

**BARRE UNIFIED UNION SCHOOL DISTRICT
BOARD MEETING**

January 28, 2021 at 5:30 p.m.

Via Google Meet

Click this link to join the meeting remotely:

Meeting ID: meet.google.com/vxi-arvi-mgb

Phone Number: (US)+1 929-777-4801 **PIN:** 769 689 006#

Please Note: If you attend the meeting remotely you must state your name for the record to satisfy the Open Meeting Law

AGENDA

1. Call to Order
2. Additions or Deletions with Motion to Approve the Agenda
3. Comments for Items Not on the Agenda
 - 3.1. Public Comment
 - 3.2. Student Voice
4. Approval of Minutes
 - 4.1. Meeting Minutes - January 14, 2020
5. Current Business
 - 5.1. New Hire **[ACTION]**
 - 5.2. Administrator and Superintendent Evaluation Process
 - 5.3. Instruction Delivery: Modes of Instruction
 - 5.4. First Reading Personnel Recruitment, Selection, Appointment and Background Checks (B20) (Recommended) **[ACTION]**
 - 5.5. First Reading Transgender and Gender Nonconforming Students (C28) (Recommended) **[ACTION]**
 - 5.6. First Reading Substitute Teachers (B1) (Required) **[ACTION]**
 - 5.7. First Reading Electronic Communications Use & Retention (F22) (Recommended) **[ACTION]**
 - 5.8. Policies Not Recommended by Committee for Adoption
 - 5.8.1. Staffing and Job Descriptions (B30) (Consider)
 - 5.8.2. Educator Supervision & Evaluation: Probationary Teacher (B31) (Consider)
 - 5.8.3. Personnel Files (B32) (Consider)
 - 5.8.4. Resignations (B33) (Consider)
6. Old Business
 - 6.1. Second and Final Reading Firearms (C5) (Required) **[ACTION]**
 - 6.2. Second and Final Reading English Learners (C4) (Required) **[ACTION]**
 - 6.3. Second and Final Reading Electronic Communication Between Employees & Students (B8) (Required) **[ACTION]**
 - 6.4. Second and Final Reading Prevention of Sexual Harassment as Prohibited by Title IX (C12) (Required) **[ACTION]**
 - 6.5. Vision, Mission & Strategic Goals
7. Other Business/Round Table
8. Future Agenda Items:
9. Executive Session
 - 9.1. Personnel Supervision: Superintendent's Goals

10. Adjournment

Reminder:

BUUSD Regular Board Meeting: February 11, 2021 at 5:30 pm via Google Meet

BOARD MEETING NORMS

- Keep the best interest of the school and children in mind, while balancing the needs of the taxpayers
- Make decisions based on clear information
- Honor the board's decisions
- Keep meetings short and on time
- Stick to the agenda
- Keep remarks short and to the point
- Everyone gets a chance to talk before people take a second turn
- Respect others and their ideas

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BARRE UNIFIED UNION SCHOOL DISTRICT BOARD MEETING

Via Video Conference – Google Meet
January 14, 2021 - 5:30 p.m.

MINUTES

BOARD MEMBERS PRESENT:

Paul Malone (BT) - Chair
Sonya Spaulding (BC) – Vice-Chair
Victoria Pompei (BT) – Clerk
Gina Akley (BT)
Tim Boltin (BC)
Emel Cambel (BC)
Giuliano Cecchinelli (BC)
Alice Farrell (BT)
Guy Isabelle (At-Large)

BOARD MEMBERS ABSENT:

ADMINISTRATORS PRESENT:

David Wells, Superintendent
Mary Ellen Simmons, Assistant Superintendent of Instruction
Stacy Anderson, Director of Special Services
Penny Chamberlin, Director Central Vermont Career Center
Hayden Coon, BCEMS Principal
Chris Hennessey, BCEMS Principal
Carol Marold, Director of Human Resources
Jennifer Nye, BTMES Principal
Erica Pearson, BTMES Principal
Brenda Waterhouse, SHS Principal

GUESTS PRESENT:

Dave Delcore – Times Argus	Shane Aldrich	Christine Bell	Aliza Benoit	Chris Cheney
Allison Courtemanche	Tara Day	Erika Dolan	David Erwin	Kara Erwin
Betsy Francis	Karen Fredericks	Crystal Harvey	Yoko Kishishita	Prudence Krasofski
Stacey Lamberti	Patrick Leene	Chas Legge	Jody Leone	Melissa Locarno
Jen Malnati	Tara Martin	Ben Matthews	Jessica Maurais	Kathy Maurais
Ted Mills	Kristin Morrison	Rebekah Mortesen	Christine Parker	Tim Sanborn
Malinda Sayers	Diane Solomon	Megan Spaulding	Rachael Van Vliet	Sara Young

As the meeting was held via video conferencing, a roll-call vote was taken for each action item. Each Board Member was individually polled and voted to approve all motions that are listed as unanimously approved.

1. Call to Order

The Chair, Mr. Malone, called the Thursday, January 14, 2021, Regular meeting to order at 5:32 p.m., which was held via video conference.

2. Additions and/or Deletions to the Agenda

4.2 Approval of January 7, 2021 Special Meeting Minutes – Table until next regular meeting.

Add 5.5 – Enrollment Report

Add 6.6 – Administrator Evaluations

6.5 Racial Equity Policy Discussion – Discuss under 5.3.4 Policy Committee Report

Meeting date changes were also noted under Agenda Items 5.3.2 and 5.3.3

On a motion by Mrs. Farrell, seconded by Mrs. Spaulding, the Board unanimously voted to approve the Agenda as amended.

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3. Public Comment for Items Not on the Agenda

3.1 Public Comment

None.

3.2 Student Voice

None.

4. Approval of Minutes

4.1 Approval of Minutes – December 17, 2020 Regular Meeting

On a motion by Ms. Cambel, seconded by Mrs. Spaulding, the Board unanimously voted to approve the Minutes of the December 17, 2020 Regular Meeting.

4.2 Approval of Minutes – January 7, 2021 Special Meeting

Agenda Item tabled until the next Regular Meeting of the BUUSD Board.

5. Reports to the Board

5.1 Central Office

A copy of the BUUSD Central Office Newsletter for January 2021 was distributed. A document titled ‘Survey Results – Returning in Fall 2021?’ was distributed. Copies of the District Enrollment/Staffing Reports for 12/2020 and 01/2021 were distributed. Mr. Wells advised that he will provide an update on administrator evaluations at the first Regular Meeting in February, and an update on progress of evaluations at the second Regular Meeting in February. The results of the survey for students who plan to return next year was distributed in the packet addendum. Mrs. Pompei queried regarding how financials will be re-evaluated based on survey results that indicate 25% of students (who left the BUUSD during the 20/21 academic year) will not be returning. Mr. Wells believes that it will be necessary to gather additional data prior to planning. Budgeting and planning for staffing was done based on student counts from previous years. In response to a query, Mr. Wells advised that it is his belief that all Vermont schools will be returning to full in-person learning in the fall of 2021. The BUUSD will need to explore if they wish to offer full remote learning in the fall of 2021.

5.2 Building Reports

5.2.1 Spaulding High School

The Principal’s Report dated ‘01/07/20’ was distributed. The SHS Library Newsletter for January 2021 was distributed. There were no questions from the Board.

5.2.2 Central Vermont Career Center

The CVCC Director’s Report (Director CTE Bytes) dated January 2021 was distributed. A document highlighting work of CVCC Programs was also distributed. There were no questions from the Board.

5.2.3 Barre City Elementary and Middle School

The Co-Principals’ Report dated January 8, 2021 was distributed. Administrators want to stress how much they thank community members for making the drop-off procedure work so smoothly. Mr. Coon reminded the community of upcoming schedule changes. In response to a query, it was reported that the gym is only being used for PE on inclement weather days. Physical Education teachers having been working creatively to write plans for outdoor PE activities. Mr. Coon advised that the gyms are also being used for the delivery of intervention and special education services. Mrs. Nye advised that at BTMES the gyms are also used for arrival and dismissal of students. Mrs. Waterhouse advised that at the high school, PE classes are normally held indoors.

5.2.4 Barre Town Middle and Elementary School

The BTMES Building Report dated January 14, 2021 was distributed. A copy of the BTMES Newsletter was distributed. There were no questions from the Board.

5.3 Committee Reports

5.3.1 Communications Committee

Mrs. Farrell advised there was nothing to report.

5.3.2 Finance Committee

A report was provided last week. There is nothing additional to report.

5.3.3 Facilities & Transportation Committee

There were no updates from the Committee.

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5.3.4 Policy Committee

In addition to the policies that will be presented this evening, Mr. Wells announced that the Policy Committee had two law school students in attendance at the last meeting (for discussion of an anti-racism policy). As the District has been working to address equity, the Committee met with these students who are currently working with municipalities/schools to write anti-racism policies. Utilizing these individuals, a policy could be drafted using input from the local community. Once drafted, the policy will be presented to the Committee, and then using current practices, would be presented to the Board for approval. It is thought that their legal background would be helpful in drafting a policy. It was clarified that the proposed policy does not replace an existing policy. It is the Board's understanding that Board approval is not necessary for the Committee to work with these consultants. Mrs. Farrell stressed that creation of this policy should be tied to the Vision, Mission, Strategic Planning initiative. The consultants should be made aware of this initiative. It was noted that the consultant's fee is \$900 and will be paid by grant funds. The next meeting is Monday, January 15, 2021 at 5:30 p.m.

5.3.5 Curriculum Committee

The next meeting is Tuesday, January 26, 2021 at 5:30 p.m. via video conference. Intervention Services will be the main focus of the discussion.

5.3.6 Negotiations Committee

Negotiations will be discussed in Executive Session.

5.3.7 Regional Advisory Board

The next meeting is February 8, 2021.

5.4 Financials

Two documents were distributed; 'BUUSD – FY21 Year End Projection Report (dated 01/05/21) and the CVCC FY21 Year-end Projections Report (dated 01/05/21).

Mrs. Spaulding queried regarding an update on school re-opening. It was noted that this item is not on the agenda. It was discussed last week, and Mr. Malone did not believe it would be discussed at this meeting. Mr. Wells was asked to provide a brief summary. Mr. Wells advised that the buildings are moving forward with plans for more in-person learning, including transportation plans, preparing classrooms and preparing for an increased number of students. Information on this increase of in-person instruction is posted on the BUUSD web site. A parent voiced concern relating to the lack of busing for pre-school students. It was noted that there complications relating to the required installation of 5 point harnesses (for pre-school students), which render the seat unusable for older children, as well as the decision made under the re-opening plan, that for a multitude of reasons, pre-school students would not be transported this year. Mr. Wells will have Mr. Coon follow up with the parent. Concern was raised that there are many unresolved issues relating to school re-opening. It was noted that there are many different preferences from families (some want all remote learning, some want all in-person, and some want the hybrid model) and there is no resolution that will please all families. A parent requested that a plan be written now, for use in the future, if social distancing guidelines are amended by the State (to allow students to be closer than 6 feet). Mr. Malone reiterated that the BUUSD operates under the guidelines from the State, and that guidelines can change quickly. Concern was raised that the 6 foot social distancing rule has not changed since school opened, and that other schools are allowing more students in their schools. It was noted that the configurations at other schools are not known/documented and that all schools have different student counts and square footage/classroom configurations. Schools differ and cannot be compared 'apples to apples'. Frustration was voiced that this issue is continually raised in Board meetings. It was agreed that online posting of information relating to learning structures of other schools might be beneficial as it will allow community members to view the information and this topic will not have to be brought up repeatedly in Board meetings. It was noted that using outside facilities poses many issues, including staffing and maintenance. Concern was reiterated that students in the upper grades have received very little in-person instruction since last March, and may not be prepared for moving on to high school and/or college. Though it is hoped that all in-person learning can resume after April vacation, but the return to in-person learning is dependent on COVID statistics and State guidelines. Mr. Wells encourages the community to view the COVID plan on the BUUSD web site. Mr. Wells reiterated that not all parents are open to a return to all in-person learning, and advised that Mrs. Waterhouse is working with parents to resolve student issues. Parents of high school students who are experiencing difficulties should contact Mrs. Waterhouse.

5.5 Enrollment Report

The Enrollment Report was discussed under Agenda Item 5.1. There was no additional discussion under this agenda item. Additional discussion was held regarding busing for pre-school students. Mr. Wells advised that he hopes to have transportation for pre-school students reinstated next year.

6. Current Business

Copies of all policies referenced in Agenda Items 6.1 through 6.4 were distributed. A copy of e-mail correspondence relating to policies (dated 01/12/21) was also distributed.

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6.1 First Reading Firearms Policy (C5) Required Policy

Mr. Cecchinelli provided a brief overview of the policy. Mrs. Pompei voiced concern that the Implementation section is being removed, advising that it contains specific information regarding various requirements (items that 'shall' be performed), which relates more to policy than procedures. It was noted that the policy does not mention that the Superintendent must contact law enforcement when a student is found to be in possession of a weapon. Mr. Wells advised that the Policy Committee has been removing procedures from policies. It was noted that items in this section do not necessarily involve procedures, but are part of the policy and list requirements. With the removal of this section, the superintendent is not required to adhere to some of the requirements listed under the implementation section. It was stated that the Board should follow up to see that written procedures are in place. It was noted that the Board does not have control over procedures and if this policy is approved without the implementation section, a mandatory expulsion hearing is no longer required.

On a motion by Mr. Isabelle, seconded by Ms. Cambel, the Board voted 5 to 4 to approve the First Reading of the Firearms Policy (C5). Mr. Boltin, Ms. Cambel, Mr. Cecchinelli, Mrs. Farrell, Mr. Isabelle, and Mr. Malone voted for the motion. Mrs. Pompei and Mrs. Spaulding voted against the motion. Mrs. Akley was not present for the vote.

6.2 First Reading English Learners Policy (C4) Required Policy

Mr. Cecchinelli provided a brief overview of the policy advising that this is an amended version from the VSBA.

