

Concord School District
Board of Education
Special Board meeting
August 10, 2020

Board members present: Jennifer Patterson, *President*; Gina Cannon, Tom Croteau, Barb Higgins, Liza Poinier, Jim Richards, Danielle Smith, David Parker

Board member absent: Chuck Crush

Administrators present: *Superintendent* Kathleen Murphy, *Business Administrator* Jack Dunn, *School Safety Compliance Officer and Title IX Coordinator* Karen Fischer-Anderson

Agenda Item 1. Call to Order

Board President Jennifer Patterson called the meeting to order at 5:33 p.m. and read the following statement:

As President of the Concord School Board, I find that due to the State of Emergency declared by the Governor as a result of the Covid-19 pandemic and in accordance with the Governor's Emergency Order #12 pursuant to Executive Order 2020-04, this public body is authorized to meet electronically.

The business we intend to conduct today is necessary due to the need to adopt Policy #415 Sexual Harassment Reporting and Grievance Process.

Another Special Board meeting has been scheduled on August 17 to complete the business of the postponed monthly Board meeting, discuss ongoing efforts in the District regarding racism discrimination, and discuss questions that were raised and not answered previously about the school reopening plan. We encourage the submission of comments via e-mail at concordinfo@sau8.org.

The District is actively working on a plan to resume in-person Board meetings, and we expect to resume meeting in person by the time students return to school on September 8. We will need to provide a space that allows for both remote and in-person participation of Board members and members of the public, consistent with public health and safety protocols.

For this meeting, we continue to have no physical location to observe and listen contemporaneously. However, in accordance with the Emergency Order, we are:

a) Providing public access to the meeting by telephone, with additional access by other electronic means: We are utilizing *Microsoft Teams* for this meeting. All Board members have the ability to communicate contemporaneously through this platform, and the public has access to contemporaneously listen and, if necessary, participate in this meeting through dialing the following phone # (925) 391-1169, Conf ID: 494 739 791#, by clicking on the link provided on the sau8.org website. The meeting is being broadcasted contemporaneously on ConcordTV's education channel (Comcast Channel 6 or

www.youtube.com/ConcordNHTV), and a recording of the meeting will be posted on the ConcordTV website. Please note that those listening on the education channel may need to turn up the volume on their television, as the volume for this channel may be lower than for other channels.

b) Providing public notice of the necessary information for accessing the meeting: We previously gave notice to the public of the necessary information for accessing the meeting, including how to access the meeting using *Microsoft Teams* or telephonically. The meeting and pertinent instructions were posted on the District website, sau8.org, more than 24 hours prior to the meeting, and are highlighted at the top of the website.

c) Providing a mechanism for the public to alert the public body during the meeting if there are problems with access: If anybody has a problem, please call 603-513-9008.

d) Adjourning the meeting if the public is unable to access the meeting: In the event the public is unable to access the meeting, the meeting will be adjourned and rescheduled.

Ms. Patterson confirmed by roll call which Board members were participating, that participating members were able to speak and to hear each other, and whether anyone else was present in the room from which Board members were participating (a requirement of the Right to Know law). Any votes taken would be by roll call. The following Board members noted that they were present and that no one else was present in the room with them: Gina Cannon, Tom Croteau, Barb Higgins, David Parker, Liza Poinier, Jim Richards, Jennifer Patterson, Danielle Smith.

Interim Superintendent Kathleen Murphy, Business Administrator Jack Dunn, and Karen Fischer-Anderson, Student Safety Compliance Officer and Title IX Coordinator, were also present.

Ms. Patterson noted that to adopt this policy in time to comply with the August 14 implementation deadline, the Board would likely suspend the policy of two-part policy readings; a two-thirds vote of the Board would be needed. She reviewed the Committee's and Board's focus on student safety policy review from April 2019 to July 30, 2020:

- April - June 2019 – Communications and Policy Committee (“Committee”) meeting included discussion of policies relevant to student safety to be reviewed, how to undertake review
- July 8 and July 22, 2019 – Community forums to gain input on policies from experts and community members; discussion groups in five areas:
 - Sexual harassment – students; reporting child abuse
 - Student conduct; student safety; violence prevention
 - Safe schools; police in schools
 - Communication of concerns and complaints
 - Professional standards; sexual harassment – employees

- August 5, 2019 – monthly Board meeting – certain policies revised in July forums brought forward on expedited basis (2nd readings waived) to get them in place for beginning of school year:
 - #431 Professional Expectations (adopted)
 - #432 Reporting Child Abuse and Neglect (adopted)
 - #437 Employee-Student Relations (not adopted – returned to Committee for further input from staff and students)
 - #521 Sexual Harassment (adopted with intent to revisit for further changes in near future)
 - #539 Student Safety and Violence Prevention – Bullying (adopted with intent to revisit for further changes in near future)
 - #812 Communication of Complaints about District Employees (adopted with intent to revisit for further changes in near future)
- September and October 2019 – monthly Board meetings – adopted a few additional changes to policies
- September 16, 2019 – Committee further reviewed policies under consideration at August and September monthly Board meetings.
- December 16, 2019 – Committee heard student and staff input on #437 Employee-Student Relations. Also, discussion of need for review of additional policies in 2020.
- January 8, 2020 – Committee discussion of changes to #437 Employee-Student Relations in view of student and staff input; Committee voted to send policy to full Board
- March 2, 2020 – monthly Board meeting – Second reading and adoption of #437 Employee-Student Relations
- September 16, 2020 – Committee meeting planned to discuss plan/schedule for policy review in 2020-21

Ms. Patterson noted that the Board needed to move forward with the Title IX policy, which reflected considerable work from NHSBA and Karen Fischer-Anderson, who modified the policy to include some items critical for Concord.

