



Pelham School Board Workshop Agenda

March 28, 2024

Meeting - 6:00 pm

SAU Conference Room

AGENDA

I. PUBLIC SESSION

A. Opening/Call to Order

1. Call to Order
2. Pledge of Allegiance
3. Public Input/Comment - The Board encourages public participation. Our approach is based on Policy BEDH which includes these guidelines:
 - a) Please stay within the allotted three minutes per person;
 - b) Please give your name, address, and the group, if any, that is represented;
 - c) We welcome comments on our school operations and programs. In public session, however, the Board will not hear personal complaints of school personnel nor complaints against any person connected with the school system;
 - d) We appreciate that speakers will conduct themselves in a civil manner.
4. Opening Remarks

B. Presentations

An Overview of Federal and State Anti-Discrimination Laws by Dean Eggert, Esquire

C. Main Issues

D. Board Member Reports

E. Housekeeping

F. Future Agenda Planning

G. Future Meetings

1. April 3, 2024 School Board Meeting PES

H. Non Public Session 91-A:3 (II) (if necessary)

Rules for a non public session 91-A:3 (II)*

II. Only the following matters shall be considered or acted upon in nonpublic session:

- (a) The dismissal, promotion, or compensation of any public employee or the disciplining of such employee, or the investigation of any charges against him or her, unless the employee affected

- (1) has a right to a meeting and (2) requests that the meeting be open, in which case the request shall be granted.
- (b) The hiring of any person as a public employee.
 - (c) Matters which, if discussed in public, would likely adversely affect the reputation of any person, other than a member of the public body itself, unless such person requests an open meeting. This exemption shall extend to any application for assistance or tax abatement or waiver of a fee, fine, or other levy, if based on inability to pay or poverty of the applicant.
 - (d) Consideration of the acquisition, sale, or lease of real or personal property which, if discussed in public, would likely benefit a party or parties whose interests are adverse to those of the general community.
 - (e) Consideration or negotiation of pending claims or litigation which has been threatened in writing or filed by or against the public body or any subdivision thereof, or by or against any member thereof because of his or her membership in such public body, until the claim or litigation has been fully adjudicated or otherwise settled. Any application filed for tax abatement, pursuant to law, with any body or board shall not constitute a threatened or filed litigation against any public body for the purposes of this subparagraph.
 - (f) [Repealed.]
 - (g) Consideration of security-related issues bearing on the immediate safety of security personnel or inmates at the county or state correctional facilities by county correctional superintendents or the commissioner of the department of corrections, or their designees.
 - (h) Consideration of applications by the business finance authority under RSA 162-A:7-10 and 162-A:13, where consideration of an application in public session would cause harm to the applicant or would inhibit full discussion of the application.
 - (i) Consideration of matters relating to the preparation for and the carrying out of emergency functions, including training to carry out such functions, developed by local or state safety officials that are directly intended to thwart a deliberate act that is intended to result in widespread or severe damage to property or widespread injury or loss of life.
 - (j) Consideration of confidential, commercial, or financial information that is exempt from public disclosure under RSA 91-A:5, IV in an adjudicative proceeding pursuant to RSA 541 or RSA 541-A.
 - (k) Consideration by a school board of entering into a student or pupil tuition contract authorized by RSA 194 or RSA 195-A, which, if discussed in public, would likely benefit a party or parties whose interests are adverse to those of the general public or the school district that is considering a contract, including any meeting between the school boards, or committees thereof, involved in the negotiations. A contract negotiated by a school board shall be made public prior to its consideration for approval by a school district, together with minutes of all meetings held in nonpublic session, any proposals or records related to the contract, and any proposal or records involving a school district that did not become a party to the contract, shall be made public. Approval of a contract by a school district shall occur only at a meeting open to the public at which, or after which, the public has had an opportunity to participate.
 - (l) Consideration of legal advice provided by legal counsel, either in writing or orally, to one or more members of the public body, even where legal counsel is not present.
 - (m) Consideration of whether to disclose minutes of a nonpublic session due to a change in circumstances under paragraph III. However, any vote on whether to disclose minutes shall take place in public session.

