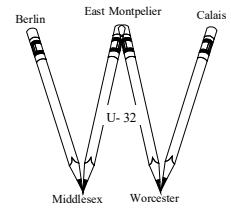


Washington Central Unified Union School District

WCUUSD exists to nurture and inspire in all students the passion, creativity and power to contribute to their local and global communities.

1130 Gallison Hill Road
Montpelier, VT 05602
Phone (802) 229-0553
Fax (802) 229-2761



**WCUUSD Policy Committee
Meeting Agenda
5.24.22 4:30-6:30 AM
Central Office, 1130 Gallison Hill Rd. Montpelier
Via Video Conference**

Virtual Meeting Information

<https://tinyurl.com/v2shtjuz>

Meeting ID: 857 7139 2418

Password: 929244

Dial by Your Location: 1-929-205-6099

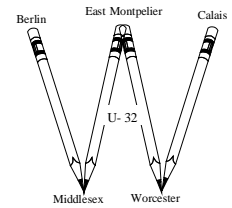
1. Call To Order
2. Approve Minutes of 4.12.22 – pg. 2
3. Review Policies (Discussion/Action)
 - 3.1. Use of School Property
 - 3.2. C1 Education Record – pg. 5
 - 3.3. C8 Pupil Privacy Rights – pg. 9
 - 3.4. C14 Section 504 Grievance Protocol for Students & Staff - pg. 13
4. Future Agenda Items
 - 4.1. School Choice
 - 4.2. Anti-Racism
 - 4.3. Humanity and Justice Statement
 - 4.4. “School Access”
5. Adjourn

Washington Central Unified Union School District

WCUUSD exists to nurture and inspire in all students the passion, creativity and power to contribute to their local and global communities.

1130 Gallison Hill Road
Montpelier, VT 05602
Phone (802) 229-0553
Fax (802) 229-2761

Jennifer Miller-Arsenault
Interim Superintendent



WCUUSD Policy Committee Minutes 4.12.22 4:30-6:30 PM Central Office, 1130 Gallison Hill Rd. Montpelier Via Video Conference

Present: Chris McVeigh, Jonathan Goddard, Dennis Hill, Jen Miller-Arsenault, Amy Molina, Michelle Ksepka, Kerra Holden, Mark Kline

- 1. Call to Order:** Chris McVeigh called the meeting to order at 4:35 p.m.
- 2. Approve Minutes of 3.8.22:** Dennis Hill moved to approve the minutes of March 8, 2022. **Seconded by Jonathan Goddard, this motion carried unanimously.**
- 3. Use of School Property:** Chris McVeigh had shared a memo earlier in the day for the committee's consideration. A proposal had been shared from a Middlesex resident to use part of the Rumney School property to grow an apple orchard. Chris invited committee members to weigh in. Jen Miller-Arsenault shared the context for this discussion. Some discussion followed around the use of school property, for example, for gardens and a greenhouse, and/ or the use of school property for a communal purpose. Michelle Ksepka shared that there are building use permission forms in existence. Her worry is around liability. Dennis Hill expressed concern about allowing school property for private citizens' use; he fears that this is opening a can of worms related to liability, legal issues, perpetuity, etc. Amy Molina reiterated Dennis's concerns around the issue of, for example, perpetuity, based on her experiences over the years. She made a connection with some events in the past, though, when people have helped to improve the property (for example an athletic field); in essence it is "crowdsourcing" in a way that adds value to the school facilities. Chris McVeigh would like to create a policy that provides access and use but sets criteria so that it is not wide open. Jonathan Goddard suggested that there may be a middle ground, akin to the "flag" procedure that was recently created, that allows people to come to the board and make a case, and let the board decide (rather than create a policy.) Jonathan Goddard suggested that we would ask, is this consistent with our mission and vision of the district? As it relates to the request for using the school property. Jen Miller-Arsenault asked the committee to consider the use of the time and resources and bandwidth of the board on making such determinations, at this time. Chris McVeigh suggested that we put this aside and address it at the next meeting to see if any ideas have percolated or whether it deems further discussion.