Committee Vice-Chair Gina Cannon presented Policy #415, noting that under federal law it must be in place by August 14, 2020. She explained that NHSBA staff attorney Will Phillips took the US DOE required information and tried to make it as readable and comprehensive as possible. The resultant policy is 25 pages long and unwieldy. It lays out the required policy and procedure for someone making a claim only with specific reference to sexual harassment. Other forms of discrimination do not fall under this particular policy, but there are other laws and policies that do apply. It appeared the federal Title IX rule was meant more for colleges but legally applied to K-12 schools as well. The proposed Policy #415 lays out a particular procedure for someone making a report of sexual harassment and procedures for the type of complaint made (formal, informal). Ms. Fischer-Anderson explained that the policy lays out what the alleged

offender's protections and options are. She suggested some of the required elements of the policy under federal law might make potential victims less likely to come forward, laying out what the alleged offender's protections and options are; however, she had tailored the policy to make it more consistent with the District's recent policy work, for example, by adding examples of behavior that might constitute retaliation, and what "severe," "pervasive," and "objectively offensive" sexual harassment might look like.

Ms. Fischer-Anderson indicated she would create a 10-15 minute video to be posted on the District website to explain the policy, and follow up with frequently asked questions and answers ("FAQs"). She said she hoped to be out meeting with parents and in classrooms with kids. She would continue to train employees, noting the legal liability to them if they fail to report. Once an employee has "actual notice" of sexual harassment, mandatory reporting requirements exist.

Ms. Cannon suggested a "flow chart" of the detailed complaint process posted on the website and elsewhere would be helpful.

Tom Croteau said videos, posters, and training were good ideas, and a part of changing the culture. He suggested evaluating and reevaluating the process until we know it's effective.

Jim Richards asked if this would affect existing opportunities for notification: hotlines; easy avenues; anonymous online tip report.

Ms. Fischer-Anderson noted that the new policy was narrowly tailored to sexual harassment (gender, gender orientation, gender identify) only, and staff would still need to contact CPD, DCYF, and NH DOE on other issues. She noted that the "actual notice" reporting responsibility applies even off school grounds. If she received information about possible sexual harassment, she had an obligation to respond and proactively seek out the information.

Ms. Cannon said it might not always be possible to keep the identity of the informant confidential. Ms. Fischer-Anderson noted she herself could sign the report as the Title IX Coordinator (with the Superintendent's agreement). The expectations of the informant would still need to be managed, as the respondent has due process rights to know who had accused them.

Ms. Patterson asked for a motion to suspend the first and second readings to expedite adoption of this policy (2/3 vote required).

The Board voted by roll call 7-0 (Ms. Cannon, Mr. Croteau, Ms. Higgins, Ms. Patterson, Ms. Poinier, Mr. Richards, Ms. Smith voted aye; Mr. Parker did not vote) to suspend the first and second reading requirements of Policy #415 Sexual Harassment Reporting and Grievance Process under Policies #141 and #143 (motioned by Ms. Cannon, seconded by Mr. Richards).

Ms. Cannon motioned to adopt Policy #415 Sexual Harassment Reporting and Grievance Process as posted on the website.

The Board voted by roll call 7-0 (Ms. Cannon, Mr. Croteau, Ms. Higgins, Patterson, Ms. Poinier, Mr. Richards, Ms. Smith voted aye; Mr. Parker did not vote) to adopt Policy #415 Sexual Harassment Reporting and Grievance Process as posted on the website (motioned by Ms. Cannon, seconded by Mr. Croteau).

Ms. Cannon motioned to adopt Policy #415 Sexual Harassment Reporting and Grievance Process as posted on the website as an emergency policy under Policy #141.

The Board voted by roll call 7-0 (Ms. Cannon, Mr. Croteau, Ms. Higgins, Patterson, Ms. Poinier, Mr. Richards, Ms. Smith voted aye; Mr. Parker did not vote) to adopt Policy #415 Sexual Harassment Reporting and Grievance Process as posted on the website (motioned by Ms. Cannon, seconded by Mr. Croteau).

Mr. Richards recommended making other policies compliant with the new policy. Ms. Patterson noted she was working on the September 16 Committee meeting agenda, remarking that changes to policies are a Board function.

Adjournment

The Board voted 8-0 to adjourn (motioned by Mr. Croteau, seconded by Mr. Richards).

The Board adjourned at 6:29 p.m.

Respectfully submitted,

Barb Higgins, *Secretary*
Linden Jackett, *Recorder*