

BARRE SUPERVISORY UNION  
POLICY COMMITTEE MEETING

Meeting Date: May 15, 2017

Meeting Time: 6:00 p.m.

Meeting Location: BSU Upstairs Conference Area

AGENDA

1. Call to Order
2. Revisions to Agenda
3. Approval of February 20, 2017 Meeting Minutes
4. Review of BSU Policy Manual Index
5. Discussion of Policies:
  - F9, F33, H3, and F28 (considering potential federal food guideline changes)
6. Other Business
7. Adjourn

# BARRE SUPERVISORY UNION POLICY COMMITTEE

## February 20, 2017 Meeting Minutes

### Committee members present:

Guy Isabelle, representing Spaulding High School  
Jay Paterson, representing Barre Town Middle and Elementary School  
John Pandolfo, Committee Chair and Superintendent

### Committee members absent:

Michael Deering, representing Barre City Elementary and Middle School  
Pierre LaFlamme, Barre City Elementary and Middle School Assistant Principal  
Luke Aither, Spaulding HS Assistant Principal  
Erica Pearson, Barre Town Middle & Elementary School Assistant Principal

### Visitors present:

Dotty Ricks

#### 1. Call to Order

The meeting was called to order at 6:08 p.m. in the BSU Conference Room.

#### 2. Revisions to Agenda

There were no revisions to the agenda.

#### 3. Approval of Meeting Minutes

**By consensus, the committee approved the minutes from January 10, 2017.**

#### 4. Review of BSU Policy Manual Index

The committee reviewed the index, noting places where either the index was not updated or BSU policies had not yet been ratified by the individual districts. John P. will follow up on this prior for the next meeting. Each district committee/team will work to identify those obsolete policies which need to be rescinded by their boards. John also discussed only having a committee at the SU level and having the other official committees only be work teams to support the work at the SU level. John still needs to check with VSBA to determine if districts need to rescind policies they have had in place which are now superseded by a ratified BSU policy of the same code/title.

5. Discussion of Policies

- The committee discussed policy F9, Transportation. John P. will use the VSBA model policy, SHS F9, BT EEA and JJHC, and BC EEA to create a draft for review at the April meeting.
- The committee discussed F32, Student Activities (Elementary), and F33, Student Clubs & Activities (Secondary). The committee agreed F32 is not necessary and F33 can encompass both elementary and secondary. John P. will create a draft for review in April based on discussion and comments. Because F33 references H3, Community Use of School Facilities, John will also draft that policy for review in April.

6. Other Business

John P. will have Pam Wark or Tina Gilbert post meeting agendas and packet links on Front Porch Forum prior to each meeting when agendas are normally posted elsewhere.

The next meeting of this committee will be Monday, April 17, 2017 at 6:00 p.m. in the BSU Conference Room. The agenda will be

1. Call to Order
2. Revisions to Agenda
3. Approval of February 20, 2017 minutes
4. Review of BSU Policy Manual Index
5. Discussion of Policies F9, F33, and H3
6. Other Business
7. Adjourn

7. Adjourn

The committee adjourned by consensus at 7:46 p.m.

Respectfully submitted,  
John Pandolfo

*DRAFT*

1<sup>ST</sup> READING: 05/18/2017  
2<sup>ND</sup> READING:  
ADOPTED:

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## **TRANSPORTATION**

### **Policy**

Where it is reasonable and necessary to enable a student entitled or required to attend an elementary or a secondary school within the Barre Supervisory Union, the supervisory union may furnish transportation on public roads to students who reside within the district. The supervisory union may also provide transportation to non-resident students as authorized by the board.

The Barre Supervisory Union has decided to furnish transportation for students of Barre City Elementary and Middle School and Barre Town Middle and Elementary School under this policy in accordance with the following guidelines.

- Daily transportation to and from school is a privilege offered to all PreK-8 students.
- The superintendent will establish routes and designate stops after considering both the safety of children and efficiency of operation. The superintendent will consider the following factors when determining routes and stops.
  1. The age and health of pupils,
  2. Distance to be traveled,
  3. Condition of the road, and
  4. Type of highway.

The superintendent may consider any other factors he or she deems appropriate when establishing routes and designated stops. .

- Transportation to and from extra-curricular activities shall be the responsibility of the parents.

The Barre Supervisory Union has decided to furnish transportation for students of Spaulding High School under this policy only for the following:

- A. Transportation to and from home for students with disabilities – either permanent or temporary – as required by the student's Individual Education Plan or 504 Plan.
- B. Transportation to and from school sponsored field trips, work study, and special activities.
- C. Transportation to and from scheduled interscholastic events.

The superintendent shall establish transportation procedures to support this policy

The superintendent shall submit to the school board for approval any contracts, leases or purchases necessary to maintain and operate transportation equipment, and shall include in his or

her annual report to the board information as to all pupils transported by the school district and the expense thereof.

