

Communications & Policy Committee of the Board

COMMUNITY FORUM TO GAIN INPUT ON POLICIES

July 8 and July 22, 2019

I. Sexual Harassment – Students, Reporting Child Abuse

- a. Expertise: Lynn Corriveau (DCYF), Jennifer Tveter (NH CADSV)
- b. Legal References:
 - i. Ed 303.01(j) Substantive Duties of School Boards; Sexual Harassment Policy
 - ii. Ed 306.04(a)(9) Sexual Harassment
 - iii. RSA 354-A:7 Unlawful Discriminatory Practices
 - iv. NH Code of Administrative Rules Section Ed 306.04(a)(10) Reporting of Suspected Abuse or Neglect
 - v. RSA 169-C:29 Persons Required to Report
 - vi. RSA 169-C:30 Nature and Content of Report
 - vii. RSA 169-C:31 Immunity from Liability
 - viii. RSA 169-C:34, III Duties of the Department of Health and Human Services
 - ix. RSA 189:72 Child Abuse or Neglect Information
- c. Policies:
 - i. Sexual Harassment – Students
 - ii. Reporting Child Abuse
- d. Participants from July 8: Sarah, Melyssa, Paula, Mary, Danielle, Dara, Jennifer, Tina, Lynn and Chuck
- e. Notes from July 8
 - i. Law is clear
 - ii. Professionals are held to a higher standard – a trend in greater enforcement
 - iii. Out of home perpetrator? You'd call DCYF who would call the police
 - iv. Student on student sexual abuse? Call DCYF who would pass to police unless the students are related (ongoing access)
 - v. Once you've called DCYF you've met your legal obligation
 - vi. Somebody will take your DCYF call, 24/7
 - vii. Granite State Know & Tell will do trainings; DCYF also provides mandatory reporter trainings
 - viii. Age of consent in NH is 16 years old; the four-year age difference is how it's tried
 - ix. Just because you are mandated to call DCYF, that's not the only call you can make; call the police if you're worried about releasing the child home
 - x. It's not just the direct witness who is a mandatory reporter, it's anyone who has been made aware of it

- xi. You are not the investigator – as long as you’ve made a good faith effort, it’s not your responsibility to know if it’s true or not – but you must report, according to the law
- xii. Group reviewed and discussed a few scenarios
- xiii. DCYF is the first, mandatory call
- xiv. Feedback on Policy 521
 - 1. Employees need to report to Title IX Coordinator. Bob Belmont is the Title IX Coordinator for the District. Title IX is expected to be adhered to by all schools.
 - 2. Does the Title IX Coordinator offer any training? What does prevention training look like? Training can also be provided by local experts
 - 3. Consensus in this group: experts in sexual abuse, assault and harassment need to weigh in before this policy is adopted. CSD could be a gold standard in this area: language, reporting standards
 - 4. Concern that this policy does not reflect that abuse is under-reported. How do we ensure the student who has been abused gets support?
 - 5. Secondary abuse issue – lack of trust in colleagues
 - 6. Paula explained “grooming” and techniques used: looking for jobs with access to kids, starting with subtle touches, plying with gifts and favors, encouraging rule breaking, to blackmail. They don’t just groom the child, they groom coworkers, parents, etc.
- xv. A culture of trusting your gut and calling out odd behavior
- xvi. Physical changes that reduce access – no darkened stairwells, need for school mapping
- xvii. No teacher with singular child
- xviii. False allegations, especially with younger child, are very rare, may be another adult in the child’s life
- xix. No physical isolation to minimize access – however, important to know that this is not foolproof
- xx. Experts in sexual abuse need to do mandatory in-person training. Recommend NHCADSV and/or DCYF develop a plan so that safety comes first. Training should include not just what abuse looks like, but what the reporting requirements are for all. Clearly state frequency of trainings and who will be required to participate
- xxi. Consensus was that the reporting form was inadvisable and intimidating.
- xxii. DCYF says do NOT interview potential victims! The mandatory reporter needs to collect minimal facts and then call for an external investigation.
- xxiii. Do we need a child advocate in the school? Guidance counselor?
- xxiv. Notification of parents needs to be clarified
- xxv. Reporting to DCYF
 - 1. Do not have the child present
 - 2. Staff can call together