An Overview of Federal and State Anti-Discrimination Laws

**Presented to the
Pelham School Board**

March 28, 2024



***Wadleigh, Starr & Peters, P.L.L.C.
Serving New Hampshire since 1899***

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About the Authors

Dean B. Eggert, Esquire (JD., UCLA; B.A., Wheaton College) is a partner in the firm of Wadleigh, Starr & Peters, P.L.L.C. Mr. Eggert is a jury trial attorney. Over the past 38 years he has had extensive experience representing school districts in special education matters at the administrative and appellate levels. He has spoken and lectured extensively on a wide range of legal issues in the field of education law.

Alison M. Minutelli, Esquire (JD., University of New Hampshire School of Law; B.A. Brandeis University) is a partner in the firm of Wadleigh, Starr & Peters, P.L.L.C. For the past 18 years, Ms. Minutelli has practiced in the field of school law, and has experience representing school districts in special education matters at the administrative and appellate levels. She has also written numerous articles and presented on a wide range of legal issues in the field of education law.

A Word of Caution

No two cases are exactly alike. This material is designed to provide educators and board members with an understanding of the various federal and state anti-discrimination requirements. This material does not include every aspect of the law. You are strongly encouraged to seek a legal opinion from your school district's legal counsel regarding any specific case.

I. Overview

The purpose of this material is to provide educators with a better understanding of the boundaries and guardrails that exist as a matter of law and best practice in the relationship between professional educators and students. This material is not intended to substitute for legal counsel, nor is it intended to provide an exhaustive statement of the law.

II. State-Level Protection from Discrimination

A. NH Constitution

The New Hampshire Bill of Rights under the New Hampshire Constitution prohibits discrimination on the basis of sex, providing,

All men have certain natural, essential, and inherent rights--among which are, the enjoying and defending life and liberty; acquiring, possessing, and protecting, property; and, in a word, of seeking and obtaining happiness. Equality of rights under the law shall not be denied or abridged by this state on account of race, creed, color, sex or national origin.

N.H. Const. Pt. 1, art. II (emphasis added).

B. New Hampshire's Anti-Discrimination Law

Several New Hampshire laws provide protection from discrimination. RSA 186:11 requires that the State Board of Education "Ensure that there shall be no unlawful discrimination in any public school against any person on the basis of sex, race, creed, color, marital status, or national origin in educational programs, and that there shall be no denial to any person on the basis of sex, race, creed, color, marital status, national origin, or economic status of the benefits of educational programs or activities." RSA 186:11, XXXIII.

In 2019, the New Hampshire legislature enacted two new laws, RSA 193:38 and RSA 193:39, available at: <https://www.gencourt.state.nh.us/rsa/html/XV/193/193-mrg.htm>. These laws protect individuals from discrimination in public schools and require that school districts develop a policy and plan to address allegations of discrimination.

Specifically, RSA 193:38 states:

No person shall be excluded from participation in, denied the benefits of, or be subjected to discrimination in public schools because of their age, sex, gender identity, sexual orientation, race, color, marital status, familial status, disability, religion, or national origin, all as defined in RSA 354-A.

Any person claiming to be aggrieved by a discriminatory practice prohibited under this section, including the attorney general, may initiate a civil action against a school or school district in superior court for legal or equitable relief, or with the New Hampshire commission for human rights, as provided in RSA 354-A:27-28.

This statute protects individuals from discrimination on the basis of the following protected classes, many of which are also protected under Federal law; the definitions for the terms defined in RSA 354-A are included below:

- Age,
- Sex, includes “includes pregnancy and medical conditions which result from pregnancy.” RSA 354-A:7, VI(a).
- Gender identity, defined as “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. Gender-related identity may be shown by providing evidence including, but not limited to, medical history, care or treatment of the gender-related identity, consistent and uniform assertion of the gender-related identity, or any other evidence that the gender-related identity is sincerely held as part of a person's core identity provided, however, that gender-related identity shall not be asserted for any improper purpose.” RSA 354-A:2, XIV-e.
- Sexual orientation is defined as “having or being perceived as having an orientation for heterosexuality, bisexuality, or homosexuality. This definition is intended to describe the status of persons and does not render lawful any conduct prohibited by the criminal laws of this state or impose any duty on a religious organization. This definition does not confer legislative approval of such status, but is intended to assure basic rights afforded under this chapter.” RSA 354-A:2, XIV-c.
- Race,
- Color,
- Marital status,
- Familial status is defined as “one or more individuals, who have not attained the age of 18 years of age, and are domiciled with: (a) A parent, grandparent or another person having legal custody of such individual or individuals; or (b) The designee of such parent or other person having such custody, with the

written permission of such parent or other person. ‘Familial status’ also means any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of 18 years.” RSA 354-A:2, IX.