4. New Policies

4.1. C14 Section 504 and ADA Grievance Protocol for Students and Staff: Michelle Ksepka asked Kerra Holden if she had any thoughts about this policy. Kerra Holden shared that she envisions that Carla Messier in HR would be designated 504 coordinator for staff and that she herself would be designated 504 coordinator related to students. Jen Miller-Arsenault suggested that the committee does not need to designate who the 504 coordinators are; just review the policy. Some discussion followed around whether 504 plans relate to students only, whereas workplace accommodations for staff members may not fall under the umbrella of 504. Dennis suggested that this might be something to refer to the WCUUSD attorney for clarification. Michelle Ksepka also noted that “504 complaint form” is referenced in the policy but she does not have access to the form. Amy Molina brought up the timeline that is delineated in the policy (referring to August in-service). Chris McVeigh suggested that we follow up on what is the reasoning for this verbiage. Kerra suggested adding the language to “discriminated against” (add “based on their disability outlined in their 504...”.) Chris McVeigh asked if there is presently a policy that addresses discrimination based on disability; Amy Molina shared that we have a separate non-discrimination policy. Jen Miller-Arsenault wonders why this is a required policy; Amy wonders whether this is an actual policy or whether it is more of a procedure. A suggestion was made to separate into two separate protocols - one for 504 and one for ADA. Kerra stated that she is curious what the actual intention is of the policy, specifically around the mention of co-curricular activities. Some discussion followed around whether there have been cases in the past when a complaint is made related to discrimination based on disability. Chris suggested that we get some clarification around some of the issues that were discussed (including legal counsel if needed) and then revisiting at the next meeting.

5. Required Policies Updated by the VSBA

5.1. C1 Education Record: Chris McVeigh asked, do we already do these things? Jen Miller-Arsenault stated that she believes we do what is named in this policy, but she believes the intent is to make it clear so we are sure to follow protocol. Chris McVeigh asked whether file cabinets for student records are fire proof. Michelle Ksepka stated that she is not sure. Kerra Holden noted that there are cases where parents are not allowed to take records home or duplicate records; in some cases they can review records at school with a person present but can't make copies and take home. She wonders whether this should be clarified in the policy. The committee agreed to add the language: Some student records cannot be copied and can only be evaluated in the presence of the custodian of records or designee, on school grounds. Jen Miller -Arsenault would like to get legal counsel before changing the language in the policy. Chris McVeigh agreed that if legal counsel has no objection to the language that we have added, then this policy can go to the board for first reading.

5.2. C7 Student Attendance: Some discussion followed around the definitions in this policy. The topic of students experiencing homelessness and the McKinney-Vento Act was discussed. Chris McVeigh noted that we had worked on a policy excusing student absences for religious purposes. Discussion followed around excused absences, besides medical reasons. Michelle Ksepka shared that if a case goes to court related to truancy, only medical-related absences are excluded from truancy. Chris McVeigh asked for clarification about the term “educational neglect.” Dennis Hill explained that it refers to parent or

guardian, for example, if they are not being responsible for getting their child to school. This policy will go to the board for first reading, as written.

5.3. C8 Pupil Privacy Rights: Michelle Ksepka noted some of the substantive changes in this version of the policy. Amy Molina clarified, regarding parents having access to surveys - this refers to accessing the survey but not the child's responses to the survey. Some discussion followed about policy C32 regarding 18 year old students. Students can opt out when they reach age 18, to designate that their records and communication go to them as opposed to their parents. Chris McVeigh stated that he does not think the language in this policy is consistent with that practice. Dennis Hill stated that he believes when a child turns 18 they become their own legal guardian and in order for communication to continue with the parents, the student would be required to provide consent to do so. That is not necessarily practice, though, as schools try to maintain open communication with students' parents. Kerra noted that she believes FERPA indicates that rights transfer to the student when they turn 18. Amy Molina shared that the model policy from VSBIT indicates that students may take action to opt out of sharing with their parents (but that it is not automatic.) Some discussion followed around what would constitute "invasive" procedures. This policy will be reconsidered by this committee at the next meeting, after we get some clarification around the issues related to privacy of students turning 18.

6. Future Agenda Items

6.1. School Choice

6.2. Humanity & Justice (would they like to join us at our next meeting to begin discussion? Jen Miller-Arsenault will check.)

