

ORANGE SOUTHWEST SCHOOL DISTRICT



BOARD POLICIES REQUIRED UNDER STATE AND FEDERAL MANDATES

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ORANGE SOUTHWEST SCHOOL DISTRICT



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Section A: Board Operations

POLICY A1: CONFLICT OF INTEREST

It is the ethical and legal duty of all School Board members to avoid conflicts of interest as well as the appearance of conflicts of interest.

Definition: “Conflict of interest” means a situation when a board member’s private interests, as distinguished from the board member’s interest as a member of the general public, would benefit from or be harmed by his or her actions as a member of the board.

Implementation: In order to comply with the obligations thus imposed, the Board and its members will adhere to the following recommended standards.

1. A board member will not give the impression that he or she would represent special interests or partisan politics for personal gain.
2. A board member will not give the impression that he or she has the authority to make decisions or take action on behalf of the Board or the school administration.
3. A board member will not use his or her position on the Board to promote personal financial interests or the financial interests of family members, friends or supporters.
4. A board member will not solicit or accept anything of value in return for taking particular positions on matters before the Board.
5. A board member will not give the impression that his or her position on any issue can be influenced by anything other than a fair presentation of all sides of the question.
6. Board members will be familiar with, and adhere to, those provisions of Vermont education law that define school board powers and govern board member compensation and public bidding processes

Avoiding Conflicts: When a board member becomes aware that he or she is in a position that creates a conflict of interest or the appearance of a conflict of interest as defined in state law or this policy, he or she will declare the nature and extent of the conflict or appearance of conflict for inclusion in the board minutes, and will abstain from voting or participating in the discussion of the issue giving rise to the conflict.

Complaints of Conflict of Interest: When a conflict of interest claim against a board member is brought to the board in writing and is signed by another board member or a member of the public, and the board member against whom the claim is made does not concur that a conflict in fact exists, the following board procedures will be followed.

1. Upon a majority vote of the remaining board members, or upon order of the chair, the board will hold an informal hearing on the conflict of interest claim, giving both the board member and the person bringing the claim an opportunity to be heard.
2. At the conclusion of the informal hearing, the remaining board members will determine by majority vote whether to:
 - a. Issue a public finding that the conflict of interest charge is not supported by the evidence and is therefore dismissed;
 - b. Issue a public finding that the conflict of interest charge is supported by the evidence and that the member should disqualify him or herself from voting or otherwise participating in the board deliberations or decision related to that issue, as required by Vermont statute; and/or
 - c. Issue a public finding that the conflict of interest charge is supported by the evidence and the board member should be formally censured or subjected to such other action as may be allowed by law

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Legal Reference(s): 16 V.S.A. § 262(d) (Election of officers)
16 V.S.A. § 557 (Gratuity/compensation prohibited)
16 V.S.A. § 558 (Eligibility for election to school board)
16 V.S.A. § 559 (Public bids)
16 V.S.A. § 563(20) (Powers of school boards)

Cross Reference: ^[1] See 16 V.S.A. § 563(20). “...establish policies and procedures designed to avoid the appearance of conflict of interest.”

POLICY A21: PARTICIPATION AT BOARD MEETINGS

It is the policy of the board to encourage public participation at its meetings. Public participation is very important to the successful function of the OSSD. The board wants to carry out its business with the benefit of public input and expertise. It also wants to keep the public informed and up to date on what is happening in the community's schools.

Implementation: Reasonable rules of participation may be used to ensure that meetings are conducted in an orderly fashion and that the business at hand is completed in a timely manner. Such rules may take into consideration such things as length of each speaker's presentation and the number of times each speaker may comment.

Persons Who May Address the Board:

1. Any district resident
2. School staff members, students and parents
3. Individuals who have been requested by the superintendent or the board to present a given subject
4. Persons who are directly affected by matters on the board agenda
5. Others at the discretion of the board

Public Comment on Agenda Items:

1. The chair will ask for comments on agenda items before action is taken by the board.
2. When the number of people wishing to speak is large, the board may authorize the chair to use a speakers' list. Members of the public will be given an opportunity to sign the speakers' list, indicating which agenda item will be addressed.

Public input on items not on the agenda:

1. There will be time set aside for public input on items not on the agenda at every regular, special or emergency meeting of the board.
2. The time allotted to this item will be assigned by the chair or the person responsible for organizing the agenda.
3. The chair shall rule out of order any presentation to the board which breaches the privacy or other rights of students, parents or school employees, or which does not comply with Board policy on complaints.

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Legal Reference(s): 1 V.S.A. §§310 et seq. (Public meetings)
16 V.S.A. §554 (b) (School board meetings)

Cross Reference: Board Meetings Board Meeting Agenda Preparation and Distribution (A2)

Section B: Personnel

POLICY B1: SUBSTITUTE TEACHERS

It is the policy of the OSSD 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.

Qualifications: No person will be placed on the qualified substitute list unless that person has graduated from high school.

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.

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.

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.

The Superintendent or his or her designee will conduct an orientation 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. § 563a. Each teacher under contract will compile a packet of information containing pertinent substitute teacher information as defined by the Principal.

Substitute teachers will be paid per diem 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.

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Legal Reference(s): Vt. Standards Board for Professional Educators Rules §§ 5381 et seq.

16 V.S.A. § 563a (Prevention, Identification and Reporting of Child Sexual Abuse)

16 V.S.A. § 558 (Employment of School Board Members)

16 V.S.A. § 251 et seq. (Access to Criminal Records)

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

POLICY B2: VOLUNTEERS AND WORK STUDY STUDENTS

The OSSD recognizes the valuable contributions made to the schools by volunteers and work study students. Appropriate supervision of volunteers and work study students will enhance their contributions as well as fulfill the responsibility that the school district has for the education and safety of its students.

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

1. **Volunteer** means an individual not employed by the school district who works on an occasional or regular basis in the school setting to assist the staff. A volunteer works without compensation or economic benefits.
2. **Work Study Student** means a post-secondary student who receives compensation for work performed at a school operated by the district as part of a work experience program sponsored or provided by the college or university at which he or she is enrolled. A student working toward a teaching credential who is placed as a student teacher at a district school is not a work study student.

Policy: The superintendent shall develop administrative rules and procedures to ensure that volunteers and work study students are appropriately screened prior to entering into service in the school district, and that only volunteers and work study students who have been screened and approved by the superintendent have unsupervised contact with students. The screening process utilized by the school district shall minimally include a name and birth date check with the Vermont Internet Sex Offender Registry for any person being considered for service as a work study student. A person who is on the Vermont Internet Sex Offender Registry shall not be eligible to be a work study student.

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Legal Reference(s): 16 V.S.A. § 260

POLICY B3: ALCOHOL AND DRUG-FREE WORKPLACE^[2]

It is the policy^[3] of the OSSD to maintain a workplace free of alcohol and drugs. No employee, volunteer or work study student^[4] will unlawfully manufacture, distribute, dispense, possess or use alcohol or any drug on or in the workplace. Nor shall any employee, volunteer or work study student be in the workplace while under the influence of illegal drugs or alcohol. If there are reasonable grounds to believe that an employee, volunteer or work study student is under the influence of illegal drugs or alcohol while on or in the workplace, the person will be immediately removed from the performance of his or her duties.

Definitions:

1. **Drug** means any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana or any other controlled substance as defined by state or federal statute or regulation.^[5]
2. **Workplace** means the site for the performance of work for the school district, including any school building or any school premises and any school-owned vehicle or any other school-approved vehicle used to transport students to and from school or school activities. It also includes off school property during any school-sponsored or school-approved activity, event or function such as a field trip or athletic event, where students are under the jurisdiction of the school district.^[6]
3. **Employee** means all persons directly or indirectly compensated by the school district for providing services to the district and all employees of independent contractors who provide services to the district.^[7]
4. **Volunteer** means an individual not employed by the school district who works on an occasional or regular basis in the school setting to assist the staff. A volunteer works without compensation or economic benefits provided by the school district.
5. **Work Study Student** means a student who receives compensation for work performed at the school as part of a college work experience program. For purposes of this policy, an intern, working without pay, will be considered as a work study student. A student working toward a teaching credential who may be placed at a school as a student teacher is not a work study student.

Employee Responsibilities: As a condition of employment, each employee will notify the superintendent in writing of his or her conviction of any criminal drug statute for a violation occurring on or in the workplace as defined above. The employee must notify

the Superintendent no later than five days after such conviction. Entry of a nolo contendere plea shall constitute a conviction for purposes of this policy, as will any judicial finding of guilt or imposition of sentence. Within 10 days of notification from an employee, or receipt of actual notice of an alcohol or drug conviction, the superintendent will notify any federal or state officers or agencies legally entitled to such notification.^[8]

An employee, volunteer or work study student who violates the terms of this policy may be required to satisfactorily complete an alcohol or drug abuse assistance or rehabilitation program approved by the superintendent. In addition, an employee who violates the terms of this policy will be subject to disciplinary action.^[9]

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Legal Reference(s):

49 U.S.C. §§ 5331, 31306 (Omnibus Transportation Employee Testing Act of 1991)

49 C.F.R. Parts 40, 382, 391, 392, 395 and 653

21 V.S.A. 511 et seq.

Cross Reference:

^[1] The Drug Free Workplace Act of 1988 applies to all individuals or organizations that receive federal grants and any individuals or organizations that are federal contractors whose contracts exceed \$100,000. The Act does not explicitly require a Drug Free Workplace policy, but it does require covered entities to "...establish a drug-free awareness program to inform employees about...the grantee's policy of maintaining a drug free workplace...". 41 U.S.C. §702(1)(b)(ii).

^[2] Alcohol is not considered a "controlled substance" under federal law. The Drug Free Workplace Act therefore does not require that alcohol be included in an employer's prohibition of drugs in the workplace. Vermont law does authorize employers to prohibit alcohol possession and/or use of alcohol in the workplace. The Vermont drug testing law defines "drug" broadly, and includes alcohol as a "drug." 21 V.S.A. §511(3).

^[3] The Drug Free Workplace Act requires specific actions on the part of employers including publication of a statement notifying employees of the prohibition against illegal drugs in the workplace, the establishment of a drug-free awareness program with specific elements, the notification to employees that compliance with the prohibition against drugs is a requirement for employment and imposing specific sanctions on any employee who is convicted of violations occurring in the workplace. See 41 U.S.C. §701.

^[4] The inclusion of volunteers and work study students as "employees" for purposes of this policy is optional. See endnote 7 below.

^[5] The Drug Free Workplace Act uses the term "controlled substance" as synonymous with the term "drug." Controlled substances are listed in the federal law at 21 U.S.C. 812.

^[6] Definition derived from 41 U.S.C. §706(1).

^[7] 41 U.S.C. §706(2). See also U.S. Department of Labor Drug-Free Workplace Advisor; <http://www.dol.gov/elaws/asp/drugfree/policy.htm>. Note that the federal law defines "employee" as one "...directly engaged in the performance of work pursuant to a federal grant or contract, whether or not the employee is paid through grant or contract funds. An employer may expand the coverage of this policy to include all employees, whether or not they are engaged in work pursuant to federal grants.

^[8] See 41 U.S.C. §702(a)(1)(D).

^[9] School boards are required to act on the dismissal of any school employee after receiving a recommendation from the superintendent. 16 V.S.A. §563(12).

POLICY B4: DRUG & ALCOHOL TESTING – TRANSPORTATION EMPLOYEES

The OSSD will comply with state and federal law and regulations requiring a drug and alcohol testing program for school bus and commercial vehicle drivers. The superintendent or his or her designee will implement procedures to conduct alcohol and drug tests for all safety sensitive transportation employees as required by the federal Omnibus Transportation Employee Testing Act of 1991.

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Legal Reference(s): *49 U.S.C. §§ 5331, 31306 (Omnibus Transportation Employee Testing Act of 1991)*

49 C.F.R. Part 40
21 V.S.A. § 511 et seq.

Cross Reference:

POLICY B5: EMPLOYEE HARASSMENT

Policy

Harassment is a form of unlawful discrimination that will not be tolerated in the Orange Southwest School District. Unwelcome sexual advances, requests for sexual favors, and other verbal, written or physical conduct constituting harassment as defined herein and by state and federal law violate this policy. Retaliation against any person raising good faith allegations of unlawful harassment or against any witness cooperating in an investigation pursuant to this policy is prohibited.

A. Definitions

1. **Employee:** For purposes of this policy, any person employed by and subject to the direct supervision of the district or supervisory union.
2. **Unlawful Harassment:** Verbal, written or physical conduct based on an employee's race, religion, color, national origin, marital status, sex (including pregnancy), sexual orientation, gender identity, age, political affiliation, ancestry, place of birth, genetic information or disability which has the purpose or effect of substantially interfering with an employee's work or creating an intimidating, hostile or offensive environment.
3. **Sexual Harassment:** Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:
 - a. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; or
 - b. Submission to or rejection of such conduct by an individual is used as a component of the basis for employment decisions affecting such individual; or
 - c. Such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.
4. **Retaliation.** Retaliation is adverse action taken against a person for making a complaint of unlawful harassment or for participating in or cooperating with an investigation.

B. Examples

Unlawful harassment can include any unwelcome verbal, written or physical conduct which offends, denigrates, or belittles an employee because of the employee's race, religion, color, national origin, marital status, sex (including pregnancy), sexual orientation, gender identity, age, ancestry, place of birth, genetic information or disability.

Such conduct includes, but is not limited to: unsolicited derogatory remarks, jokes, demeaning comments or behavior, slurs, mimicking, name calling, graffiti, innuendo, gestures, physical contact, stalking, threatening, bullying, extorting or the display or circulation of written materials or pictures.

1. **Sex:** sexual harassment may include unwelcome touching, crude jokes or pictures, discussions of sexual experiences, teasing related to sexual characteristics, pressure for sexual activity, display or sending of pornographic pictures or objects, obscene graffiti, and spreading rumors related to a person's alleged sexual activities.
2. **Race and Color:** racial or color harassment may include unwelcome verbal, written or physical conduct directed at the characteristics of a person's race or color such as nicknames emphasizing stereotypes, racial slurs, and negative references to racial customs.
3. **Religion:** harassment on the basis of religion includes unwelcome verbal, written or physical conduct directed at the characteristics of a person's religion or creed such as derogatory comments regarding surnames, religious tradition, or religious clothing, or religious slurs.
4. **National Origin and Place of Birth:** harassment on the basis of national origin includes unwelcome verbal, written or physical conduct directed at the characteristics of a person's national origin or place of birth such as negative comments regarding surnames, manner of speaking, customs, language or ethnic slurs.
5. **Age:** age harassment includes unwelcome verbal, written or physical conduct directed at someone (an applicant or employee) age 40 or older, such as offensive remarks about a person's ability to perform certain tasks because of his or her age.
6. **Marital Status:** harassment on the basis of marital status includes unwelcome verbal, written or physical conduct directed at the characteristics of a person's marital status, such as comments regarding pregnancy or being an unwed mother or father.
7. **Sexual Orientation:** harassment on the basis of sexual orientation includes unwelcome verbal, written or physical conduct directed at the characteristics of a person's sexual orientation.
8. **Gender Identity:** harassment on the basis of gender identity includes unwelcome verbal, written or physical conduct directed at an individual's actual or perceived

gender identity, or gender-related characteristics intrinsically related to an individual's gender or gender identity, regardless of the individual's assigned sex at birth.

9. **Disability:** disability harassment includes any unwelcome verbal, written or physical conduct directed at the characteristics of a person's disabling mental or physical condition such as imitating manner of speech or movement, or interference with necessary equipment.
10. **Genetic Information:** genetic information harassment can include, for example, making offensive or derogatory remarks about an applicant or employee's genetic information, or about the genetic information of a relative of the applicant or employee. Genetic information includes information about an individual's genetic tests and the genetic tests of an individual's family members, as well as information about family medical history.