*Legal*

*Reference(s):*

*16 V.S.A. §§1221, 1222, 1224 (Student transportation)*

*16 V.S.A. §1551 (Technical center transport)*

CODE C3  
Required

## TRANSPORTATION

### Policy

Where it is reasonable and necessary to enable a student entitled or required to attend an elementary or a secondary school within the \_\_\_\_\_ School District, the district/supervisory union may furnish transportation on public roads to students who reside within the district. The district/supervisory union may also provide transportation to non-resident students as authorized by the board. Accordingly, the \_\_\_\_\_ School District has decided to furnish transportation/has decided not to furnish transportation under this policy.

*(For districts furnishing transportation ONLY:)*

The superintendent will establish routes and designate stops after considering both the safety of children and efficiency of operation. The superintendent will consider the following factors when determining routes and stops.

1. The age and health of pupils,
2. Distance to be traveled,
3. Condition of the road, and
4. Type of highway.

The superintendent may consider any other factors he or she deems appropriate when establishing routes and designated stops.

The superintendent shall submit to the school board for approval any contracts, leases or purchases necessary to maintain and operate transportation equipment, and shall include in his or her annual report to the board information as to all pupils transported by the school district and the expense thereof.

*Date Waved:*

*Date Adopted:*

*Legal Reference(s):* 16 V.S.A. §§1221, 1222, 1224 (Student transportation)  
16 V.S.A. §1551 (Technical center transport)

*Cross Reference:*

**SPAULDING HIGH SCHOOL UNION  
DISTRICT #41 - POLICY MANUAL**

**CODE: F9**

**1<sup>ST</sup> READING: 11/02/2015**

**2<sup>ND</sup> READING: 12/07/2015**

**ADOPTED: 12/07/2015**

**TRANSPORTATION**

**Policy**

Where it is reasonable and necessary to enable a student entitled or required to attend an elementary or a secondary school operated by the district, the district may furnish transportation on public roads to students who reside within the district. The district may provide transportation to nonresident students as authorized by the school board.<sup>1</sup> Accordingly, the Spaulding High School Union District #41 has decided to furnish transportation to students only for the following:

- A. Transportation to and from home for students with disabilities – either permanent or temporary – as required by the student’s plan Special Education or 504.
- B. Transportation to and from school sponsored field trips, work study, and special activities.
- C. Transportation to and from scheduled interscholastic events.

The school board may enter into contracts with operators of school buses. All contracts will protect the interests of the district in the matters of availability and condition of equipment, schedules, suitability and health of bus drivers, insurance provisions, and costs. All contracted services and equipment must comply with applicable Vermont and federal law and regulations. The superintendent shall include in his or her annual report to the board information as to all pupils transported by the school district and the expense thereof.<sup>2</sup>

***Legal Reference(s):***

*16 V.S.A. §§1221, 1222, 1224 (Student transportation)*

*16 V.S.A. §1551 (Technical center transport)*

***Cross Reference:***

<sup>1</sup>At the option of the board, authorization to transport nonresident students could be delegated to the superintendent or other administrator. The superintendent’s annual report to the board would provide information about nonresident transportation.

<sup>2</sup>See 16 V.S.A. 1224.

Barre Town Supervisory District Policy Manual

**TITLE: Student Travel    CODE: JJHC**

Transportation

Transportation to and from extra-curricular activities programs will be the responsibility of the parents.

Date Adopted: 11/7/83

1st Reading: 10/20/04

2nd Reading/Adopted: 11/17/04

Date Revised:

Date Effective:

Legal Reference(s):

Cross References:

Date Distributed:



BARRE CITY SCHOOL DISTRICT  
POLICY MANUAL

POLICY CODE: EEA

ORIGINALLY ADOPTED: 5/13/96

1st READING: 12/8/03, 2/14/2010

2nd READING/ADOPTED: 2/9/04, 3/14/2011

LAST REVIEWED:

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## TRANSPORTATION

School bus transportation to and from school is a privilege offered to all PK-8 students. It is the expectation that all students will ride the bus to and from school or be transported by private vehicle. Middle school students, who wish to walk or ride a bicycle, need written parental permission to do so.

All bus routes shall be determined by the Superintendent or his/her designee, in collaboration with the contracted bus company, based upon:

- Safety of the students.
- Efficiency of operation

Bus pick up and drop off points shall be within the District unless no extra mileage or time is required to add an additional stop in Barre Town.

Transportation of students with disabilities shall be provided in accordance with the Law.

Pre-Kindergarten and Kindergarten children will be released from the bus at the end of the day only if a designated, responsible adult is present at the bus door.

A bus schedule will be published in the local newspaper, on the school's website, and in the parent newsletter during the month of August prior to the start of the school year.

The District shall provide school or commercial transportation:

- To and from the school facility for field trips and special activities sponsored and approved by the principal;
- That conforms to the Law and all associated rules, regulations, and procedures as established by the Superintendent or his/her designee.

Parents and/or guardians may ride on a school bus to or from school during the school day on a regularly scheduled school bus when:

- They have a previously scheduled appointment with a member of the school staff;
- They are involved in a school activity or function;
- The principal or his/her designee determines that there is adult space on the bus, and a prior appointment has been made.