On a motion by Mrs. Spaulding, seconded by Mr. Isabelle, the Board unanimously voted to approve the First Reading of the English Learners Policy (C4). Mrs. Akley was not present for the vote.

6.3 First Reading Electronic Communications Between Employees & Students Policy (B8) Required Policy

Mr. Cecchinelli provided a brief overview of the policy, advising that procedures were removed and definitions were added. Discussion was held regarding possible formatting issues. Mr. Wells provided clarification regarding the possible formatting issue.

On a motion by Mrs. Spaulding, seconded by Mrs. Farrell, the Board unanimously voted to approve the First Reading of the Electronic Communications Between Employees & Students Policy (B8). Mrs. Akley was not present for the vote.

6.4 First Reading Prevention of Sexual Harassment as Prohibited by Title IX Policy (C12) Required Policy

Mr. Cecchinelli advised that this is a policy that is supposed to be adopted without changes. It was noted that there were many questions and concerns regarding this policy. Mr. Wells advised that VSBA and BUUSD attorneys strongly recommend that this policy not be modified. The policy is based on Federal statute. Mrs. Spaulding voiced concern that there are many procedures that need to be written for this policy and additionally advised that this policy does not address preventing sexual harassment. Mrs. Spaulding believes the policy has too many loop holes, doesn't address prevention of sexual harassment, and advised that she will not support this policy. Mr. Cecchinelli suggested crafting an additional policy to address prevention of sexual harassment. Mrs. Spaulding wants assurance that procedures and handbooks will be created in a timely manner. Mr. Aither will be working on procedures that tie to this policy. Mr. Cecchinelli will contact Mr. Aither regarding procedures. Ms. Simmons advised that in her experience, procedures are usually written after policies are approved.

On a motion by Ms. Cambel, seconded by Mr. Isabelle, the Board voted 7 to 1 to approve the First Reading of the Prevention of Sexual Harassment as Prohibited by Title IX Policy (C12). Mr. Boltin, Ms. Cambel, Mr. Cecchinelli, Mrs. Farrell, Mr. Isabelle, Mr. Malone, and Mrs. Pompei voted for the motion. Mrs. Spaulding voted against the motion. Mrs. Akley was not present for the vote.

6.5 Racial Equity Policy Discussion

Discussion was held under Agenda Item 5.3.4.

6.6 Administrator Evaluations

A brief report was provided in the Superintendent's Report. Mrs. Pompei advised that she has major concerns if the Board only begins the evaluation process in February, as the Board changes in early March. It is supposed to be the Board that has been in place for a year that does the evaluations, not a new Board. This process has always started in December to allow for the existing Board to perform evaluations. Mrs. Pompei reiterated her concern that the Board will just begin hearing about the process in February. Mr. Wells advised that he will provide an update at the second meeting in January. Mr. Wells clarified that he would provide an update on the procedure and on what will occur in February. Mr. Malone reiterated Mrs. Pompei's concern that if the evaluation process does not begin until February it will not be completed until at least the end of February and that current Board Members will not be able to participate in the evaluation process. Mr. Wells will provide additional information on January 28, 2021, and confirmed that evaluations will be completed prior to the March deadline. It was confirmed that evaluations will be ready for the first meeting in February. Mrs. Spaulding confirmed that the Superintendent's evaluation will be completed by the current Board. This evaluation should be completed in January.

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7. Old Business

7.1 FY22 Budget and Annual Meeting Warning(s) Approval

A copy of the 'Barre Unified Union School District Warning For March 2, 2021 Vote' was distributed.

A copy of an e-mail between the Superintendent and Sean M. Toohey (dated 01/12/21) was distributed.

Mr. Wells advised regarding Act 162 which is a temporary Act (under COVID) which allows districts who normally vote 'from the floor' at Annual Meetings, to hold votes utilizing Australian ballots. Board action is required to allow for voting by Australian ballot. An informational meeting can be held remotely. Mr. Wells advised that Act 162 (for this year) waives the requirement for Board candidates to collect signatures and submit petitions (for board seats). Though petitions are not required, candidates need to sign a consent form in order to be put on the ballot. The deadline for submission of consent forms is 01/18/2021. Mr. Wells advised that it is his understanding that the deadline is the 6th Monday prior to the vote. Mr. Wells consulted with legal counsel regarding the deadline for Board petitions and was advised that the dates are in statute and cannot be changed. It was clarified that according to statute the deadline for this year is January 25, 2021.

On a motion by Mr. Isabelle, seconded by Ms. Cambel, the Board unanimously voted that pursuant to Act 162 of 2020, the BUUSD shall conduct the District's 2021 Annual Meeting business using the Australian ballot voting method for all Articles. Mrs. Akley was not present for the vote.

Mrs. Spaulding advised that there will be four open seats, 2 for Barre City and 2 for Barre Town. Mrs. Spaulding encourages interested parties to contact members of the current board. Mr. Wells advised that Mrs. Gilbert has contacted Mr. Koch regarding his interest in being on the ballot for the position of Moderator. Ms. Dawes and Mrs. Kelty have not yet been contacted.

On a motion by Mr. Isabelle, seconded by Mrs. Pompei, the Board unanimously voted to approve the Barre Unified Union School District Warning For March 2, 2021 Vote. Mrs. Akley was not present for the vote.

Mr. Isabelle suggested that the Board discuss having ballots mailed to all registered voters. Mr. Malone believes the City Council has decided not to send ballots to all voters for Barre City business. Mr. Isabelle advised that he believes the school Board has the right to require that school related ballots be mailed to all registered voters. Mr. Wells reported that the City and Town Clerks would prefer to send out post cards advising voters of how to obtain a paper ballot.

7.2 Second and Final Reading Notice of Non-Discrimination Policy (A22) Recommended Policy

Copies of policies referenced under Agenda Items 7.2 – 7.4 were distributed.

On a motion by Mrs. Farrell, seconded by Mrs. Spaulding, the Board unanimously voted to approve the Second and Final Reading of the Notice of Non-Discrimination Policy (A22), and agreed to adopt said policy. Mrs. Akley and Mr. Cecchinelli were not present for the vote.

7.3 Second and Final Reading Employee Unlawful Harassment Policy (B5) Required Policy

On a motion by Mrs. Spaulding, seconded by Mrs. Farrell, the Board unanimously voted to approve the Second and Final Reading of the Employee Unlawful Harassment Policy (B5), and agreed to adopt said policy. Mrs. Akley and Mr. Cecchinelli were not present for the vote.

7.4 Second and Final Reading Homeless Students (C13) Policy - Required Policy

On a motion by Mrs. Farrell, seconded by Mrs. Spaulding, the Board unanimously voted to approve the Second and Final Reading of the Homeless Students (C13) Policy, and agreed to adopt said policy. Mrs. Akley and Mr. Cecchinelli were not present for the vote.

7.5 Vision, Mission, and Strategic Goals

The Design Team met for the first time last week, Each individual representing a stakeholder group is currently trying to recruit individuals to participate in the stakeholder public feedback meetings. The Design Team will meet again next week. It is not known if the meetings are posted online.

8. Other Business/Round Table

Mr. Isabelle expressed his appreciation to students for their comments at previous meetings. Mr. Isabelle feels badly that the teachers who spoke at the last meeting were feeling that they are being 'dumped on' on social media. Mr. Isabelle suggests that folks stay off social media.

Mr. Boltin has heard from students that teachers are vocalizing their concerns and their lack of interest in having students return to school. Mr. Boltin feels that it is not appropriate for teachers to be expressing their frustrations to high school students.

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Ms. Cambel advised that this has been a trying week in various ways and she is saddened to see how things ‘come to roost’ on school districts and she is sad to see how angry people are. Ms. Cambel agrees that it may not be a good time for teachers to be using social media and advised that individuals do not always have all the facts prior to posting information.

Mrs. Spaulding advised that she sent questions to the entire Board regarding the closing of BCEMS on January 14, 2021 and she would like the Superintendent to address her concerns, specifically regarding protocols and guidance from the Department of Health. Mr. Wells advised that last evening, a school community individual was informed of a positive COVID test. The nurse and administrators discussed the situation and the Department of Health was notified. The BUUSD did not hear back from the Department of Health until twelve hours later. After discussion of the facts, and reviewing the timeline, it was determined that there would be multiple staff members who would need to quarantine until the school heard back from the Department of Health. Mr. Wells advised that each COVID instance is unique. After discussion with the Department of Health, it was determined that the school could open on January 15, 2021. This instance did involve multiple key staff members who are involved throughout the school. Mr. Wells is not able to share additional information as it might disclose confidential/identifying information. Other incidents in other schools have not involved closure of those schools.

Mr. Wells advised that a doctor from the Department of Health has agreed to hold two informational sessions (one for staff and one for community members) regarding COVID Safety in Schools.

Mrs. Pompei advised that she will not be running for re-election. She is disappointed with how Board Members are being presented as being unsupportive of teachers and the community. Mrs. Pompei donated her first year Board stipend to the BTMES ECO Program and feels it is unfair for her to be labeled as unsupportive. Mrs. Pompei has volunteered many hours and donated money and materials to support many programs in the school system, and yet has been labeled as unsupportive. Mrs. Pompei also reported that negative comments (about her) have been posted on social media. Being a Board Member requires making difficult decisions. Mrs. Pompei advised that shortly after she made a suggestion about a cut to a staffing position, she was given a frosty reception at BTMES for several weeks (on days when she came in to volunteer). Her character and motives have been questioned. Her time as a Board Member has made her question the schools and the community. She hopes that taking some time away will help restore her confidence in both.

Mrs. Akley understands that there is a lot of frustration on all sides, and that as more information becomes available, some may question decisions that were made. Everyone is genuinely trying to make the best decisions possible to keep students safe. Mrs. Akley advised that today, new COVID counts were the highest she’s seen them, there is now a more contagious strain of the virus, and she feels that we are on the precipice of things getting really out of control again. Mrs. Akley believes wholeheartedly that the goal of those responsible for making decisions, is to get students back in school as much as possible and as quickly as possible, and she fully supports the decisions being made to keep the children safe.

Mrs. Farrell responded to Mrs. Pompei’s comments, advising that in the years she has known Mrs. Pompei, her perspectives have been welcomed and inspiring. Those who speak otherwise don’t have a good grasp on who Mrs. Pompei is. Additionally, Mrs. Farrell advised that during the January thaw, the buses need to be washed.

Mr. Cecchinelli urges anyone who likes to vocalize on on-line venues to consider submitting a consent form and participate in the District’s business as a board member.

Mr. Malone advised that within the new district there have been some bumps and bruises, but by-and-large the District has pulled together as a team and worked through differences. Mr. Malone advised that he too, will not be running for re-election as a Board Member. Mr. Malone may continue to participate with verbal input or participation at the committee level. Mr. Malone firmly believes in education and that the District has an obligation to educate students to the highest level. Mr. Malone reiterated that it has been a very difficult year with many different issues coming into play. Mr. Malone appreciates that many have worked so hard to navigate through these difficult times. Mr. Malone believes things are moving in the right direction. Mr. Malone reiterated Mrs. Farrell’s comments relating to Mrs. Pompei, advising that he has worked with Mrs. Pompei since she started on the Board and much appreciates her efforts to see that the BUUSD operates as effectively and economically efficient as possible. Mr. Malone extended his personal thanks to Mrs. Pompei.

9. Future Agenda Items

The next meeting is Thursday, January 28, 2021 at 5:30 p.m. via video conference.

- Policy Readings
- Administrator Evaluations
- Instruction Delivery Data for Similar Sized Districts and Update on BUUSD Instruction Delivery
- Superintendent’s Goals

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10. Executive Session as Needed

10.1 Negotiations

Negotiations/Labor Relations Agreements was proposed for discussion in Executive Session

On a motion by Mrs. Spaulding, seconded by Mr. Isabelle, the Board unanimously agreed to find that premature general public knowledge of the item proposed for discussion, specifically Negotiations/Labor Relations Agreements, would clearly place the Barre Unified Union School District at a substantial disadvantage should the discussion be public.

On a motion by Mr. Isabelle, seconded by Mrs. Spaulding, the Board unanimously voted to enter into Executive Session, with Mr. Wells in attendance, at 7:42 p.m. under the provisions of 1 VSA section 313 to discuss the items proposed for discussion.

The remaining information was provided by the Board Clerk.

On a motion by Mrs. Farrell, seconded by Mrs. Spaulding, the Board unanimously voted to exit Executive Session at 7:59 p.m.

11. Adjournment

On a motion by Mrs. Farrell, seconded by Mrs. Spaulding, the Board unanimously voted to adjourn at 7:59 p.m.

Respectfully submitted,
Andrea Poulin

BARRE UNIFIED UNION SCHOOL DISTRICT

NEW HIRE NOTIFICATION FORM

Complete and Submit to the Central Office
(please submit via email to hr@buusd.org)

Date Received by Central Office:

To be Completed by Hiring Administrator: (please leave notes for Central Office on the back page)

Name: Julie Bacher Location: BTMES

Submission Date: 1/11/21 Administrator Action/Checklist Complete: ☒ Y ☐ N

Position: Spanish Teacher Grade (If Applicable): 5-8

Endorsement (If Applicable): ☐ Hourly-Non Exempt ☒ Salary-Exempt

Hours Per Day: 7.5 Scheduled Hours: 7:15 a.m. to 2:45 p.m.

Account Code: 101-1020-51-11-0-1106-5110

Replacement? ☒ Y ☐ N * replacement teacher

If Yes, For Whom? Barbara Shipman Salary Rate: \$ 65,014.⁰⁰

Administrator Approval: [Signature] Signature Date: 01/12/20

REVERSE SIDE: Complete the New Hire Checklist prior to emailing candidate packet for Superintendent review.