D. Procedure

1. **Duty to Investigate.** In the event the district or supervisory union receives a complaint of unlawful harassment of an employee, or otherwise has reason to believe that unlawful harassment is occurring, it will take all necessary steps to ensure that the matter is promptly investigated and addressed. The Orange Southwest School District is committed to take action if information regarding potential unlawful harassment is learned, even if the aggrieved employee does not wish to file a formal complaint.
2. **Designated Persons.** Every employee is encouraged to report any complaint of or suspected acts of unlawful harassment. Unlawful harassment should be reported to the non-discrimination coordinators or to the principal at the following address and telephone number:

Non-Discrimination Coordinators: Kayla Link or Robin Pembroke
Address: 24 Central Street, Randolph, VT 05060
Telephone number: 802-728-5052

Randolph Union High School Principal: Lisa Floyd, or Caty Sutton
Address: 15 Forest Street, Randolph, VT 05060
Telephone number: 802-728-2297

Randolph Elementary Principal: Erica McLaughlin
Address: 40 Ayers Brook Road, Randolph, VT 05060
Telephone number: 802-728-9555

Brookfield Elementary Principal: David Roller

Address: 1728 Ridge Road, Brookfield, VT 05036

Telephone number: 802-276-3153

Braintree Elementary Principal: Heather Lawler

Address: 66 Bent Hill Road, Braintree, VT 05060

Telephone number: 802-728-9373

Randolph Career Technical Center Director: Felicia Allard

Address: 17 Forest Street, Randolph, VT 05060

Telephone number: 802-728-9595

3. **Investigation.** Allegations of unlawful harassment will be promptly investigated by a non-discrimination coordinator or his/her designee. At the outset of the investigation, the complainant shall be provided with a copy of this policy. If the allegations are found to have been substantiated by the investigator, the district or Supervisory Union will take appropriate disciplinary and/or corrective action. The non-discrimination coordinator or his/her designee will inform the complainant(s) and the accused(s) whether the allegations were substantiated. The accused(s), the complainant(s) and any witness(es) shall be warned against any retaliation. If, after investigation, the allegation is found not to have been substantiated, the complainant(s) shall be informed of the right to contact any of the state or federal agencies identified in this policy.
4. **Filing a Complaint.** Employees are encouraged to report the alleged unlawful harassment as soon as possible to the non-discrimination coordinators or the principal.
5. **Alternative Complaint Processes.** Employees may file complaints with both the district or supervisory union and with state and federal agencies. If employees are dissatisfied with the results of an investigation, they may file a complaint with state and federal agencies. The agencies are:
 - a. Vermont Attorney General's Office, Civil Rights Unit, 109 State Street, Montpelier, VT 05602, tel: (802) 828-3171. Complaints should be filed within 300 days of any unlawful harassment.
 - b. Equal Employment Opportunity Commission, 1 Congress Street, Boston, MA 02114, tel: (617)565-3200 (voice), (617)565-3204 (TDD). Complaints should be filed within 300 days of any unlawful harassment.

6. **Confidentiality.** Witnesses, complainant and the accused shall keep confidential matters related to the charge of unlawful harassment.

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Legal Reference(s): 9 V.S.A. §§4502 et seq. (Public accommodations)

16 V.S.A. 11(a)(26) (Definitions)

21 V.S.A. §§495 et seq. (Unlawful employment practice, sexual harassment)

42 U.S.C. §§2000e et seq. (Title VII of the Civil Rights Act of 1964)

29 C.F.R. 1604.11 (Equal Opportunity Employment Commission)

Cross Reference: Harassment, Hazing & Bullying of Students

Board Commitment to Non-Discrimination

POLICY B6: HEALTH INSURANCE PORTABILITY ACT (HIPAA)

The Orange Southwest School District shall comply with the requirements of the Health Insurance Portability and Accountability Act of 1996 (HIPAA) with regard to any employee benefit or group health plan provided by the district that is subject to the requirements of the Act. The superintendent or his or her designee shall develop and implement procedures necessary to ensure continuing compliance with the requirements of HIPAA.

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Legal Reference(s): *42 U.S.C. 1320d-2 and 1320d-4*
 45 C.F.R. Subpart C

POLICY B7: TOBACCO PROHIBITION

Policy

In accordance with state law, it is the policy of the Orange Southwest Supervisory District to prohibit the use of tobacco or tobacco substitutes on district or school grounds or at school sponsored functions. This ban extends to any student, employee or visitor to the school, and applies at all times, whether or not school is in session. Students are, furthermore, prohibited from possessing tobacco products, tobacco substitutes or tobacco paraphernalia at all times while under the supervision of school staff or at school-sponsored activities. The Superintendent or his or her designee shall develop procedures, rules and regulations that are necessary to implement this policy and, at a minimum, will include provisions ensuring that tobacco products, tobacco substitutes or tobacco paraphernalia are confiscated when found in the possession of students and that referrals to law enforcement agencies are made when appropriate.

Definitions

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

1. **School grounds** means any property and facilities owned or leased by the school and used at any time for school related activities, including but not limited to school buildings, school buses, areas adjacent to school buildings, athletic fields and parking lots.
2. **School sponsored activity** means activities including but not limited to field trips, project graduation events, sporting events, work internships and dances.
3. **Tobacco product** has the same meaning as set forth in 7 V.S.A. § 1001(3), as amended from time to time.
4. **Tobacco paraphernalia** has the same meaning as set forth in 7 V.S.A. § 1001(7), as amended from time to time.
5. **Tobacco substitutes** has the same meaning as set forth in 7 V.S.A. § 1001(8), as amended from time to time.

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Legal Reference(s): 16 V.S.A. § 140 (Tobacco on school grounds)

18 V.S.A. §§ 1421 et seq. (Smoking in the workplace)

7 V.S.A. §§ 1001 et seq.

POLICY B27: PUBLIC COMPLAINTS ABOUT PERSONNEL

Policy

It is the policy of the Orange Southwest School District to see that complaints about school personnel are considered in a timely manner that is fair to all parties. The district places trust in its employees and desires to support their actions in such a manner that employees are freed from unnecessary, spiteful, or unjustified criticism or complaints.

Resolving Complaints

The complainant shall be encouraged first to bring a complaint to the individual concerned. If the problem cannot be resolved with the individual concerned, it should be brought to the attention of the immediate supervisor or administrator. The complaint should be in writing stating the issues and supporting facts. The individual employee involved shall be given every opportunity for explanation, comment, and presentation of the facts as he/she sees them.

If the issue is not resolved by involvement of the immediate supervisor, the complainant may refer the issue to the principal for his or her review and decision. In the event the principal's review does not lead to a satisfactory resolution, the compliant may submit the issue to the superintendent for review and decision.

In cases of alleged discrimination, the complainant should follow the procedures accompanying anti-discrimination policy.

Appeal to the Board

If the above steps do not resolve the concern of the complainant, he/she may request a session of the board for the purpose of reviewing the superintendent's decision. If the school board decides to hear the request of the complainant, it shall invite all parties involved including the appropriate school and supervisory union administrators to attend a meeting for purposes of presenting facts, making further explanations, and clarifying the issue. The board shall conduct such meetings in a fair and just manner and shall render a decision.

It is the intent of the board that the rights of employees under collective bargaining agreements and Vermont law be protected through the administration of this policy.

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Legal Reference(s): *16 V.S.A. §1752 (Suspension, dismissal)*

1 V.S.A. §§310 et seq. (Open meetings)

Section C: Students

POLICY C1: EDUCATIONAL RECORDS

The Orange Southwest School District recognizes the importance of keeping accurate and appropriate education records¹ for students as part of a sound educational program and is committed to act as trustee of this information, maintaining these records for educational purposes to serve the best interests of its students.

The principles of accuracy and confidentiality underlie all policies and procedures for the collection, maintenance, disclosure, and destruction of education records. It is the policy of the district to protect the confidentiality of education records and release information only as permitted by law. Annually or when the student enrolls, the district will inform² parents, guardians, and students eighteen years and older of their right to inspect, review, and seek amendment of the student's education records. The district will inform parents, guardians, and students eighteen years and older of items considered directory information through notices distributed at the beginning of each school year or when a student enrolls.³

The building principal will be the custodian of all education records in a given school. The superintendent has overall responsibility for education records throughout the district and for assuring that adequate systems are in place to maintain such records and to provide parents with access to them in accordance with state and federal law. The Superintendent is responsible for developing procedures to assure the consistent implementation of this policy. The procedures shall comply with all federal and state laws and regulations governing access to and the collection, maintenance, disclosure and destruction of education records.

Definitions

All terms used in this policy, and the procedures developed for the implementation of this policy, shall be defined, where applicable, as those terms are defined in the Family Educational Rights and Privacy Act and in the federal regulations promulgated pursuant to that Act.⁴

1 The federal Family Educational Rights and Privacy Act (FERPA) does not explicitly require a school board policy on the protection of student records. Its requirements are stated in the negative... "no funds shall be made available to any educational agency...which has a policy of denying...the right of parents...to review and inspect educational records. 20 U.S.C. § 1232g; 34 C.F.R. Part 99. Nor does the State Board Manual of Rules and Practices explicitly require a school board policy on student records. "Each supervisory union shall develop, and each school shall implement, a system of maintaining student records that aligns with Agency of Education statewide data collections; which enables accurate and timely reporting in connection with state and federal data collection requirements; and ensures the accuracy, relevancy and confidentiality thereof, and accessibility thereto; and which is in compliance with the federal Family Education Rights and Privacy Act of 1974 (P.L. 95-380 as amended from time to time." SBE Rule 2113.

2 A "record" means any information recorded in any way, including but not limited to, handwriting, print, computer media, video or audio tape, film, microfilm and microfiche. The term "education records" means those records that

are (1) directly related to a student, and (2) maintained by the school district, a school within the district, or a party acting for the school district or a school within the school district. It does not include a teacher's notes that are in the teacher's sole possession and shared only with a substitute teacher. 20 U.S.C. § 1232g; 34 C.F.R. § 99.3.

Ⓙ School districts are required to find an effective way to notify parents whose primary language is not English. 34 C.F.R. § 99.9.

Ⓜ The Family Educational Rights and Privacy Act allows schools to designate certain information as "directory information" and release it after providing public notice of the categories of information it seeks to release. "Directory information" includes, but is not limited to, a student's name, address, telephone listing, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, and the most recent previous educational agency or institution attended by the student. Additional information may be released with specific parental consent. 12 U.S.C. § 1232g; 34 C.F.R. § 99.3.

Ⓝ 12 U.S.C. § 1232g; 34 C.F.R. §99.3.

Date Warned: March 9th 2020

Date Adopted: April 13th 2020

Legal Reference(s): 20 U.S.C. §§ 1232g (Federal Family Educational Rights and Privacy Act of 1974)

20 U.S.C. § 7908

16 V.S.A. § 563(27) (NCLBA Armed Forces Recruiter/Higher Education Access)

34 C.F.R. Part 99

1 V.S.A. § 317 (Definitions)

15 V.S.A. § 670 (Non-custodial parents)

33 V.S.A. § 5536a (Juvenile court records)

VT State Board of Education Manual of Rules and Practices § 2113

POLICY C2: STUDENT ALCOHOL AND DRUGS

It is the policy of the Orange Southwest School District that no student shall knowingly possess, use, sell, give or otherwise transmit, or be under the influence of any illegal drug, regulated substance, or alcohol on any school property, or at any school sponsored activity away from or within the school.^[2] It is further the policy of the district to make appropriate referrals in cases of substance abuse.

Definitions

Substance Abuse is the ingestion of drugs and or alcohol in such a way that it interferes with a person's ability to perform physically, intellectually, emotionally, or socially.^[3]

Drug means any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana or any other controlled substance as defined by state or federal regulation or statute.^[4]

Educational Program. The (superintendent, principal, other) shall work with appropriate staff members to develop and conduct an alcohol and drug abuse educational program.^[5] The program shall be consistent with the Vermont Alcohol and Drug Education Curriculum Plan^[6]. If the school district is a recipient of federal Safe and Drug-Free Schools and Communities Act funds, the Act will be considered in the development of the alcohol and drug abuse educational program.^[7]

Support and Referral System. In each school the principal or his or her designee shall develop a support and referral system for screening students who refer themselves and students who are referred by staff for suspected drug and/or alcohol use and/or abuse problems.^[8] The support and referral system will include processes to determine the need for further screening, education, counseling or referral for treatment in each referred case.^[9] In addition, the principal shall establish procedures for administering emergency first aid related to alcohol and drug abuse.^[10]

Cooperative Agreements.^[11] The (superintendent, principal, other) shall annually designate an individual to be responsible for providing information to students and parents or guardians about outside agencies that provide substance abuse prevention services and to encourage the use of their services and programs when appropriate.

The Orange Southwest School District, works with the Clara Martin Center who can provide substance abuse treatment to students who are referred through the school's support and referral system, or who refer themselves for treatment.

Staff Training. The (superintendent, principal, other) will work with appropriate staff to provide training for teachers and health and guidance personnel who teach or provide other services in the school's alcohol and drug abuse prevention education program. The

training provided will meet the requirements of State Board Rules related to staff training.^[12]

Community Involvement. The (superintendent, principal, other) will work with school staff and community members to implement a program to inform the community about substance abuse issues in accord with State Board of Education rules.^[13]

Annual Report. In a standard format provided by the Agency of Education, the (superintendent, principal, other) will submit an annual report to the Secretary of Education describing substance abuse education programs and their effectiveness.^[14]

Notification. The (superintendent, principal, other) shall ensure that parents and students are given copies of the standards of conduct and disciplinary sanctions contained in the procedures related to this policy and are notified that compliance with the standards of conduct is mandatory. Notice to students will, at a minimum, be provided through inclusion of these standards and sanctions in the student handbook distributed to all students at the beginning of each school year or when a student enrolls in the school.^[15]

^[11] This policy is required by 16 V.S.A. 1165(c) and SBE Rule 4212. Unless otherwise noted in the following notes, the State Board rule requires that the policy include the elements contained in this model.

^[12] 16 V.S.A. § 1165(a). See also 18 V.S.A. § 4237 making it unlawful for any person to sell or dispense any regulated drug to minors or to any other person on school property or property adjacent to a school .

^[13] Vermont State Board of Education Manual of Rules and Practices, Rule 4211

^[14] See definitions of narcotic drugs and hallucinogenic drugs in 18 V.S.A. §4201; and controlled substance in 41 U.S.C. §706(3) and 21 U.S.C. §812.

^[15] 16 V.S.A. §131(9); SBE Rule 4213.1

^[16] SBE Rule 4212.2 requiring that education program be consistent with this Plan.

^[17] 20 U.S.C. §§7101 et seq.

^[18] SBE Rule 4212.3

^[19] SBE Rule 4212.3D.

^[20] SBE Rule 4212.3B. SBE Rule 4212.3B requires that each “...school district policy...establish procedures for administering first aid related to alcohol and drug abuse. The procedures will define the roles of the personnel involved.”

^[21] SBE Rule 4212.3.

^[22] SBE Rule 4213.2. See also SBE Rule 4212.3C.

^[23] SBE Rule 4214 does not require that this paragraph be included in a school board policy. The rule does require that schools engage in community programs “...to inform the community about the school’s alcohol and drug prevention education program, alcohol and drug abuse prevention issues, and community-wide responsibility for effective alcohol and drug abuse prevention.”. This paragraph could be included in administrative procedures developed in conjunction with this policy.

141 SBE Rule 4215 does not require that this paragraph be included in a school board policy. The rule does require that the school's annual report include information on substance abuse education programs. This paragraph could be included in administrative procedures developed in conjunction with this policy.

151 This section is not required by law , but could be included in a school board policy to ensure that adequate notice of the school district's policy and procedures related to alcohol and drug abuse is given to students and parents.