**Student supervision and conduct on school buses:**

- Where bus stops are not located on school grounds, the District is not responsible for the supervision of students. The District is responsible only while students are actually on a bus.
- Buses carrying students shall be considered as extensions of the District as prescribed by the Law. The safety of students on school buses is a responsibility which the students and their parents share with bus drivers and the District. Any student whose conduct on a bus is improper or jeopardizes the safety of other students may have the privilege of transportation suspended.
- The bus driver has the authority and is responsible for, maintaining orderly and safe behavior of students while on the bus and will report misconduct to the appropriate principal or designee.
- The bus driver may not remove a student from the bus for disciplinary reasons.
- The principal or his/her designee has the authority to suspend riding privileges of students who present disciplinary problems on the bus.
- Parents of children who violate bus rules shall be notified of a potential or actual loss of riding privileges or other consequence.
- At least annually, the principal or his/her designee shall review and explain bus rules with the students.

A detailed description of student conduct on buses and disciplinary procedures regarding student behavior and the consequences of misbehavior can be found in the Parent/Student Handbook.

At least once every school year, the superintendent or his/her designee shall provide the Board with a comprehensive assessment of the efficacy of the transportation policy and shall address the following:

- Consideration of student safety factors (e.g. sidewalks, automobile traffic, walking routes, etc.)

- Numbers of children at a designated bus stop, walking to school, or being transported by other means.
- Numbers of students with disabilities being transported by bus.
- Location of bus stops and length of route times.

**Barre Town Supervisory District Policy Manual**

**TITLE: School Bus Transportation    CODE: EEA**

Barre Town Elementary School pupils, grades Kindergarten through Eight, may be provided round trip daily transportation.

The daily transportation of the Barre Town Elementary pupils is a privilege accorded by the school system in compliance with statutory requirements. Transportation will normally be from pick-up points to school and vice versa. Pick-up points will normally be in the area of the students' place of residence. To provide maximum safety, each eligible pupil riding a school bus will conform to the regulations as established.

Bus routes and schedules will be examined yearly by the Transportation Supervisor. They will be changed and adjusted to the shift in student population. All changes and adjustments shall be reviewed with the Principal prior to submission to the School Board for approval. Unexpected and exceptional circumstances may cause a rerouting of bus routes, (e.g. hazardous road conditions, especially in the winter months).

Parent concerns will be considered by the Transportation Supervisor. If parents are not satisfied with the administrative decision, they may request a meeting with the Principal including Superintendent as necessary.

In exceptional cases, other permanent means of transportation may be arranged by the parents in conjunction with the school.

Date Adopted: 11/7/83

Date Revised: 6/1/94

1st Reading: June 22, 2005, April 27, 2011

2nd/Final Reading: September 7, 2005, 5/18/2011

Legal Reference(s):

Cross References:

*Continue to next page for EEA-P*

## Barre Town Supervisory District Policy Manual

### **TITLE: Regulations and Operations CODE: EEA-P**

#### Operations

The following guidelines will govern daily school bus transportation:

1. Transportation of Kindergarten through eighth grade students will require transportation in two waves: A and B.
2. WAVE A includes grades 5-8. These grades will arrive at school at 7:45 a.m. and be dismissed at 2:30 p.m.
3. WAVE B includes Kindergarten through Grade 4. These grades will arrive at school at 8:45 a.m. and be dismissed at 3:30 p.m.
4. Students who ride on WAVE A who wish to stay after 2:30 p.m. may ride on WAVE B, providing there is room. If a student wishes to ride on a bus other than his/her own, he/she must have a permission note signed by the parent or guardian or teacher, provided verbal permission was granted by parent. This note must be sent to the transportation office for approval.
5. Students who wish to stay at school beyond 3:30 p.m. must make their own arrangements for transportation.
6. All students will ride an assigned bus route unless excused by the school administration

#### School Bus Safety Regulations

1. All students will ride in assigned seats on the bus.
2. All students will remain seated while the bus is in motion.
3. All students will wear seatbelts on any bus which is equipped with them.
4. Eating or drinking on the bus is prohibited unless, permission is granted in exceptional circumstances.
5. All students are expected to conduct themselves in a proper manner while waiting at bus stops, as well as while riding the bus. Yelling, loud talk, and foul language will not be permitted.
6. Students will line up in an orderly manner for loading and unloading procedures.
7. Students will refrain from putting their arms or heads out of bus windows, and legs and feet must be kept out of the aisles.
8. Each student will notify the bus driver of an injury sustained while on the bus.
9. Any student who repeatedly breaks the school bus rules will be denied the privilege to ride the school bus according to discipline procedures outlined below.
10. Students shall not be allowed to transport any living creatures, illegal substances, firearms, explosives, or anything of a dangerous nature.
11. School Bus rules also apply during field trip transportation.