- Disability – defined as “(a) A physical or mental impairment which substantially limits one or more of such person's major life activities; (b) A record of having such an impairment; or (c) Being regarded as having such an impairment.” RSA 354-A:2, IV.
- Religion, or
- National origin, which “includes ancestry.” RSA 354-A:2, XII.

RSA 193:38 also permits individuals who believe that they have been subjected to discrimination in a public school setting to obtain relief from the courts or from the New Hampshire Commission for Human Rights.

The 2019 revisions to our state law also included another substantive provision, RSA 193:39, which states that:

Each school district and chartered public school shall develop a policy that guides the development and implementation of a coordinated plan to prevent, assess the presence of, intervene in, and respond to incidents of discrimination on the basis of age, sex, gender identity, sexual orientation, race, color, marital status, familial status, disability, religion, national origin, or any other classes protected under RSA 354-A.

This provision requires that all districts update their existing anti-discrimination policies and develop a comprehensive plan to address allegations of discrimination. Many districts have incorporated this into Policy AC or ACE.

We will now provide a summary of the federal anti-discrimination laws.

III. Federal Anti-Discrimination Laws

A. Section 504 of the Rehabilitation Act

Section 504 applies to the recipients of grants from the federal government. Essentially, all public school districts are covered by Section 504 because they receive some form of federal financial assistance. See *Marshall v. Sisters of the Holy Family of Nazareth*, 44 IDELR 190 (E.D. Pa. 2005) (Section 504 does not apply to a private religious school that receives no federal funding).

Section 504 prohibits districts from discriminating against qualified students with disabilities on the basis of disability. Public schools are required to provide students with disabilities with a free, appropriate education at public expense. 34 C.F.R. § 104.33(a). Schools are also required to provide students with disabilities with an “equal opportunity for participation” in “non-academic and extracurricular services and activities.” 34 C.F.R. § 104.37(a).

Section 504 provides protection for qualified individuals with disabilities, which is defined as “A physical or mental impairment which substantially limits one or more of such person’s major life activities; (b) A record of having such an impairment; or (c) Being regarded as having such an impairment.” This definition is consistent with the definition set forth in RSA 354-A:2.

i. The Office for Civil Rights

The Office for Civil Rights (“OCR”), a component of the US Department of Education, enforces several federal civil rights laws, including Section 504 of The Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act of 1990 (“ADA”). The ADA extends the prohibition against discrimination to the full range of state or local government services (including public schools), programs, or activities regardless of whether they receive any federal funding. The primary vehicle for OCR enforcement is through the process of complaint investigation and resolution.

OCR becomes involved in disability issues within a school district when it receives complaints from parents, students or advocates. In addition, OCR provides technical assistance to school districts, parents and students on request. As a general rule, OCR does not review the result of an individual placement or other educational decisions, so long as the school district has complied with the procedural requirements of Section 504 relating to identification and location of students with disabilities, evaluation of those students and due process. It is rare that OCR will evaluate the contents of a Section 504 plan or an IEP in light of the fact that any disagreement can be resolved through a due process hearing.

OCR does examine the procedures by which school districts identify, evaluate and place students with disabilities and the procedural safeguards which those school districts provide students. OCR will also examine incidents in which students with disabilities are allegedly subjected to treatment which is different from the treatment to which similarly situated students without disabilities are subjected. For example, OCR will be concerned about the unwarranted exclusion of disabled students from educational programs and services.

OCR has developed a five-part test to determine whether a district has engaged in prohibited retaliation.

(1) Has the parent/student engaged in a protected activity?