Date Warned: March 9th 2020

Date Adopted: April 13th 2020

Legal Reference(s): 20 U.S.C. §§7101 et seq. (Safe & Drug-Free Schools & Communities Act of 1994)

16 V.S.A. §909 (Drug & Alcohol Abuse Prevention Education Curriculum)

16 V.S.A. 131(9) (Comprehensive Health Education)

16 V.S.A. §1045(b)(Driver Training Course)

16 V.S.A. §1165 (Alcohol and drug abuse)

18 V.S.A. §4226 (Drugs: minors, treatment, consent)

Vt. State Board of Education Manual of Rules and Practices §§4200 -4215)

Cross Reference: Student Conduct and Discipline (F1)

Search and Seizure (F3)

Interrogations or Searches of Students by Law Enforcement)

Officers or Other Non-School Personnel (F5)

POLICY C3: TRANSPORTATION (SCHOOL BUS)

The daily transportation of the district pupils is a privilege accorded by the school system in compliance with statutory requirements. To provide maximum safety, each eligible pupil riding a school bus shall conform to the rules as set forth in Bus Conduct Rules and Disciplinary Procedures. Failure to do so may result in loss of privileges. Transportation will normally be from designated pick-up points to school and vice versa. Upon written request, transportation to childcare may be provided if the childcare is located on a regular school bus route.

Bus routes and schedules will be examined yearly by the Transportation Supervisor. School buses will operate only on publicly owned and maintained roads. School buses will not operate on roads deemed by the Transportation Supervisor to be hazardous or unsafe for buses.

According to the Statutes (16 V.S.A. Section 1222), the following factors will be considered when determining routes and stops:

1. Age and Health of students.
2. Distance to be traveled, length of time spent on a bus by any given student.
3. Width, condition and class of highways including curves, hills, intersections, turn-arounds and seasonal road conditions.

Annual changes and adjustments proposed by the Transportation Supervisor shall be reviewed by the superintendent prior to implementation.

If it is the recommendation of the Transportation Supervisor that school bus transportation be discontinued in any given area, a decision will be made by the superintendent. Affected families will be notified in advance in writing when the issue will be on the agenda for discussion. If the superintendent decides to discontinue service, affected families will be notified in writing with a minimum of one week's notice prior to discontinuation.

In the case of a request by parents to add additional routes, the decision to do so will be made by the superintendent, in consultation with the Transportation Supervisor.

Routes may be adjusted throughout the year by the Transportation Supervisor as necessary to ensure safe and timely transportation of students. Unexpected and exceptional circumstances may cause temporary rerouting of bus routes. In these situations, an attempt will be made to notify impacted families as soon as possible.

Exceptions made to established routes will be considered by the superintendent for exceptional physical impairment as pursuant to 16 V.S.A., Section 1222.

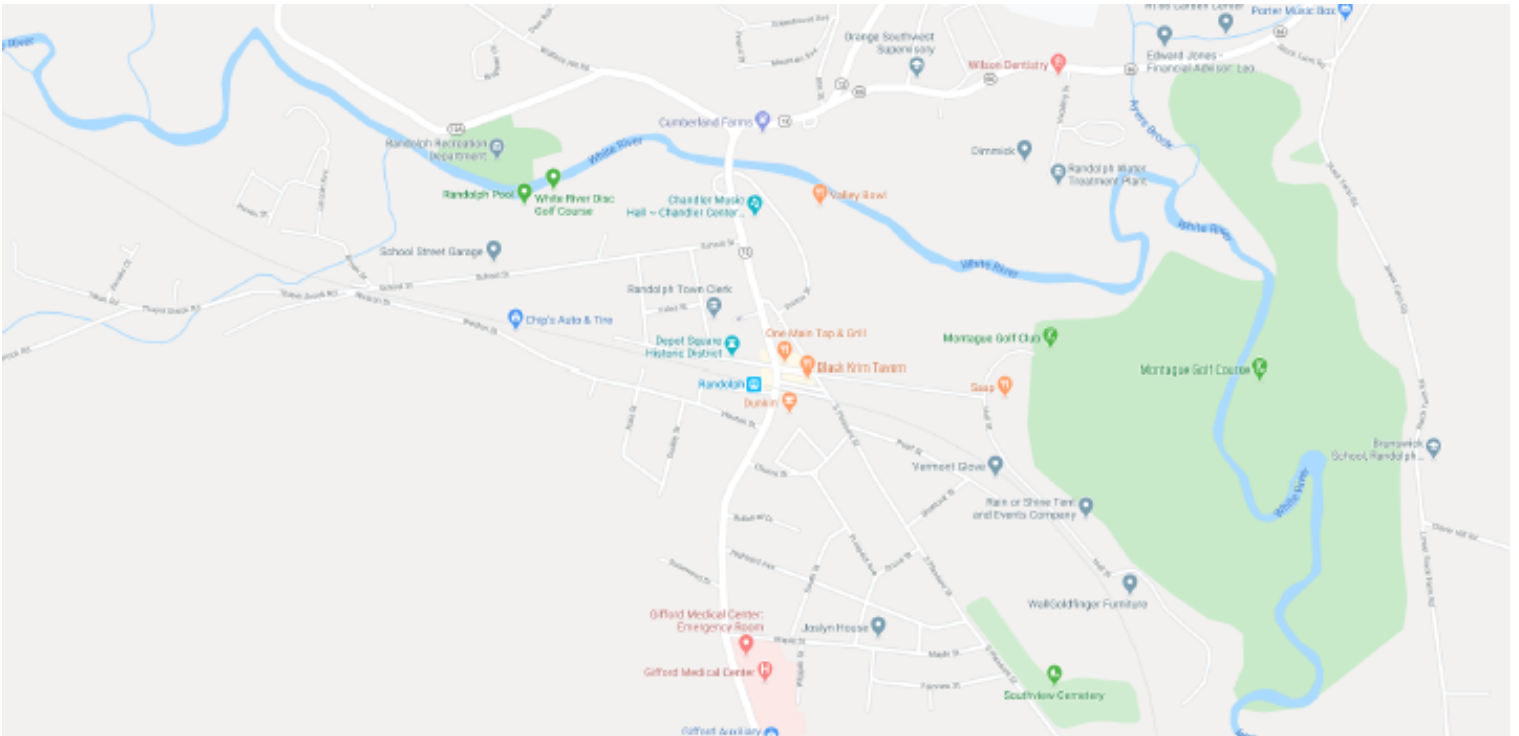
Bus routes will be submitted for publication in the local newspaper during the week prior to the opening of school.

Parent complaints about student discipline will be considered by the Transportation Supervisor and the appropriate district principal. If parents are not satisfied with the administrative decision, they may request a meeting with the superintendent. The decision of the superintendent may be appealed, in writing, to the school board.

The school district may enter into agreements with neighboring districts to transport non-resident children whenever practical and economically feasible.

Randolph:

RUHS students living in the village area (see attached map) are ineligible for busing. A temporary waiver may be applied for in writing to the Transportation Coordinator for exceptional circumstances.



Brookfield & Braintree:

RUHS students will receive bus services.

Preschool and Private School Students

Children attending the public preschool or a local area private school will be offered school bus transportation only if such transportation can be provided under the following conditions:

1. Transportation can be provided using established district school bus routes.
2. Transportation can be provided with no additional cost to the district.
3. Considering the age, behavior, and physical condition of the child, transportation can be safely provided for that child without additional supervisory support or equipment.
4. District students in grades kindergarten through twelve will be given priority in planning and determination of transportation needs, followed by public preschool students.
5. Addition of preschool or private school children to a school bus route will not cause overcrowding of the bus and will be offered and continued on a "seats available" basis only. Parents will be given five (5) days' notice if a child must be removed from a bus in order to make room for a regular school district K-12 student. Removal will be by lottery conducted by the Transportation Supervisor.
6. All students riding school buses, including preschool and private school students, are subject to the disciplinary policies and rules of the district.
7. Preschool children must be met at the bus stop by a parent or designated responsible adult. If the child is not met at the bus stop, the child will be returned to the preschool. Failure to meet a preschool child at the bus stop will result in school bus transportation being discontinued for that child.

Date Warned: March 9th 2020

Date Adopted: April 13th 2020

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

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

POLICY C4: LIMITED ENGLISH PROFICIENCY STUDENTS

It is the policy of the Orange Southwest School District to ensure that students whose primary or dominant language is not English, and who therefore have limited-English proficiency (LEP), have equitable access to school programs as required by law.

Implementation

The superintendent or his or her designee shall be responsible for developing and implementing procedures to comply with federal and state laws, which define standards for serving LEP students.

Date Warned: March 9th 2020

Date Adopted: April 13th 2020

*Legal Reference(s): 42 U.S.C. §§2000 d et seq. (Title VI of the Civil Rights Act of 1964); 20 U.S.C. 6801 et seq. (English Language Acquisition, Enhancement, and Academic Achievement Act)
20 U.S.C. § 7801(25) (Definition of Limited English Proficiency)*

34 C.F.R. Part 100

9 V.S.A. §4502 (Discrimination, public accommodations)

Vermont State Board of Education Manual of Rules and Procedures §125

POLICY C5: FIREARMS, DESTRUCTIVE DEVICES, AND WEAPONS

Firearms and Destructive Devices

It is the policy of the district 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

1. ***“Firearm”*** means a firearm as defined in Section 921 of Title 18 of the United States Code and 13 V.S.A. §4016, including: (A) any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; (B) the frame or receiver of any such weapon; (C) any firearm muffler or firearm silencer; or (D) any destructive device. A firearm that is for activities approved and authorized by the School District shall not be considered a firearm for the purposes of this policy if the appropriate safeguards to ensure safety as adopted by the District are followed.⁵

2. ***“Destructive Device”*** means
 - (A) any explosive, incendiary or poison gas device, including but not limited to a
 - (i) bomb,
 - (ii) grenade,
 - (iii) rocket having a propellant charge of more than four ounces,
 - (iv) missile having an explosive or incendiary charge of more than one quarter ounce,
 - (v) mine, or
 - (vi) similar device.
 - (B) any type of weapon that will, or that may be readily converted to, expel a projectile by the action of an explosive or other propellant, and which has any barrel with a bore of more than one-half inch in diameter.
 - (C) any combination of parts either designed or intended for use in converting any device into any destructive device described in subparagraph (A) or (B) and from which a destructive device may be readily assembled.

3. ***“School”*** means any setting which is under the control and supervision of the School District for the purposes of student activities approved and authorized by the School District. It includes school grounds, facilities, and school-sponsored events whether held on or off of school grounds and vehicles used

to transport students to and from school or school activities.

4. **“Expelled”** means. Unless modified by the Board pursuant to Board policy, the termination for at least a calendar year of educational services to a student.

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 Board after a hearing to have brought a firearm to school shall be expelled for at least one calendar year. However, the 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 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.

Policy Implementation

An expulsion hearing conducted under this policy shall afford due process as required by law and according to procedure developed by the Superintendent or his or her designee.

The Superintendent shall refer to appropriate law enforcement agency any student who brings a firearm or destructive device to a school under the control and supervision of the School District. The Superintendent may also report any incident subject to this policy to the Department of Social and Rehabilitative Services.

The Superintendent shall annually provide the Commissioner of Education with descriptions of the circumstances surrounding expulsions imposed under this policy, the number of students expelled and the type of firearms involved.

Weapons

It is the policy of the district to prohibit the possession by students of knives, weapons or dangerous instruments, as defined by administrative rules, at school and shall allow disciplinary action up to and including expulsion for violations of the prohibition against knives, weapons and dangerous instruments. Behavioral expectations, and the consequences of misconduct, will be stated in the student handbook and/or other publications distributed to students and parents/guardians.

Definitions

1. **“Knife”** means any instrument that is capable of ready use as a stabbing weapon that may inflict bodily injury.
2. **“Weapon”** means a device, instrument, material or substance whether animate or inanimate which when used in the manner it is intended to be used, is known to be capable of producing death or bodily injury.
3. **“School”** means any setting which is under the control and supervision of the School District for the purposes of student activities approved and authorized by the School District.. It includes school grounds, facilities, and school-sponsored events whether held on or off of school grounds and vehicles used to transport students to and from school or school activities.
4. **“Expelled”** means termination of educational services for the remainder of the school year or up to 90 school days, whichever is longer.

Procedures shall be established by the principal for allowing items that fall under any of the definitions of this policy into school for educational purposes.

Date Warned: *March 9th 2020*

Date Adopted: *April 13th 2020*

Legal Reference(s) *16 V.S.A. §1166 (State law pursuant to Federal law)*

13 V.S.A. §§4004, 4016 (Criminal offenses)

20 U.S.C. §7151 (Gun Free Schools Act)

18 U.S.C. §921 (Gun Free School Zones Act of 1990)

20 U.S.C. §§1400 et seq. (IDEA)

29 U.S.C. §794 (Section 504, Rehabilitation Act of 1973)

Vt. State Board of Education Manual of Rules & Practices, §§4311, 4312

Cross Reference: *Student Conduct and Discipline*

POLICY C6: HOME STUDY STUDENTS

It is the policy of the Orange Southwest School District to comply with the requirements of Act 119 of 1998 by allowing home study students to participate in courses, programs, activities, and services and use school educational materials and equipment.

The Superintendent will develop administrative procedures that comply with rules promulgated by the Vermont State Board of Education as is necessary to implement this policy.

Date Warned: *March 9th 2020*

Date Adopted: *April 13th 2020*

Legal *16 V.S.A. § 563(24) (Powers of school boards)*

Reference(s):

Vermont State Board of Education Manual of Rules & Practices §§ 4400, 9200.3.1

20 U.S.C. §§ 1400 et seq. (IDEA)

34 C.F.R. §§ 300.450-2, 76.650-662

Cross Reference: *Policy Dissemination, Administration & Review (A3)*

¶ 16 V.S.A. 563(24). School boards are required to "... adopt a policy which, in accordance with rules adopted by the state board of education, will integrate home study students into its schools through enrollment in courses, participation in cocurricular and extracurricular activities and use of facilities." *See also* SBE Rules 4400-4405.

POLICY C7: STUDENT ATTENDANCE

It is the policy of the Orange Southwest School District to set high expectations for consistent student school attendance in accordance with Vermont law in order to facilitate and enhance student learning. Legal pupils between the ages of 6 and 16 and who are residents of the school district and non-resident pupils who enroll in school district schools are required to attend school for the full number of days that school is held unless they are excused from attendance as provided in state law. Students who are over the age of 16 are required to attend school continually for the full number of the school days for which they are enrolled, unless they are mentally or physically unable to continue, or are excused by the superintendent in writing.

Annually, the superintendent shall ensure that the school board appoints one or more individuals to serve as the truant officer and shall ensure that appointment is recorded with the clerk of the school district.

The superintendent shall develop administrative rules and procedures to ensure the implementation of this policy.

Administrative Rules and Procedures

The procedures will address the following issues and may include others as well:

- A. written excuses;
- B. tardiness;
- C. notification of parents/guardian;
- D. signing out of school;
- E. excessive absenteeism;
- F. homebound and hospitalized students;
- G. early dismissals;
- H. homework assignments;
- I. making up work

Administrative Responsibilities

1. The principal is responsible for maintaining accurate and up-to-date records of student attendance.
2. The principal is responsible for assuring that the school has the appropriate family information that allows the school to contact the parent(s) or guardian(s) of all students whenever necessary.