6.3. "School Access"

7. Adjourn: The committee adjourned by consensus at 6:28 p.m.

Respectfully submitted,
Lisa Grace, Committee Recording Secretary

EDUCATION RECORDS

Policy

The Washington Central Unified Union School District (District) recognizes the importance of keeping accurate and appropriate education records² 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 inform³ parents, guardians, and students eighteen years and older of their rights with respect to the student's education records and the available procedures for exercising those rights. This shall include notification of the following:

1. The right to inspect and review the student's education records within 45 days after the day the district receives a request for access.
2. The right to request the amendment of the student's education records that the parent or eligible student believes are inaccurate, misleading, or otherwise in violation of the student's privacy rights.
3. The right to provide written consent before the school discloses personally identifiable information (PII) from the student's education records, except to the extent that the law authorizes disclosure without consent.
4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the district to comply with the requirements of the Family Educational Rights and Privacy Act (FERPA).
5. The procedure for exercising the right to inspect and review education records.
6. The procedure for requesting amendment of records.
7. The types of personally identifiable information that the district has designated as directory information, and a parent or eligible student's right to opt out of the disclosure of directory information.⁴
8. The procedure for a parent or eligible student to notify the district that they want to opt out of the district's disclosure of directory information.
9. The criteria for determining who constitutes a school official and what constitutes a legitimate educational interest as defined by FERPA.⁵

Administrative Responsibilities

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.⁶

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 or records that are exempted from the definition under 34 C.F.R. § 99.3(b). 20 U.S.C. § 1232g; 34 C.F.R. § 99.3.

³ School districts are required to find an effective way to notify parents or eligible students who are disabled, and parents whose primary language is not English. 20 U.S.C. § 1232g; 34 C.F.R. § 99.7(b).

⁴ 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, grade level, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees, honors, 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.

⁵ The Family Educational Rights and Privacy Act allows schools to disclose student personally identifiable information to school officials with legitimate educational interests. The criteria for determining who constitutes a school official and what constitutes a legitimate educational interest must be set forth in the district’s annual notification for FERPA rights. A school official typically includes a person employed by the school or school district as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel) or a person serving on the school board. A school official also may include a volunteer, contractor, consultant, or other party who, while not employed by the school, performs an institutional service or function for which the school would otherwise use its own employees and who is under the direct control of the school with respect to the use and maintenance of PII from education records, such as an attorney, auditor, medical consultant, or therapist; a parent or student volunteering to serve on an official committee, such as a disciplinary or grievance committee; or a parent, student, or other volunteer assisting another school official in performing his or her tasks. A school official typically has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility. 12 U.S.C. § 1232g; 34 C.F.R. § 99.3; 34 CFR § 99.31(a).

⁶ 12 U.S.C. § 1232g; 34 C.F.R. § 99.3.

VSBA Revision:	February 8, 2022
Date Warned:	
Date Adopted:	
Legal Reference(s):	20 U.S.C. §§ 1232g (Federal Family Educational Rights and Privacy Act)
	20 U.S.C. § 7908
	16 V.S.A. § 563(27) (NCLBA Armed Forces Recruiter/Higher Education)
	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

Required

**WASHINGTON CENTRAL UNIFIED
UNION SCHOOL DISTRICT**

Board of Directors' Policy

POLICY:	<u>C1</u>
WARNED:	<u>5.1.2020</u>
ADOPTED:	<u>5.20.2020</u>
EFFECTIVE:	<u>5.30.2020</u>

STUDENT EDUCATION RECORDS

Policy

The Washington Central Unified Union School District recognizes the importance of keeping accurate and appropriate education records² 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 inform³ 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.⁴

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.⁵

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 school shall develop and implement a system of maintaining student records...which is in compliance with FERPA." SBE Rule 2120.8.3.3.

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

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.*

⁴ *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.*

⁵ *12 U.S.C. §1232g; 34 C.F.R. §99.3.*

*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 §2120.8.3.3*

PUPIL PRIVACY RIGHTS

Policy

It is the intent of the _____ 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 or designee shall develop administrative procedures to ensure school district compliance with applicable federal and state laws related to pupil privacy and parents' access to information regarding the conduct of surveys, collection and use of information for marketing purposes, and certain physical exams. The administrative procedures shall include provisions that address the following legal requirements:^[5]

1. The right of parents of a student to inspect, upon request, surveys created by third parties before the administration of the surveys to the student.
2. Any applicable procedures for granting a request by a parent for access to such survey within reasonable time after a request is received.
3. Arrangements to 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 PPRA.^[6]
4. The right of a parent to inspect, upon request, 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 (or otherwise providing that information to others for that purpose), 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, upon request, any instrument used in the collection of personal information under subparagraph (6) above before the instrument is administered to a student, 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, annual notice of such policies and procedures; notification and an opportunity for the parent to opt the student out of participation in 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); notification and an opportunity for the parent to opt the student out of participation in the administration of surveys containing items specifically listed in the Pupil Privacy Rights Amendment; and notification and an opportunity for the parent to opt the student out of participation in 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]
9. The rights of a parent under the PPRA transfer to a student who is 18 years old or an emancipated minor under state law.