#### School Bus Discipline Regulations

Each bus driver is responsible for the supervision of children who ride on his/her bus. The bus driver's primary concern is for the safety of all the children on the bus. The driver will deal with individual students in trying to resolve behavioral problems that may occur. If the problem continues, the driver will take the student to the Transportation Supervisor. The Supervisor will then have a conference with the driver and the student in an effort to resolve the situation. The Supervisor will contact the student's parents by a written note or by sending the Transportation Conduct Form home with the student. Copies of the note or form will go to the Principal's Office and to the classroom teacher in Grades K-5 or the Teacher Advisor in Grades 6, 7, and 8. The Transportation Supervisor may refer the student to the Principal. The Principal will review the matter for appropriate action, suspension from riding the bus may be considered. Parents

will be notified of the issue. Any student who repeatedly breaks the bus rules may be denied the privilege to ride the school bus.

#### Bus Pass Regulations

Written permission is required from a parent or guardian for a child to ride a bus other than the one to which the student has been assigned to and/or from school (e.g. when going to a friend's home). The permission note should be given to the teacher, who will send the information and note to the office. Due to limited space available on some buses, bus seats for unassigned riders will be reserved on a first come, first served basis.

Students who are riding their regular bus and who wish to get off at a stop other than their usual and customary stop, must have a note signed by their parent or guardian. This note must be sent to the transportation office for approval.

\*\*\*\*Moving this section to the student handbook under the transportation procedures\*\*\*\*

Date Adopted: 11/7/83

Date Revised: 6/1/94

1st Reading: June 22, 2005

2nd/Final Reading: September 7, 2005

Legal Reference(s):

Cross-References: Student Handbook - Transportation

1<sup>ST</sup> READING: 05/18/2017

2<sup>ND</sup> READING:

ADOPTED:

## **TRANSPORTATION**

### **Policy**

Where it is reasonable and necessary to enable a student entitled or required to attend an elementary or a secondary school within the Barre Supervisory Union, the supervisory union may furnish transportation on public roads to students who reside within the district. The supervisory union may also provide transportation to non-resident students as authorized by the board. Accordingly, the Barre Supervisory Union has decided to furnish transportation for students of Barre City Elementary and Middle School and Barre Town Middle and Elementary School, and has decided not to furnish transportation for students of Spaulding High School, under this policy.

For Barre City Elementary Middle School and Barre Town Middle and Elementary School:

The superintendent will establish routes and designate stops after considering both the safety of children and efficiency of operation. The superintendent will consider the following factors when determining routes and stops.

1. The age and health of pupils,
2. Distance to be traveled,
3. Condition of the road, and
4. Type of highway.

The superintendent may consider any other factors he or she deems appropriate when establishing routes and designated stops.

The superintendent shall submit to the school board for approval any contracts, leases or purchases necessary to maintain and operate transportation equipment, and shall include in his or her annual report to the board information as to all pupils transported by the school district and the expense thereof.

### *Legal*

*Reference(s): 16 V.S.A. §§1221, 1222, 1224 (Student transportation)*

*16 V.S.A. §1551 (Technical center transport)*

DRAFT

1st Reading: 5/18/2017  
2nd Reading:  
ADOPTED:

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## STUDENT CLUBS & ACTIVITIES

### Policy

The school will maintain a student activity program appropriate to the maturity of students and as varied as staff and facilities permit. The program will be designed to offer for the greatest number of students worthwhile leisure time interests, wholesome recreational and social activity, and opportunities to develop skills in democratic and cooperative management for these activities.

Clubs and activities may be (1) school-sponsored and related to the curriculum, (2) student-run and not related to the curriculum, or (3) community-sponsored and not related to the curriculum. This policy addresses the first two categories. The third is addressed in the school district policy on Community Use of School Facilities<sup>1</sup>

### I. School-Sponsored Curriculum-Related Groups

- A. Curriculum-related groups are the only type entitled to school sponsorship. The controlling factor in deciding whether an activity will be sponsored by the school will be whether that activity is directly related to the school's curriculum. No activity that is not directly related to the curriculum or educational mission of the school will receive sponsorship, regardless of whether it meets the other criteria for sponsorship.
- B. Activities or clubs which meet at least one of the following criteria will be considered curriculum-related.
  - 1. The subject matter of the student group or club is actually taught or will be taught in a regularly scheduled course.
  - 2. The subject matter of the group or club is such that it concerns the body of courses as a whole.
  - 3. Participation in the group is required for a particular course.
  - 4. Participation in the group results in academic credit.
- C. The Principal will approve new requests for activity sponsorship based on the following considerations.
  - 1. The potential of the activity to help participating students meet the goals of the school's curriculum.
  - 2. The level of student interest in the activity;
  - 3. The fiscal ramifications of sponsorship;
  - 4. The availability of qualified personnel to supervise the activity; and
  - 5. The impact of adding or eliminating the activity on the balance of types of activities available in the total activity program.



- D. All school-sponsored activities will be under the ultimate control of the School District and will comply with all policies and procedures of the school. The Principal may set standards for academic eligibility for participation in these activities.