Date Warned: March 9th 2020

Date Adopted: April 13th 2020

Legal Reference(s): 16 V.S.A. §§ 1121 et seq. (Attendance required)

16 V.S.A. § 1125 (Truant officers)

POLICY C8: PUPIL PRIVACY

It is the intent of the Orange Southwest School District to comply with the provisions of the federal Pupil Privacy Rights Amendment (PPRA)^[2] and Vermont State Board of Education Rules^[3] governing the administration of certain student surveys, analyses or evaluations.^[4]

Administrative Responsibilities

The superintendent of his or her designee shall develop administrative procedures to ensure school district compliance with applicable federal and state laws related to pupil privacy. The administrative procedures shall include provisions related to the following legal requirements.^[5]

1. The right of parents or eligible students to inspect surveys created by third parties before administration or distribution of the surveys to students;
2. Any applicable procedures for granting request by a parent for access to such survey within reasonable time after a request is received;
3. Arrangements of protect student privacy in the event of the administration or distribution of a survey to a student containing one or more of the items listed in the federal Pupil Privacy Rights Amendment;^[6]
4. The right of a parent to inspect any instructional material used as part of the educational curriculum for the parent's child, and any applicable procedures for granting access to such material within a reasonable time after the request is received.^[7]
5. The administration of physical examinations or screenings that the school district may administer to a student;^[8]
6. The collection, disclosure or use of personal information collected from students for the purpose of marketing or for selling that information, including arrangements to protect student privacy in the event of such collection, disclosure or use.^[9]
7. The right of a parent of a student to inspect any instrument used in the collection of personal information under subparagraph (6) above, and any applicable procedures for granting a request for such inspection within a reasonable time after receiving the request;^[10]
8. Provisions to ensure that parents are notified of the school district policies and procedures adopted to comply with federal and state laws and regulations governing pupil privacy, including, but not limited to, notification of activities involving the collection, disclosure or use of personal information collected from students for the purpose of marketing or selling that information (or otherwise providing that information to others for that purpose), the administration of surveys containing items specifically listed in the Pupil Privacy Rights

Amendment, and any nonemergency, invasive physical examination or screening that is (1) required as a condition of attendance; (2) administered by the school and scheduled by the school in advance; and (3) not necessary to protect the immediate health and safety of the student, or of other students.^[11]

^[1] *This policy is required by the Federal Protection of Pupil Rights Act, 20 U.S.C. § 1232h; Vermont State Board Manual of Rules and Practices, Rule 2113.*

^[2] *See 20 U.S.C. 1232h.*

^[3] *See Vermont State Board of Education Rule 2113.*

^[4] *The federal law and state regulations requiring board policies on this subject are in some instances limited to surveys, analyses or evaluations funded in whole or in part by the U.S. Department of Education. See 20 U.S.C. § 1232h(c)(1). At the board's discretion, the protections provided by this policy could be expanded to include all surveys conducted by the school district, regardless of the survey's funding source.*

^[5] *See 20 U.S.C. §1232h(c)(1).*

^[6] *See 20 U.S.C. §1232h(c)(1)(B) for the list of eight items that must be included.*

^[7] *See 20 U.S.C. §1232h(c)(1)(C).*

^[8] *See 20 U.S.C. §1232h(c)(1)(D).*

^[9] *See 20 U.S.C. §1232h(c)(1)(E).*

^[10] *See 20 U.S.C. §1232h(c)(1)(F)*

^[11] *See 20 U.S.C. §1232h(c)(2).*

Date Warned: March 9th 2020

Date Adopted: April 13th 2020

POLICY C9: NUTRITION AND WELLNESS

It is the intent of the Orange Southwest School District to comply with the local policy requirements of the federal Child Nutrition and WIC Reauthorization Act of 2004 and the Healthy, Hunger-Free Kids Act of 2010 (HHFKA). In accord with those requirements, this policy has been developed in consultation with parents, students, representatives of the school food authority, teachers of physical education, school health professionals, the school board, school administrators and the general public.

Policy Statement

It is the policy of the Orange Southwest School District to establish goals for nutrition promotion and education, nutrition guidelines, physical activity and other school-based activities that are designed to promote student wellness. The district will review and consider evidence-based strategies in determining these goals.

I. Goals for Nutrition Promotion and Education.

- A. The school district shall provide nutrition promotion and education programs as required by state law and regulations of the State Board of Education. In particular, the district shall provide a nutrition component in its Comprehensive Health Education program and shall develop curricular programs intended to accomplish applicable goals enumerated in the Vermont Education Quality Standards.
- B. Nutrition education and promotion programs shall be conducted by appropriately licensed staff members.
- C. To the extent practicable, nutrition education and promotion shall be integrated into core curricula in areas such as science and family and consumer science courses.
- D. The district will limit food and beverage marketing to the promotion of only those foods and beverages that meet the USDA Smart Snacks in School nutrition standards on school campus.

II. Goals for Physical Education and Physical Activity.

- A. The district shall provide physical education classes for all students as required by Education Quality Standards.
- B. The district shall offer opportunities for students in grades K-12 to participate in at least 30 minutes of physical activity within or outside of the school day. Physical activity may include recess and movement built into the curriculum but does not replace physical education classes.

III. Goals for Nutrition Services

- A. The district shall ensure that guidelines for reimbursable school meals are not less restrictive than regulations and guidance issued by the Secretary of Agriculture pursuant to sections (a) and (b) of section 9A(a) and (b) of the Richard B. Russell National School Lunch Act as those regulations and guidance apply to schools.
- B. The district shall provide adequate space for eating and serving school meals.
- C. The district shall provide a clean and safe meal environment for students.

- D. The district shall establish meal periods that provide adequate time to eat and are scheduled at appropriate hours.
- E. Food shall not be used in district schools as a reward or punishment.
- F. The district shall provide training opportunities as appropriate for food service and other staff members in areas of nutrition and wellness.
- G. Schools participating in the National School Lunch and School Breakfast programs shall make free potable water available to children in the meal service areas.

IV. Nutrition Guidelines.

- A. The National School Lunch and School Breakfast Programs will meet the requirements provided in 7 CFR 210 and 7 CFR 220 (National School Lunch Program and School Breakfast Guidelines.)
- B. All foods and beverages outside the reimbursable school meal programs that are sold to students on the school campus during the school day will meet the USDA Smart Snacks nutrition standardsⁱⁱ.
- C. School district fundraisers that occur during the school day will meet the USDA Smart Snack nutrition standardsⁱⁱⁱ.
- D. The district is required to establish nutrition guidelines for all other foods provided, but not sold to students during the school day. Foods provided but not sold may include food that is part of a classroom celebration or provided by parents or community organizations free of charge. *[Districts should choose either 1 or 2 below or write their own guidelines.]*
 - (1) *It is the policy of the district that, when feasible, food provided but not sold should be limited to those foods that improve the diet and health of students, help mitigate childhood obesity, and model healthy choices.*
 - (2) *Food provided but not sold will, at minimum, comply with the Smart Snacks Standardsⁱⁱⁱ.*

V. Other School Based Activities

The district will implement other wellness-based school activities from time to time at the discretion of the superintendent or his or her designee. These activities will be in accordance with evidence-based strategies such as those provided in the Vermont School Wellness Policy Guidelines.

VI. Assessment:

The District will conduct an assessment of the wellness policy every 3 years. This assessment will determine: compliance with the wellness policy, how the wellness policy compares to model wellness policies, and progress made in attaining the goals of the wellness policy.

VII. Policy Implementation.

- A. The district will permit parents, students, representatives of the school food authority, teachers of physical education, school health professionals, the school board, school administrators and the general public to participate in the development, implementation, monitoring, and periodic review and update of this policy.
- B. The superintendent or his or her designee shall periodically monitor district programs and curriculum to ensure compliance with this policy and any administrative procedures established to carry out the requirements of this policy.
- C. The district shall annually inform and update the public about the content and implementation of this policy, including the extent to which district schools are in compliance with this policy, the extent to which this policy compares to model local school wellness policies and a description of the progress made in attaining the goals of this policy.
- D. The superintendent or his or her designee shall report at least annually to the board and to the public on the district's compliance with law and policies related to student wellness. The report shall include information as to the content and implementation of this policy, and an assurance that district guidelines for reimbursable meals are not less restrictive than regulations and guidelines issued for schools in accordance with federal law.

Date Warned: March 9th 2020

Date Adopted: April 13th 2020

Legal Reference(s): 16 V.S.A. §§131 & 906(b)(3).

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

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

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

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

Vermont Education Quality Standards 2120.5

[Vermont School Wellness Policy Guidelines](#), Joint Guidance from Vermont Agency of Agriculture, Food and Markets, the Vermont Agency of Education and Vermont Department of Health. 2016.

POLICY C10: PREVENTION OF HARASSMENT, HAZING AND BULLYING (POLICY)

Policy Statement

The Orange Southwest School District is committed to providing all of its students with a safe and supportive school environment in which all members of the school community are treated with respect.

It is the policy of the District to prohibit unlawful harassment of students based on race, color, religion, creed, national origin, marital status, sex, sexual orientation, gender identity or disability. Harassment may also constitute a violation of Vermont's Public Accommodations Act, Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act of 1990, the Age Discrimination Act of 1975, and/or Title IX of the Federal Education Amendments of 1972.

It is also the policy of the District to prohibit the unlawful hazing and bullying of students. Conduct which constitutes hazing may be subject to civil penalties.

The District shall address all complaints of harassment, hazing and bullying according to the procedures accompanying this policy, and shall take appropriate action against any person - subject to the jurisdiction of the board - who violates this policy. Nothing herein shall be construed to prohibit punishment of a student for conduct which, although it does not rise to the level of harassment, bullying, or hazing as defined herein, otherwise violates one or more of the board's disciplinary policies or the school's code of conduct.

The Procedures are expressly incorporated by reference as though fully included within this Policy. The Procedures are separated from the policy for ease of use as may be required.

Implementation

The Superintendent or her/his designee shall:

1. Adopt a procedure, directing staff, parents and guardians how to report violations of this policy and file complaints under this policy. (See Procedures on the Prevention of Harassment, Hazing and Bullying of Students)
2. Annually, select two or more designated employees to receive complaints of hazing, bullying and/or harassment at each school campus and publicize their availability in any publication of the District that sets forth the comprehensive rules, procedures, and standards of conduct for the school.
3. Designate an Equity Coordinator to oversee all aspects of the implementation of this policy as it relates to obligations imposed by federal law regarding

discrimination. This role may be also be assigned to one or both of the Designated Employees.

4. Respond to notifications of possible violations of this policy in order to promptly and effectively address all complaints of hazing, harassment, and/or bullying.
5. Take action on substantiated complaints. In cases where hazing, harassment and/or bullying is substantiated, the District shall take prompt and appropriate remedial action reasonably calculated to stop the hazing, harassment and/or bullying; prevent its recurrence; and to remedy the impact of the offending conduct on the victim(s), where appropriate. Such action may include a wide range of responses from education to serious discipline. Serious discipline may include termination for employees and, for students, expulsion or removal from school property. It may also involve penalties or sanctions for both organizations and individuals who engage in hazing. Revocation or suspension of an organization's permission to operate or exist within the District's purview may also be considered if that organization knowingly permits, authorizes or condones hazing.

Constitutionally Protected Speech

It is the intent of the District to apply and enforce this policy in a manner that is consistent with student rights to free expression under the First Amendment of the U.S. Constitution. The purpose of this policy is to (1) prohibit conduct or communication that is directed at a person's protected characteristics as defined below and that has the purpose or effect of substantially disrupting the educational learning process and/or access to educational resources or creates a hostile learning environment; (2) prohibit conduct intended to ridicule, humiliate or intimidate students in a manner as defined under this policy.

Definitions

For the purposes of this policy and the accompanying procedures, the following definitions apply:

- A. **"Bullying"** means any overt act or combination of acts, including an act conducted by electronic means, directed against a student by another student or group of students and which:
 - a. Is repeated over time;
 - b. Is intended to ridicule, humiliate, or intimidate the student; and
 - c. (i) occurs during the school day on school property, on a school bus, or at a school-sponsored activity, or before or after the school day on a school bus or at a school sponsored activity; or
(ii) does not occur during the school day on school property, on a school bus or at a school sponsored activity and can be shown to pose a clear and substantial interference with another student's right to access educational programs.

- B. **“Complaint”** means an oral or written report information provided by a student or any person to an employee alleging that a student has been subjected to conduct that may rise to the level of hazing, harassment or bullying.
- C. **“Complainant”** means a student who has provided oral or written information about conduct that may rise to the level of hazing, harassment or bullying, or a student who is the target of alleged hazing, harassment or bullying.
- D. **“Designated employee”** means an employee who has been designated by the school to receive complaints of hazing, harassment and bullying pursuant to subdivision 16 V.S.A. 570a(a)(7). The designated employees for each school building are identified in Appendix A of this policy.
- E. **“Employee”** includes any person employed directly by or retained through a contract with the District, an agent of the school, a school board member, a student teacher, an intern or a school volunteer. For purposes of this policy, “agent of the school” includes school district staff.
- F. **“Equity Coordinator”** is the person responsible for implementation of Title IX (regarding sex - based discrimination) and Title VI (regarding race - based discrimination) for the District and for coordinating the District’s compliance with Title IX and Title VI in all areas covered by the implementing regulations. The Equity Coordinator is also responsible for overseeing implementation of the District’s Preventing and Responding to Harassment of Students and Harassment of Employees policies. This role may also be assigned to Designated Employees.
- G. **“Harassment”** means an incident or incidents of verbal, written, visual, or physical conduct, including any incident conducted by electronic means, based on or motivated by a student’s or a student’s family member’s actual or perceived race, creed, color, national origin, marital status, disability, sex, sexual orientation, or gender identity, that has the purpose or effect of objectively and substantially undermining and detracting from or interfering with a student’s educational performance or access to school resources or creating an objectively intimidating hostile, or offensive environment. Harassment includes conduct as defined above and may also constitute one or more of the following:
- (1) Sexual harassment, which means unwelcome conduct of a sexual nature, that includes sexual violence/sexual assault, sexual advances, requests for sexual favors, and other verbal, written, visual or physical conduct of a sexual nature, and includes situations when one or both of the following occur:

- a. Submission to that conduct is made either explicitly or implicitly a term or condition of a student's education, academic status, or progress; or
- b. Submission to or rejection of such conduct by a student is used as a component of the basis for decisions affecting that student.

Sexual harassment may also include student – on - student conduct or conduct of a non - employee third party that creates a hostile environment. A hostile environment exists where the harassing conduct is severe, persistent or pervasive so as to deny or limit the student's ability to participate in or benefit from the educational program on the basis of sex.

(2) Racial harassment, which means conduct directed at the characteristics of a student's or a student's family member's actual or perceived race or color, and includes the use of epithets, stereotypes, racial slurs, comments, insults, derogatory remarks, gestures, threats, graffiti, display, or circulation of written or visual material, and taunts on manner of speech and negative references to cultural customs.

(3) Harassment of members of other protected categories, means conduct directed at the characteristics of a student's or a student's family member's actual or perceived creed, national origin, marital status, disability, sex, sexual orientation, or gender identity and includes the use of epithets, stereotypes, slurs, comments, insults, derogatory remarks, gestures, threats, graffiti, display, or circulation of written or visual material, taunts on manner of speech, and negative references to customs related to any of these protected categories.

H. **“Hazing”** means any intentional, knowing or reckless act committed by a student, whether individually or in concert with others, against another student: In connection with pledging, being initiated into, affiliating with, holding office in, or maintaining membership in any organization which is affiliated with the educational institution; and

- (1) Which is intended to have the effect of or should reasonably be expected to have the effect of endangering the mental or physical health of the student.

Hazing shall not include any activity or conduct that furthers legitimate curricular, extra - curricular, or military training program goals, provided that:

- (1) The goals are approved by the educational institution; and

- (2) The activity or conduct furthers the goals in a manner that is appropriate, contemplated by the educational institution, and normal and customary for similar programs at other educational institutions.

With respect to Hazing, “Student” means any person who:

- (A) is registered in or in attendance at an educational institution;
- (B) has been accepted for admission at the educational institution where the hazing incident occurs; or
- (C) intends to attend an educational institution during any of its regular sessions after an official academic break.

