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DELEGATION OF AUTHORITY DURING STATE OF EMERGENCY DUE TO COVID-19 PANDEMIC

Purpose

It is the policy of the _____ School District to comply with the [Safety and Health Guidance for Reopening Schools, Fall 2020](#) issued jointly by the Agency of Education and Department of Health (“Joint Guidance”), the [Agency of Education’s COVID-19 Guidance for Vermont Schools](#) (“AOE Guidance”) and the [Executive Orders issued by the Governor of the State of Vermont](#) regarding the State of Emergency due to COVID-19.

Delegation of Authority to Superintendent

Due to rapidly changing conditions and guidance during the pandemic, the _____ School District hereby delegates authority to its Superintendent to make decisions regarding the reopening and operation of schools, including but not limited to the instructional modes that will be provided during the 2020-2021 school year.

Implementation and Communication

The Superintendent shall implement the Joint Guidance and AOE Guidance and shall report to the school board (“Board”) at least monthly on the status of such implementation.

- A. Implementation shall be consistent with existing District policies, including the Non-Discrimination Policy, the Harassment, Hazing and Bullying Policy, confidentiality of student records and other relevant policies.
- B. The Superintendent is authorized to temporarily suspend provisions of the Board’s policies and/or whole policies (limited to those policies which are not required by law), as determined by the Superintendent in the Superintendent’s sole judgment, if such suspension is necessary to implement the Joint Guidance and AOE Guidance. In the event that the Superintendent suspends provisions of Board policies, in whole or in part, the superintendent shall provide prompt notice to the Board of that action.
- C. Access to the District’s grounds and buildings may be limited as directed by the Superintendent.
- D. The superintendent is authorized to close any school in the District without further action by the Board. Such closure shall continue until such time as the superintendent or the Board, in consultation with appropriate health and government authorities, deems it in the best interests of the District and its students to open schools.
- E. The superintendent is authorized, based upon the needs of the District and guidance from health and/or government agencies, to direct staff assignments during District closure for in person instruction, including but not limited to employees who must report to work, employees who may be reassigned, and employees whose services are not needed.
- F. Implementation of the Joint Guidance and AOE Guidance shall comply with labor master agreements, established District employment practices for the State of Emergency and any applicable federal, state, and local law.

Duration of Policy

This policy shall be in effect for the duration of the State of Emergency due to COVID-19 and shall terminate automatically when the State of Emergency is lifted.

VSBA Version: 8/5/20
Date Warned:
Date Adopted:
Legal Reference(s): 20 V.S.A. § 9

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ELECTRONIC COMMUNICATIONS BETWEEN EMPLOYEES AND STUDENTS

I. Statement of Policy

The [INSERT SCHOOL DISTRICT NAME] recognizes electronic communications and the use of social media outlets create new options for extending and enhancing the educational program of the school district. Electronic communications and the use of social media can help students and employees communicate regarding: questions during non-school hours regarding homework or other assignments; scheduling issues for school-related co-curricular and interscholastic athletic activities; school work to be completed during a student's extended absence; distance learning opportunities; and other professional communications that can enhance teaching and learning opportunities between employees and students. However, the [INSERT SCHOOL DISTRICT NAME] recognizes employees and students can be vulnerable in electronic communications.

In accordance with Act 5 of 2018 this model policy is adopted to provide guidance and direction to [INSERT SCHOOL DISTRICT NAME] employees to prevent improper electronic communications between employees and students.

II. Definitions. For purposes of this policy, the following definitions apply:

- A. **Electronic communication.** Electronic communication is any computer-mediated communication in which individuals exchange messages with others, either individually or in groups. Examples of electronic communication include, but are not limited to, email, text messages, instant messaging, voicemail, and image sharing and communications made by means of an internet site, including social media and social networking websites.
- B. **Social media.** Social media is any form of online publication or presence that allows interactive communication, including, but not limited to, social networks, blogs, websites and internet forums. Examples of social media include, but are not limited to, Facebook, Twitter, Instagram, YouTube, and Google+.
- C. **Employee.** Employee includes any person employed directly by or retained through a contract of employment the district, an agent of the school, a school board member, and including supervisory union employees.
- D. **Student.** Student means any person who attends school in any of the grades Prekindergarten through 12 operated by the district.

III. Policy on Electronic Communication Between Students and Employees.

All communication between employees and students shall be professional and appropriate. The use of electronic communication that is inappropriate in content is prohibited.

- A. **Inappropriate content of an electronic communication.** Inappropriate content of an electronic communication between an Employee and a Student includes, but is not limited to:
 - 1. Communications of a sexual nature, sexual oriented humor or language, sexual advances, or content with a sexual overtone;

2. Communications involving the use, encouraging the use, or promoting or advocating the use of alcohol or tobacco, the illegal use of prescription drugs or controlled dangerous substances, illegal gambling, or other illegal activities;
3. Communications regarding the employees' or student's past or current romantic relationships;
4. Communications which include the use of profanities, obscene language, lewd comments, or pornography;
5. Communications that are harassing, intimidating, or demeaning;
6. Communications requesting or trying to establish a personal relationship with a student beyond the employees' professional responsibilities;
7. Communications related to personal or confidential information regarding employee or student that isn't academically focused; and
8. Communications between an employee and a student between the hours of 10 p.m. and 6 a.m. An Employee may, however, make public posts to a social network site, blog or similar application at any time.