II. Student Conduct, Student Safety and Violence Prevention – Bullying

- a. Expertise: Jeff Maher (SPS Compliance Officer)
- b. Legal References:

- i. RSA 193-D:4 Written Report Required
 - ii. RSA 631:2-a Simple Assault
 - iii. NH Code of Administrative Rules, Section Ed. 306.06 Culture and Climate
 - iv. NH Code of Administrative Rules, Section Ed. 317.04(b) Disciplinary Procedures
 - v. RSA 189:15 Regulations
 - vi. RSA 193:13 Suspension & Expulsion of Pupils
 - vii. NH Code of Administrative Rules, Section Ed 306.04(a)(3) Discipline
 - viii. NH Code of Administrative Rules, Section Ed 306.04(f) Student Discipline Policy
 - ix. NH Code of Administrative Rules, Section Ed 317.04 Suspension and Expulsion of Pupils Assuring Due Process Disciplinary Procedures
 - x. RSA 189:70 Educational Institution Policies on Social Media
 - xi. RSA 193-F: Pupil Safety and Violence Prevention Act
 - xii. RSA 570-A:2 Capture of Audio Recordings on School Buses Allowed
 - xiii. NH Code of Administrative Rules, Section Ed 306.04(a)(8) Student Harassment
- c. Policies:
- i. Student Conduct
 - ii. Student Safety and Violence Prevention – Bullying
- d. Participants from July 8: Melissa, Allie, Jeff, Michael, Dellie, Cathy, Catherine, Trish, Gina, Nancy, Liza, Missy, David, Eric
- e. Notes from July 8
- i. Use of “they” instead of he or she to avoid gender specificity
 - ii. The form for Policy 539 may be intimidating if student is expected to fill it out. Would it work for a child?
 - iii. Should a student be allowed to complete the form? Does it make sense? Is it a barrier? How do we reduce reporting barriers?
 - iv. Can bullying be reported on the website?
 - v. Can someone report an incident online? Use a tip line for reporting bullying. Pembroke and Laconia have good processes for reporting online.
 - vi. Could a community assessment of needs and climate be done?
 - vii. Recommendations:
 1. Have a very easy way to report bullying
 2. Onus on the staff to complete the forms, not the student
 3. Ensure training of staff on sensitivity to investigate
 4. Movement toward one policy, one process for all – students and staff
 5. Define “reporting” – any verbal report by student to adult, and adult is responsible for completing the form. A culture of “see something, say something”
 6. Community assessment to determine whether there is a need for more support services in schools
 7. Annual training on policy needs to focus on behavioral factors
 8. Explicitly needs to include definition of “school property” and “24/7” if it has a substantial effect on a student’s ability to learn
 9. Education of parents just as important as of students
 10. Word “alleged” is used often in policy and is judgmental
 11. Need very objective language about gathering information: “was it reliable?” becomes too subjective. Report first, assess later

- 12. False reporting: if done in good faith, should be treated the same as someone whose reporting was validated. Assess intention of report.
- 13. Rather than Principal, have someone else investigate, from outside the culture of the school – Title IX Coordinator
- viii. What can be done to start the school year positively?
- ix. Some feel the NHSBA policy on bullying is “beefier” than the District’s
- x. Parent – families; offer training on issues like social media – recording in classrooms without permission is a crime
- xi. Policies are the minimum, not the aspiration
- xii. Systemize investigations, to make them neutral
- xiii. Ultimate goal is prevention!