[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).

VSBA Revision:	January 17, 2022
Date Warned:	
Date Adopted:	
Legal Reference(s):	
Cross Reference:	

Required¹

**WASHINGTON CENTRAL UNIFIED
UNION SCHOOL DISTRICT**

Board of Directors' Policy

POLICY:	<u>C8</u>
WARNED:	<u>5.15.20</u>
ADOPTED:	<u>6.3.20</u>
EFFECTIVE:	<u>6.13.2020</u>

PUPIL PRIVACY RIGHTS

Policy

It is the intent of the Washington Central Unified Union 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 or their 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 of personal information from students, the administration of surveys containing items specifically listed in the Pupil Privacy Rights Amendment.^[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 2120.8.12(f).

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

^[3] See Vermont State Board of Education Rule 2120.8.12(f).

^[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).

Required

**WASHINGTON CENTRAL UNIFIED
UNION SCHOOL DISTRICT**

Board of Directors' Policy

**SECTION 504 AND ADA GRIEVANCE
PROTOCOL FOR STUDENTS & STAFF**

POLICY: C14

WARNED: _____

ADOPTED: _____

EFFECTIVE: _____

It is the policy of Washington Central Unified Union School District not to discriminate on the basis of disability. The District has adopted this internal protocol for prompt handling and equitable resolution of complaints alleging any action prohibited by Section 504 of the Rehabilitation Act of 1973, as amended, and the Americans with Disabilities Act of 1990 (ADA). Section 504 and the ADA prohibit discrimination on the basis of disability in any program or activity receiving Federal financial assistance.¹ The District further provides assurance that strictly prohibits any form of retaliation against persons who utilize this Protocol. To the extent possible, confidentiality will be maintained throughout the investigation of a complaint of unlawful discrimination. **Nevertheless, a person is not required to use this protocol and may instead file a complaint directly with the U.S. Department of Education's Office for Civil Rights, Office for Civil Rights, Boston Office:**

U.S. Department of Education
8th Floor
5 Post Office Square
Boston, MA 02109-3921

The following protocol is available and shall be distributed to all third parties for their use in filing complaints of discrimination based on disability.

This protocol will be distributed by the Building 504 Coordinators or their designees to all employees prior to the start of co-curricular activities every school year, preferably during the August In – Service, and again with the recommencement of co-curricular activities immediately following the December vacation.²

It will also be distributed by Building 504 Coordinators, or their designees, to all third parties, at the time of their engagement for services.

¹Step 1: A person (an employee, student, or third party) who believes that he/she has been discriminated against by the District is encouraged, but is not required, to discuss the matter informally with the appropriate building principal (when the person is a student) or with his/her immediate supervisor (when the person is an employee). NOTE: If the building principal or the immediate supervisor is the subject of the complaint, or the grievant is not a student or employee, the

¹ 29 U.S.C. § 794; 42 U.S.C. § 12132; 34 C.F.R. § 104.4; 28 C.F.R. § 35.101

² 28 C.F.R. § 35.107(b); 34 C.F.R. §§ 100.6(d), 104.7(b), 104.61

grievant may, instead, contact the District Section 504 Coordinator, [INSERT 504 COORDINATOR CONTACT INFORMATION]. The person receiving the complaint, or their designee, shall investigate and then verbally convey his/her findings to both the person who alleged the violation and the person who **is the subject of the complaint within 10 business days.**

Step 2 If the informal Step 1 process does not resolve the matter, OR if the grievant does not wish to use the informal procedures set forth in Step 1, a written complaint may be submitted to either the District Section 504 Coordinator, [INSERT 504 COORDINATOR CONTACT INFORMATION] or the appropriate school specific Building 504 Coordinator (see list at the end of this document for contact information) who will investigate the complaint. [NOTE: If the Section 504 Coordinator is the subject of the complaint, the complaint should be submitted to the Superintendent who will appoint another administrator (or third party) to conduct the investigation. If both the Section 504 Coordinator and the Superintendent have involvement with the complaint, the written complaint may be submitted to the Human Resources Coordinator, Carla Messier 1130 Gallison Hill Rd, Montpelier, VT 05602

The complaint shall be in writing and signed by the grievant and include:

1. the grievant's name and contact information;
2. the facts of the incident or action complained about;
3. the date of the incident or action giving rise to the complaint;
4. the type of discrimination alleged to have occurred;
5. and the specific relief sought;

Or, alternatively, the grievant may use the 504 Complaint Form (attached). Names of witnesses and other evidence as deemed appropriate by the grievant may also be submitted. An investigation of the complaint will begin within 10 business days following the submission of the written complaint.