## II. Student-Run Non-curriculum-Related Groups<sup>2</sup>

- A. A student-run non-curriculum-related group, or "student group" is one that is created by students, run by students, and provides activities for students. If a group or club is organized or run by adults, even if students attend its meetings, then it is a community-sponsored group and must comply with Policy H3.
- B. Student groups, clubs or activities may use school facilities and have access to such things as the public address system, bulletin boards, and publications<sup>3</sup> provided that an equal opportunity is given to all student groups. If the District opens its facilities to any student group, then it must provide the same opportunities to all other student groups.<sup>4</sup> A fair opportunity will be provided to non-sponsored student groups wishing to conduct meetings on school premises during non-instructional time provided that:
1. any such meeting is voluntary and student initiated;
  2. there is no sponsorship of the meeting by the school, the government, or its agents or employees;
  3. employees or agents of the school or any governmental entity are present at religious meetings only in non-participatory capacities;
  4. the meeting does not materially and substantially interfere with the orderly conduct of educational activities within the school; and
  5. non-school persons do not direct, conduct, control or regularly attend activities of student groups.<sup>5</sup>
- C. Listings and notices referring to non-sponsored clubs or activities will include a disclaimer of school sponsorship or endorsement. District faculty and staff may only be present at activities of student groups as monitors for keeping order.
- D. The Principal may do the following with respect to student groups, as long as the same rules are applied to all student groups:
1. adopt rules to prohibit lewd and obscene speech
  2. prohibit student groups from using school facilities if they are likely to cause material or substantial disruption of school operations
  3. impose time, place, and manner restrictions, and
  4. require parental permission for student participation.

*Legal Reference(s):* 20 U.S.C. §§4071 et seq. (Federal Equal Access Act)  
*Prince v. Jacoby*, 303 F.3d 1074 (9<sup>th</sup> Cir.), cert. denied 540 U.S. 813 (2002)  
*Rosenberger v. University of Virginia*, 515 U.S. 810 (1995),  
*Board of Education of Westside Community Sch. v. Mergens*, 496 U.S. 226 (1990).  
*Sease v. School District of Philadelphia*, 81 F. Supp. 183 (E.D. Pa. 1993)

*Cross Reference:* *Community Use of School Facilities (H3)*  
*Admission of Resident Students (F13)*

*Admission of Non-Resident Tuition Students (F14)*  
*Participation of Home Study Students in School Programs and Activities (F23)*

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<sup>1</sup> See Policy H3 Community Use of School Facilities

<sup>2</sup> This section is governed by the Equal Access Act, 20 U.S.C. 4071 et seq. It states, in part, that:

It shall be unlawful for any public secondary school which receives Federal financial assistance and which has a limited open forum to deny equal access or a fair opportunity to, or discriminate against, any students who wish to conduct a meeting within that limited open forum on the basis of the religious, political, philosophical, or other content of the speech at such meetings.

<sup>3</sup> *Prince v. Jacoby*, 303 F.3d 1074 (9<sup>th</sup> Cir.), cert. denied 540 U.S. 813 (2002), held that since yearbook was paid for by student body funds and not by public funds, the school could not charge a religious student group for inclusion in the yearbook when other groups were included without charge. *Rosenberger v. University of Virginia*, 515 U.S. 810 (1995), held that university could not limit funds to student group due to its religious viewpoint where group ran newspaper with Christian view on news while other newspapers were funded. Funds were from mandatory student activity fee and not from public funds.

<sup>4</sup> Even allowing only one noncurriculum student group to meet in school facilities is enough to create a limited open forum and trigger the application of the Equal Access Act. *Board of Education of Westside Community Sch. v. Mergens*, 496 U.S. 226 (1990).

<sup>5</sup> Equal Access Act, 20 U.S.C. 4071; *Sease v. School District of Philadelphia*, 81 F. Supp. 183 (E.D. Pa. 1993) (school secretary who led gospel choir violated provisions of law even though choir was outside her regular duties in district).

**1<sup>ST</sup> READING: 05/18/2017**

**2<sup>ND</sup> READING:**

**ADOPTED:**

*DRAFT*

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## **COMMUNITY USE OF SCHOOL FACILITIES**

While the primary purpose of the school facilities is to educate students within this district, the school board recognizes that the facilities are a valuable community resource. Accordingly, the Superintendent may make school facilities available to individuals and community group<sup>i</sup> without discrimination in accordance with this policy, provided the facilities are preserved for regular school activities.<sup>ii</sup>

Individuals and groups may use school facilities for the following purposes:<sup>iii</sup>