For Central Office Use Only:

Contract Complete Date Offer Letter Complete Date DOH

Total Years of Experience: 21 Step: 13 Salary Placement: \$ M

Hourly Rate: \$ Salary Rate: \$ Seniority Date:

Contract Type: ☒ Teacher ☐ Para ☐ Replacement ☐ Interim ☐ Offer/Non-Contracted Letters
☐ AFSCME ☐ N/A * pro-rated salary \$30,923.28

Days Per Year: 190 Salary: \$ 66,016 Contract Days: 89

Teacher: AOE Endorsement: ☒ YES ☐ NO

If No, Required: ☐ Provisional ☐ Emergency ☐ Apprenticeship

Para-Educator: Associates Degree ☐ YES ☐ NO (If NO) → ParaPro ☐ YES has passed ParaPro
☐ NO will need to take ParaPro

Superintendent and/or HR Director Approval Signature

Date

Julie Bacher

130 White Cap Rd Colchester, Vermont 05446
802-793-2553 jbacher7@gmail.com

Education

Southern New Hampshire University

Colchester, VT, Vermont

Master of Education

Major: Masters in Education

GPA: 4.000

Attended September 2009 to June 2013

Degree conferred June 2013

Goddard College

Plainfield, VT, Vermont

Bachelor of Arts

Major: Women's studies, education, **Minor:** Arts, writing

Attended August 1994 to December 1996

Degree conferred December 1996

Bennington College

Bennington, Vermont

Graduate Coursework

Major: Immersion weekend in Spanish

GPA: 4.000

Credit Hours: 15

Attended January 2000 to January 2000

Managing Behavior (with Mike Mezzochi)

St. Johnsbury, Vermont

Graduate Coursework

Major: Classroom Management

GPA: 4.000

Credit Hours: 45

Attended February 2001 to February 2001

Teaching to the Standards (language immersion)

Bennington, Vermont

Graduate Coursework

Major: Foreign Language Education

GPA: 3.800

Credit Hours: 15

Attended April 2001 to April 2001

Teaching Foreign Language in the K-8 Classroom

Bennington, Vermont

Graduate Coursework

Major: Teaching of Foreign Language

GPA: 3.800

Credit Hours: 45
Attended August 2001 to August 2001

Investigations in Child Development

Johnson, VT, Vermont
Graduate Coursework
Major: Childhood development

GPA: 4.000
Credit Hours: 45
Attended May 2002 to August 2002

Deveopment of Identity and Power in Latin America (Spanish immersion)

Bennington, Vermont
Graduate Coursework

Major: Spanish
GPA: 4.000
Credit Hours: 45
Attended August 2004 to August 2004

Saint Michael's College

Barre, Vermont
Graduate Coursework

Major: SIOP
GPA: 3.000
Credit Hours: 45
Attended January 2006 to April 2006

Vermont Technical College

Randolph, Vermont
Graduate Coursework

Major: Gear-up - Intervention for at-risk students
GPA: 4.000
Credit Hours: 45
Attended June 2009 to July 2009

Experience

The Neshobe School

Aug 2012 - Present

K-6 Spanish Teacher

Brandon, VT

I designed and implemented a Spanish curriculum to students in grades K-6.

8 7

Reason for leaving: Position was cut due to budget cuts and a rising tax rate.

Supervisor: Judi Pulsifer (802-247-3721)

Experience Type: Public School, Full-time

It is **OK** to contact this employer

Potter Valley School

Aug 2018 - Jun 2020

K-12 Spanish Teacher

Potter Valley CA 95469

Created and implemented a Spanish Language Program.

2

Reason for leaving: I miss my home. Vermont. I miss my former coworkers and students at Neshobe School.

Supervisor: Holly McLaughlan, Lori Candelaria (7077431142)

Experience Type: Public School, Full-time
It is **OK** to contact this employer

Barre City Elementary and Middle School

6 Jun 2006 - Jun 2012

Middle School Spanish teacher

50 Parkside Terrace, Barre, VT 05641

I teach the Spanish to the entire 6th, 7th, and 8th grade. Classes are conducted almost entirely in the target language (Spanish). Students are held accountable for their behavior and their work. I establish clear objectives at the beginning of each class, and impart what getting an "A" would entail. Classes are active with much "student talk" in Spanish, and hands-on activities. I also emphasize literacy. Reading and writing are a large part of the curriculum. While we use the Realidades textbook, I often try to differentiate with TPR storytelling, and other appropriate activities. Through on-going formative assessments, I decide where to focus in the moment, always keeping the academic goal, and specific attainable skills in mind. I feel so lucky to have such great kids! They make my job fun for me!

Reason for leaving: Moved out of the area....

Supervisor: Michele Cote (802-476-6541)

Experience Type: Public School, Full-time
It is **OK** to contact this employer

Barre City Elementary and Middle School

Jan 2007 - Jun 2007

French Teacher

Barre, VT

I taught a semester of French to high-achieving eighth grade students.

Reason for leaving: I did not leave this job. I stayed on as the Spanish teacher. When they cancelled the French program a group of parents petitioned for their students to continue with French.

Supervisor: David Batchelder (8026746541)

Experience Type: Public School, Full-time
It is **OK** to contact this employer

Barre City Elementary and Middle School

5 Jun 2001 - Jun 2006

Elementary Spanish Teacher

50 Parkside Terrace, Barre, VT 05641

As a travelling teacher, I went from room to room with a cart and taught Spanish to all students in grades 1 - 5. Students learned basic conversation skill and basics of learning a language such as colors, numbers, descriptive words, etc. I also used a TPRS curriculum, which worked extremely well. All classes were filled with movement and often games. At the end of the year each student made a bound "book" of all that we had done in Spanish class that year.

Reason for leaving: My job as the elementary Spanish teacher was eliminated from the budget. Luckily, I was able to move into the Middle School teaching position.

Supervisor: James Taffel (802-476-6541)

Experience Type: Public School, Full-time
It is **OK** to contact this employer

Dartmouth College

Sep 2003 - Nov 2003

Master Teacher
Hanover, NH

I taught a 16-week beginner Spanish course to adults. Each class was one hour long, then the students would have hour-long "break-out" sessions with Spanish speaking assistants. They would use Rassias-created "drills" to reinforce the vocabulary and grammar of the week. My learning objectives were given to me and were very structured. I loved teaching adults! Classes were full of laughter and insights...completely in Spanish!

Reason for leaving: The course ended. They offered it to me for the Spring session, but I declined because the drive to Hanover after school made for some very long days.

Supervisor: Helene Rassias-Miles (603-646-2922)

Experience Type: Independent School, After school/Evening
It is **OK** to contact this employer

Waits River Valley School

Aug 1999 - Jun 2001

Middle School Spanish Teacher
East Corinth, VT

I taught 6th, 7th, and 8th grade Spanish. We used the Bienvenidos textbook. The greatest part about this job was the frequency that I saw the students. I saw the 8th graders everyday, the 7th graders four days a week, and the 6th graders for three. Students were held accountable for BEING IN THE TARGET LANGUAGE AT ALL TIMES! I emphasized grammar, skits, and many creative activities. Students who were in that program with me were more than ready for high school Spanish. I know of at least one of my students from that school who is majoring in Spanish in college, and making Spanish her career.

Reason for leaving: I left to take the elementary teaching position in Barre. It was closer to home.

Supervisor: Carol Freeman (802-439-5534)

Experience Type: Public School, Full-time
It is **OK** to contact this employer

The White Mountain School

Mar 1999 - Jun 1999

High School Spanish Teacher, Supervisor
Bethlehem, NH 03574

Taught levels 1-4. Supervised dorms, hikes, and other activities. Lived on-campus with the students.

Reason for leaving: I wanted to return to Vermont.

Supervisor: Ed Farrell (603-444-0513)

Experience Type: Independent School, Full-time
It is **OK** to contact this employer

North Country Union High School

Sep 1997 - Mar 1999

High School Spanish/English teacher
209 Veteran's Ave., Newport, VT 05855

I was responsible for teaching two large Spanish 1 courses, and one English class to high school Sophomores. As well as following the curriculum from Somos Asi 1, I brought in guest speakers. One was from Mexico and the other was from Nicaragua for the students to explore the language and experiences of the culture first-hand.

Reason for leaving: I was offered a job in my home town, near my father and my sister. I wanted to be near my family.

Supervisor: Betty LeRoy (802-334-1618)
Experience Type: Public School, Part-time
It is **OK** to contact this employer

Additional information about me and my experience

In addition to graduate classes, I have also many other beneficial experiences. These include:

- a week-long workshop for using higher order thinking skills in language classrooms
- Two workshops on TPRS, one of them with its founder, Blaine Ray
- numerous Bureau of Educational Research workshops on strategies for foreign language classrooms
- a training with Jim Fitzpatrick on developing respectful behavior in the classroom
- two different workshops with John Rassias, of Dartmouth college, on his language teaching method
- two french immersion workshops. One at Dartmouth College, and the other one at Yale University, including traveling through Quebec with a group of French teachers.
- a week-long training in Responsive Classroom
- volunteer work in Central America. Rebuilding houses after a hurricane, and picking coffee to support the Nicaraguan economy
- studying language in Costa Rica for a year, including an internship translating at Liga Maya Internacional
- I have attended almost every VFLA convention since 1997. At first as a member, then as a board member
- workshop on differentiation in the foreign language classroom. VFLA Spring, 2011

**BARRE UNIFIED UNION SCHOOL DISTRICT #097
POLICY**

CODE: B 20

1ST READING: 01/28/2021

2ND READING:

ADOPTED:

**PERSONNEL RECRUITMENT, SELECTION, APPOINTMENT AND BACKGROUND
CHECKS**

Policy

It is the policy of the Barre Unified Union School District (BUUSD) to select for employment only persons of good character who have the skills and other qualifications necessary to fulfill job requirements while complying with the provisions of state law regarding the recruitment, selection and employment of school district employees and contractors.

Persons subject to criminal record checks and abuse registry checks under this policy include all those recommended for full-time, part-time or temporary employment in the school district, including student teachers, and those contractors and employees of contractors who may have unsupervised contact with students and are subject by law to criminal record and abuse registry checks prior to or in the course of employment.

The superintendent may request a name and date of birth or fingerprint-supported check of the criminal record of any current employee who has previously undergone a check at any time during the course of the record subject's employment in the capacity for which the original check was required.

The district shall ensure that adults employed in the schools maintained by the district receive orientation, information or instruction on the prevention, identification and reporting of child abuse as required by state law. The district will also provide opportunities for parents, guardians, and other interested persons to receive the same information.

Definitions

1. The term "criminal record" as used in this policy shall have the same meaning as defined in 16 V.S.A. § 252(1).
2. The term "unsupervised" as used in this policy shall have the same meaning as defined in 16 V.S.A. § 252(4).
3. The term "abuse registry" as used in this policy shall include the Vermont Child Protection Registry maintained by the Vermont Department for Children and Families

and the Vulnerable Adult Abuse Registry maintained by the Vermont Department of Disabilities, Aging and Independent Living.

4. The terms "employ" or "employment" as used in this policy shall, as the context requires, apply to individuals who are, or are being considered for, full-time, part-time or temporary employment in the school district, including student teachers and those contractors and employees of contractors who may have unsupervised contact with students.

Recruitment

- ~~1. The board is committed to securing the services of the best personnel available. Only individuals who meet applicable state licensing requirements will be employed.~~
- ~~2. The board seeks minority applicants in accordance with its policy pertaining to non-discrimination. The district will attempt to provide an educational experience enhanced by the professional contributions of representatives of different races, physical conditions, sexes, ethnic backgrounds and age groups.~~
- ~~3. All personnel will be recruited by the district's administrative staff under the immediate direction of the superintendent.~~
- ~~4. Written or electronic applications will be required of candidates for employment. The application will include a warning to the applicant that falsification of information on the application or during the application process will be grounds for dismissal if the applicant is hired.~~
- ~~5. After the initial written or electronic application process is complete, applicants selected for an interview will be required to provide a statement identifying any criminal charges brought against the applicant, including the date of each charge, the court where the charge was filed and the disposition of the charge. The statement shall also include a warning to the applicant in bold print that falsification of information or the omission of information on the statement may constitute grounds for dismissal if the applicant is hired. Any job offer shall be made contingent on the candidate successfully completing the school district's background check process.~~

Selection

- ~~1. It is the policy of the board to select employees solely on the basis of character, professional qualifications, and critical job requirements. Employees will be selected in a manner that does not unlawfully discriminate. The superintendent shall require that all~~

~~applicants, as a condition of employment consideration, cooperate fully with background investigations, supplying references and releases so the district can contact previous employers. Applicants the superintendent is prepared to recommend for employment will be expected to provide fingerprints, releases and other information necessary to conduct background investigations. The costs of such checks will be borne by the (prospective employee) (the school district). All offers of employment shall be contingent on the candidate's successfully completing the background investigation process and a finding that the information provided by the applicant during the pre-employment process was accurate, complete and truthful.~~

- ~~2. The superintendent shall request a criminal record check through the Vermont Criminal Information Center (VCIC) on any candidate he or she intends to appoint or is prepared to recommend for appointment. Requests will be made for fingerprint-supported criminal records from the FBI as well as criminal records from the state of Vermont and any state in which the superintendent knows the applicant has resided or been employed. The superintendent shall maintain such records in accordance with state law.~~
- ~~3. The superintendent shall also request information through any available abuse registry to determine whether there are any substantiated abuse/neglect charges or sex offense convictions against an applicant before appointing or nominating a candidate for employment. The superintendent shall maintain such records in accordance with state law.~~
- ~~4. Employment conditioned on the completion of a background check may be terminated if it is determined that the employee failed to respond truthfully to questions about criminal activity or prior employment. In any event the Superintendent shall forward the information received from VCIC to the person about whom the request was made and inform the person of their rights to challenge the accuracy of the record and to determine the disposition of the record under 16 V.S.A. §§ 255(f), (g).~~
- ~~5. Providing a safe learning environment for students is a primary consideration in district employment decisions. The district will base such decisions on all relevant information, qualifications, and circumstances. Unfavorable background check information is not an automatic bar to employment, nor is a background check with no unfavorable information a guarantee of employment. However, no person convicted of a sexual offense requiring registration on the Vermont comprehensive sex offender registry shall be employed by the school district or supervisory union.~~

Appointment

1. ~~The appointment of licensed employees will be made by the board subject to the nomination of candidates by the superintendent of schools.~~
2. ~~Subject to any pre-employment screening processes approved by the board, the superintendent shall appoint all non-licensed employees to be employed by the school district or supervisory union.~~
3. ~~Contracts of employment or other notification of employment will be conditional pending receipt of criminal records check information and evaluation of that information.~~
4. ~~Upon completion of a criminal records check, the superintendent shall:~~
 - ~~○ notify the person subject to the check about the district's protocol for maintenance of criminal history files, and~~
 - ~~○ ask the person subject to the check to indicate if his or her record should be maintained or destroyed after the retention period specified in the District's user agreement with VCIC.~~
5. ~~Employees who have been employed for fewer than two years in Vermont public schools are considered probationary teachers and may be offered a probationary contract.~~
6. ~~All offers of employment may be withdrawn based on the criminal records check report or upon a finding that the information provided by the applicant during the pre-employment process was inaccurate, incomplete or untruthful.~~

BARRE UNIFIED UNION SCHOOL DISTRICT # 097
POLICY

Code: C 28

1st READING: 01/28/2021

2nd READING:

ADOPTED:

TRANSGENDER AND GENDER NONCONFORMING STUDENTS

Policy

This policy is designed to provide direction for administrators, staff, students, and parents to address issues that may arise concerning the needs of transgender and gender nonconforming students. Title IX of the Education Amendments of 1972, and 9 V.S.A. 4502¹ protect all students from sex discrimination, including transgender students and students who do not conform to traditional gender stereotypes.²

It is the policy of the Barre Unified Union School District (BUUSD) to provide a safe, orderly, civil and positive learning environment for all students, regardless of perceived or actual sex, sexual orientation, gender identity, or gender expression.