- I. **“Notice”** means a written complaint or oral information that hazing, harassment or bullying may have occurred which has been provided to a designated employee from another employee, the student allegedly subjected to the hazing, harassment or bullying, another student, a parent or guardian, or any other individual who has reasonable cause to believe the alleged conduct may have occurred. If the school learns of possible hazing, harassment or bullying through other means, for example, if information about hazing, harassment or bullying is received from a third party (such as from a witness to an incident or an anonymous letter or telephone call), different factors will affect the school’s response. These factors include the source and nature of the information; the seriousness of the alleged incident; the specificity of the information; the objectivity and credibility of the source of the report; whether any individuals can be identified who were subjected to the alleged harassment; and whether those individuals want to pursue the matter. In addition, for purposes of violations of federal anti - discrimination laws, notice may occur when an employee of the district, including any individual who a student could reasonably believe has this authority or responsibility, knows or in the exercise of reasonable care should have known about potential unlawful harassment or bullying.
- J. **“Organization”** means a fraternity, sorority, athletic team, association, corporation, order, society, corps, cooperative, club, or other similar group, whose members primarily are students at an educational institution, and which is affiliated with the educational institution.
- K. **“Pledging”** means any action or activity related to becoming a member of an organization.
- L. **“Retaliation”** is any adverse action by any person against a person who has filed a complaint of harassment, hazing or bullying or against a person who assists or participates in an investigation, proceeding or hearing related to the harassment

complaint. Such adverse action may include conduct by a school employee directed at a student in the form of intimidation or reprisal such as diminishment of grades, suspension, expulsion, change in educational conditions, loss of privileges or benefits, or other unwarranted disciplinary action. Retaliation may also include conduct by a student directed at another student in the form of further harassment, intimidation, and reprisal.

- M. **“School administrator”** means a superintendent, principal or his/her designee assistant principal//technical center director or his/her designee and/or the District’s Equity Coordinator.
- N. **“Student Conduct Form”** is a form used by students, staff, or parents, to provide, in written form, information about inappropriate student behaviors that may constitute hazing, harassment and/or bullying.

APPENDIX A

Equity Coordinators:

Steve Kinney, Director of Special Education

(802) 728-5052

skinney@orangesouthwest.org

Robin Pembroke, Chief Financial Officer

(802) 728-5052

rpembroke@orangesouthwest.org

Designated Employees:

The following employees have been designated by the District to receive complaints of bullying and/or harassment pursuant to this policy and 16 V.S.A § 570a(a)(7) and 16 V.S.A. §570c(7) and under federal discrimination laws;

Orange Southwest School District

Kayla Link: Director of Special Education

(802) 728-5052

klink@orangesouthwest.org

Robin Pembroke: Chief Financial Officer

(802) 728-5052

rpemrboke@orangesouthwest.org

Randolph Elementary School

Erica McLaughlin

(802) 728-9555
emclaughlin@orangesouthwest.org

Melinda Robinson

(802) 728-9555
mrobinson@orangesouthwest.org

Braintree Elementary School

Heather Lawler, Principal

(802) 728-9373
hlawler@orangesouthwest.org

Corinne Scoppe

(802) 728-9373
cscoppe@orangesouthwest.org

Brookfield School

David Roller, Principal

(802) 276-3153
droller@orangesouthwest.org

Coinne Scoppe

(802) 276-3153
cscoppe@orangesouthwest.org

Randolph Union High School

Beverly Taft, School Counsellor

(802) 728-3397
btaft@orangesouthwest.org

Kara Merrill, School Counsellor

(802) 728-3397
kmerrill@orangesouthwest.org

Randolph Technical Career Center

Felicia Allard, Director

(802) 728-9595
jgingold@orangesouthwest.org

Jen Jolls, Guidance Counsellor

(802) 728-9595
jjolls@orangesouthwest.org

Date Warned: March 9th 2020

Date Adopted: April 13th 2020

POLICY C10-P: PREVENTION OF HARASSMENT, HAZING AND BULLYING (PROCEDURES)

I. Reporting Complaints of Hazing, Harassment and/or Bullying

A. Student Reporting: Any student who believes that s/he has been hazed, harassed and/or bullied under this policy, or who witnesses or has knowledge of conduct that s/he reasonably believes might constitute hazing, harassment and/or bullying, should promptly report the conduct to a designated employee or any other school employee.

B. School Employee Reporting: Any school employee who witnesses conduct that s/he reasonably believes might constitute hazing, harassment and/or bullying shall take reasonable action to stop the conduct and to prevent its recurrence and immediately report it to a designated employee and immediately complete a Student Conduct Form.

Any school employee who overhears or directly receives information about conduct that might constitute hazing, harassment and/or bullying shall immediately report the information to a designated employee and immediately complete a Student Conduct Form. If one of the designated employees is a person alleged to be engaged in the conduct complained of, the incident shall be immediately reported to the other designated employee or the school administrator.

C. Other Reporting: Any other person who witnesses conduct that s/he reasonably believes might constitute hazing, harassment and/or bullying under this policy should promptly report the conduct to a designated employee.

D. Documentation of the Report: If the complaint is oral, the designated employee shall promptly reduce the complaint to writing in a Student Conduct Form, including the time, place, and nature of the alleged conduct, the identity of the complainant, alleged perpetrator, and any witnesses. Both the complainant and the alleged perpetrator will have the right to present witnesses and other evidence in support of their position.

E. False Complaint: Any person who knowingly makes a false accusation regarding hazing, harassment and/or bullying may be subject to disciplinary action up to and including suspension and expulsion with regard to students, or up to and including discharge with regard to employees. There shall be no adverse action taken against a person for reporting a complaint of hazing, harassment and/

or bullying when the person has a good faith belief that hazing, harassment and/or bullying occurred or is occurring.

F. Rights to Alternative Complaint Process: In addition to, or as an alternative to filing a harassment complaint pursuant to this policy, a person may file a harassment complaint with the Vermont Human Rights Commission or the Office for Civil Rights of the U.S. Department of Education at the addresses noted below:

Vermont Human Rights Commission 14-16 Baldwin Street Montpelier, VT
05633-6301 (800) 416-2010 or (802) 828-2480 (voice) (877) 294-9200 (tty) (802)
828-2481 (fax) Email: human.rights@state.vt.us

Office for Civil Rights, Boston Office U.S. Department of Education 8th Floor 5
Post Office Square Boston, MA 02109-3921 617-289-0111 (voice) 877-521-2172
(tdd) 617-289-0150 (fax) Email: OCR.Boston@ed.gov

II. Responding to Notice of Possible Policy Violation(s)

A. Upon notice of information that hazing, harassment and/or bullying may have occurred the designated employee shall:

1. Promptly reduce any oral information to writing, including the time, place, and nature of the conduct, and the identity of the participants and complainant.
2. Promptly inform the school administrator(s) of the information; iii. If in the judgment of the school administrator, the information alleges conduct which may constitute harassment, hazing or bullying, the school administrator shall, as soon as reasonably possible, provide a copy of the policy on hazing, harassment and bullying and these procedures to the complainant and accused individual, or if either is a minor, cause a copy to be provided or delivered to their respective parent or guardian.

B. Upon initiation of an investigation, the designated employee shall: Notify in writing both the complainant and accused individual (or if either is a minor inform their respective parent or guardian) that:

1. an investigation has been initiated;
2. retaliation is prohibited;
3. all parties have certain confidentiality rights; and
4. they will be informed in writing of the outcome of the investigation.

C. All notifications shall be subject to state and/or federal laws protecting the confidentiality of personally identifiable student information. Pursuant to 34 CFR

Part 99.30, a school administrator may seek the consent of the parent/guardian of the accused student, or the accused eligible student (if 18 or older, the accused student has the ability to consent), in order to inform the complainant of any disciplinary action taken in cases where the school determined that an act(s) of harassment, hazing, and/or bullying, or other misconduct occurred. The parent/guardian or eligible student shall provide a signed and dated written consent before an educational agency or institution discloses personally identifiable information from the student's education records.

III. Investigating Hazing, Harassment and/or Bullying Complaints

A. Initiation of Investigation - Timing. Unless special circumstances are present and documented, such as reports to the Department for Children and Families (“DCF”) or the police, the school administrator shall, no later than one school day after Notice to a designated employee, initiate or cause to be initiated, an investigation of the allegations, which the school administrator reasonably believes may constitute harassment, hazing or bullying.

B. Investigator Assignment. The school administrator shall assign a person to conduct the investigation; nothing herein shall be construed to preclude the school administrator from assigning him/herself or a designated employee as the investigator. No person who is the subject of a complaint shall conduct such an investigation.

C. Interim Measures. It may be appropriate for the school to take interim measures during the investigation of a complaint. For instance, if a student alleges that he or she has been sexually assaulted by another student, the school may decide to place the students immediately in separate classes and/or transportation pending the results of the school’s investigation. Similarly, if the alleged harasser is a teacher, allowing the student to transfer to a different class may be appropriate. In all cases, the school will make every effort to prevent disclosure of the names of all parties involved – the complainant, the witnesses, and the accused -- except to the extent necessary to carry out the investigation.

In all cases where physical harm has resulted and/or where the targeted student is known to be expressing suicidal ideation, or experiencing serious emotional harm, a safety plan will be put in place. Safety plans must also be considered in cases where the targeted student is known to have difficulty accessing the educational programs at the school as a result of the inappropriate behavior. No contact orders, or their enforcement, may also be appropriate interim measures.

D. Due Process. The United States Constitution guarantees due process to students and District employees who are accused of certain types of infractions, including but not limited to sexual harassment under Federal Title IX. The rights established under Title IX must be interpreted consistent with any federally guaranteed due process rights involved in a complaint proceeding, including but not limited to the ability of the complainant and the accused to present witnesses and other evidence during an investigation. The District will ensure that steps to accord due process rights do not restrict or unnecessarily delay the protections provided by Title IX to the complainant.

E. Standard Used to Assess Conduct. In determining whether the conduct constitutes a violation of this policy, the investigator shall consider the surrounding circumstances, the nature of the behavior, past incidents or past or continuing patterns of behavior, the relationships between the parties involved and the context in which the alleged incidents occurred. The complainant and accused will be provided the opportunity to present witnesses and other evidence during an investigation. The school will also consider the impact of relevant off-campus conduct on the school environment where direct harm to the welfare of the school can be demonstrated or the conduct can be shown to pose a clear and substantial interference with another student's equal access to educational programs. Whether a particular action constitutes a violation of this policy requires determination based on all the facts and surrounding circumstances.

F. Completion of Investigation – Timing. No later than five school days from the filing of the complaint with the designated employee, unless special circumstances are present and documented, the investigator shall submit a written initial determination to the school administrator.

G. Investigation Report. The investigator shall prepare a written report to include a statement of the findings of the investigator as to whether the allegations have been substantiated, and as to whether the alleged conduct constitutes hazing, harassment and/or bullying. The report, when referencing student conduct, is a student record and therefore confidential. It will be made available to investigators in the context of a review conducted by either Vermont AOE, or investigations of harassment conducted by the Vermont Human Rights Commission or U.S. Department of Education Office of Civil Rights.

H. Notice to Students/Parents/Guardians. Within five school days of the conclusion of the investigation, the designated employee shall:

- i. Notify in writing both the complainant and accused individual (or if either is a minor inform their respective parent or guardian) that:

1. the investigation has been completed;
 2. whether or not the investigation concluded that a policy violation occurred (and which policy term was violated, i.e. harassment, hazing and/or bullying);
 3. that federal privacy law prevents disclosure of any discipline imposed as a result of the investigation unless the parent/guardian of the accused student and/or the accused eligible student consents to such disclosure, pursuant to 34 CFR Part 99.30, as set forth in Section II, Part C, above.
- ii. Notify the Complainant Student - or if a minor, their parent(s) or guardian - in writing of their rights to:
1. an internal review by the school of its initial determination as a result of its investigation as to whether harassment occurred;
 2. request an Independent Review of the school's "final" determination as to whether harassment occurred within thirty (30) days of the final determination or although a "final" determination was made that harassment indeed occurred the school's response to that harassment was inadequate to correct the problem; and that the review will be conducted by an investigator to be selected by the superintendent from a list developed by the Agency of Education;
 3. file complaints of harassment with either the Vermont Human Rights Commission and/or the federal Department of Education's Office of Civil Rights.
- iii. Notify the Accused Student – or if a minor, their parent(s) or guardian - in writing of their right to appeal as set forth in Section V of these procedures.

I. Violations of Other Policies. In cases where the investigation has identified other conduct that may constitute a violation of other school disciplinary policies or codes of conduct, the designated employee shall report such conduct to the school administrator for action in accordance with relevant school policies or codes of conduct.

IV. Responding to Substantiated Claims

A. Scope of Response. After a final determination that an act(s) of hazing, harassment and/or bullying has been committed, the school shall take prompt and appropriate disciplinary and/or remedial action reasonably calculated to stop the hazing, harassment and/or bullying and prevent any recurrence of harassment, hazing and/or bullying, and remedy its effects on the victim(s). In so doing, the following should be considered:

(i) Potential Remedial Actions. Remedial action may include but not be limited to an age appropriate warning, reprimand, education, training and counseling, transfer, suspension, and/or expulsion of a student, and warning, reprimand, education, training and counseling, transfer, suspension and/or termination of an employee. A series of escalating consequences may be necessary if the initial steps are ineffective in stopping the hazing, harassment and/or bullying.

To prevent recurrences counseling for the offender may be appropriate to ensure that he or she understands what constitutes hazing/harassment and/or bullying and the effects it can have. Depending on how widespread the hazing/harassment/bullying was and whether there have been any prior incidents, the school may need to provide training for the larger school community to ensure that students, parents and teachers can recognize hazing/harassment/bullying if it recurs and know how to respond.

(ii) School Access/Environment Considerations. The District will also take efforts to support victims' access to the District's programs, services and activities and consider and implement school-wide remedies, where appropriate. Accordingly, steps will be taken to eliminate any hostile and/or threatening environment that has been created. For example, if a female student has been subjected to harassment/bullying by a group of other students in a class, the school may need to deliver special training or other interventions for that class to repair the educational environment. If the school offers the student the option of withdrawing from a class in which a hostile environment/bullying occurred, the District will assist the student in making program or schedule changes and ensure that none of the changes adversely affect the student's academic record.

Other measures may include, if appropriate, directing a bully/harasser to apologize to the affected student. If a hostile environment has affected the entire school or campus, an effective response may need to include dissemination of information, the issuance of new policy statements or other steps that are designed to clearly communicate the message that the school does not tolerate harassment and/or bullying and will be responsive to any student who reports that conduct.

(iii) Hazing Case Considerations. Appropriate penalties or sanctions or both for organizations that or individuals who engage in hazing and revocation or suspension of an organization's permission to operate or exist within the institution's purview if that organization knowingly permits, authorizes, or condones hazing.

(iv) Other Remedies: Other remedies may include providing counseling to the victim(s) and/or the perpetrator(s), and additional safety planning measures for the victim(s).

B. Retaliation Prevention. It is unlawful for any person to retaliate against a person who has filed a complaint of harassment or against a person who assists or participates in an investigation, proceeding or hearing related to the harassment complaint. A person may violate this anti-retaliation provision regardless of whether the underlying complaint of harassment is substantiated.

The District will take reasonable steps to prevent any retaliation against the student who made the complaint (or was the subject of the harassment), against the person who filed a complaint on behalf of a student, or against those who provided information as witnesses. At a minimum, this includes making sure that the students and their parents, and those witnesses involved in the school's investigation, know how to report any subsequent problems and making followup inquiries to see if there are have been any new incidents or any retaliation.

C. Alternative Dispute Resolution. At all stages of the investigation and determination process, school officials are encouraged to make available to complainants alternative dispute resolution methods, such as mediation, for resolving complaints. Certain considerations should be made before pursuing alternative dispute resolution methods, including, but not limited to: (1) the nature of the accusations (for example, face-to-face mediation is not appropriate for sexual violence cases), (2) the age of the complainant and the accused individual, (3) the agreement of the complainant, and (4) other relevant factors such as any disability of the target or accused individual, safety issues, the relationship and relative power differential between the target and accused individual, or any history of repeated misconduct/harassment by the accused individual.