III. Safe Schools, Police and Schools

- a. Expertise: Brad Osgood (Chief of Concord Police Department – CPD)
- b. Legal References:
 - i. RSA 186:11, XXXVII School Resource Officers
 - ii. RSA 193-D Safe School Zones
- c. Policies:
 - i. Safe Schools
 - ii. Relations with Police Authorities
 - iii. Current MOU between CSD and CPD
 - iv. Sample MOU for Administering Safe School Zones
- d. Participants on July 8: Brad, Sue, Tom, Pam, Peter, Paulette, Kelly
- e. Notes from July 8
 - i. Reviewed the current MOU between the District and CPD
 - ii. Discussed MOU between St. Paul’s School and CPD
 - iii. MOUs repeat unless changes are needed. The work with SPS was updated in 2018; CSD 2016. Differences between boarding schools and day schools
 - iv. RSA 186:11 – school resource officer (SRO) was put into law 9/16/17; requires SRO
 - v. MOU based on RSA 193-D – safe school zones
 - vi. Question on background checks: can the parent volunteer start if background check isn’t completed? Parents should go to the DMV; get a card; come to the Central Office; then start volunteering while background check is not finished. Consideration is given to whether that person can be alone with children.
 - vii. How is District keeping up with volunteers over the years? Should be rechecked every three years?
 - viii. Difference between misdemeanor or simple assault vs 2nd degree or 1st degree
 - 1. Punch a person and leave no marks – simple assault
 - 2. If you leave marks or injure a person – 1st or 2nd degree assault
 - ix. Question: where does sexual assault fall into the RSA? RSA 193-D is the foundation of what is included in the MOU, can be added to but not subtracted from
 - x. Question: sexual assault is not on RSA 193-D? Obscene materials also not listed. Should it be? Technology ...

- xi. Question: is there a judgment made on when to report physical contact to police or is it all mandatory?
- xii. Provision (b) RSA 193D 4 says that a policy does not apply if simple assault is to notify parents
- xiii. Policy 540: student code of conduct doesn't get into specific behaviors
- xiv. Educate students on what harassment really is because consensus is that students do not always understand
- xv. Social media is causing a whole world of questions and issues that we don't see
- xvi. Cell phone cameras don't have to be "developed photos," and allow for sending images and anonymity
- xvii. Policy 520: can school hours be clearly defined? Kids are hanging around even when they are not part of the after-school program. Who is responsible for supervising them? This seems to be an invitation for trouble.
- xviii. Need to be better about empowering students to report
- xix. Reporting not being taken seriously? Principal, Guidance Counselor
- xx. Big school – CHS – not enough staff? Commons have Assistant Principal with 500 students each. It is possible smaller complaints get pushed down.
- xxi. What is the path that information reported will go on ...
 - 1. School should document and let parent know that incident was investigated
 - 2. Review handbooks, so kids can hear and know. Use student advisory
 - 3. Was there a clear definition of what should have been reported? Procedures need to be very clear
- xxii. MOU tries to minimize ambiguities – live by the MOU or change it
- xxiii. Crystal clear reporting procedures (with examples) need to also include parents when we are reporting. What are the reporting laws to parents? Can we do that? Should we? Should be crystal clear what all policies mean to parents, staff and students
- xxiv. RSA 193-D does not specifically address sexual assault, but the MOU does, sexual assault definition is included. MOU does not include sexual harassment

IV. Communication of Concerns and Complaints

- a. Expertise: Maureen Redmond Scura (former School Board member)
- b. Legal References:
 - i. RSA 189:13 Dismissal of Teacher
 - ii. RSA 189:14-a Failure to be Renominated or Re-elected
- c. Policies:
 - i. Communication of Concerns to School Officials
 - ii. Staff Concerns, Complaints
 - iii. Public Complaints about School Personnel, Employees, Students or Administration
- d. Participants July 8: Maureen, Jim, Claire, Jennifer, Adrienne, Leah, John, Amy
- e. Notes from July 8
 - i. In developing policies, do not have to follow exactly what the School Board Association (NHSBA) recommends – can do more or less. NHSBA often covers what is required by law.