B. Procedures. The superintendent shall develop procedures for both the receipt and handling of reports filed under this policy (see IV.A. and B. below).

IV. Enforcement Responsibilities

A. Student communications violation of this policy. In the event a student sends an electronic communication, that is inappropriate as defined in this policy or that violates the procedures governing inappropriate forms of electronic communication to an employee, the employee shall submit a written report of the inappropriate communication ("Report") to the principal or designee by the end of the next school day following actual receipt by the Employee of such communication. The principal or designee will take appropriate action to have the student discontinue such improper electronic communications.

While the school district will seek to use such improper electronic communications by a student as a teaching and learning opportunity, student communications violation of this policy may subject a student to discipline. Any discipline imposed shall take into account the relevant surrounding facts and circumstances.

B. Employee communications violation of this policy. In the event an employee sends an electronic communication that is inappropriate as defined in this policy or that violates the procedures governing inappropriate forms of electronic communication to a student, the student shall or the student's parent or guardian may submit a written report of the inappropriate communication ("Report") to the principal and/or the person designated by the principal to receive complaints under this policy promptly. The report shall specify what type of inappropriate communication was sent by the employee with a copy of the communication, if possible.

Inappropriate electronic communications by an employee may result in appropriate disciplinary action.

C. Applicability. The provisions of this policy shall be applicable at all times while the employee is employed by the district and at all times the student is enrolled in the school district, including holiday and summer breaks. An employee is not subject to these provisions to the extent the employee has a family relationship with a student (i.e. parent/child, nieces, nephews, grandchildren, etc.).

D. **Other district policies.** Improper electronic communications that may also constitute violations of other policies of the district, i.e. unwelcome sexual conduct may also constitute a violation of the school's separate policy on the Prevention of Harassment, Hazing and Bullying of Students. Complaints regarding such behavior should be directed as set forth in the school's Procedures on the Prevention of Harassment, Hazing and Bullying of Students.

V. Reporting to Other Agencies

- A. **Reports to Department of Children and Families [DCF].** When behaviors violative of this policy include allegations of child abuse, any person responsible for reporting suspected child abuse under 33 V.S.A. §4911, et seq., must report the allegations to the Commissioner of DCF. If the victim is over the age of 18 and a report of abuse is warranted, the report shall be made to Adult Protective Services in accordance with 33 V.S.A. §6901 et seq.
- B. **Reports to Vermont Agency of Education [AOE].** Accordingly, if behaviors violative of this policy in a public school involve conduct by a licensed educator that might be grounds under Vermont law for licensing action, the principal shall report the alleged conduct to the superintendent and the superintendent shall report the alleged conduct to the AOE.
- C. **Reporting Incidents to the Police.** Nothing in this policy shall preclude persons from reporting to law enforcement any incidents and/or conduct that may be a criminal act.
- D. **Continuing Obligation to Investigate.** Reports made to either DCF or law enforcement shall not be considered to absolve the school administrators of their obligations under this or any other policy, such as the Policy on the Prevention of Harassment, Hazing and Bullying, to pursue and complete an investigation upon receipt of notice of conduct which may constitute a policy violation.

Date Warned:

Date Adopted:

Legal Reference(s): 2018 Acts and Resolves No. 5 (located at <https://legislature.vermont.gov/Documents/2018.1/Docs/ACTS/ACT005/ACT005%20As%20Enacted.pdf>)
16 V.S.A. § 1698
16 V.S.A. § 570

(Recommended Policy)

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DISTRICT EQUITY POLICY

Policy

The _____ School District (District) is committed to the success of every student, regardless of race, ethnicity, religion, family economics, class, geography, ability, language, gender, sexual orientation, gender identity or initial proficiencies. The _____ School Board (Board) holds itself and all District and school-site decision-makers, faculty, and support staff accountable for building a District-wide commitment to equity. The District will incorporate principles of equity within all policies, programs, operations, practices, and resource allocations.

Definitions

Equity: Each student receives the resources and educational opportunities they need to learn and thrive.

- Equity means that a student's success is not predicted nor predetermined by characteristics such as race, ethnicity, religion, family economics, class, geography, ability, language, gender, sexual orientation, gender identity or initial proficiencies.
- Equity means that every school provides and every student has access to high quality culturally responsive curriculum, programs, teachers and administrators, extracurricular activities and support services to meet the needs of each and every student.
- Equity goes beyond formal equality where all students are treated the same. Achieving equity may require an unequal distribution of resources and services.
- Equity involves acknowledging and disrupting inequitable practices, acknowledging biases, employing practices that reflect the reality that all students will learn, and creating inclusive multicultural school environments for adults and children.