Definitions³

- “Cisgender” means a person whose gender identity corresponds to their assigned sex at birth.
- “Gender identity” means a person’s actual or perceived gender identity, or gender-related characteristics that are intrinsically related to a person’s gender or gender-identity, regardless of the person’s assigned sex at birth.
- “Gender expression” means the way a person externally communicates gender to other people such as through behaviors, clothing, hairstyles, voice, mannerisms, activities, or body characteristics.
- “Gender nonconforming” refers to a person whose gender-related identity and/or gender expression does not conform to the social expectations or norms for a person of that sex assigned at birth. Other terms that have the same or similar meaning include gender creative, gender variant, gender expansive, gender fluid or gender atypical.
- “Transgender” is a term that describes a person whose gender identity or gender expression is different from the person’s assigned sex at birth.
- “Sexual orientation” is a person’s emotional and sexual attraction to other people based on the gender of the other person. Sexual orientation is not the same as gender identity. Not all transgender students identify as gay, lesbian or bisexual, and not all gay, lesbian and bisexual students display gender nonconforming characteristics.

Privacy

All students have the right to privacy. Consistent with those rights provided under the Family Educational Rights and Privacy Act of 1974 a transgender or gender nonconforming student will

¹ Vermont’s Public Accommodations Act prohibits the discrimination on the basis of “race, creed, color, national origin, marital status, sex, sexual orientation, or gender identity of any person.” 9 V.S.A. § 4502.

² The recommendation for districts to adopt a Transgender and Gender Nonconforming Students policy was made in response to federal guidance issued May 2016 ([US Department of Education Office of Civil Rights and US Department of Justice Office of Department of Justice Civil Rights Division Dear Colleague Letter on Transgender Students, May 13, 2016.](#))

³ Definitions are adapted from the Vermont Agency of Education guidance document, “Best Practices for Schools Regarding Transgender and Gender Nonconforming Students.”

be able to discuss and express their gender identity and gender expression openly and to decide when, with whom, and how much of their private information to share with others.

In addition, school staff will respect any requests to use a name and pronoun that corresponds to the student's gender identity that the student asserts or wishes to assert at school. Students will not be required to obtain a court ordered name and/or gender change or to change their pupil personnel records as a prerequisite to being addressed by the name and pronoun that corresponds to their gender identity⁴.

There may be times when disclosure to school staff or employees of a student's transgender status is necessary in order to fulfill a school's obligations to the transgender student with respect to safety and health, education and anti-discrimination efforts. In all cases the school will work closely with students and families in devising an appropriate plan regarding the confidentiality of a student's transgender status that works for both the student and the student's family while meeting competing legal requirements. To the extent possible and consistent with all competing legal requirements, school personnel will endeavor throughout to maintain the confidentiality of the student's transgender status⁵.

Student Records

The superintendent will adopt procedures that ensure that all students' personally identifiable information is maintained in compliance with FERPA⁶ and state and federally mandated reporting requirements.

To the extent that the school is not legally required to use a student's legal name or gender on school records and other documents, the school will use the name and gender preferred by the student⁷.

Where a student's record(s) may not be changed absent court order due to state and federal law, efforts will be taken to maintain those records in strictest confidentiality in order to preserve the student's transgender status and, where appropriate, for an amended version to be maintained which preserves the confidentiality of that transgender status where a review of the record is required for educational purposes by either school personnel education the student or personnel who will be evaluating the student (for eligibility purposes for example).

⁴ Under Title IX, a school must treat students consistent with their gender identity even if their education records or identification documents indicate a different sex. The Departments of Education and Justice have resolved Title IX investigations with agreements committing that school staff and contractors will use pronouns and names consistent with a transgender student's gender identity. (From *Dear Colleague* letter of May 13, 2016).

⁵ Even when a student has disclosed the student's transgender status to some members of the school community, schools may not rely on this FERPA exception to disclose PHI from education records to other school personnel who do not have a legitimate educational interest in the information. Inappropriately disclosing (or requiring students or their parents to disclose) personally identifiable information from education records to the school community may violate FERPA and interfere with transgender students' right under Title IX to be treated consistent with their gender identity. (From *Dear Colleague* letter of May 13, 2016).

⁶ Family and Educational Rights and Privacy Act, 34 CFR Part 99.

⁷ There is no medical diagnosis or treatment requirement that students must meet as a prerequisite to being treated consistent with their gender identity. Because transgender students often are unable to obtain identification documents that reflect their gender identity (e.g., due to restrictions imposed by state or local law in their place of birth or residence) requiring students to produce such identification documents in order to treat them consistent with their gender identity may violate Title IX when doing so has the practical effect of limiting or denying students equal access to an educational program or activity. (From *Dear Colleague* letter of May 13, 2016).

A student (or parent in the case of minor student) who is currently enrolled may request retroactive changes to that student's record including name and gender. Such requests will be handled on a case by case basis with consideration of the need to maintain legally accurate records consistent with state and federal mandated reporting requirements with the school's ongoing efforts to maintain internal student confidentiality regarding a student's transgender status.

Former student permanent pupil records will be changed by request of a parent of a minor student, or former students who have reached the age of majority, upon receipt of documentation⁸ that such legal name and/or gender have been changed pursuant to applicable state law.

Use of Gender Segregated Facilities

A transgender student should not be required to use a locker room or restroom that conflicts with the student's gender identity.⁹

Any student who expresses a need or desire for increased privacy will be provided with reasonable alternative arrangements. Reasonable alternative arrangements may include the use of a private area, or a separate changing schedule, or use of a single stall restroom. Any alternative arrangement will be provided in a way that protects a student's ability to keep their transgender status confidential.

In all cases the use of restrooms and locker rooms by transgender students requires schools to consider numerous factors, including, but not limited to: the transgender student's preference; protecting student privacy; maximizing social integration of the transgender student; minimizing stigmatization of the student; ensuring equal opportunity to participate; the student's age; and protecting the safety of the students involved.⁴⁰

School Activities

As a general rule, in any other circumstances where students are separated by gender in school activities (i.e. overnight field trips), students will be permitted to participate in accordance with their gender identity consistently asserted at school. Activities that may involve the need for accommodations to address student privacy concerns will be addressed on a case-by-case basis considering the factors listed above.

VSBA Updated:	March 3, 2020
Date Warned:	-
Date Adopted:	-
Legal Reference(s):	-
Cross Reference:	-

⁸ See, 18 V.S.A. § 5112 for Vermont law governing the process for obtaining a new birth certificate following a sexual reassignment.

⁹ Best Practices for Schools Regarding Transgender and Gender Nonconforming Students, Vermont Agency of Education (Revised February 23, 2017).

⁴⁰ Id.

BARRE UNIFIED UNION SCHOOL DISTRICT # 097
POLICY

CODE: B 1

1ST READING: 5/9/2019 01/28/2021
2ND READING: 6/13/2019
ADOPTED: 6/13/19

SUBSTITUTE TEACHERS

1.—Policy

It is the policy of the Barre Unified Union School District (BUUSD) to employ substitute educators who will meet the minimum qualifications outlined by Vermont Standards Board for Professional Educators (VSBPE) Rule, as well as the additional requirements established by this policy.

2.—Qualifications

No person will be placed on the qualified substitute list unless that person has graduated from high school. ~~The Superintendent or his or her designee will conduct an orientation~~ Any person employed under this policy must complete a training session for substitute teachers each year, including information on the prevention, identification, and reporting of child sexual abuse, as required by 16 V.S.A. 563(a). ~~Each teacher under contract will compile a packet of information containing pertinent substitute teacher information as defined by the Principal.~~

3.—Unlicensed Persons

An unlicensed person may be employed as a substitute teacher for up to 30 consecutive calendar days in the same assignment. The Superintendent may apply to the Vermont Standards Board for Professional Educators or its designee for emergency or provisional licenses as provided in VSBPE Rules 5350 and 5360.

4.—Licensed Educators

A substitute teacher who is licensed but not appropriately endorsed for the position for which he or she is employed may fill a position for thirty consecutive calendar days in the same assignment. The Superintendent may apply to the Vermont Standards Board for Professional Educators or its designee for an additional thirty days for specific substitute teachers, or for provisional licenses as provided in VSBPE Rule 5350.

5.—Administrative Responsibilities

~~A list of qualified substitute teachers, organized by grade level and subject, will be developed by the Superintendent or his or her designee for all schools in the District.~~

~~Substitute teachers will be paid per diem~~ hourly wages as determined by the Superintendent from year to year. Distinctions in pay level may be made based on the need for the substitute teacher to prepare lessons and assess and record student progress, on the length of service and on the credentials of the substitute teacher.

Cross-Reference: Personnel: Recruitment, Selection, Appointment and Criminal Records Checks

**BARRE UNIFIED UNION SCHOOL DISTRICT # 097
POLICY**

CODE: F 22

1ST READING: 1/28/2021

2ND READING:

ADOPTED:

ELECTRONIC COMMUNICATIONS USE & RETENTION

I: Policy Purpose

The Barre Unified Union School District (BUUSD) intends to comply with state and federal requirements regarding the retention, storage and destruction of electronic information and records. The Superintendent or his/her designee shall be responsible for developing and implementing administrative procedures concerning the retention, storage, and destruction of electronic information.

II: ~~Use of E-Mail~~ and Electronic Communications

The school board and administration will not use ~~email~~ **electronic communications** as a substitute for discussion at board meetings, or for any business properly conducted at board meetings subject to the Vermont Open Meeting Law.⁴

Electronic communication messages produced or acquired by school officials, board members and employees in the course of school district business are subject to disclosure under the Vermont Access to Public Records law whether or not the messages originate from, or are stored on, personal or school district computer systems.² The school district may monitor the use of its computer systems regardless of whether individuals have been assigned passwords for system security. Password systems utilized by the school district are for the purpose of providing system security from unauthorized users, not to provide privacy to individual system users. The system's security aspects, message delete function and personal passwords may be bypassed for monitoring purposes. This provision applies to any and all uses of the school district's computer systems, including any incidental personal use permitted in accordance with board policy or administrative regulations regarding computer use by employees or school board members.

Any retained messages may be retrieved as part of routine monitoring, an employee investigation or a formal discovery process as part of litigation. Electronic communication messages may be retained at different locations within the computer network and are subject to retrieval at any retention location.

⁴ 1 V.S.A. §310 et seq. The Open Meeting Law, defines a "meeting" as "a gathering of a quorum of the members of a public body for the purpose of discussing the business of the public body or for the purpose of taking action."

² 1 V.S.A. §315 et seq. "As used in this subchapter, 'public record' or 'public document' means any written or recorded information, regardless of physical form or characteristics, which is produced or acquired in the course of public agency business. Individual salaries and benefits of and salary schedules relating to elected or appointed officials and employees of public agencies shall not be exempt from public inspection and copying." 1 V.S.A. §317(b).

III. Retention of Electronically Stored Information

Record retention protocols that apply to paper records also apply to electronically stored information, including electronic communications. The content and function of an electronic record, including an electronic communication, shall determine the retention period for that record. The school district will comply with any record retention requirements established by the Vermont State Archives and Records Administration that apply to school districts.³

In addition to the retention protocols established by the Superintendent and used by school district officials and employees, all school officials and employees have a duty to preserve all records and electronic information, including records and electronic information that might otherwise be deleted or destroyed, that relate to any matter that is currently in litigation or may be anticipated to involve future litigation.⁴

VSBA Updated:	9/17/20
Date Warned:	
Date Adopted:	
Legal Reference(s):	Vermont Open Meeting Law, 1 V.S.A. § 310 et seq.
	Vermont Access to Public Records Act, 1 V.S.A. § 315 et seq.
	Electronic Messages Best Practice for All Public Agencies (Effective April 1, 2009) Vermont State Archives and Records Administration.
	http://vermont-archives.org/records/standards/vermont.htm
	Rules 34 and 45 of the Federal Rules of Civil Procedure
Cross Reference:	

³ 1 V.S.A. § 317a(b) states that a “custodian of public records shall not destroy, give away, sell, discard, or damage any record or records in his or her charge, unless specifically authorized by law or under a record schedule, as defined in [3 V.S.A. § 117\(a\)\(6\)](#), that has been approved by the State Archivist.”