Examples of protected activities include:

- initiating due process proceedings,
- filing suit in court,
- filing a complaint with OCR
- filing a complaint with the District

(2) Is the district or its agents aware of the protected activity?

- How and when did district receive notice of the activity?
- Is there a rumor or verified action?

(3) Was the parent/student subjected to an adverse action?

- Did the action significantly disadvantage the complainant as to her/his status or ability to access the benefits of the program?
- Did the action reasonably act as a deterrent to further protected activity or preclude the individual from pursuing discrimination claims?

Examples of adverse action may include:

- Suspension/Expulsion from school or athletics/extra-curricular activities
- Preventing parents from entering school grounds

(4) Will a neutral third-party decide there is a causal relationship or connection between the protected activity and the adverse action?

- Will the adverse action against the student occur prior to, at the same time as, or after the parent/student engaged in the protected activity?
- Is there sufficient evidence to raise an inference that the protected activity was likely the reason for the adverse action?

(5) Can the district offer legitimate, nondiscriminatory reasons for the adverse action, which a neutral third-party will not consider to be pretextual?

Superintendent of Public Schools (NY), 104 LRP 11453 (OCR April 30, 2003); Shelby County (AL) School District, 37 IDELR 41 (OCR March 12, 2002).

ii. Procedural Requirements Under Section 504

There are a number of procedural requirements which pertain to individuals protected by Section 504.

1. The Written Assurance of Non-Discrimination

34 CFR 104.5(a) requires that school districts provide the federal government with written assurance of non-discrimination and compliance with Section 504. Districts have been providing the government with this assurance since 1977. This is codified in District policies AC and ACE.

2. Designated Section 504 Coordinator

34 CFR 104.7(a) requires that each school district designate a Section 504 coordinator. This individual is defined as the person responsible for coordinating the district's 504 efforts. Districts may designate more than one person as a Section 504 coordinator. Therefore, most school districts adopt building level coordinators, as well as an overall supervisory coordinator.

3. Grievance Procedures

34 CFR 104.7(b) requires that districts adopt grievance procedures to resolve complaints of discrimination. The procedures must "incorporate appropriate due process standards" and must "provide for the prompt and equitable resolution of complaints alleging" a violation of Section 504. Id. These procedures must be in writing and readily available to the public.

When determining whether a grievance procedure complies with Section 504, OCR considers a number of factors, including whether the procedures provide for:

- Notice of the procedures, including where complaints may be filed;
- Application of the procedure to complaints alleging discrimination carried out by employees, other students, or third parties;
- Adequate, reliable, and impartial investigation of complaints, including the opportunity to present witnesses and other evidence;
- Designated and reasonably prompt timeframes for the major stages of the complaint process;
- Notice to the parties of the outcome of the complaint; and

- An assurance that the school will take steps to prevent recurrence of any harassment and to correct discriminatory effects of the harassment on the complainant and others, if appropriate.

Akron (OH) Public Schools, 55 IDELR 146 (2010). In the Akron decision, OCR also noted that grievance procedures may include informal mechanisms for resolving complaints, but only if the parties agree. The procedures must indicate that the complainant may end the informal process at any time, and file a formal complaint. Id.

4. Notice

34 CFR 104.8 requires the district to provide notice to students, parents, employees, unions and professional organizations of non-discrimination in admission or access to or treatment or employment in its programs or activities. The notice must also specify the reasonable employee designated to coordinate compliance. It is prudent for every school district to have a 504 policy statement and the 504 policy statement is an appropriate location for identifying the designated coordinator.

The notice must also be given to individuals with vision and/or hearing impairments; therefore, it is important that the notice be available in alternate formats.

B. Title VII and Title IX

Title VII and Title IX are federal laws that protect students and employees from discrimination on the basis of sex. Title VII protects employees from discrimination on the basis of sex, while Title IX provides protection to both employees and students.

The definition of “sex” under Title VII includes biological gender, gender identity and sexual orientation. Bostock v. Clayton Cty., Georgia, 140 S. Ct. 1731 (2020). The US Department of Education has indicated that it will interpret Title IX consistent with Title VII.

