough consideration of policy proposals, constructing budgets, initiating new programs, reviewing curricular issues, monitoring of progress toward Board goals, and Board communication. The committees may initiate and investigate any matter within their jurisdiction.

All recommendations of these committees should represent a majority vote of committee members. No vote or discussion of a standing committee – with the exception of the Student Discipline and Grievance Committees — will constitute a School Board decision unless so authorized by Board action at a public meeting.

Additional committees may be created, or existing committees dissolved, by a vote of the Board at the annual Board organizational meeting following the annual Board election.

The following committees currently exist as part of the governance of the Board:

Budget and Property Education

Policy

Selectmen's Advisory Committee

**Committee Organization** Each committee should have at least four members. The Chair of the Board, in consultation with Board members, makes committee appointments annually. These appointments are for a term of one year. All appointments will be made promptly after each Board election. An organizational meeting of each committee will be held annually promptly after each Board election and the announcement of committee appointments by the Board Chair.

A Chair for the committee will be selected annually by the appointed members of the committee at the organizational meeting of the committee. Any Board member may attend and participate in any committee meeting at any time. However, the voting members of each committee will be limited to those who have been appointed.

All committee meetings shall be posted publicly.

The Superintendent or designee shall attend committee meetings whenever possible, as non-voting members. The Chair of the committee is responsible for prioritizing issues, setting meeting agendas, dates, and times. A record must be kept of the proceedings of each committee meeting. That record must be approved by the voting membership of the Committee and kept on file at the Board office. The Chair of each standing committee shall be responsible for reporting on the committee's business at the full Board meeting.

### **Committee Responsibility and Jurisdiction**

Each committee of the Board will be assigned a jurisdiction. This jurisdiction will be reviewed and confirmed annually by the Board following the organizational meetings of all committees. Each committee Chair may periodically initiate review and adjustment of the committee's jurisdiction when deemed appropriate; any change to a committee jurisdiction must be approved by the School Board. Committee jurisdictions will be posted on the School Board's website.

A committee of the Board shall not appoint a committee of that committee without approval of the Board.

### **School Board Member Special Duty Assignments**

Individual Board members may be designated to fulfill special assignments on behalf of the whole Board to facilitate the efficient, or confidential, completion of Board responsibilities.

The following special duty assignments will be made to facilitate Board governance:

Negotiations/Grievance

Student Discipline

Review of the Manifest

Representative to the New Hampshire School Board Association (NHSBA)

Delegate Assembly

Strategic Planning

### **Special Duty Assignment Procedures**

The Chair of the Board, in consultation with Board members, makes special duty appointments annually. These appointments are for a term of one year. All appointments will be made promptly after each Board election.

The committees on Negotiation, Employee Grievance, or Student Discipline are not open to participation by Board members who have not been appointed. Nor are meetings of the Negotiations, Employee Grievance, or Student Discipline committee meetings open to the public.

Board members appointed to fulfill a special duty assignment will report to the full Board as requested to do so by the Board Chair. Board member(s) designated to review the Manifest prior to each Board meeting will bear the responsibility of moving for acceptance of the certified manifest at the Board meeting.

The Board member appointed as the representative of the ConVal School Board to the NHSBA Delegate Assembly will review all proposals with the Board prior to the annual Delegate Assembly and seek Board advice regarding their vote at the Delegate Assembly.

### **Ad-Hoc Committees of the Board**

Ad hoc committees of the Board may be appointed by the Chair of the Board. The function of the ad hoc committee will be to study specific issues for a specifically limited period of time, and if appropriate, to make recommendations to the full Board for approval. T

The dates, times, and location of ad hoc committee meetings will be posted publicly and the meetings will be open to all members of the Board. No vote or discussion of an ad hoc committee will constitute a decision of the Board, unless such authority is granted by the School Board at a public meeting.

The School Board may form committees with members of the public, students, parents, and/or employees to do specific tasks and make recommendations to the Board. The Board Chair may appoint members of the School Board to such ad hoc committees.

Meetings of ad hoc committees must be properly posted and open to the public. Board members not appointed by the Board Chair may attend and participate in ad hoc committee meetings but may not be voting members of the ad hoc committee.

The Board will establish the charge of the scope of responsibility for such ad hoc committees. Such ad hoc committees are advisory and have only such authority as specified by the Board. The Board will receive reports or recommendations from an ad hoc committee at the direction of the Board Chair.

A record must be kept of the proceedings of each meeting of an ad hoc committee. That record must be approved by the membership of the ad hoc committee and kept on file at the Board offices. The Board retains the right and has the duty to make all final decisions related to such reports or recommendations of an ad hoc committee. The Board reserves the right to limit, create or dissolve an ad hoc committee at any time as it deems appropriate.