- A. Meetings by parent-teacher organizations and school booster organizations whose purpose is to support the operations of the schools and the school district;
- B. Meetings by employees' professional organizations comprised of school district employees;<sup>iv</sup>
- C. Instruction in any branch of education, learning, and the arts;
- D. Social, civic and recreational meetings, and entertainment, provided the events are open to the public;<sup>v</sup>
- E. Civic forums and community centers, provided the events are open to the public;
- F. Recreation, physical training and athletics, including competitive athletic contests for children and adults;
- G. Private academic tutoring or music lessons;<sup>vi</sup>
- H. Child care programs;
- I. Meetings, entertainment and occasions where admission fees are charged, when the proceeds are to be spent for an educational or charitable purpose, and the events are open to the public.<sup>vii</sup>

The superintendent may deny an application for use of facilities or terminate an individual or group's use for:

- A. Uses that are likely to cause a material and substantial disruption to school operations;
- B. Events and meetings promoting or sponsored by a political party;<sup>viii</sup>
- C. Political campaign events by someone running for office;
- D. Uses that interfere with school district maintenance and repair of facilities;
- E. Uses that could damage special equipment in the facilities;
- F. Uses that could reasonably be expected to or actually do give rise to a riot or public disturbance;
- G. Events or meetings of private for-profit entities;
- H. Events at which fees are charged for profit;
- I. Uses where alcoholic beverages or unlawful drugs are sold, distributed, consumed, promoted or possessed; and
- J. Uses prohibited by law.

The Boy Scouts of America, Big Sisters of America, Boys and Girls Clubs of America, Future Farmers of America, Girl Scouts of America, Little League Baseball, Inc. and any other group intended to serve youth under the age of 21 listed in Title 36 of the U.S. Code may use school facilities upon payment of suitable fees and costs according to the district fee schedule.<sup>ix</sup>

The superintendent may place reasonable time, place, and manner restrictions on the use of facilities.<sup>x</sup>

The superintendent shall set a fee schedule and shall administer it in a manner that does not discriminate based on viewpoint.<sup>xi</sup> All users shall be required to demonstrate adequate insurance coverage and shall agree to hold the district harmless from any and all liability resulting from their use of the facilities. All users shall be required to make clear in all announcements and publicity that their events and activities are not sponsored by the school district.

The superintendent may allow individuals and groups to use special equipment, such as audiovisual equipment, provided that the group uses an operator of the equipment who is approved by the superintendent.<sup>xii</sup>

Legal                    16 V.S.A. §563 (3), (5) (Powers of school boards)  
references:

Boy Scouts of America Equal Access Act, 20 U.S.C. 7905

Lamb's Chapel v. Center Moriches Union Free School Dist., 508 U.S. 384 (1993)

Good News Club v. Milford Central Schools, 533 U.S. 98 (2001)

Travis v. Owego-Apalachin School Dist., 927 F.2d 688 (2d Cir. 1991)

Bronx Household of Faith v. Board of Education, 331 F.3d 342 (2d Cir. 2003)

Bronx Household of Faith v. Board of Education, \_\_\_ F.3d \_\_\_ (2d Cir. July 2, 2007)

Child Evangelism Fellowship of South Carolina v. Anderson, 47 F.3d 1062 (4<sup>th</sup> Cir. 2006)

Hickock v. Orange County Comm. College, 472 F. Supp. 2d 469 (S.D.N.Y. 2006)

Cross-reference:    Student Clubs and Activities (Secondary)

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<sup>i</sup> This policy does not govern school-sponsored activities that are related to the curriculum, or student-run activities that are not related to the curriculum. The use of school facilities for those two purposes is governed by Policy F11.

- ii A district has the legal right to preserve its facilities exclusively for the purpose of conducting its educational programs. It could do that by prohibiting all community use of its facilities. However, once a district allows any community use of its facilities, then it has created either a public forum or a limited public forum. A totally public forum is one where all uses are permitted on a first come first serve basis. A limited public forum is one where certain categories of use are allowed: *Travis v. Owego-Apalachin School Dist.*, 927 F.2d 688 (2d Cir. 1991) (good overview of differences between types of public forums). This is the most common approach for school districts.

In a limited public forum, once the district allows a community group to use its facility for one purpose then it and must open the facilities to all other community groups wishing to use the facilities for the same genre of activity. Access to facilities may not be restricted based on the group's viewpoint. *Lamb's Chapel v. Center Moriches Union Free School Dist.*, 508 U.S. 384 (1993); *Good News Club v. Milford Central Schools*, 533 U.S. 98 (2001). In these cases, the Supreme Court specifically held that religious groups' use of school facilities must be permitted when other groups seeking to teach morals have been permitted to use facilities. Furthermore, religious groups must be permitted to use school facilities for worship services that involve teaching morality if the district allows other groups who teach morals and character to use the facilities. *Bronx Household of Faith v. Board of Education*, 331 F.3d 342 (2d Cir. 2003). However, it is unclear at this writing whether schools may adopt a rule that prohibits use of facilities for religious worship services. See *Bronx Household of Faith v. Board of Education*, \_\_\_ F.3d \_\_\_ (2d Cir. July 2, 2007). A cautious approach, based on recent Supreme Court decisions, would suggest that even purely religious worship services must be permitted in school facilities.