Regardless of how “sex” is defined under federal law, as noted above, our state law provides protection from discrimination on the basis of sex, gender identity and sexual orientation. See RSA 193:38; RSA 354-A.

i. Title IX

Title IX of the Education Amendments of 1972 states:

No person . . . shall, on the basis of sex, be excluded from participation in, be denied the benefit of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.

20 USC § 1681(a). Title IX is applicable to all school districts that receive federal financial assistance. See 20 U.S.C. § 1681(a).

Title IX was passed in 1972 in order to prohibit discrimination on the basis of sex in education programs and activities that receive Federal financial assistance. In 1979, the Supreme Court of the United States clarified that the objectives of Title IX are two-fold: to “avoid the use of Federal resources to support discriminatory practices” and to “provide individual citizens effective protection against those practices.” *Cannon v. University of Chicago*, 441 U.S. 677, 704 (1979).

Title IX offers both substantive as well as procedural protections and requires that school districts have policies and procedures in place to address complaints alleging harassment on the basis of sex. See 20 USC § 1681(a); see also 34 C.F.R. § 106.71 (providing that Title IX applies the procedural provisions applicable to Title VI of the Civil Rights Act of 1964).

1. Title IX Regulations

The Title IX regulations were amended in 2020; the amendments set forth detailed requirements, including updated definitions and requirements for a detailed grievance procedure. The District’s grievance procedure is codified in Policy ACAC.

It is important to note that the new regulations establish only the minimum steps necessary to comply with Title IX. For example, Title IX does not extend to sexual misconduct in study abroad programs, yet schools reserve the authority to still retain jurisdiction over these programs in their own codes of conduct.

The Title IX regulations make clear that districts are required to promptly respond when they have actual knowledge of sexual harassment in a manner that is not deliberately indifferent.

Deliberate indifference occurs when a district’s “response to sexual harassment is **clearly unreasonable in light of the known circumstances.**” 34 C.F.R. § 106.44(a) (emphasis added). Under the deliberate indifference standard, upon receiving a report of sexual harassment, at a minimum, a district has an obligation to offer supportive measures to the complainant and to follow its grievance process prior to imposing any disciplinary sanctions or other actions that are not supportive measures against a respondent.

The US Department of Education is in the process of revising the 2020 regulations; it is anticipated that the revised regulations will be released in the next few months – at that time, it will be necessary to update Policy ACAC.

2. Defining Sexual Harassment Under Title IX

Sexual harassment is defined by the Title IX regulations in 34 CFR § 106.30 as:

Conduct on the basis of sex that satisfies **one or more** of the following:

- (1) An employee of the recipient conditioning the provision of an aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct;
- (2) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the recipient's education program or activity;

[or]

- (3) "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30).

Individuals who exercise their rights under Title IX, who participate in a Title IX investigation, or who refuse to participate in a Title IX investigation are all protected from retaliation.

ii. Title VII

Title VII of the Civil Rights Act of 1964 is a federal law that protects employees from discrimination on the basis of sex. Title VII makes it unlawful for an employer to "fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex, or national origin." 42 U.S.C. 2000e-2.

Sexual harassment is a form of discrimination that violates Title VII. See 29 C.F.R. 1604.11(a). "Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
2. Submission or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or

3. 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."

29 C.F.R. 1604.11(a).

In interpreting Title VII, courts have identified two fundamental forms of sexual harassment: quid pro quo harassment and hostile work environment.

Quid pro quo harassment involves "a supervisor us[ing] employer processes to punish a subordinate for refusing to comply with sexual demands." This form of harassment "involves explicit and tangible alterations in the terms or conditions of employment." Perez-Cordero v. Wal-Mart Puerto Rico, 656 F.3d 19, 26 (1st Cir. 2011) (citations omitted).

"Harassment that creates a sexually hostile and abusive work environment is actionable when it is sufficiently severe and pervasive to effect constructive alterations in the terms or conditions of employment." Id. To prevail on a hostile work environment claim, a plaintiff must establish that:

1. The plaintiff is a member of a protected class;
2. The plaintiff was subjected to unwelcome sexual harassment;
3. The harassment was based upon sex;
4. The harassment was sufficiently severe or pervasive so as to alter the conditions of the plaintiff's employment and create an abusive work environment;
5. Sexually objectionable conduct was both objectively and subjectively offensive, such that a reasonable person would find it hostile or abusive and that the plaintiff in fact did perceive it to be so; and
6. That some basis for employer liability has been demonstrated.