⁴ Rules 34 and 45 of the Federal Rules of Civil Procedure (2006 Amendments) require that electronic information be retained so that it can be provided to a party in a federal lawsuit if the (school district) was either: 1) engaged in federal litigation as a party to a lawsuit, 2) anticipating being engaged in federal litigation, or 3) issued a subpoena by a party to a federal lawsuit in a matter in which the (school district) is not a party.

**BARRE UNIFIED UNION SCHOOL DISTRICT #097
POLICY****CODE: B 30****1ST READING:****2ND READING:****ADOPTED:**

STAFFING AND JOB DESCRIPTIONS**Policy**

It is the policy of the Barre Unified Union School District (BUUSD) to provide the level of staffing needed to accomplish the school system's goals and objectives. All staff positions will be created by the board and only the board may abolish a position. Positions may remain unfilled.

Implementation

Each time a new position is established by the board, the superintendent will present for approval a job description for the position that specifies the qualifications required for the position, performance responsibilities, evaluation criteria, terms of employment, and supervisor. Employee evaluation will be based substantially on criteria stated in approved job descriptions

**BARRE UNIFIED UNION SCHOOL DISTRICT #097
POLICY****CODE: B 31****1ST READING:****2ND READING:****ADOPTED:**

EDUCATOR SUPERVISION AND EVALUATION: PROBATIONARY TEACHERS**Policy**

It is the policy of the Barre Unified Union School District (BUUSD) to provide appropriate supervision and evaluation as a basis for improving the knowledge and skills of the school staff which will advance student achievement. Effective supervision and regular evaluation provide constructive feedback on teaching methods and materials enabling professional educators to improve their abilities to help all students achieve at high levels.

Implementation

The superintendent will ensure that all those engaged in supervision and evaluation are appropriately trained to do so and have appropriate time allocated to carry out those responsibilities.

The superintendent, in collaboration with the principal and teacher representatives, will develop procedures for the supervision and evaluation of educators. The superintendent, in collaboration with the principal, will implement those procedures which will be consistent with the following recommended guidelines:

1. A job description will be developed for each professional educator's position. Job descriptions will specify the required qualifications, performance responsibilities, general evaluation criteria, terms of employment and supervisor.
2. Performance goals set by the educator and his/her supervisor will be clearly articulated.
3. Evaluations will be based substantially on criteria set forth in approved job descriptions, articulated goals, and linked directly to the school's needs to improve student performance as outlined in its action plan;
4. Educator evaluations will be carried out (specify how often).
5. In any case requiring discipline of a professional educator, applicable state law, due process procedures, and contractual requirements will be followed.

Principals will ensure that educator supervision and evaluation priorities are linked closely to the school's current action plan.

Probationary Teachers

Teachers who have been employed for less than two school years in Vermont public schools are probationary teachers. The principal will ensure that probationary teachers have intensive support, including the assignment of a mentor, regular supervision and at least two written evaluations each year during the two year probationary period. When the required evaluations have been carried out, the standard for non-renewal of a probationary teacher's contract is any reason not prohibited by law, and the decision of the School Board is final in the absence of contrary provisions in the teacher's contract. If the probationary teacher has not received at least two written performance evaluations per year of probationary service, the standard for non-renewable of contract is just and sufficient cause.

The principal will ensure that all teachers in their first two years of teaching in a particular school will have intensive support, including a mentoring system, regular supervision and (specify how often) evaluation. Evaluation will be provided (specify how often) for all staff beyond the initial two-year period.

Administrators will use a variety of staff evaluation strategies based on current research which may include:

1. pre and post classroom visitation conferences;
2. announced and unannounced classroom observations;
3. educator performance feedback from students and parents which will not be included in the educator's personnel file;
4. formative and summative evaluation reports.

The principal will collaborate with the superintendent to prepare and deliver, at least annually (specify when) to the school board, a progress report and recommendations about the effectiveness of the supervision and evaluation system and practices.

On the basis of evaluations carried out in accordance with this policy, the principal will collaborate with the Superintendent to identify educators in need of intensive support or other special attention.

**BARRE UNIFIED UNION SCHOOL DISTRICT #097
POLICY****CODE: B 32****1ST READING:****2ND READING:****ADOPTED:**

PERSONNEL FILES**Policy**

It is the policy of the Barre Unified Union School District (BUUSD) to develop and maintain complete and secure personnel files that accurately reflect the experience and service of each staff member employed by the district.

Administrative Responsibilities

1. General Information: The superintendent will maintain a personnel file for each employee of the district and, unless otherwise provided by master contract, its contents will be confidential and will be released only as required by law or after written waiver by the employee.

Information which could be detrimental to an employee's job security will not become a part of an employee's file until the employee has examined same and been given an opportunity to append a response.

2. Criminal Record Check Information: At the time of employment, a copy of the Superintendent's request for a criminal records check by the Vermont Criminal Information Center and a copy of the center's response will be placed in each employee's personnel file. Criminal history logs, processed release forms and criminal record information will be maintained for the retention period specified in the district's user agreement with the Vermont Criminal Information Center.
3. After the specified retention period, the record information and logs will be maintained or destroyed as follows:
 - If the person who is the subject of the background check authorizes maintenance of the information, and the information is a notice of no criminal record, the information will be securely maintained by the school district indefinitely;
 - If the person who is the subject of the background check authorizes maintenance, and the information is a criminal record or notice of the existence of a criminal record, the information will be sent by the superintendent to the Vermont Secretary of Education for secure maintenance in the central records repository;

- If the person who is the subject of the background check does not authorize maintenance of the information, the superintendent shall destroy the information in accordance with the user agreement.

Employees Rights And Responsibilities

An employee may examine his or her own personnel file by appointment with an appropriate administrator. Materials obtained prior to the employment of the individual, including confidential placement papers may not be available to employees.

**BARRE UNIFIED UNION SCHOOL DISTRICT #097
POLICY****CODE: B 33****1ST READING:****2ND READING:****ADOPTED:**

RESIGNATIONS**Policy**

It is the policy of the Barre Unified Union School District (BUUSD) to consider employee resignations in a manner that is timely and fair to both the employee and the school district.

Implementation

A resignation by a licensed employee who is under contract to the school should be submitted to the superintendent. The resignation of a licensed employee will take effect on a date approved by the school board after receiving the recommendation of the superintendent.

A resignation by an unlicensed employee shall be submitted to the superintendent and shall be effective upon acceptance by the superintendent.

A resignation by a licensed or unlicensed employee may not be withdrawn unilaterally by the employee once it has been submitted to the superintendent.

**BARRE UNIFIED UNION SCHOOL DISTRICT #097
POLICY**

CODE: C 5

1ST READING: 01/14/2021

2ND READING: 01/28/2021

ADOPTED:

FIREARMS

Policy

It is the policy of the Barre Unified Union School District (BUUSD) to comply with the federal Gun Free Schools Act of 1994 and state law requiring school districts to provide for the possible expulsion of students who bring firearms to or possess firearms at school. It is further the intent of the board to maintain a student discipline system consistent with the requirements of the federal Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act and the Vermont State Board of Education rules.

Definitions

For the purposes of this policy, the terms “firearm” “school” and “expelled” shall be defined consistent with the definitions required by state and federal law.

Sanctions

Any student who brings a firearm to school, or who possesses a firearm at school shall be brought by the superintendent to the school board for an expulsion hearing.

A student found by the school board after a hearing to have brought a firearm to school shall be expelled for at least one calendar year. However, the school board may modify the expulsion on a case-by-case basis when it finds circumstances such as, but not limited to:

1. The student was unaware that he or she had brought a firearm to school.
2. The student did not intend to use the firearm to threaten or endanger others.
3. The student is disabled and the misconduct is related to the disability.
4. The student does not present an ongoing threat to others and a lengthy expulsion would not serve the best interests of the pupil.

At the discretion of the school board and administration, an expelled student may be afforded limited educational services at a site other than the school during the period of expulsion under this policy.

**BARRE UNIFIED UNION SCHOOL DISTRICT #097
POLICY**

CODE: C 4

1ST READING: 01/14/2021

2ND READING: 01/28/2021

ADOPTED:

ENGLISH LEARNERS

Policy

It is the policy of the BUUSD school district to ensure that English Learners aged 3-21, including immigrant students, have equitable access to academic and extracurricular school programming as required by law.

Definition:

For purposes of this policy and administrative rules and procedures developed pursuant to this policy:

English learner: The term English learner, when used with respect to an individual, means an individual:

- (A) who is aged 3 through 21;
- (B) who is enrolled or preparing to enroll in an elementary school or secondary school;
- (C)
 - (i) who was not born in the United States or whose native language is a language other than English;
 - (ii)
 - (1) who is a Native American or Alaska Native, or a native resident of the outlying areas; and
 - (2) who comes from an environment where a language other than English has had a significant impact on the individual's level of English language proficiency; or
 - (iii) who is migratory, whose native language is a language other than English, and who comes from an environment where a language other than English is dominant; and
- (D) whose difficulties in speaking, reading, writing, or understanding the English language may be sufficient to deny the individual
 - (i) the ability to meet the challenging State academic standards;
 - (ii) the ability to successfully achieve in classrooms where the language of instruction is English; or
 - (iii) the opportunity to participate fully in society.

**BARRE UNIFIED UNION SCHOOL DISTRICT #097
POLICY**

CODE: B 8

1ST READING: 01/14/2021

2ND READING: 01/28/2021

ADOPTED:

ELECTRONIC COMMUNICATIONS BETWEEN EMPLOYEES AND STUDENTS

The Barre Unified Union School District 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 Barre Unified Union School District recognizes employees and students can be vulnerable in electronic communications.

In accordance with Act 5 of 2018 this policy is adopted to provide guidance and direction to Barre Unified Union School District employees to prevent improper electronic communications between employees and students.

Definitions

1. **Electronic communication.** Electronic communication is any electronic device 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.
2. **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+.
3. **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.
4. **Student.** Student means any person who attends school in any of the grades Prekindergarten through 12 operated or contracted by the district.

Policy

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

1. **Inappropriate content of an electronic communication.** Inappropriate content of an electronic communication between an Employee and a Student includes, but is not limited to:
 - a. Communications of a sexual nature, sexual oriented humor or language, sexual advances, or content with a sexual overtone;
 - b. 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;
 - c. Communications regarding the employees' or student's past or current romantic relationships;
 - d. Communications which include the use of profanities, obscenities, lewd comments, or pornography;
 - e. Communications that are harassing, intimidating, or demeaning;
 - f. Communications requesting or trying to establish a personal relationship with a student beyond the employees' professional responsibilities;
 - g. Communications related to personal or confidential information regarding employee or student that isn't academically focused; and
 - h. Direct 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.
2. **Procedures.** The superintendent shall develop procedures for both the receipt and handling of reports filed under this policy (see 1 and 2 below).

Enforcement Responsibilities

1. **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.

2. **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 or the student's parent or guardian is encouraged to submit a 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 up to and including possible dismissal.

3. **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.).
4. **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.

Reporting to Other Agencies

1. **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.
2. **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.
3. **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.

4. **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.

**BARRE UNIFIED UNION SCHOOL DISTRICT #097
POLICY**

CODE: C 12

1ST READING: 01/14/2021

2ND READING: 01/28/2021

ADOPTED:

Prevention of Sexual Harassment As Prohibited by Title IX

I. Statement of Policy.

- A. **Prohibiting Title IX Sexual Harassment.** Per Title IX of the Education Amendments Act of 1972 (“Title IX”) the District does not discriminate on the basis of sex in its educational programs and activities, including employment and admissions. All forms of sex-based discrimination, including sexual harassment, are prohibited in the District. A District with actual knowledge of sexual harassment in an educational program or activity of the District against a person in the United States must respond promptly in a manner that is not deliberately indifferent. A District is deliberately indifferent only if its response to sexual harassment is clearly unreasonable in light of the known circumstances. A District may be deemed to have been deliberately indifferent based on its restriction of rights protected under the U.S. Constitution, including the First, Fifth and Fourteenth Amendments.
- B. **Retaliation.** Retaliation as defined by this Policy is expressly prohibited. Complaints alleging retaliation may be filed according to the Title IX Grievance Procedures set forth in Section IV.
- C. **Concurrent Statutory Obligations.** While all forms of sex-based discrimination are prohibited in the District, the purpose of this policy is to address, and only address, *sexual harassment as defined in Title IX and Section II.M. below*. For conduct which satisfies that definition, a school’s response is governed by this policy, and in those cases for which they have received a filing of a formal complaint of same, as set forth under the Title IX Grievance Process set forth in Section IV below. For other forms of inappropriate conduct, or conduct which may satisfy the definition of harassment on the basis of sex under Vermont law, including student misconduct and employment based statutes prohibiting unlawful harassment and other forms of misconduct, the District may have the separate obligation to address those behaviors as required by other school policies and applicable laws.
- D. **Covered Parties.** This Policy shall apply to all students, employees and any third party who contracts with the District to provide services to District students or employees, upon District property or during any school program or activity. A third party under supervision and control of the school system will be subject to termination of contracts/agreements, restricted from access to school property, and/or subject to other consequences, as appropriate.

II. Definitions

As used in this Policy and during the Title IX Grievance Process, the terms below shall have the meaning ascribed.