- ii. Feedback on policy 812
 - 1. Define concern. Define complaint. Define teacher.
 - 2. Is there a way to track trends so that we can see if concern is systematic?
 - 3. Is there a document that follows the complaint process?
 - 4. When there is a conversation with an administrator or school professional, there should be another person present to create detailed notes, to avoid “he said, she said.” Can’t be intimidating to students and parents. The second person could be just an observer
 - 5. Not clear if this policy includes School Board or students
 - 6. Role of person should be included
 - 7. Policy is very broad – want to be sure that no one is excluded
 - 8. Did not like the process of “bring issue to person directly responsible for concern” – allegations of sexual harassment likely would not be addressed in that fashion. Noted “power imbalance”
 - 9. Recommend having a student representative on policy development
 - 10. Let people know as policies are revised. Update the handbook.
 - 11. Mechanism for reporting that goes to the Board – look at systemic issue
 - 12. This policy is more of a “triage”
 - 13. Systemic reporting to inform policies, not to make Board micromanage
 - 14. Discretion of Superintendent of what is brought to the Board for complaints
 - 15. How does the public ensure that information gets to the Board and there is action?
 - 16. No clear process to contact the Board. Public can offer comment but how is resolution gained? Staff, families and community members have access to the Board.
 - 17. How are policies made accessible to all students and community members?
 - 18. If a complaint has reached the Superintendent, is it important enough to go to the Board?
 - 19. When is a community concern relayed to the Board by the Superintendent made in public session?
 - 20. What is the threshold for information that goes to the Board?
 - 21. No clear process of concerns to go to the Board without fear of retaliation (student, community, parents, staff).
 - 22. Policies should be abundantly clear, speaking up = action
 - 23. How to engage the community in the schools and the Board?
 - 24. How do we make policies engaging?
 - 25. How do non-Board members become involved in committees within the Board?
 - 26. Safety – should be able to report to anyone.
- iii. Feedback on KEB policy
 - 1. Other related policies to look at – sexual harassment
 - 2. Major safety concerns should be able to jump the chain of command – policy should reflect this idea

3. Policies need to crosswalk with others to ensure there are no gaps in the process
4. Confidentiality – how to ensure that there are no repercussions to students or others
5. Even if inconclusive, record should be maintained in a file. What is documentation? How to protect all? Personnel files are confidential.

V. Professional Standards, Sexual Harassment – Employees

- a. Expertise: Diana Fenton (NH DOE Attorney)
- b. Legal References:
 - i. Ed 303.01(j) Substantive Duties of School Boards; Sexual Harassment Policy
 - ii. Ed 306.04(a)(9) Sexual Harassment
 - iii. RSA 354-A:7 Unlawful Discriminatory Practices
 - iv. RSA 189:13 Dismissal of Teacher
 - v. RSA 189:14-a Failure to Be Renominated or Re-elected
 - vi. RSA 189:14-d Termination of Employment
 - vii. RSA 189:31 Removal of Teacher
 - viii. NH Code of Administrative Rules, Section Ed 511 Denial, Suspension or Revocation of Certified Personnel
- c. Policies:
 - i. Professional Expectations
 - ii. Staff Ethics
 - iii. Staff Conduct
 - iv. Employee–Student Relations
 - v. Background Investigation and Criminal Records Checks
 - vi. Employment References and Verification
 - vii. Sexual Harassment (employees, staff)
- d. Participants from July 8: Colleen, Daniel, Karen, Lynn, Kate, Darlene, Kimberly, Jenny, Betsy, David, Barb, Diana
- e. Notes from July 8
 - i. Students need to see behaviors change
 - ii. Parents need to know where to go with concerns; chain of command
 - iii. Documentation needs to be complete when something is reported
 - iv. Respond and acknowledge reports
 - v. Professional development
 - vi. Is an ombudsman needed?
 - vii. A culture of accountability, communication, clear procedures is needed
 - viii. Reviewed new Code of Ethics, Code of Conduct and the associated duty to report
 - ix. Reporting forms need to be usable for students (signing legal document?). It was clarified that students do not need to fill out the form in order to activate the reporting process. Some students may be more comfortable filling out a form than speaking with an adult on this topic.
 - x. Make crisis center phone number available