V. Post Investigative Reviews

Rights of Complainants

A. Internal Review of Initial Harassment Determinations By Complainant. A complainant or parent of a complainant may request internal review by the District of a designee's initial determination (following investigation) that harassment has not occurred via written request submitted to the District superintendent. All levels of internal review of the investigator's initial determination, and the issuance of a final decision, shall, unless special

circumstances are present and documented by the District, be completed within 30 calendar days after review is requested.

B. Independent Reviews of Final Harassment Determinations By

Complainant. A complainant may request an independent review within thirty (30) days of a final determination if s/he: (1) is dissatisfied with the final determination as to whether harassment occurred, or (2) believes that although a final determination was made that harassment occurred, the school's response was inadequate to correct the problem.

The complainant shall make such a request in writing to the superintendent of schools within thirty (30) days of a final determination. Upon such request, the superintendent shall promptly initiate an independent review by a neutral person as described under 16 V.S.A. § 570a.(b)(1) and shall cooperate with the independent reviewer so that s/he may proceed expeditiously. The review shall consist of an interview of the complainant and relevant school officials and a review of the written materials from the school's investigation.

Upon completion of the independent review, the reviewer shall advise the complainant and school officials in writing: (1) as to the sufficiency of the school's investigation, its determination, and/or the steps taken by the school to correct any harassment found to have occurred, and (2) of recommendations of any steps the school might take to prevent further harassment from occurring. A copy of the independent review report shall be sent to the Secretary of Education.

The reviewer shall advise the student of other remedies that may be available if the student remains dissatisfied and, if appropriate, may recommend mediation or other alternative dispute resolution. The independent reviewer shall be considered an agent of the school for the purpose of being able to review confidential student records. The costs of the independent review shall be borne by the District. The District may request an independent review at any stage of the process.

C. Rights to Alternative Harassment Complaint Process. In addition to, or as an alternative to filing a harassment complaint pursuant to this policy, a person may file a harassment complaint with the Vermont Human Rights Commission or the Office for Civil Rights of the U.S. Department of Education at the addresses noted below:

Vermont Human Rights Commission 14-16 Baldwin Street Montpelier, VT
05633-6301 (800) 416-2010 or (802) 828-2480 (voice) (877) 294-9200 (tty) (802)
828-2481 (fax) Email: human.rights@state.vt.us

Office for Civil Rights, Boston Office U.S. Department of Education 8th Floor 5
Post Office Square Boston, MA 02109-3921 617-289-0111 (voice) 877-521-2172
(tdd) 617-289-0150 (fax) Email: OCR.Boston@ed.gov

Rights of Accused Students

A. Appeal. Any person determined to have engaged in an act(s) of hazing, harassment and/or bullying may appeal the determination and/or any related disciplinary action(s) taken, directly to the school board of the school district. The school board shall conduct a review on the record. The standard of review by the school board shall be whether the finding that an act(s) of hazing, harassment, and/or bullying has been committed constitutes an abuse of discretion by the school level fact finder. Appeals should be made to the school board within ten (10) calendar days of receiving the determination that an act(s) of hazing, harassment and/or bullying has occurred and/or any announced discipline. The school board shall set the matter for a review hearing at the next scheduled school board meeting to the extent practicable, but not later than 30 days from receipt of the appeal filing.

B. Accused Student/Appellant Access to Investigative Reports/Findings. The school district shall make available upon request of the Accused Student/Appellant, any relevant information, documents, materials, etc. related to the investigation and related finding on appeal that can be redacted and de-identified in compliance with the requirements set forth at 34 CFR Part 99. For those documents that cannot be provided due to the requirements set forth at 34 CFR Part 99, when an Accused Student/Appellant seeks a review on the record before the school board of the school district, a school administrator may seek the consent of the parent/guardian of the targeted student, or the accused eligible targeted student (if 18 or older, the targeted student has the ability to consent), in order to inform the accused student of the findings which gave rise to the school's determination that an act(s) of harassment, hazing, and/or bullying occurred. The parent/guardian or eligible student shall provide a signed and dated written consent before an educational agency or institution discloses personally identifiable information from the student's education records.

VI. Confidentiality and Record Keeping

A. Privacy Concerns. The privacy of the complainant, the accused individual, and the witnesses shall be maintained consistent with the District's obligations to investigate, to take appropriate action, and to comply with laws governing the

disclosure of student records or other applicable discovery or disclosure obligations.

i. Concerns Related to Harassment Complaints. The scope of appropriate response to a harassment complaint may depend upon whether a student or parent of a minor student reporting the harassment asks that the student's name not be disclosed to the harasser or that nothing be done about the alleged harassment. In all cases, school officials will discuss confidentiality standards and concerns with the complainant initially. The school will inform the student that a confidentiality request may limit the school's ability to respond. The school will remind the student that both federal Title IX and Vermont Title 9 prevent retaliation and that if he or she is afraid of reprisals from the alleged harasser, the school will take steps to prevent retaliation and will take strong action if retaliation occurs. If the student continues to ask that his or her name not be revealed, the school should take all reasonable steps to investigate and respond to the complaint consistent with the student's request as long as doing so does not prevent the school from responding effectively to the harassment and preventing harassment of other students.

The school will evaluate the confidentiality request in the context of its responsibility to provide a safe and nondiscriminatory environment for all students. The factors the school might consider in this regard include the seriousness of the alleged harassment, the age of the student harassed, whether there have been other complaints or reports of harassment against the alleged harasser, and the rights of the accused individual to receive information about the accuser and the allegations if a formal proceeding with sanctions may result. If information about the incident is contained in an "education record" of the student alleging the harassment, as defined by the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. 1232g, the school will consider whether FERPA prohibits it from disclosing information without the student's consent.

B. Document Maintenance. The Superintendent or school administrator shall assure that a record of any complaint, its investigation and disposition, as well as any disciplinary or remedial action taken following the completion of the investigation, is maintained by the District in a confidential file accessible only to authorized persons. All investigation records created in conformance with this model policy and model procedures, including but not limited to, the complaint form, interview notes, additional evidence, and the investigative report, shall be kept by the Equity Coordinator, Designated Employees and District/Supervisory Union Central Office for at least six years after the investigation is completed.

VII. Reporting to Other Agencies

A. Reports to Department of Children and Families. When a complaint made pursuant to this policy includes allegations of child abuse, any person responsible for reporting suspected child abuse under 33 V.S.A. § 4911, et seq. must report the allegation to the Commissioner of DCF. If the victim is over the age of 18 and a report of abuse is warranted, the report shall be made to Adult Protective Services in accordance with 33 V.S.A. § 6901 et seq.

B. Reports to Vermont Agency of Education. If a harassment complaint is made in a public school 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 Commissioner. If a harassment complaint 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.

C. 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 hazing, harassment and/or bullying 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. Firsthand 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.

c. Hazing Incidents. It is unlawful to (1) engage in hazing; (2) solicit direct, aid, or attempt to aid, or abet another person engaged in hazing; or (3) knowingly fail to take reasonable measures within the scope of the person's authority to prevent hazing. It is not a defense in an action under this section that the person against whom the hazing was directed consented to or acquiesced in the hazing activity. Hazing incidents will be

reported to the police in a manner consistent with the confidentiality rights set forth above in this section.

D. Continuing Obligation to Investigate. Reports made to either DCF or law enforcement shall not be considered to absolve the school administrators of their obligations under this policy to pursue and complete an investigation upon receipt of notice of conduct which may constitute hazing, harassment and/or bullying.

VIII. Disseminating Information, Training, and Data Reporting

A. Disseminating Information. Annually, prior to the commencement of curricular and co-curricular activities, the District shall provide notice of this policy and procedures to students, custodial parents or guardians of students, and staff members, including references to the consequences of misbehavior contained in the plan required by 16 V.S.A. 1161a. Notice to students shall be in age-appropriate language and include examples of hazing, harassment and bullying. At a minimum, this notice shall appear in any publication of the District that sets forth the comprehensive rules, procedures and standards of conduct for the District.

B. Student Training. The school administrator shall use his/her discretion in developing age-appropriate methods of discussing the meaning and substance of this policy with students to help prevent hazing, harassment and bullying.

C. Staff Training. The board or its designee shall ensure that teachers and other staff receive training in preventing, recognizing and responding to hazing, harassment and bullying.

D. Data Gathering. Public school districts shall provide the Vermont Agency of Education with data requested by the Secretary of Education.

Date Warned: March 9th 2020
Date Adopted April 13th 2020

Title V, Section B, 504 of the Rehabilitation Act of 1973, 29 U.S.C. §794 et seq.; Title VI of the Civil Rights Act of 1964, 42 U.S.C. §2000d; Title IX of the Educational Amendments Act of 1972, 20 U.S.C. §§ 1681 et seq.; Family Education Rights Privacy Act; 20 U.S.C. §1232g; Public Accommodations Act, 9 V.S.A. §§4500 et seq.; Education, Classifications and Definitions, 16 V.S.A. §11(26);(30)(A);(32); Education, 16 V.S.A. §140(a)(1); Education, 16 V.S.A. §166(e); Education, Bullying, 16 V.S.A. §570c; Education, Harassment, Hazing and Bullying, 16 V.S.A. § 570; Education, Harassment, 16 V.S.A. §570a; Education, Harassment, 16 V.S.A. §570c; Education, Harassment, 16 V.S.A. §570f; Education, Hazing, 16 V.S.A. §570b; Education, Hazing, 16 V.S.A. §570f Education, Discipline, 16 V.S.A. §1161a; Education, Suspension or Expulsion of Pupils; 16 V.S.A. §1162; Child Abuse, 33 V.S.A. §§4911 et seq.; Adult Protective Services, 33 V.S.A. §6901 et seq., all as they may be amended from time to time.

Washington v. Pierce, 179 VT 318 (2005).

POLICY C11: STUDENT FREEDOM OF EXPRESSION

Policy Statement

Freedom of expression is a fundamental principle in a democratic society that provides all citizens, including students, with the right to engage in a robust discussion of ideas. It is the policy of the Orange Southwest School District to ensure that students enjoy free speech and free press protections related to school-sponsored media, and to encourage students to become educated, informed, and responsible members of society.

No expression made by students in school-sponsored media shall be deemed to be an expression of school policy.

Definitions

“Media advisor” means a person employed, appointed, or designated by the district/supervisory union to provide instruction relating to school-sponsored media.

“School-sponsored media” means any material prepared, written, published, or broadcast as part of a school-supported program or activity by a student journalist that is distributed or generally made available as part of a school-supported program or activity to an audience beyond the classroom in which the material is produced. “Student journalist” means a student enrolled in the district/supervisory union who gathers, compiles, writes, edits, photographs, records or prepares information for dissemination in school-sponsored media. “Student supervisor” means a student who is responsible for editing school-sponsored media.

Implementation

Subject only to the conditions 1-6 below, a student journalist may exercise freedom of speech and freedom of the press in school-sponsored media. Student supervisors of school-sponsored media are responsible for determining the content of their respective media. This policy does not authorize or protect content of school-sponsored media that:

1. Is libelous or slanderous;
2. Constitutes an unwarranted invasion of privacy;
3. May be defined as obscene, gratuitously profane, threatening or intimidating;
4. May be defined as harassment, hazing, or bullying under Title 16 § 11;
5. Violates federal or state law; or
6. Creates the imminent danger of materially or substantially disrupting the ability of the school to perform its educational mission.

District/Supervisory Union staff may restrain the distribution of content in school-sponsored media that can be demonstrated to violate any of the conditions 1-6 above. Content in school-sponsored media will not be restrained solely because it involves political or controversial subject matter, or is critical of the school or its administration. A student journalist may not be disciplined for acting in accordance with this policy. A media advisor may not be disciplined for taking reasonable and appropriate action to protect a student journalist in conduct protected by this policy or for refusing to infringe

on conduct that is protected by this policy, by the first amendment to the U.S. Constitution, or by the Vermont Constitution.

Date Warned: March 9th 2020

Date Adopted April 13th 2020

Legal Reference 16 V.S.A. § 1623

POLICY C20: STUDENT CONDUCT AND DISCIPLINE

Policy

It is the policy of the Orange Southwest School District to maintain a safe, orderly, civil and positive learning environment via a system of classroom and school management practices, supported by consistent, clear and fair disciplinary procedures. The goal of this policy is to create an environment where the rules for student behavior are clearly stated, are understood and accepted by students and staff, and are applied in compliance with due process requirements. This policy is to be applied in conjunction with the school's overall discipline plan developed pursuant to 16 V.S.A. § 1161a.

Definitions

- 1) ***Weapon*** means a device, instrument, material or substance whether animate or inanimate, which, when used as it is intended to be used, is known to be capable of producing death or serious bodily injury.^[2]
- 2) ***School*** means any setting which is under the control and supervision of the School District. It includes school grounds, facilities, and school-sponsored events whether held on or off of school grounds and vehicles used to transport students to and from school or school activities.^[3]
- 3) ***Expelled*** means the termination of educational services for the remainder of the school year or up to 90 school days, whichever is longer.^[4]
- 4) ***Knife*** means any instrument that is capable of ready use as a stabbing weapon that may inflict bodily injury or death.

Student Responsibilities

It is the responsibility of each student to contribute to a safe and productive learning environment in the school by demonstrating respect and consideration for fellow students and adults. This includes complying with all policies and rules of conduct of the school district and individual classrooms.

Administrative Responsibilities

The principal, in consultation with the educational staff, will develop an overall discipline plan pursuant to 16 V.S.A. §1161a.

The plan will include clear guidelines for student behavior. The guidelines may include provisions for the suspension or expulsion of students who engage in misconduct on school property, on a school bus, or at a school sponsored activity when the misconduct makes the continued presence of the student harmful to the welfare of the school. The guidelines may also include provisions for the suspension or expulsion of students who engage in misconduct not on school property, on a school bus, or at a school sponsored activity where direct harm to the school can be demonstrated or where the misconduct

can be shown to pose a clear and substantial interference with another student's equal access to educational programs.^[5]

The guidelines for student behavior will also include prohibitions against the possession by students of knives, weapons and dangerous instruments while at school, and shall allow disciplinary action up to and including expulsion for violations of the prohibition against knives, weapons and dangerous instruments that are not possessed at school as part of an educational program sponsored or sanctioned by the school.^[6]

Behavioral expectations, and the consequences of misconduct, will be stated in the student handbook and other publications distributed to students and parents/guardians.

Date Warned: March 9th 2020
Date Adopted April 13th 2020

Legal Reference(s): 16 V.S.A. §1161a (discipline)
16 V.S.A. §1162 (suspension and expulsion)
20 U.S.C. §§1400 et seq. (IDEA)
29 U.S.C. §794 (Section 504, Rehabilitation Act of 1973)
VT State Board of Education Manual of Rules & Practices §4311, 4312, 4313; 2120.8.12

^[5] There is no clear legal requirement for a school board policy on discipline. However, 16 V.S.A. § 1162(a) authorizes school superintendents or principals to suspend pupils for up to 10 school days "...pursuant to policies adopted by the school board..." 16 V.S.A. § 1161a requires that all schools "...adopt and implement a comprehensive plan for responding to student misbehavior..." The State Board of Education Manual of Rules and Practices includes a school quality standard that refers to a "safe and orderly school environment," and refers to the required discipline plan, but does not require a policy. The Vermont Department of Education has posted guidelines for discipline plan development and several other resources on student discipline issues on its website at http://www.state.vt.us/educ/new/html/pgm_safeschools/pubs.html#resources.

^[6] See 13 V.S.A. §4016(a)(2) for definition of "dangerous or deadly weapon."