- A. **“Actual Knowledge”** means “notice” of “sexual harassment” or allegations of “sexual harassment” to either (a) a recipient’s Title IX Coordinator; or (b) any official of the recipient who has the authority to institute corrective measures on behalf of the recipient; or (c) to any employee of an elementary and secondary school.
 - a. For purposes of this paragraph “sexual harassment” refers to the definition as contained *within this policy*. For other forms of inappropriate conduct, or conduct which may satisfy the definition of harassment on the basis of sex as recognized under Vermont law, schools retain the option and in some cases the obligation, to address those behaviors as required by policy and law.
 - b. Actual knowledge shall not be deemed to exist when the only official of the recipient with actual knowledge is the respondent.
 - c. “Notice” as used in this paragraph includes, but is not limited to, a Report of Sexual Harassment to the Title IX Coordinator as described Section IV.B.
 - d. Notice sufficient to trigger an obligation under this policy only shall exist where any employee has sufficient personal knowledge of alleged facts to be aware that if such facts were found to be true it would constitute a violation of this policy.
 - e. Imputation of knowledge based solely on vicarious liability OR constructive notice shall be insufficient to establish or constitute actual knowledge.
- B. **“Complainant”** is an individual who is alleged to be the victim of conduct that could constitute “sexual harassment” under this Policy. In order for an individual to be considered to be a Complainant they need not file Report of Sexual Harassment, nor a Formal Complaint of Sexual Harassment. Where the Title IX Coordinator signs a Formal Complaint of Sexual Harassment, the Title IX Coordinator is not considered a “Complainant.”
- C. **“Days”** shall mean calendar days, but shall exclude non-weekend days on which the District office is closed (e.g. holidays, office-wide vacations), or any weekday during the school year on which school is closed (e.g. snow days).
- D. **“Decision-Maker”** means persons tasked with either the responsibility of making determinations of responsibility (referred to as “Initial Decision-Maker”); or the responsibility to decide any appeal (referred to as “Appellate Decision-Maker”) with respect to Formal Complaints of Sexual Harassment in accordance with the Title IX Grievance Process.
- E. **“Determination of Responsibility”** is the formal finding by the decision-maker on each allegation of Sexual Harassment contained in a Formal complaint that the Respondent did or did not engage in conduct constituting Sexual Harassment under Title IX.

- F. **“Disciplinary sanctions”** are consequences imposed on a Respondent when s/he is determined responsible for sexual harassment prohibited under this Policy.
- F. **“Emergency Removal”** for purposes of this Policy shall mean removing a respondent from the District’s education program or activity on an emergency basis, provided that the District undertakes an individualized safety and risk analysis, determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal, and provides the respondent with notice and an opportunity to challenge the decision immediately following the removal. Emergency Removals as permitted by this Policy shall not be construed to modify any rights under the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act.
- G. **“Formal Complaint of Sexual Harassment”** means a document filed by either (a) a complainant (or complainant’s parent/guardian); or (b) the Title IX Coordinator, alleging sexual harassment against a respondent AND requesting that the District investigate the allegation of sexual harassment. The issuance or receipt of a Formal Complaint of Sexual Harassment formally triggers the Title IX Grievance Process set forth in Section IV. of this Policy.
- H. **“Investigation of Title IX Sexual Harassment”** Before the District can conduct an Investigation of Sexual Harassment under this Policy, against a Respondent, a Formal Complaint of Sexual Harassment that contains an allegation of sexual harassment and a request that the District investigate the allegations is required. Such investigation is a part of the Title IX Grievance Process, as set forth in Section IV.E.
- I. **“Remedial actions”** are actions intended to restore or preserve a complainant’s equal access to the educational programs and activities of the District.
- J. **“Report of Sexual Harassment”** is any report which provides the District with actual knowledge of sexual harassment or allegations of sexual harassment. Such a report may or may not be accompanied by a Formal Complaint of Sexual Harassment. Without such a Complaint, the Title IX Grievance Process is not triggered. See Section IV.A and IV.B. regarding the process for initiating that process.
- K. **“Respondent”** means an individual who has been reported to be the individual accused (i.e. perpetrator) of conduct that could constitute sexual harassment as defined under this policy.
- L. **“Retaliation”** means intimidation, threats, coercion, or discrimination by either the District or any other person, against any individual for the purpose of interfering with any right or privilege secured by Title IX and/or this Policy, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing in connection

with this Policy. Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sexual discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX or this policy, constitutes retaliation.

Limitation in Scope.

- i. Material False Statements. Actions taken in response to **materially** false statements made in bad faith, or to submitting **materially** false information in bad faith, as part of a report or during the Title IX Grievance Process do not constitute retaliation. A determination of responsibility alone is insufficient to conclude that a person made a materially false statement in bad faith.
- ii. 1st Amendment Protections. The exercise of rights protected under the First Amendment does not constitute retaliation prohibited by this Policy.

M. **“Sexual harassment”** prohibited under Title IX and by this Policy is conduct on the basis of sex, occurring in an education program or activity of the District, against a person in the United States, that satisfies one or more of the following:

1. A school district employee conditioning the provision of an aid, benefit, or service of the District on an individual's participation in unwelcome sexual conduct;
OR
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 District's education program or activity; **OR**
3. Or any conduct which would satisfies one or more of the following definitions:
 - a. Sexual assault: Any sexual act(s) directed at another person without consent of the victim, including instances where the victim is unable to lawfully give consent because of age or cognitive ability. Consent to a sexual act exists where words, actions or other non-verbal conduct objectively communicates a desire to participate in the sexual act(s). Consent to some sexual act(s) does not indicate consent to all sexual acts. Consent may be withdrawn at any time by objectively communicating through words, actions or other non-verbal conduct **AND/OR**
 - b. Dating Violence: Violence committed by a person who is or has been in a social relationship of a romantic or an intimate nature with the victim. The existence of the relationship shall be considered with reference to the length of the relationship, the type of relationship and the frequency of the interactions between the persons involved in the relationship. **AND/OR**
 - c. Domestic violence: Felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner or any other persons protected under 15 V.S.A. section 1101 from domestic abuse. **AND/OR**

- d. Stalking: A course of conduct by a person directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others or suffer substantial emotional distress.

Limitation in Scope. For purposes of this policy conduct shall not be deemed to satisfy Title IX's definition of "sexual harassment" if the conduct occurred either (1) outside of the United States and/or (2) includes locations, events or circumstances over which the District did not exercise substantial control over both the respondent and the context in which the harassment occurred.

- N. **"Supportive Measures"** are non-disciplinary, non-punitive, individualized services, offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the District's education program or activity without unreasonably burdening the other party including measures designed to protect the safety of all parties or the District's educational environment, or deter sexual harassment. These measures may include, but are not limited to, the following:
 - 1.counseling;
 - 2.extensions of deadlines or other course-related adjustments;
 - 3.modifications of work or class schedules;
 - 4.campus escort services;
 - 5.mutual restrictions on contact between the parties;
 - 6.changes in work or housing locations;
 - 7.leaves of absence;
 - 8.increased security and monitoring of certain areas of the district campus;
 - 9.and other similar measures.

III. **Duties**

A. **Reports of Sexual Harassment**

- 1. Any Person May Make a 'Report of Sexual Harassment'. Any person may report sexual harassment whether relating to her/himself or another person. A Report of Sexual Harassment may be made at any time, in person, by mail, by telephone, electronic mail, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report.
 - a. Any Staff Member May Receive Reports. Additionally, while the District strongly encourages Reports of Sexual Harassment to be made directly to the Title IX Coordinator, the report may be made to **any** District staff member, including, for instance, a counselor, teacher or principal.
 - b. In Cases where Title IX Coordinator is Alleged Respondent. If the Title IX Coordinator is the alleged respondent, in such cases either the Report of Sexual Harassment or Formal Complaint of Sexual Harassment may be made directly to the Superintendent, who shall thereafter fulfill the functions of the Title IX

Coordinator regarding that Report/Complaint, or delegate the function to another person.

B. District Response to Report of Sexual Harassment.

1. Duty to respond. The District will promptly respond when there is Actual Knowledge of sexual harassment, even if a Formal Complaint of Sexual Harassment has not been filed.
 - a. District Response Must Be Equitable. In its response the District shall treat Complainants and Respondents equitably by providing supportive measures to the Complainant and by following the Title IX Grievance Process prior to imposing any disciplinary sanctions or other actions that are not supportive measures against a Respondent.
 - b. Reports of Harassment Received by District Employees Shall Be Referred to Title IX Coordinator. Where any District employee – other than the employee harasser, or the Title IX Coordinator – receives information of conduct which may constitute sexual harassment under this Policy, s/he shall, without delay, inform the Title IX Coordinator of the alleged sexual harassment. Failure to report will subject the employee to discipline up to and including dismissal.
 - c. Complainant Contact. As soon as reasonably possible after receiving a Report of Sexual Harassment from another District employee or after receiving a report directly through any means, the Title IX Coordinator shall contact the Complainant [and parent/guardian in cases where the complainant is a student under the age of 18] to:
 - i. discuss the availability of and offer supportive measures;
 - ii. consider the complainant's wishes with respect to supportive measures;
 - iii. inform the complainant of the availability of supportive measures with or without the filing of a formal complaint; and
 - iv. explain to the complainant the process for filing a Formal Complaint of Sexual Harassment.
2. Formal Investigation of Sexual Harassment. Before the District may conduct a formal investigation of sexual harassment or take any action (other than supportive measures) against a Respondent, a Formal Complaint that contains an allegation of sexual harassment and a request that the District investigate the allegations is required and must be filed by either the Complainant, the Complainant's Parent/Guardian, or the Title IX Coordinator, as set forth under Section IV.B. below.
3. Initiating the Title IX Grievance Process. A Report of Sexual Harassment alone does **not** initiate a Title IX Grievance Process. Before the District may initiate that process, a Formal Complaint of Sexual Harassment must be filed under the procedures set out in IV.A. ("Title IX Grievance Process").

C. Formal Complaints of Sexual Harassment.

1. Process for Filing a Formal Complaint of Sexual Harassment. The process for filing a Formal Complaint of Sexual Harassment is set forth in Section IV.A. ("Title IX Grievance Process").
2. District Response to Receipt of Formal Complaint.

- a. Investigation of Sexual Harassment. The District must investigate the allegations of a Formal Complaint unless both parties voluntarily consent to engage in Informal Resolution, or Dismissal otherwise occurs under Section IV. G. below.
2. District Written Notification to Parties in Response to Receipt of Formal Complaint. Upon receipt of a Formal Complaint, the District must provide written notice as set forth in Section IV.C. below of the Title IX Grievance Process. In response to a Formal Complaint of Sexual Harassment, the District must follow the Title IX Grievance Process set forth in Section IV.

D. District Duty to Respond When Determination of Responsibility For Sexual Harassment Has Been Made Against a Respondent. The District must provide remedies to a Complainant where a determination of responsibility for sexual harassment has been made against a Respondent designed to restore or preserve equal access to the District's education program or activity. Such remedies may include "supportive measures" but also need not be non-disciplinary or non-punitive and need not avoid burdening the Respondent.

E. Reporting to Other Agencies.

1. Reports to Department of Children and Families. When a report made pursuant to this policy includes allegations of child abuse, any person responsible for reporting suspected child abuse under 33 V.S.A. § 4491, et seq. must report the allegation to the Commission or 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.
2. Reports to Vermont Agency of Education. If a report of sexual harassment is made to the District about 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 Secretary. [If a report of sexual harassment is made in an independent school about conduct by a licensed educator that might be grounds under Vermont law for licensing action, the head of school is encouraged to report the alleged conduct to the Secretary of Education.]
3. Reporting Incidents to Police.
 - a. FERPA Rights. Information obtained and documented by school administration regarding the school's response to notice of student conduct that may constitute sexual harassment may constitute an "educational record" regarding the student or student(s) involved as defined by the Family Education Rights and Privacy Act. Accordingly, such information may not be disclosed without prior parent approval to local law enforcement except in response to a lawfully issued subpoena, or in connection with an emergency if disclosure is necessary to protect the health or safety of the student or other individuals.
 - b. First Hand Reports. Nothing in this policy shall preclude persons from reporting incidents and/or conduct witnessed first-hand that may be considered to be a criminal act to law enforcement officials.

4. Continuing Obligation to Investigate. Reports made to DCF, AOE or law enforcement shall not be considered to absolve the school administrators of their obligations under this policy, or other school policies where appropriate, to respond, and when appropriate to investigate and follow the Title IX Grievance Process.

F. Disseminating Information and Notice.

1. Notice of Title IX Policy. The District will make this Policy publicly available on the District's website (OR if the District does not maintain a website, available upon request for inspection by members of the public).
2. Notice of Title IX Obligations and Coordinator Information. The District shall include in all student and employee handbooks, and shall make publicly available on the district's website (OR if the District does not maintain a website, available for inspection to members of the public upon request) the following information:
 - a. The District's policy of non-discrimination on the basis of sex, that it is required by Title IX not to discriminate in such a manner, and that such requirement not to discriminate in the education program or activity of the District extends to admission and employment (all to be prominently displayed on both the website and in publications);
 - b. The title, name, office address, email address, and telephone number of the District's Title IX Coordinator (all to be prominently displayed on both the website and in publications);
 - c. A statement that Title IX inquiries may be referred to either the District's Title IX Coordinator or to the Assistant Secretary for Civil Rights.
The same information shall be otherwise provided to students, employees, unions or professional organizations holding collective bargaining or professional agreements with the District, and all persons seeking employment with the District, or seeking to enroll or participate in the District's educational programs or activities. Those persons shall also be informed of the grievance procedures and process provided for under Section IV. of this Policy, including how to file either a Report of Sexual Harassment or Formal Complaint of Harassment, and the response the District will take in response to such filings.
3. Training Materials. Additionally, the District will make any materials used to train personnel as required under Sec. V.F. publicly available on the District's website (OR if the District does not maintain a website, available upon request for inspection by members of the public).

G. Record Keeping

The District shall maintain for a period of seven years records of

1. Sexual Harassment Investigations. The District shall maintain records of any:
 - a) determination regarding responsibility;
 - b) any disciplinary sanctions imposed on the respondent;
 - c) any remedies provided to the complainant designed to restore or preserve equal access to the recipient's education program or activity; and
 - d) any appeal and result therefrom.