Id. at 27; see also Franchina v. City of Providence, 881 F.3d, 32, 46 (1st Cir. 2018).

Title VII also prohibits retaliation against individuals who report alleged violations of Title VII, or participate in investigations of alleged Title VII violations. See 42 U.S.C. 2000e-3(a). To establish retaliation under Title VII, an individual must establish:

1. That she engaged in protected conduct¹ under Title VII;
2. That she suffered an adverse employment action; and
3. The adverse action was causally connected to the protected activity.

Fantini v. Salem State College, 557 F.3d 22, 32 (1st Cir. 2009).

iii. The Law Against Discrimination

New Hampshire has adopted a law that is similar to Title VII. Under New Hampshire's Law Against Discrimination, employers are prohibited from: 1) refusing to hire or employ an individual on the basis of (among other things) sex, gender identity, sexual orientation, and gender identity, or 2) from terminating the employment of an individual on the basis of sex, sexual orientation, and gender identity, or 3) discriminating against an employee in compensation or in terms, conditions or privileges of employment, on the basis of sex, sexual orientation, and gender identity, unless based on a bona fide occupational qualification. RSA 354-A:7, I.

Sexual harassment is defined as:

“Unwelcome sexual advances, requests for sexual favors, and other verbal, non-verbal or physical conduct of a sexual nature . . . 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.”

RSA 354-A:7, V(a)-(c).

¹ An employee engages in protected activity when she “opposed any practice made an unlawful employment practice by Title VII” or “made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing” under Title VII. Fantini v. Salem State College, 557 F.3d 22, 32 (1st Cir. 2009). This requires only a showing that the individual “had a good faith, reasonable belief that the underlying challenged actions of the employer violated the law” – it is not necessary for the individual to establish that the employer actually violated Title VII. Id.

C. Title VI of the Civil Rights Act: Protection from Discrimination on the Basis of Race, Color, and National Origin and the Age Discrimination Act of 1975

Title VI of the Civil Rights Act protects individuals from discrimination on the basis of race, color and national origin. 42 USC 2000d.

This includes protection from discrimination on the basis of limited English proficiency or English learner status, and actual or perceived shared ancestry or ethnic characteristics.

The Age Discrimination Act of 1975 protects individuals from discrimination on the basis of age.

As with Section 504 and Title IX/Title VII, these provisions require that school districts provides aids, benefits or services in a nondiscriminatory manner, and maintain environments free from discrimination. Individuals are also protected from retaliation for exercising their rights under these statutory provisions.

IV. Other Considerations

A. Allegations of Bullying and Harassment

Oftentimes, complaints originate as “bullying” or general allegations of harassment, and upon investigation, it is determined that the underlying allegations pertain to a protected class, such as disability or race. In such cases, the bullying investigation may need to be expanded to ensure that it complies with the applicable grievance process. This is necessary to ensure that students receive the protections that are afforded to them under federal and state laws, and district policy.

B. Pathways for Relief

As noted above, there are a number of agencies and bodies that oversee and implement the federal and state anti-discrimination laws. These include the following:

- School District administrators – typically tasked with investigating claims of discrimination; also required to hear appeals under Title IX (Policy ACAC)
 - School Board – responsible for hearing bullying appeals under Policy JICK

- NH Department of Education – investigates special education complaints and conducts special education administrative due process proceedings
- NH State Commission for Human Rights – jurisdiction over complaints alleging discrimination in violation of state law (see Section II, above)
- US Department of Education – jurisdiction over complaints alleging discrimination in violation of federal law (see Section III, above); complaints typically must be filed within 180 days of the alleged discriminatory conduct
- Federal and State Courts – jurisdiction over civil claims alleging discrimination in violation of federal or state law.

V. Conclusion

The key to successful compliance under both federal and state anti-discrimination laws is to remember that every child is entitled to an equal opportunity to access an education free from discrimination.