- iii This list is merely an example. An individual school district could decide to make this list broader or narrower. However, when designating categories of permissible uses, a district must remain viewpoint neutral. For example, if the district allows groups to meet to discuss anti-war activities, it must also allow groups to meet in support of the military.
- iv As illustrated by the first two entries on this list, a district may allow certain types of groups, such as parent-teacher organizations or employee organizations to use school facilities. Such designations are constitutionally permissible because they do not specify the group by viewpoint. Similarly, a school district may adopt a policy that limits community use to groups whose members are mostly children or young adults, or that limits use of facilities to groups that are comprised predominantly of residents of the school district.
- v There is no constitutional requirement that events be open to the public. However, many school districts have this requirement in order to prevent the use of school facilities for exclusive, private functions.
- vi This is an example of a viewpoint neutral exception to the prohibition on for-profit activities.
- vii Again, the requirement that the proceeds from admission-charging events be used for educational or charitable purposes is not a constitutional one. Rather it is a preference that many school districts might wish to make.
- viii In *Hickock v. Orange County Comm. College*, 472 F. Supp. 2d 469 (S.D.N.Y. 2006), the court permitted school with a limited public forum to adopt a policy of excluding events that promote the activities of political parties, since this is viewpoint neutral. If a school district adopts a policy that permits political events, then it must permit all political groups to hold events regardless of their viewpoint.
- ix Boy Scouts of America Equal Access Act, 20 U.S.C. 7905 allows youth groups of certain designated patriotic societies access to schools.
- x Examples of a "time" restriction are that all groups conclude their meetings by 9 p.m. or that they limit the frequency with which they use facilities. A "place" restriction might be that the new gym not be used. A "manner" restriction might require all groups to leave the facility in the condition in which it was when they arrived. Such restrictions must be applied evenly to all groups and must not be designed to preclude particular groups from access.
- xi As a matter of fiscal responsibility, fee schedules should take into account the actual cost to the district of the use of the facilities. Fees for different facilities may be tailored to the unique size or quality of the facility. Fees for

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one category of use may not be set differently depending on the type of group using the facility. It is permissible, however, for a district to set a schedule that charges no fees for parent-teacher organizations and employee professional organizations.

*Child Evangelism Fellowship of South Carolina v. Anderson*, 47 F.3d 1062 (4<sup>th</sup> Cir. 2006) held that it was unlawful to give school administrators discretion to waive fees for community groups' use of school facilities. The court left open the possibility that a set of narrow, objective, and definite standards that ensure viewpoint neutrality for fee waivers might be permissible. The district's policy of allowing free use for three types of school organizations and when in the best interest of the district, without defining the groups, was improper. While it is unclear to what extent this decision will be followed by other courts, districts should proceed cautiously when waiving fees.

- <sup>xii</sup> As with the use of facilities themselves, if any groups are allowed to use special equipment, then all groups who meet the same objective criteria regarding skilled operators of the equipment must be allowed to use it, regardless of their viewpoint. Requiring a skilled approved operator is reasonable in order to preserve the equipment for its primary purpose of aiding the education of the district's children.

1st Reading: 12/15/2016

2nd Reading: 1/19/2017

ADOPTED: 1/19/2017

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## Federal Child Nutrition Act Wellness Policy

### Purpose

It is the intent of the Barre Supervisory Union to comply with the local policy requirements of the federal *Child Nutrition and WIC Reauthorization Act of 2004* and *Healthy, Hunger-Free Kids Act of 2010*<sup>1</sup>. In accord with those requirements, this policy has been developed in consultation with parents, representatives of the school food services authority, school administrators, school health professionals and the public.

### Policy Statement

It is the policy of the Barre Supervisory Union to establish goals for nutrition promotion and education, health education, physical education<sup>2</sup>, and physical activity, and other school-based activities that are designed to promote student wellness. With the objective of promoting student health and reducing childhood obesity, the district will also establish nutrition guidelines for all foods available at school during the school day.

### I. Goals for Nutrition Promotion and Education.

- A. The supervisory union shall provide nutrition promotion and education programs as required by state law and regulations of the State Board of Education. In particular, the supervisory union shall provide a nutrition component in its Comprehensive Health Education<sup>3</sup> program and shall develop curricular programs intended to accomplish applicable goals enumerated in the National Health Education Standards<sup>4</sup>.
- B. To the extent practicable, nutrition promotion and education shall be integrated into core curricula areas, such as science, health, physical education, and family and consumer science courses.
- C. The supervisory union shall establish meal periods that provide adequate time to eat and are scheduled at appropriate hours in a clean, safe, and adequate space.
- D. Food shall not be used in supervisory union schools as a reward or punishment, except when rewards are part of a student's written IEP, 504, or behavioral plan.
- E. The supervisory union shall provide training opportunities as appropriate for food service and other staff members in areas of nutrition and wellness as described in the Vermont Education Quality of Standards.