2. Any informal resolution and the result therefrom.
3. All materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process.
4. For each response required of the District by this Policy to Actual Knowledge of Sexual Harassment, the District must create and maintain for a period of seven years the following:
 - A) Records of any actions, including any supportive measures, taken in response to a Report of Sexual Harassment or Formal Complaint of Harassment. In each instance the District must document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the District's educational program or activity. Where a District does not provide a Complainant with supportive measures, then the District must document the reasons why such a response was not clearly unreasonable in light of the known circumstances. The documentation of certain bases or measures does not limit the District in the future from providing additional explanations or detailing additional measures taken.

H. Confidentiality

1. Duty to Maintain Confidentiality.
The District must keep confidential the identity of any individual who has made a Report of Sexual Harassment or Formal Complaint of Sexual Harassment under this Policy, any Complainant, Respondent, and any witness, except either:
 1. As may be permitted by the FERPA statute, 20 U.S.C. 1232g, or FERPA regulations, 34 C.F.R. part 99;
 2. or as required by law, such as reports to DCF, law enforcement or the Agency of Education as set forth in Section III.E above;
 3. or to carry out the purposes of 34 C.F.R. part 106, including the conduct of any investigation, hearing or judicial proceeding arising thereunder, as set forth in this policy (Section IV.C.2, IV.E.7,8, and 10, IV.F.5., IV.G.3., and IV.H.7.);
 4. where maintaining confidentiality with respect to supportive measures offered to the Complainant or Respondent would impair the ability of the school district to provide the supportive measures;

IV. TITLE IX GRIEVANCE PROCESS.

A. General Provisions.

1. Triggers for Implementation. The Title IX Grievance Process is used only upon the filing of a **Formal Complaint** of sexual harassment as described below. This process must be followed before any discipline of a Respondent to allegations of Sexual Harassment may be imposed by the District.
2. Protections for Equitable Treatment in The Handling of Formal Complaints by District. The District response to a Formal Complaint of Sexual Harassment shall treat Complainant and Respondents equitably. In particular, this Title IX Grievance Process shall require:

- a) **“Presumption of Non Responsibility”** presumption that the Respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the Title IX Grievance Process;
- b) **“Objectivity”** an objective evaluation of all relevant evidence - including both inculpatory and exculpatory evidence - and provide that credibility determinations may not be based on a person’s status as a Complainant, Respondent, or Witness;
- c) **“Conflict and Bias Free Personnel”** that individuals designated by the District to act as Title IX Coordinator, investigator, decision-makers, or to facilitate an informal resolution process, shall have no conflict of interest nor bias for or against a Complainant or Respondent individually, or complainants or respondents generally;
- d) **“No Interference with Legal Privileges”** such that at no point in the grievance process will the Title IX Coordinator, the investigator, any decision maker, or any other person participating on behalf of the District, require, allow, rely upon, or otherwise use questions or evidence that constitutes, or seeks disclosure of, information protected under a legally recognized privilege (e.g., doctor/patient, attorney/client, clergy, etc.), unless the person holding such privilege (parent/guardian for minor student) has waived the privilege in writing to use the information with respect to the Title IX Grievance Process;
- e) **“Proof of Responsibility for Sexual Harassment by a Preponderance of the Evidence,”** which is only met when the party with the burden convinces the fact finder (the Initial Decision- Maker) that there is a greater than 50% chance that the claim is true (i.e., more likely than not). This standard shall be applied to all Formal Complaints of Sexual Harassment, whether they involve students or faculty; and
- f) **“Reasonably Prompt Time Frames for Conclusion of the Title IX Grievance Process.”** The District shall make a good faith effort to conduct a fair, impartial grievance process in a reasonably prompt manner designed to provide all parties with a prompt and equitable resolution. It is expected that in most cases, the grievance process will be concluded - through at least the determination of responsibility decision - within 80 days after filing the Formal Complaint of Sexual Harassment. However, more complex cases or other case specific circumstances, may require additional time beyond that timeframe. In such cases, good cause must be shown and written notice provided.
 - 1. Grievance Process Timeline.
 - a. Investigation 20 +/- days (as the complexity of the case demands);
 - b. 10 days for reviewing information prior to conclusion of investigation;
 - c. 10 days after receiving investigative report -by either- party to respond;
 - d. 10 days for decision maker to allow initial questions;
 - e. 10 days for responses to questions;
 - f. 10 days for questions and responses to follow-up questions;
 - f. 10 days for determination of responsibility decision;
 - g. 10 days for appeal (6 additional days for administrative steps);
 - h. 10 days for argument/statement challenging or supporting determination;
 - i. 10 days for decision on appeal.

2. Delays and Extensions of Time. At any stage of the grievance process, the District (through the Superintendent, or if the Superintendent is the respondent, the Title IX Coordinator or designee) may for good cause allow for temporary delays or extensions of time upon request of either party, or on his/her own initiative. Examples of good cause may include such things as availability of parties, party advisors, witnesses, school or school administrative office holidays or vacations, referral back to an earlier stage of the grievance process, concurrent law enforcement or other agency activity, or need to obtain language interpreters or accommodation of disabilities. For any such delay or extension of time, the Superintendent or the Title IX Coordinator will provide simultaneous written notice to the parties of the delay/extension and the reason(s).
3. Delivery of Copies and Notices. Except as specifically stated elsewhere in this Policy, for any document, information or material required to be delivered to a party or to a person assigned with responsibility under the Title IX Grievance Process, the manner of transmittal may be by electronic mail, regular mail or such other manner reasonably calculated to assure prompt delivery with evidence thereof (such as a commercial carrier or other receipted delivery). Hand delivery will only be permitted if made to the District official charged with the specific function under this Policy (e.g., Title IX Coordinator, Superintendent, investigator, decision maker(s), etc.). Any document required to be delivered to a minor or other non-eligible student, must also be delivered to the minor's parent/guardian. Copies should also be sent to a party's advisor if the information for the advisor has been previously communicated to the sending party. Under federal regulations, copies of the investigative evidence, as well as the investigative report, must be forwarded to a party's advisor.
4. Notice of Range of Disciplinary Sanctions and Remedial Actions Upon Final Determination of Responsibility.
 - a. Employee Respondents. "Disciplinary sanctions" against an employee respondent may include any available sanction available for the discipline of employees, up to and including dismissal or non-renewal for any other violation of Board policy,, applicable individual or collective bargaining contract, or state or federal laws or regulations.
 - b. Student Respondents. "Disciplinary sanctions" against a student may include any available discipline or sanction, up to and including expulsion, permitted by District policies, and any other District rules and procedures or student code of conduct.
 - c. Remedial Actions. Remedial actions as to a Respondent after a Title IX Sexual Harassment Final Decision, whether employee or student, may include the imposition upon a responsible respondent of any additional non-disciplinary measures appropriate to effecting a remedy for sexual harassment, and may include such measures as no-contact requirements, scheduling adjustments, removal or exclusion from extracurricular activities, class reassignments, limits on future class registrations, restrictions on access to various spaces in the school buildings,

reassignment of attendance, and similar measures fine-tuned to respond appropriately to the circumstances surrounding a successful complainant's right to access the district's program and activity. Additional remedial actions may include recommendations that a school-wide or system-wide response is needed in order to respond to the sexual harassment in a way that is not clearly unreasonable under the circumstances. In such cases, the Superintendent shall provide additional staff training, harassment prevention programs, or such other measures as determined appropriate to protect the safety of the educational environment and/or to deter sexual harassment.

5. Emergency Removal. Nothing in this Policy, or Title IX Grievance Process, precludes a District from removing a Respondent from the District's education program or activity on an emergency basis, provided that the District undertakes an individualized safety and risk analysis, determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal, and provides the Respondent with notice and an opportunity to challenge the decision immediately following the removal. This provision may not be construed to modify any rights under the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act. Such removal shall not be disciplinary.
6. Administrative Leave. Nothing in this Policy precludes a recipient from placing a non-student employee respondent on administrative leave during the pendency of the Title IX Grievance Process. This provision may not be construed to modify any rights under Section 504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act.

B. Formal Complaints of Sexual Harassment. The Title IX Grievance Process is initiated by way of a Formal Complaint ("complaint" or "formal complaint") filed by the Complainant, the Complainant's parent/guardian, or the Title IX Coordinator.

1. Complainant Options. In cases of Actual Knowledge (and/OR) Reports of Sexual Harassment, the Complainant retains the option to either file a Complaint of Sexual Harassment or choose not to and instead simply receive the supportive measures, except as set forth below.
 - a. Filings by Title IX Coordinator. In cases where the Complainant does not file a Formal Complaint of Sexual Harassment, the Title IX Coordinator may nevertheless choose to sign and thus initiate a Formal Complaint of Harassment, but only if:
 - i. initiating the grievance process against the respondent is not clearly unreasonable in light of the known circumstances;
 - ii. in other cases where, in the exercise of good judgment and in consultation with the District's attorney as appropriate, the Title IX Coordinator determines that a grievance process is necessary to comply with the obligation not to be deliberately indifferent to Actual Knowledge of sexual harassment.

- iii. If the Complaint is filed by the Title IX Coordinator, he/she is not a party to the action, and the District must comply with all of the provisions of the Title IX Grievance Process relative to respondents and complainants.
 - b. Supportive Measures. The Title IX Coordinator will contact the Complainant to discuss and offer supportive measures.
 - 2. Respondent Rights. In cases where no Formal Complaint of Sexual Harassment is either filed by the Complainant or the Title IX Coordinator **no disciplinary action may be taken** against the Respondent based upon conduct that would constitute sexual harassment under this policy. Nevertheless, the Title IX Coordinator may contact the respondent to discuss, and or impose, non-disciplinary supportive measures.
 - 3. Timeliness of Formal Complaints of Sexual Harassment. Although the District will initiate the Title IX Grievance Process regardless of when the Formal Complaint of Sexual Harassment is submitted, delays in reporting may significantly impair the ability of school officials to investigate and respond to the allegations.
 - 4. Jurisdiction Over Parties. Although there is no time limit per se to filing a Formal Complaint of Sexual Harassment, Complaints may be dismissed if either the Complainant or Respondent is no longer enrolled or employed by the District.
 - 5. Manner of Filing and Content of Formal Complaints of Sexual Harassment. Formal Complaints of Sexual Harassment may be filed with the Title IX coordinator in person, by mail, or by email and must be in writing. While forms may be obtained from the Title IX Coordinator or on the District or school website, at a minimum, a Formal Complaint of Sexual Harassment must:
 - a. contain the name and address of the Complainant and the student's parent or guardian if the complainant is a minor student;
 - b. describe the alleged sexual harassment;
 - c. request an investigation of the matter;
 - d. when filed by the Complainant be signed by the Complainant or otherwise indicate that the complainant is the person filing the complaint, or if not filed by the Complainant be signed by the Title IX Coordinator.
 - 6. Consolidation of Complaints. The District may consolidate formal complaints of allegations of sexual harassment where the allegations of sexual harassment arise out of the same facts or circumstances and the formal complaints are against more than one respondent; or by more than one complainant against one or more respondents; or by one party against the other party. When the District has consolidated formal complaints so that the grievance process involves more than one complainant or more than one respondent, references to the singular "party", "complainant", or "respondent" include the plural, as applicable.
- C. Notification of Formal Complaint to Parties ("Notification")**. Upon receipt of a Formal Complaint of Sexual Harassment, the District must provide the following written notice to the parties who are known:
- 1. Notice of the District's Title IX Grievance Process (Section IV), including any informal resolution process.

2. Notice of the allegations potentially constituting sexual harassment as defined by Section II.M., including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting sexual harassment as defined by Section II.M., and the date and location of the alleged conduct, if known.
 - a. Supplemental Notice Required Upon Change in Investigative Scope. If, in the course of an investigation the District decides to investigate allegations about the Complainant or Respondent that are not included in the original Notification, the District must provide simultaneous notice of the additional allegations to the parties whose identities are known.
3. The written notice must include a statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the Title IX Grievance Process set forth in Section IV. of the Policy.
4. The written notice must inform the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney (who may be present during any Grievance proceeding, including any related meeting or proceeding). The District may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties.
5. The written notice must inform the parties of any provision in the District's code of conduct that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

D. Informal Resolution. At any time prior to reaching a determination regarding responsibility (but only after the filing of a formal complaint), the District may offer an optional informal resolution process (e.g., mediation, arbitration), provided that the District:

1. May not require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, waiver of the right to a Sexual Harassment Investigation of a Formal Complaint of Sexual Harassment, such as may occur through Informal Resolution;
2. May not offer an informal resolution process unless a Formal Complaint of Sexual Harassment is filed;
3. Provides written notice to the parties disclosing:
 - a) The allegations of the Formal Complaint of Sexual Harassment;
 - b) The requirements of the information resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations, provided, however, that at any time prior to agreeing to an informal final resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint; and
 - c) Any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.
4. Obtains the parties' voluntary written consent to the informal resolution process; and

5. Does not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.

E. Sexual Harassment Investigation.

The Title IX Coordinator shall designate a qualified, trained, person to investigate. The investigation must:

1. Include objective evaluation of all relevant evidence, including inculpatory and exculpatory evidence. (Evidence about the complainant's sexual predisposition or prior sexual behavior are **not** relevant, unless such evidence about the complainant's prior sexual behavior is offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the evidence concerns specific incidents of the complainant's prior sexual behavior with respect to the respondent and is offered to prove consent.)
2. Ensure that the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rests on the District and not on either of the parties;
3. Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence;
4. Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence;
5. Provide the parties with the same opportunities to have others present during any interview or other part of the investigation, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice. The District may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties;
6. Provide, to a party (e.g., Respondent or Complainant – and parent/guardian as appropriate) whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all investigative interviews, or other meetings, with sufficient time for the party to prepare to participate;
7. Provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, including the evidence upon which the recipient does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to the conclusion of the investigation;
8. PRIOR to completion of the Sexual Harassment Investigative Report, the District, through the Title IX Coordinator, must send to each party and party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties must have at least 10 days to submit a written response, which the investigator will consider prior to completion of the investigative report;
9. Prepare a written Sexual Harassment Investigative Report that fairly summarizes relevant evidence, including, without limitation, witness credibility, discrepancies, inculpatory and exculpatory information, and relevant District policies, rules and regulations, and the manner in which the same were made known to the pertinent

school populations or specific parties. The investigative report shall include a description of the procedural steps taken, starting with the receipt of the formal complaint, and continuing through the preparation of the investigative report, including any notifications to the parties, interview with parties and witnesses, site visit, and methods used to gather evidence.