^[7] The Federal Gun Free Schools Act defines "school" as "...any setting that is under the control and supervision of the local education agency for the purpose of student activities approved and authorized by the local education agency." 20 U.S.C. § 7151(b)(f).

^[8] 16 V.S.A. §1162(a).

^[9] See 16 V.S.A. § 1162(a)(3)

^[10] The "knives, weapons and dangerous instruments" prohibition in this model policy is not required by law. The possession of "dangerous and deadly weapons" on school grounds by any individual is prohibited by 13 V.S.A. §4004. This prohibition does not apply to the possession of firearms in schools for "instructional or other specific purposes." 13 V.S.A. §4004(c)(2).

Section D: Instruction

POLICY D1: PROFICIENCY BASED GRADUATION REQUIREMENTS

It is the policy of the Orange Southwest School District to ensure students can engage in rigorous, relevant and comprehensive learning opportunities that allow them to demonstrate proficiency in literacy, mathematics, scientific inquiry, global citizenship, physical education, artistic expression, and transferable skills. A student meets the requirements for graduation when the student demonstrates evidence of proficiency in these curriculum content areas, and when they meet any additional graduation requirements described by this Board (Insert additional requirements here).

The Orange Southwest School District may use credits for the purpose of demonstrating that a student has met the graduation requirements. Credits will specify the proficiencies demonstrated in order to attain a credit and shall not be based on time spent in learning. Students in the Orange Southwest School District may receive credit for learning that takes place outside of the school, school day, or the classroom, provided that any credits earned occur under the supervision of an appropriately licensed educator.

Responsibilities of the Superintendent

The superintendent shall develop procedures to ensure:

1. The PBGRs described in this policy reflect the learning standards adopted by the State Board of Education.
2. Students are being assessed as proficient against the comprehensive set of board-adopted PBGRs set forth in this policy prior to their receipt of a high school diploma.
3. Course credits will specify the proficiencies demonstrated to attain that credit, and that those proficiencies will align with the PBGRs set forth in this policy.
4. Student learning outcomes attained through Flexible Pathways² opportunities—including career and technical education, virtual learning, work-based learning, service learning, dual enrollment, and early college—are linked clearly to expectations of proficiency identified in this policy.
5. Learning opportunities identified in students' Personalized Learning Plans (PLPs) support expectations of proficiency identified in this policy.
6. All students will meet the same set of PBGRs set forth in this policy, with accommodations or modifications being provided for students who require them under an IEP or 504 plan.
7. Information regarding PBGR implementation and assessment is provided to students and parents at least annually.

Monitoring of PBGR Implementation

The responsibilities described above will be monitored at a frequency and by a method chosen by the board.

Date Warned: March 9th 2020

Date Adopted: April 13th 2020

Legal Reference(s):

[\[1\]](#) Rule 2120.8 of the Education Quality Standards requires secondary school boards to adopt a local graduation policy that defines “proficiency-based graduation requirements based on standards adopted by the State Board of Education.”

[\[2\]](#) Rule 2120.2 requires schools to provide students the opportunity to experience learning through flexible and multiple pathways, including but not limited to career and technical education, virtual learning, work-based learning, service learning, dual enrollment and early college. Learning must occur under the supervision of an appropriately licensed educator. Learning expectations must be aligned with state expectations and standards.

POLICY D3: RESPONSIBLE COMPUTER, NETWORK & INTERNET USE

Purpose

The Orange Southwest School District recognizes that information technology (IT) is integral to learning and educating today's children for success in the global community and fully supports the access of these electronic resources by students and staff. The purpose of this policy is to:

1. Create an environment that fosters the use of information technology in a manner that supports and enriches the curriculum, provides opportunities for collaboration, and enhances staff professional development.
2. Ensure the district takes appropriate measures to maintain the safety of everyone that accesses the district's information technology devices, network and web resources.
3. Comply with the requirements of applicable federal and state laws that regulate the provision of access to the internet and other electronic resources by school districts.

Policies

It is the policy of the Orange Southwest School District to provide students and staff access to a multitude of information technology (IT) resources including the Internet. These resources provide opportunities to enhance learning and improve communication within our community and with the global community beyond. However, with the privilege of access comes the responsibility of students, teachers, staff and the public to exercise responsible use of these resources. The use by students, staff or others of district IT resources is a privilege, not a right.

The same rules and expectations govern student use of IT resources as apply to other student conduct and communications, including but not limited to the district's harassment and bullying policies.

The district's computer and network resources are the property of the district. Users shall have no expectation of privacy in anything they create, store, send, receive or display on or over the district's computers or network resources, including personal files and electronic communications.

The superintendent is responsible for establishing procedures governing use of IT resources consistent with the provisions of this policy. These procedures must include:

1. An annual process for educating students about responsible digital citizenship. As defined in this policy, a responsible digital citizen is one who:

- **Respects One’s Self.** Users will maintain appropriate standards of language and behavior when sharing information and images on social networking websites and elsewhere online. Users refrain from distributing personally identifiable information about themselves and others.
 - **Respects Others.** Users refrain from using technologies to bully, tease or harass other people. Users will report incidents of cyber bullying and harassment in accordance with the district’s policies on bullying and harassment. Users will also refrain from using another person’s system account or password or from presenting themselves as another person.
 - **Protects One’s Self and Others.** Users protect themselves and others by reporting abuse and not forwarding inappropriate materials and communications. They are responsible at all times for the proper use of their account by not sharing their system account password.
 - **Respects Intellectual Property.** Users suitably cite any and all use of websites, books, media, etc.
 - **Protects Intellectual Property.** Users request to use the software and media others produce.
2. Provisions necessary to ensure that Internet service providers and other contractors comply with applicable restrictions on the collection and disclosure of student data and any other confidential information stored in district electronic resources.
 3. Technology protection measures that provide for the monitoring and filtering of online activities by all users of district IT, including measures that protect against access to content that is obscene, child pornography, or harmful to minors.
 4. Methods to address the following:
 - Control of access by minors to sites on the Internet that include inappropriate content, such as content that is:
 - ✓ Lewd, vulgar, or profane
 - ✓ Threatening
 - ✓ Harassing or discriminatory
 - ✓ Bullying
 - ✓ Terroristic
 - ✓ Obscene or pornographic
 - The safety and security of minors when using electronic mail, social media sites, and other forms of direct electronic communications.
 - Prevention of unauthorized online access by minors, including “hacking” and other unlawful activities.
 - Unauthorized disclosure, use, dissemination of personal information regarding minors.

- Restriction of minors’ access to materials harmful to them.
5. A process whereby authorized persons may temporarily disable the district’s Internet filtering measures during use by an adult to enable access for bona fide research or other lawful purpose.

Policy Application

This policy applies to anyone who accesses the district’s network, collaboration and communication tools, and/or student information systems either on-site or via a remote location, and anyone who uses the district’s IT devices either on or off-site.

Limitation/Disclaimer of Liability

The District is not liable for unacceptable use or violations of copyright restrictions or other laws, user mistakes or negligence, and costs incurred by users. The District is not responsible for ensuring the accuracy, age appropriateness, or usability of any information found on the District’s electronic resources network including the Internet. The District is not responsible for any damage experienced, including, but not limited to, loss of data or interruptions of service. The District is not responsible for the accuracy or quality of information obtained through or stored on the electronic resources system including the Internet, or for financial obligations arising through their unauthorized use.

Enforcement

The district reserves the right to revoke access privileges and/or administer appropriate disciplinary action for misuse of its IT resources. In the event there is an allegation that a user has violated this policy, the school district will handle the allegation consistent with the student disciplinary policy.

Allegations of staff member violations of this policy will be processed in accord with contractual agreements and legal requirements.

Date Warned: March 9th 2020
Date Adopted: April 13th 2020

Legal

Reference(s):

- 17 U.S.C. §§101-120 (Federal Copyright Act of 1976 as amended)*
- 20 U.S.C. § 6777 et seq. (Enhancing Education Through Technology Act)*
- 18 U.S.C. §2251 (Federal Child Pornography Law—Sexual Exploitation and Other Abuse of Children)*
- 47 U.S.C. §254 (Children’s Internet Protection Act)*
- 47 CFR §54.520 (CIPA Certifications)*
- 13 V.S.A. §§2802 et seq. (Obscenity, minors)*
- 13 V.S.A. § 1027 (Disturbing Peace by Use of...Electronic Means)*
- 13 V.S.A. §2605 (Voyeurism)*

Cross Reference: Student Conduct and Discipline
Selection of Instructional Materials
Complaints About Instructional Materials

POLICY D4: TITLE I COMPARABILITY

If a school in the Orange Southwest School District becomes eligible to receive Title I funds, the school district shall provide comparable services, staffing levels, curriculum materials and instructional supplies for Title I eligible and non-Title I eligible schools. The district shall use local and state funds to ensure equivalence among schools in staffing and the provision of curricular materials and instructional supplies. Students in all schools shall be eligible for comparable programs and supplemental supports. The district shall utilize district-wide salary schedules for professional and non-professional staff.

The superintendent or his or her designee shall develop procedures for compliance with this policy and shall maintain records that are updated biennially documenting the district's compliance with this policy¹.

Date Warned: March 9th 2020
Date Adopted: April 13th 2020
Legal Reference: 20 USCA §6321(c)

This policy is required of school districts that operate Title I schools. Comparability requires that LEAs document that the services provided with state and local funds in Title I schools are comparable to those provided in non-Title I schools in the LEA. If an LEA serves all of the schools in its district with Title I funds, the LEA must use state and local funds to provide services that, taken as a whole, are "at least comparable" in each participating school. The comparability requirements do not apply to an LEA that does not have more than one building for each grade span.

Required by 20 U.S.C. §6321(c)(3).

POLICY D5: ANIMAL DISSECTION

Policy

It is the intent of the Orange Southwest School District to comply with the requirements of Act 154 of 2008 regarding the right of students to be excused from participating in or observing activities involving the dissection or vivisection of animals. Students enrolled in District schools shall have the right to be excused from participating in any lesson, exercise or assessment requiring the student to dissect, vivisection or otherwise harm or destroy an animal or any part of an animal, or to observe any of these activities, as part of a course of instruction.

Definition

As used in this policy, the word “animal” means any organism of the kingdom animalia and includes an animal’s cadaver or the severed parts of an animal’s cadaver.

Alternative Education Method

A student who is excused under this policy shall be provided with alternative methods through which he or she can learn and be assessed on material required by the course. The alternative methods shall be developed by the teacher of the course, in consultation with the principal if necessary.

Discrimination

No student shall be discriminated against based on his or her decision to exercise the right to be excused afforded by this policy.

Procedures

The Principal shall develop and implement procedures to ensure compliance with the provisions of Act 154 of 2008. The procedures shall include provisions for the timely notification to each student enrolled in the course and to the student’s parent or guardian of the student’s right to be excused from participating in or observing the lesson and the process by which a student may exercise this right.

<i>Date Warned:</i>	<i>March 9th 2020</i>
<i>Date Adopted:</i>	<i>April 13th 2020</i>
<i>Legal Reference(s):</i>	<i>Act 154 of 2007-2008 Adjourned Session</i> <i>16 V.S.A. §912</i>

POLICY D6: CLASS SIZE

It is the intent of the Board to comply with Sections 15 and 16 of Act 153 of 2010 requiring superintendents to work with school boards to develop policy guidelines for minimum and optimal average class sizes in regular and technical education classes. Class size guidelines will be used to inform annual decisions related to staffing and program offerings.

Implementation

1. The superintendent or his or her designee shall, in consultation with building principals, develop supervisory union wide class minimum, maximum and optimum average class size guidelines that take into account the instructional needs of specific elementary grade intervals and required and elective courses at the secondary level.
2. Class size guidelines in the supervisory union may vary as necessary to reflect differences among school districts due to geography and other factors, such as school size and programmatic needs.
3. The guidelines shall also ensure compliance with state or federal requirements related to matters such as student-teacher ratios, special education, technical education and English Language Learners.
4. The superintendent shall report to the Board at least annually on the implementation of this policy, and shall include in his or her report information related to the use of the guidelines in determining actual class sizes and program offerings in the schools within the supervisory union.
5. This policy shall be posted on the supervisory union's website and forwarded to the Secretary of Education.

Date Warned: March 9th 2020

Date Adopted: April 13th 2020

POLICY D7: SPECIAL EDUCATION

It is the policy of the Orange Southwest School District to meet the needs of students with disabilities, as defined in federal and state law and regulations, and to provide a free and appropriate public education (FAPE) to these students in the least restrictive environment that will allow all students to benefit educationally.

The Agency of Education (AOE), as the State Education Agency (SEA), is responsible for the overall provision of a Free Appropriate Public Education (FAPE) to eligible Vermont students with disabilities and does this through the implementation of the Individuals with Disabilities Education Act (IDEA).

The Orange Southwest School District will use the guidelines developed by the Vermont Agency of Education in its most current edition of the *Vermont Special Education Procedures and Practices Manual* regarding special education issues. The Manual is designed to assist Vermont school districts in understanding the provisions of the Individuals with Disabilities Education Improvement Act (IDEA) and meeting its requirements.

Date Warned: *November 4, 2021*
Date Adopted: *December 2, 2021*

POLICY D21: EDUCATIONAL SUPPORT SYSTEM

Policy

It is the policy of the Orange Southwest School District to provide a continuum of educational services through a comprehensive Educational Support System to increase the ability of the school to meet the needs of all students in the general education environment.^[1]

Implementation

The principal shall be responsible for developing written procedures^[2] to establish and implement the educational support system. The procedures shall comply with the requirements of Act 117 of 2000 and State Board of Education Rules 2194 and 2120.8.3.^[3]

Date Warned: March 9th 2020

Date Adopted: April 13th 2020

Legal Reference(s): Act 230 of the 1990 Vermont Legislature

Act 157 of the 1996 Vermont Legislature

Act 117 of the 2000 Vermont Legislature

16 V.S.A. §§2901, 2902, 2904 (General policy, ESS and EST)

16 V.S.A. §§ 2961 et seq. (Special education funding)

Vt. State Board of Education Manual of Rules & Practices, §§2120.8., 2194

Cross Reference:

^[1] See 16 V.S.A. § 2902(a) requiring that “...a school district board shall assign responsibility for developing and maintaining the educational support system either to the superintendent pursuant to a contract entered into under section 267 of this title or to the principal. See also State Board of Education Rule 2120.8.3 and 2194.

^[2] 16 V.S.A. §563(1) provides in part: “A school board may...approve or disapprove rules and regulations proposed by the principal or superintendent for the conduct and management of public schools in the district.” (Emphasis added)

^[3] State Board Rule 2194(a) requires that “Each school shall ensure that a comprehensive system of support services is in place, including an Educational Support Team...”. (See SBE Rule 2194(b)) for required components of the educational support system.)

Section E: School-Community Relations

POLICY E1: TITLE I, PART A – PARENTAL INVOLVEMENT⁽¹⁾

The Orange Southwest School District⁽²⁾ maintains programs, activities, and procedures for the involvement of parents of students receiving services, or enrolled in programs, under Title I Part A of Elementary and Secondary Education Act. These programs, activities and procedures are described in school district and school level compacts⁽³⁾.

Definition:

Parent: Includes a legal guardian or other person standing in loco parentis (such as a grandparent or stepparent or a person who is legally responsible for the child's welfare)⁽⁴⁾.

School District Parental Involvement Compact⁽⁵⁾

The superintendent or his or her designee shall develop an LEA-Level Parental Involvement Compact according to Title I, Part A requirements. The LEA Compact shall include: (1) the school district's expectations for parental involvement, (2) specific strategies for effective parent involvement activities to improve student academic achievement and school performance, and (3) other provisions required by law. The superintendent or designee shall ensure that the Compact is distributed to parents of students receiving services, or enrolled in programs, under Title I Part A.