### II. Guidelines for Health Education

- A. The supervisory union shall enable students to engage annually in rigorous, relevant and comprehensive learning opportunities that allow them to demonstrate proficiency in health education as defined by Vermont state law 16 V.S.A. 131 (EQS rule 2120.5). In particular, the district shall develop curricular programs intended to accomplish the goals enumerated in the National Health Education Standards for all students in grades K-12.
- B. Health Education shall be integrated into core curricula areas, such as science, physical education, and family and consumer science courses.

### **III. Goals for Physical Education and Physical Activity.**

- A. The supervisory union shall provide physical education and adaptive physical education classes for all students as required by Education Quality Standards and 16 V.S.A 2902.
- B. The supervisory union will provide students with Physical Education, using an age-appropriate, sequential Physical Education program consistent with 2014 SHAPE America National Standards and Grade-Level Outcomes for Physical Education<sup>5</sup>.
- C. The supervisory union shall provide physical activity opportunities to all students as required by Education Quality Standards and 16 V.S.A 2210.5.

### **IV. Goals for Other School-Based Activities.**

- A. The supervisory union shall use evidence-based strategies to determine goals for promoting student wellness.
- B. The supervisory union shall promote health and wellness by encouraging staff to model healthy eating/drinking behaviors at school, by displaying USDA promotional materials, such as informational posters on school property, by marketing health and wellness on signs, score boards, sports equipment, in curricula, educational materials, both printed and electronic, and through its website. No foods of minimal nutritional value will be advertised on school grounds.

### **V. Nutrition Guidelines.**

- A. Following state law 16 V.S.A. section 1264, the supervisory union shall offer National School Lunch and School Breakfast Programs that meet 7 CRF 210 and 7 CRF 220 and the Healthy, Hunger-Free Kids Act of 2010.
- B. The supervisory union shall ensure that guidelines for reimbursable school meals are not less restrictive than regulations and guidance issued by the Secretary of Agriculture pursuant to sections (a) and (b) of section 9A(a) and (b) of the Richard B. Russell National School Lunch Act as those regulations and guidance apply to schools.
- C. The supervisory union shall ensure that foods and beverages offered at school during the school day other than through the National School Lunch or School Breakfast programs, including foods sold through vending machines and foods sold for fundraising during the school day, shall comply with the USDA Smart Snacks Standards<sup>6</sup>.

### **VI. Policy Implementation.**

- A. The superintendent or his or her designee shall periodically monitor supervisory union programs and curriculum to ensure compliance with this policy and any administrative procedures established to carry out the requirements of this policy. The supervisory union shall periodically inform and update the public about the content and implementation of this policy, including the extent to which supervisory union schools are in compliance with this policy, the extent to which this policy compares to model local school wellness policies and a description of the progress made in attaining the goals of this policy.
- B. The supervisory union shall permit parents, students, representatives of the school food authority, teachers of physical education, school health professionals, the school board, school administrators and the general public to participate in the development, implementation and periodic review and update of this policy.



- C. The superintendent or his or her designee shall establish ongoing supervisory union health and wellness committee(s) following the Vermont Agency of Education and Vermont Department of Health recommendation evidence-based collaboration approach to learning and health. Information on how to join the committee(s) is available on the supervisory union websites.
- D. The supervisory union health and wellness committee(s) assist the superintendent or his or her designee, at least triennially, in the assessment and/or revision of the wellness policy using best -practice assessment tools, in auditing supervisory union-wide compliance, and in reviewing evidence of student health and learning impact.

The superintendent or his or her designee shall report yearly to the board and to the public on the supervisory union's compliance with law and policies related to student wellness. The report shall include information as to the content and implementation of this policy, and an assurance that supervisory union guidelines for reimbursable meals are not less restrictive than regulations and guidelines issued for schools in accordance with federal law.

*Date Warned:*

*Date Adopted:*

*Date Revised:*

*Legal* 16 V.S.A. §§131 & 906(b)(3).

*Reference(s):*

*Richard B. Russell National School Lunch Act, 42 U.S.C. 1751 et seq.*

*Child Nutrition Act of 1966, 42 U.S.C. 1771 et seq.*

*Healthy, Hunger Free Kids Act of 2010, Section 204 of Public Law 111-296.*

*Code of Federal Regulations, 7 CFR Part 210 and Part 220.*

#### Additional References

<sup>1</sup>*Healthy, Hunger-Free Kids Act of 2010 replaced the Child Nutrition and WIC Reauthorization Act of 2004 for the Federal Lunch Program and added additional requirements for Local Wellness Policies.*

<sup>2</sup>Vermont Department of Health; Agency of Agriculture, Food and Markets; & Agency of Education (2016). *Vermont School Wellness Policy Guidelines.*

<sup>3</sup>16 V.S.A. § 135

<sup>4</sup>16 V.S.A. Section 2902 – Mention of Adapted PE, though not specifically required in the LEA Wellness Policy, fits in this statement to encompass all students.

<sup>5</sup>2014 SHAPE America National Standards and Grade-Level Outcomes for Physical Education

<sup>6</sup>United States Department of Agriculture, Food and Nutrition Services