10. The investigator shall provide the Investigative Report in hard copy or electronic format to the Title IX Coordinator, to each party and each party's advisor, if any. Each party will have 10 days from receipt to provide the Title IX Coordinator a written response to the Investigative Report.

F. Initial Determination of Responsibility. The initial determination of responsibility of the respondent shall be made by the Initial Decision-Maker.

1. Initial Decision-Maker. The Initial Decision-Maker cannot be the same person(s) as the IX Coordinator or the Investigator(s).
2. Opportunity for Relevant Party Questions. After the Investigator Report has been sent to the parties pursuant to Section IV. E.10 (above), and PRIOR to making a determination of responsibility, the Initial Decision-Maker will afford each party 10 days to submit written, relevant questions to the Initial Decision-Maker that the party wants asked of any party or witness. Only relevant questions may be posed. The Initial Decision-Maker shall explain to the party proposing the questions any decision to exclude a question as deemed "not relevant."
 - a. Irrelevant Questions and Evidence. Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are **not** relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the Complainant, or if the question and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.
 - b. Written Responses to Questions. The Initial Decision-Maker will provide the questions to the party/witness, with copies to each party, and provide no less than 10 days for written responses, likewise to be provided to each party.
 - c. Opportunity for Limited Supplemental Questions. The Initial Decision-Maker will provide 5 days each for supplementary, limited follow-up questions and 5 days for answers, and may provide for additional rounds of follow-up questions, as long as the provision is extended to both parties equally.
3. Prohibition on Negative Inferences. The Initial Decision-Maker may not make any credibility determinations based on the person's status as a complainant, respondent or witness.
4. Presumption of Non-Responsibility. The Respondent must be deemed to be not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the Title IX Grievance Process.
5. Written Initial Determination Regarding Responsibility. Within 10 days following the close of the period set for responses to the last round of follow-up questions, the Initial Decision-Maker must issue a Written Initial Determination to the Title IX Coordinator,

the Superintendent and the parties simultaneously, which, while applying the preponderance of the evidence standard, must include:

- a. Identification of the allegations potentially constituting Sexual Harassment as defined in this Policy, section II.M.;
 - b. A description of the procedural steps taken from the receipt of the formal complaint through the Initial Determination Regarding Responsibility, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather evidence, and hearings held;
 - c. Findings of fact supporting the Written Initial Determination Regarding Responsibility;
 - d. Conclusions regarding the application of the District's applicable codes of conduct, policies, administrative regulations or rules to the facts;
 - e. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility (i.e., whether or not the respondent is responsible for sexual harassment), any disciplinary sanctions the District imposes on the Respondent, and whether remedies designed to restore or preserve equal access to the District's education program or activity will be provided by the District to the Complainant; and
 - f. The District's procedures and permissible bases for the Complainant and Respondent to appeal (as set forth in Section IV.H, below).
6. Finality of Decision. The Initial Determination Regarding Responsibility becomes final, and identified as the **Title IX Sexual Harassment Final Decision** either:
- a. On the date that District provides the parties with Written Determination of the Appeal, if an appeal is taken as set forth in Section IV.H. (below); OR
 - b. Where no appeal is taken, the date on which an appeal would no longer be considered timely.
7. Duty to Effectuate Title IX Sexual Harassment Final Decision.
- a. District Response to Sexual Harassment. Once a **Title IX Sexual Harassment Final Decision** is issued, the District may implement remedies as set forth in Section III.D. above, and action as necessary to respond in a manner not deliberately indifferent in light of the known circumstances in cases of a Determination of Title IX Sexual Harassment Final Decision concluding responsibility for Sexual Harassment. The issue of responsibility for the conduct at issue shall not be subject to further review or appeal within the District (except as provided by District policy or collective bargaining agreement or applicable law). Appeals of disciplinary sanctions may be made pursuant to the District's ordinary review process for discipline, or to the extent applicable through any statutory or other processes provided under collective bargaining agreements or individual contracts.
 - b. Responsibility for Response. The Title IX Coordinator is responsible for effective implementation of remedies.
 - c. Other Actions Pursuant to Applicable Code of Conduct, Policies, Agreements, Contracts. The District may also proceed against the Respondent or Complainant pursuant to the District's applicable code of conduct or other Board policies, collective bargaining agreement, individual contract or administrative rules/regulations/procedures.

G. Dismissal of a Formal Complaint.

1. The District must dismiss a formal complaint with regard to Title IX sexual harassment if the alleged conduct:
 - a. Would not constitute sexual harassment, even if proved;
 - b. Did not occur in the District's education program or activity; or
 - c. Did not occur against a person in the United States.
2. The District may dismiss a formal complaint with regard to Title IX sexual harassment if at any time during the investigation or determination of responsibility stage(s):
 - a. A complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein;
 - b. The respondent is no longer enrolled or employed by the District; or
 - c. Specific circumstances prevent the recipient from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.
3. Upon dismissal of a formal complaint, the District must promptly send written notice of the dismissal and the reason(s) therefore simultaneously to the parties.
4. The dismissal of a formal complaint under Title IX does not preclude the District from continuing any investigation or taking action under other District policies, code of conduct or administrative rules/regulations. In some cases, the District may have an obligation to continue an investigation and proceed under a different policy or mandated process.

H. Appeals. The District must offer both parties an appeal from a Initial Determination Regarding Responsibility, and from a Dismissal of a Formal Complaint, or any allegations therein.

1. Method of Filing. Either party may appeal the Initial Determination of Responsibility or the dismissal of a Formal Complaint of Sexual Harassment (or any allegations therein) by notifying the Superintendent in writing ("written appeal"), with a copy to the Title IX Coordinator. If there are multiple determinations of responsibility, the written appeal shall specify which ones are included in the appeal.
2. Deadline for Notice of Appeal. The Notice of Appeal must be in writing and received by the Superintendent, with a copy to the Title IX Coordinator, within 10 days of either the Initial Determination of Responsibility or the written Notice of Dismissal being communicated to the parties, as appropriate.
3. Grounds For Appeal. Either party may only appeal the Initial Determination of Responsibility or the Dismissal of a Formal Complaint of Sexual Harassment (or any allegations therein) based upon one or more of the following grounds, which must be stated specifically in the party's written appeal:
 - a. Procedural irregularity that affected the outcome of the matter;
 - b. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; or

- c. The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.
- 4. Appellate Decision-Maker. The Appellate Decision-Maker shall not be the same person as the Initial Decision-Maker that reached the determination regarding responsibility or the Dismissal of a Formal Complaint of Sexual Harassment, the Investigator(s) or the Title IX Coordinator. The Appellate Decision-Maker shall not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. The Appellate Decision-Maker shall be trained as set forth in section V.F.2. and 3.
- 5. District Notification of Appeal and Duty to Equitable Treatment of Parties During Appeal. The District must notify the both parties in writing when an appeal is filed and implement appeal procedures equally for both parties.
- 6. Opportunity to Brief Appellate Decision-Maker.
 - a. Deadline In Cases Other than Newly Available Evidence. Except in cases of newly available evidence, each party shall have 10 days “reasonable and equal opportunity] from the date of the Notification of Appeal under section H.5. above, to submit to the Appellate Decision-Maker a written statement in support of, or challenging, the Initial Determination Regarding Responsibility.
 - b. Deadline in Cases of Newly Available Evidence. In cases where the basis of the appeal is newly available evidence affecting the outcome, the party relying upon such evidence shall submit to the Appellate Decision-Maker such evidence or a summary of such evidence along with the party’s appeal statement first and within 7 days from the date of the Notification of the Appeal. In such instances the Appellate Decision-Maker shall then forward such documentation on to the opposing party, whereupon the opposing party shall thereafter have 7 days to review and submit their Brief to the Appellate Decision-Maker.
- 7. Written Determination of the Appeal
 - a. The Appellate Decision-Maker shall provide a Written Determination of the Appeal after considering the record and the parties’ appeal statements, describing the result of the appeal and the rationale of the result. The appeals decision maker will only overturn the Initial Determination of Responsibility upon a conclusion that it was clearly erroneous (i.e., either made on unreasonable grounds, or without any proper consideration of the circumstances). If the basis or one of the bases for the appeal was new evidence, the appeals decision maker may either make a determination of responsibility regarding that evidence or refer it back to the appropriate stage of the Title IX Grievance Process. The Appellate Decision shall be provided simultaneously to both parties, with a copy to the Title IX Coordinator and the Superintendent of Schools.
 - b. Upon issuance of the Written Determination of the Appeal, it becomes a **Title IX Sexual Harassment Final Decision**, as set forth in Section IV.F.6, with commensurate Title IX obligations for the District to act as set forth in Section IV.F.7.

V. Responsible Personnel.

A. Bias or Conflicts of Interest.

No person designated as a Title IX Coordinator, investigator, decision-maker, nor any person designated by the District to facilitate an informal resolution process, may have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.

B. Title IX Coordinator.

The District must designate and authorize at least one employee to coordinate its efforts to comply with its responsibilities under this Policy, which employee must be referred to as the “Title IX Coordinator.” Any individual designated by the District as a Title IX Coordinator shall be free of conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.

1. Notice of Title IX Coordinator Contact Information. The name or title, office address, electronic mail address, and telephone number of the employee(s) designated as the Title IX Coordinator shall be provided to the following:
 - a. all applicants for admission and employment;
 - b. parents or legal guardians of elementary and secondary school students;
 - c. employees; and
 - d. all unions or professional organizations holding collective bargaining or professional agreements with the recipient.
2. Duties of Title IX Coordinator In addition to coordinating the District’s efforts to comply with its responsibilities under this Policy, and any other duties assigned, the Title IX Coordinator shall be responsible for:
 - a. Receipt of Reports of Sexual Harassment. Any person may report sex discrimination, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), in person, by mail, by telephone, or by electronic mail, using contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person’s verbal or written report. Such a report may be made at any time (including during non-business hours) by using the telephone number or electronic mail address, or by mail to the office address, listed for the Title IX Coordinator.
 - i. Responding to general reports and formal complaints of sexual harassment.
 - (a). The Title IX Coordinator shall promptly contact the Complainant (or where Complainant is a minor their parent/guardian) (regardless to whether a formal complaint has been received) to discuss:
 - i. Supportive Measures: the availability of supportive measures (as defined in section II.N. above); to consider Complainant’s wishes with respect to supportive measures; to inform of the availability of supportive measures with or without the filing of a Formal Complaint of Sexual Harassment;
 - ii. Formal Complaint and explain the process for filing a Formal Complaint of Sexual Harassment.
 - ii. Signing and/or receiving Formal Complaints of Sexual Harassment and in such cases commencing the Title IX Grievance Process set out in Section IV. above;
 - iii. Coordinating the effective implementation of supportive measures; and

- iv. Coordinating the District's efforts to comply with its responsibilities related to the Title IX Grievance Process set forth in Section IV of this policy, including any other specific duties as assigned by the Superintendent to fulfill the District's obligations under this policy.
- 3. Conflict of Interest or Bias/Unavailability. In cases where the Title IX Coordinator is unavailable, including unavailability due to a conflict of interest or other disqualifying reason, the Superintendent shall assure that another person with the appropriate training and qualifications is appointed as acting Title IX Coordinator for that case, in such instances "Title IX Coordinator" shall include the acting Title IX Coordinators.

C. Investigators.

- 1. Conflict of Interest or Bias. Any individual assigned to investigate a Formal Complaint of Sexual Harassment shall not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.
- 2. Responsibilities. Investigators shall be responsible for conducting Sexual Harassment Investigations as set forth in Section IV.E. above.

D. Decision-Makers.

- 1. Conflict of Interest or Bias. Any individual assigned as a Decision-Maker in the case of a Sexual Harassment under this Policy shall not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.
- 2. Responsibilities.
 - a. **Initial Decision-Makers** shall be responsible for issuing an Initial Determination Regarding Responsibility following a Sexual Harassment Investigation and other duties set forth in Section IV.F. above.
 - b. **Appellate Decision-Makers** shall be responsible for issuing a Written Determination of the Appeal, and other duties set forth in Section IV.H. above.

E. Informal Resolution Process Facilitators ("Facilitators").

- 1. Conflict of Interest or Bias. Any individual assigned to facilitate an informal resolution process shall not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.
- 2. Responsibilities. Facilitators shall be responsible for facilitating a process of informal resolution as permitted in section IV. D. above.

F. Training. The District shall ensure that training of the following personnel occur:

- 1. All District Employees. Training of District Employees shall occur relative to mandatory reporting obligations, and any other responsibilities they may have relative to this Policy.
- 2. Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process. These individuals must be trained on the following topics:
 - a. the definition of sexual harassment as contained within this Policy;

- b. the scope of the recipient's education program or activity;
 - c. how to conduct an investigation, appeals, and informal resolution process;
 - d. how to serve impartially, including by avoiding prejudgment of the facts at issue; and
 - e. conflicts of interest and bias.
3. Decision-makers. In addition to the topics set forth in II.D.2. above, decision-makers shall be trained on the following topics:
 - a. issues of relevance of questions and evidence, including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant as set forth in Section IV.E.1. and IV.F.2.a.
 4. Investigators. In addition to the topics set forth in II.D.2. above, investigators shall be trained on issues of relevance to create an investigative report that fairly summarizes relevant evidence, as set forth in Section IV.E.9 above.
 5. Training Materials. Any materials used for trainings of Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, must:
 - a. Not rely on sex stereotypes; and
 - b. Promote impartial investigations and adjudications of formal complaints of sexual harassment.
 - c. Be made available to the public either on its website, or if the District does not maintain a website, must make those materials available upon request for inspection by members of the public.