School Level Parental Involvement Compact⁽⁶⁾

Each building principal or his or her designee shall develop a School-Level Parental Involvement Compact in accord with Title I, Part A requirements. The School Level Parental Involvement Compact shall include: (1) a process for continually involving parents in its development and implementation, (2) how parents, the entire school staff and students share the responsibility for improved academic achievement, (3) the means by which the school and parents build and develop a partnership to help students achieve the State's standards, and (4) other provisions as required by law. Each principal or designee shall ensure that the compact is distributed to parents of students receiving services, or enrolled in programs under Title I, Part A.

Legal Reference(s): Title I, Part A of the Elementary and Secondary Education Act ("No Child Left Behind Act"), 20 USC §6318.

16 V.S.A. §144b. Definition of "LEA" for NCLBA purposes.

Title I, Part A Parental Involvement Policy: Appendix A.

This school district compact⁽⁷⁾ outlines the joint responsibility of the School District. and parents. The following opportunities for parental involvement are provided by the Orange Southwest School District.

1. The school district involves parents in the joint development of its plan to help low-achieving students meet challenging achievement and academic standards (NCLBA §1112), and the process of school review and improvement (NCLBA §1116) by:
 - A. Establishing a school district committee with parents and representatives of other impacted programs, including Head Start.
 - B. Establishing communication between the school district staff and parents.
 - C. Developing a school district process, through newsletters, electronic communications of other means, to communicate with parents about the plan and to seek their input and participation.
 - D. Training personnel on effective collaboration strategies for parents with diverse backgrounds that may impede participation, such as language difficulty.
2. The school district provides the coordination, technical assistance, and other support necessary to assist participating schools in planning and implementing effective parent involvement activities to improve student achievement and school performance by:
 - A. Providing workshops to assist schools in planning and implementing strategies.
 - B. Establishing training programs for school personnel and parents responsible for communication strategies at the school level.
 - C. Providing information to parents about the assessment tools and instruments that will be developed to monitor progress.
 - D. Seeking input from parents in developing workshops and other activities.
3. The school district builds the capacity of schools and parents for strong parental involvement by:
 - A. Providing ongoing communication about the school district committee through newsletters or other written or electronic means.
 - B. Utilizing the schools' parent-teacher organizations to assist in identifying effective communication strategies.
 - C. Providing a master calendar of school district meetings to discuss pertinent topics.
4. The school district coordinates and integrates parental involvement strategies under this Compact with parental involvement strategies under other programs by:
 - A. Sharing data from school and other programs to assist in developing new initiatives to improve student achievement and school improvement.

5. The school district conducts, with involvement of parents, and annual evaluation of the content and effectiveness of its parental involvement policy in improving the academic quality of schools served under Title I, Part A, including identifying barriers to greater participation by parents in activities authorized by Title I, Part A or the parental involvement policy and compact of the district. (with particular attention to parents who are economically disadvantaged, are disabled, have limited English proficiency, have limited literacy, or are of any racial or ethnic minority background), and use the findings of such evaluation to design strategies for more effective parental involvement, and to revise, if necessary, its parental involvement policies by:
 - A. Evaluating the effectiveness of the content and communication methods through a variety of methods, including: focus groups, surveys, workshops, and informal meetings with staff, parents and teachers.
 - B. Identifying potential policy and compact changes to improve and revise programs.

6. The school district involves parents in the activities of the schools served under Title I, Part A by:
 - A. Providing communication and calendar information to parents of planned meetings, discussions or other events and encouraging participation.
 - B. Providing school and parent-teacher organization coordination of events.

Title I, Part A Parental Involvement Policy Appendix B

School Level Parental Involvement Compact⁽⁸⁾

This parental involvement compact outlines joint responsibilities of the school and parents. Opportunities for parental involvement are provided by the school by:

1. Convening an annual meeting, at a convenient time, to which all parents of participating children are invited and encouraged to attend, inform parents/guardians of their school's participation under Title I, Part A and to explain the requirements of Title I, Part A and the right of the parents to be involved⁽⁹⁾. The principal or his or her designee shall:
 - a. Invite all parents of participating children to the annual meeting at school.
 - b. Explain the rights of parents to be involved in establishing this compact.
 - c. Introduce and involve the building representatives on the S.U.-level committee.
 - d. Provide an overview of Title I and give parents an opportunity to express questions and concerns.
 - e. Indicate mechanisms by which the committee work will be communicated to parents.
 - f. Seek the involvement and input of parents.
 - g. Provide childcare so that all parents who would otherwise be unable to attend may attend.

2. Offering a flexible number of meetings, such as meetings in the morning or evenings, and may provide, with funds provided under Title I, Part A, transportation, child care, or home visits, as such services relate to parental involvement⁽¹⁰⁾. The principal or his or her designee shall:
 - a. Provide parents with opportunities to ask questions and discuss informally student academic achievement and school performance.
 - b. Engage school-based parent organizations to assist with communication and implementation needs.
 - c. Develop and use outreach programs to involve community groups and organizations.

 3. Involving parents in an organized, ongoing, and timely way, in the planning, review, and involvement of programs under Title I, Part A, including the planning, review, and improvements of the school parental involvement compact and the joint development of the school wide program plan under NCLBA⁽¹¹⁾, except that if the school has in place a process for involving parents in the joint planning and design of the school's programs, the school may use that process, if such process includes an adequate representation of parents of participating children⁽¹²⁾. The principal or his or her designee shall:
 - a. Identify and establish a process by which an adequate representation of parents of participating children can occur.
 - b. Establish a schedule for the school-based committee to plan, review, and recommend improvements to the S.U. parent involvement policy.

 4. The principal or his or her designee shall⁽¹³⁾:
 - a. Provide parents of participating children timely information about programs.
 - b. Communicate updates through the use of school newsletters, the school web site, email and telephone contact, and home visits if needed.
 - c. Provide a description and explanation of the curriculum in use at the school, the forms of academic assessment used to measure student progress, and the proficiency levels students are expected to meet.
 - d. Provide parents, upon request, opportunities for regular meetings to formulate suggestions and to participate as appropriate in decisions relating to the education of their children and respond to any suggestions as soon as practicably possible.
 - e. Develop means for parents to ask questions and receive answers.
 - f. If the school plan developed under Section 1114(b)(2) of the NCLBA is not satisfactory to parents of participating children, submit any comments from parents to the S.U. board when the plan is made available to the S.U. board, and provide a process consistent with board policies and procedures on complaints, for parents to express their concerns to the school district board of directors.

 5. Shared Responsibilities for High Student Academic Achievement⁽¹⁴⁾.
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- a. The school is responsible for providing a high-quality curriculum and instruction in a supportive and effective learning environment that enables children served under Title I, Part A to meet the state's student academic achievement standards. Each parent of a participating child is responsible for supporting their children's learning by:
 - I. Monitoring attendance, homework, and television viewing.
 - II. Volunteering in their child's classroom and participating as appropriate in decisions relating to their children's education and extracurricular activities.
 - b. Communication between teachers and parents occurs through:
 - I. Parent-teacher conferences in elementary schools at least annually, during which the compact shall be discussed as it relates to the individual child's achievements.
 - II. Frequent reports to parents on their children's progress.
 - III. Reasonable access to staff, opportunities to volunteer and participate in their child's class, and observation of classroom activities.
6. Building Capacity for Involvement⁽¹⁵⁾.
- A. To ensure effective involvement of parents and to support a partnership among the school's involved, each school shall:
 - I. Provide assistance to parents of children served in understanding the State's academic content standards and State student academic achievement standards, State and local assessments, monitoring a child's progress and work with educators to improve the achievement of their children.
 - II. Provide materials and training to help parents work with their children.
 - III. Educate teachers and other staff in the value and utility of contributions of parents and how to effectively communicate with and work with parents as equal partners, implement and coordinate parent programs that will build ties between them.
 - IV. To the extent feasible and appropriate, coordinate and integrate parent involvement programs and activities with Head Start, Reading First, Early Reading First, Even Start, the Home Instructions Programs for Preschool Youngsters, the Parents and Teachers Program and public preschool and other programs and conduct other activities, such as parent resource centers that encourage and support parents in more fully participating in the education of their children.
 - V. Ensure that information is sent to the parents of participating children in a format and language that can understand.
 - B. To ensure effective involvement of parents and to support a partnership among the school's involved, each school may:
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- I. Involve parents in the development of training for teachers, principals and other educators to improve the effectiveness of such training.
 - II. Provide necessary literacy training from funds received under Title I if the District has exhausted all other reasonably available sources of funding for such training.
 - III. Pay reasonable and necessary expenses associated with local parental involvement activities, including transportation and child care costs to enable parents to participate in school-related meetings and training sessions.
 - IV. Train parents to enhance the involvement of other parents.
 - V. Arrange school meetings at a variety of times, or conduct in-home conferences between teachers and other educators, in order to maximize parental involvement and participation.\
 - VI. Adopt and implement model approaches to improving parental involvement.
 - VII. Establish a District-wide parent advisory council to provide advice on all matters related to parental involvement in Title I supported programs.
 - VIII. Develop appropriate roles for community-based organizations and businesses in parent involvement activities.
 - IX. Provide other reasonable support for parental involvement activities under this section as parents may request.
7. In carrying out the parental involvement requirements of this compact, the school, to the extent practicable, will provide full opportunities for the participation of parents with limited English proficiency or disabilities, including providing information and school reports in a format and, to the extent practicable, in a language such parents understand⁽¹⁶⁾.

Date Warned: March 9th 2020

Date Adopted: April 13th 2020

^[1] This policy is mandatory for LEAs and schools that receive Title I, Part A funds. 20 U.S.C. §6318(a)(2).

^[2] 16 V.S.A. §144b(c) makes school districts LEAs for purposes of complying with the sections of federal law that apply to this policy.

^[3] See footnotes 4 and 5 below for an explanation of the use of the term “compact” in this model policy.

^[4] *Source:* 20 USC §7801(31). ESEA definition of “parent.”

^[5] See, 20 USC §6318(a)(2) requiring each LEA receiving Title I Part A funds to “develop jointly with, agree on with, and distribute to, parents of participating children a written parent involvement policy.” This requirement is accomplished in this model policy by requiring the superintendent or his or her designee to develop an LEA compact in accord with Title I policy requirements. A compact, as such, is not required of LEA’s under Title I, although a compact is required of title I schools. The use of a compact by LEAs is suggested here in order to minimize the extent to which procedures must be made part of board policies. A sample LEA Parental Involvement Compact is provided in Appendix A attached to this model policy.

^[6] See, 20 USC §6318(b) requiring each school served under Title I, Part A to “develop jointly with, and distribute to, parents of participating children a written parent involvement policy, agreed on by such parents, that shall describe the means for carrying out the requirements of subsections (c) through (f).” In addition Section 6318(d) requires Title I schools to develop, “as a component of the school-level policy,” a school-parent compact. The compact must be jointly developed with parents of children served under Title I, Part A, and must include certain components. A sample School Level Parental Involvement Compact with the required components is provided in Appendix B attached to this policy.

^[7] Each of the numbered components of this sample is required by Title I, Part A (the No Child Left Behind Act). The numbered paragraphs correspond to requirements in 20 USC §6318(a)(2)(A)-(F). The sub-paragraphs are suggestive only, and are offered as examples of activities that might be undertaken to accomplish the numbered requirements. Processes for involving parents in the accomplishment of the activities listed in this sample must be developed in consultation with parents.

^[8] Each of the components in the numbered paragraphs of this sample is required by Title I, Part A (the No Child Left Behind Act). The bulleted sub-paragraphs are suggestive only, and are offered as examples of activities that might be undertaken to accomplish the numbered requirements. The numbered paragraphs correspond to requirements in 20 USC §6318(b)-(f). Processes for involving parents in the accomplishment of the activities listed in this sample must be developed in consultation with parents.

^[9] 20 USC §6318(c)(1).

^[10] 20 USC §6318(c)(2).

^[11] 20 USC §6314(b)(2).

^[12] 20 USC §6318(c)(3).

^[13] 20 USC §6318(c)(4) & (5).

^[14] 20 USC §6318(d).

^[15] 20 USCA §6318(e). Numbered Sections AI-AV are required by this section of Title I, Part A (the NCLBA), numbered sections BI-BIX are enumerated in this section of the law but are not required.

^[16] 20 USCA §6318(f).

Section F: Non-Instructional Operations

POLICY F1: TRAVEL REIMBURSEMENT

Policy

It is the policy of the Orange Southwest School District to reimburse the reasonable expenses for travel for school business on a mileage basis in lieu of actual costs incurred by its employees, school board members and volunteers, to the extent that budgeted funds permit.

Reimbursement will be only for those expenses that are reasonable and necessary for the activities of the Orange Southwest School District. The method of reimbursement will be consistent whether expenses are incurred in furtherance of federally funded or non-federally funded activities. Prior approval from the superintendent or his or her designee will be required.

Implementation

Pursuant to this policy and consistent with relevant collective bargaining agreements, the superintendent or his or her designee will establish written procedures to govern the reimbursement and method of prior approval for the following: air/rail travel, meals, lodging, and mileage

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Date Adopted: *April 13th 2020*

Legal Reference(s): *2 CFR 200.474*

Section G: Federal Financial Mandates

POLICY G1: CAPITALIZATION OF ASSESTS

Policy:

In order to provide for the proper control and conservation of Orange Southwest School District property as well as proper accounting for financial reporting purposes, the Superintendent or his or her designee shall maintain a schedule of capitalized assets reported in conjunction with Orange Southwest School District's annual audit.

Implementation:

Capitalization of assets, inclusive of computing devices, equipment, general purpose equipment, information technology systems, special purpose equipment and supplies, occurs when all of the following criteria are met:

1. The asset is tangible and complete. Construction in progress is capitalized but not depreciated until construction is completed;
2. The asset is used in the operation of the district's activities;
3. The asset has a value and useful life at the date of acquisition that meets or exceeds the following:
 - \$ 5,000.00 individual component value and one year of useful life
 - All buildings and land must be reported regardless of value and useful life at date of acquisition.

Assets acquired through donation will be recorded at their estimated fair market value on the date of donation and capitalized according to the criteria above.

Annual depreciation will be charged in equal amounts over the estimated useful lives of all capital assets. The assets' estimated useful life will be assigned by management in accordance with Generally Accepted Accounting Principles (GAAP) and Governmental Accounting Standards Board (GASB) rulings.

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Legal Reference(s): *2 CFR 200.33*

POLICY G2: PREVENTION OF CONFLICT OF INTEREST IN PROCUREMENT

It is the policy of the Orange Southwest School District Board that all purchasing and contracting comply with state and federal laws.

No employee, officer, or agent of the Orange Southwest School District may participate in the selection, award, or administration of a purchase or contract if that person has a real, perceived, or apparent conflict of interest. Any employee, officer or agent with a real, perceived or apparent conflict of interest shall notify the superintendent of the conflict and not participate in the selection, award or administration of the purchase or contract at issue. The superintendent or his or her designee will develop written procedures to implement this policy.

A conflict of Interest arises if an employee, officer, agent, immediate family member, partner, or an organization which employs or is about to employ any of the parties indicated herein, has a direct or indirect financial or other interest in, or a tangible personal benefit from a vendor considered for a purchase or contract.

An employee will not solicit or accept any favor, gratuity, or anything of monetary value from such vendors which exceeds a \$ 25.00 value.

In the event of a violation of this policy, the district or supervisory union may take disciplinary action against the employee, officer or agent according to procedures in the (district/supervisory union) personnel manual and/or collective bargaining agreement.

Date Warned: *March 9th 2020*
Date Adopted: *April 13th 2020*
Legal Reference(s): *2 CFR 200.318*

END OF DOCUMENT

⁵ The GFSA exempts from its coverage firearms that are used for activities approved and authorized by the LEA and the LEA adopts appropriate safeguards to ensure student safety.” 20U.S.C. § 7151(g).