Culturally Responsive Practices: The beliefs, methods, and practices that support and empower all students socially, emotionally, intellectually, and civically by leveraging students' lived experiences to ensure learning.

Implementation

To realize this commitment to equity, the District will:

- Systematically use District-wide and individual school-level data, disaggregated by race, ethnicity, language, ability, gender, and socioeconomic background to inform District decision-making;
- Provide every student with equitable access to high-quality and culturally relevant instruction,

curriculum, support, facilities, technology and other educational resources that respect their individual identities, cultures, backgrounds, abilities and experiences;

- Monitor and evaluate the individual needs of schools and distribute resources and effective personnel based on those needs;
- Incorporate the voice, culture and perspectives of students, staff, families, and communities that reflect student demographics and support and enhance student success;
- Identify and counteract biased practices that perpetuate achievement disparities and opportunity gaps;
- Provide ongoing and continuous professional development at all organizational levels to support employees to engage in culturally responsive practices and delivery of quality culturally relevant instruction;
- Incorporate the principle of equity into the District's strategic plan and identify measurable outcomes to prepare all students for college, career, and life.

The superintendent shall identify outcome indicators as necessary to monitor this policy and shall provide a _____ (monthly, quarterly, annually) status report to the Board.

Date Warned:

Date Adopted:

Recommended

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Modes of Instruction During State of Emergency Due To COVID-19 Pandemic

The _____ School District (District) is committed to the success of every student. The School Board (Board) holds itself and all District and school-site decision-makers accountable for developing a continuum of district-wide, flexible modes of instruction and a system of communication thereof during the State of Emergency.

The District will ensure the provision of the minimum instructional hours in any one of the following three ways:

1. The total hours of direct instruction and expected independent student work for the day equal the minimum daily hours set forth in State Board Rule 2312.1^[1]; or
2. The cumulative hours of direct instruction and expected independent work for the week equal the cumulative minimums set forth in State Board Rule 2312.1^[2]; or
3. The District obtains the Secretary of Education's prior approval of another method of counting instructional hours per State Board Rule 2312.2^[3].

The Board delegates authority to the superintendent to develop and implement rules and procedures to address the following: **(From list below, any authority not delegated to the superintendent requires a Board policy with review by legal counsel strongly recommended):**

- Options for in-person, remote, and hybrid learning, by grade level, with an emphasis on ensuring in-person instruction for students in the primary grades.
- The process for parents/guardians to sign up and discontinue participation in in-person, remote, and hybrid modes of learning.
- The completion of student work and achievement of academic milestones, proficiencies and other benchmarks.
- A description as to what extent remote and/or hybrid learning experiences will be synchronous to comparable in-person instructional activities.
- The provision for educational supports including teacher-student check-ins and other supports provided under the district's regular EST process.
- The provision of special education services and related services.
- A process for sharing information about student status (remote/in-person) with your school nutrition program so that they are able to provide meals at home or at school.
- Student participation in in-person extracurricular activities such as clubs, sports and music ensembles.

Responsibilities of the Superintendent

The superintendent shall provide a _____ (monthly, quarterly) status report to the Board.

Duration of Policy

This policy shall be in effect for the duration of the State of Emergency due to COVID-19 and shall terminate automatically when the State of Emergency is lifted.

VSBA Version: 8/5/20

Date Warned:

Date Adopted:

Legal Reference(s):

^[1], ^[2] Rule 2312.1 requires:

Except as provided in Rule 2311.5 (Day of Mourning); the length of the school day shall be:

(a) for kindergarten, a minimum of two instructional hours. However, in any calendar week, five school days may be counted if the total number of hours of instructional time is equal to or exceeds 10 hours per week.

(b) for grades 1-2, a minimum of four instructional hours including recess, excluding lunch. However, in any calendar week, five school days may be counted if the total number of hours of instructional time is equal to or exceeds 20 hours, including recess, excluding lunch.

(c) for grades 3-8, a minimum of 5 1/2 instructional hours, including recess, excluding lunch. However, in any calendar week, five school days may be counted if the total number of hours of instructional time is equal to or exceeds 27 1/2 hours, including recess, excluding lunch.

(d) for grades 9-12, a minimum of 5 1/2 instructional hours, exclusive of the time allowed for recess and lunch. However, in any calendar week, five school days may be counted if the total number of hours of instructional time is equal to or exceeds 27 1/2 hours, exclusive of the time allowed for recess and lunch.

^[3] Rule 2312.2 provides exceptions to Length of School Day:

(a) Where the board of school directors has found it necessary to delay the opening of the school day by up to two hours or to send the pupils home after school has begun due to emergencies such as the outbreak of a contagious disease, unsafe building conditions, hazardous weather, high water, unsafe highways, or a fire, the day may be counted as a full day of school;

(b) Upon request of the board of school directors, the Commissioner may permit alternate methods of counting the cumulative instructional hours set forth in subsection 2311.4 of this section where: (1) overall, students do not lose instructional time; (2) students do not lose transportation to and from school or to other educational programs during the school day; (3) students do not lose access to related education programs such as technical or special education; and (4) it is otherwise in the interests of the students and the district.