The investigation may be informal, but it must be thorough and shall include an interview of the parties and witnesses, a review of relevant evidence, and any other steps necessary to ensure a prompt and thorough investigation of the complaint.

A written disposition of the complaint shall be issued within 10 business days of completion of the investigation, unless a specific written extension of time is provided to the parties.

Copies of the disposition, subject to FERPA confidentiality,³ will be given to both the grievant and the person who is the subject of the complaint. If discrimination was found to have occurred, the disposition will include the steps that the District will take to prevent recurrence of any discrimination and to correct its discriminatory effects on the grievant and others, if appropriate.

Step 3 If the grievant wishes to appeal the decision in Step 2, he/she may submit a signed, written appeal to the Superintendent (or Board if the Superintendent is the subject of the complaint) within 15 business days after receipt of the written disposition. The Superintendent/Board or his/her designee shall respond to the complaint, in writing, within 30 business days of the date of the appeal. Copies of the response shall be provided to both the grievant and the person who is the subject of the complaint.

The ADA/504 Coordinator(s) will maintain the files and records related to any complaints filed under this protocol.

The District hereby provides assurance that it strictly prohibits any form of retaliation against persons who utilize this Protocol. The District will make appropriate arrangements to ensure that disabled persons are provided other accommodations, if needed, to participate in this grievance process. Such arrangements may include but are not limited to, providing interpreters for the deaf, providing taped cassettes of material for the blind, or assuring a barrier-free location for the proceedings. The Section 504 Coordinator will be responsible for such arrangements.

If you have questions regarding these procedures or desire to file a complaint, please contact either the District 504 Coordinator or Building Section 504 Coordinator.

[INCLUDE BUILDING 504 COORDINATOR CONTACT INFORMATION]

<i>VSBA Version:</i>	<i>January 25, 2022</i>
<i>Date Warned:</i>	
<i>Date Adopted:</i>	
<i>Legal Reference(s):</i>	<i>20 U.S.C. § 1232f</i> <i>28 C.F.R. § 35.101</i> <i>28 C.F.R. § 35.107(b)</i> <i>29 U.S.C. § 794</i> <i>34 C.F.R. § 99.1</i> <i>34 C.F.R. § 104.4</i> <i>34 C.F.R. §§ 104.7(b), 104.61</i> <i>34 C.F.R. § 100.6(d)</i> <i>42 U.S.C. § 12132</i>
<i>Cross Reference:</i>	

Required

**WASHINGTON CENTRAL UNIFIED
UNION SCHOOL DISTRICT**

Board of Directors' Policy

**SECTION 504 AND ADA GRIEVANCE
PROTOCOL FOR STUDENTS & STAFF**

POLICY: C14

WARNED: _____

ADOPTED: _____

EFFECTIVE: _____

It is the policy of Washington Central Unified Union School District not to discriminate on the basis of disability. The District has adopted this internal protocol for prompt handling and equitable resolution of complaints alleging any action prohibited by Section 504 of the Rehabilitation Act of 1973, as amended, and the Americans with Disabilities Act of 1990 (ADA). Section 504 and the ADA prohibit discrimination on the basis of disability in any program or activity receiving Federal financial assistance.¹ The District further provides assurance that strictly prohibits any form of retaliation against persons who utilize this Protocol. To the extent possible, confidentiality will be maintained throughout the investigation of a complaint of unlawful discrimination. **Nevertheless, a person is not required to use this protocol and may instead file a complaint directly with the U.S. Department of Education's Office for Civil Rights, Office for Civil Rights, Boston Office:**

U.S. Department of Education
8th Floor
5 Post Office Square
Boston, MA 02109-3921

The following protocol is available and shall be distributed to all third parties for their use in filing complaints of discrimination based on disability.

This protocol will be distributed by the Building 504 Coordinators or their designees to all employees prior to the start of co-curricular activities every school year, preferably during the August In – Service, and again with the recommencement of co-curricular activities immediately following the December vacation.²

It will also be distributed by Building 504 Coordinators, or their designees, to all third parties, at the time of their engagement for services.

¹Step 1: A person (an employee, student, or third party) who believes that he/she has been discriminated against by the District is encouraged, but is not required, to discuss the matter informally with the appropriate building principal (when the person is a student) or with his/her immediate supervisor (when the person is an employee). NOTE: If the building principal or the immediate supervisor is the subject of the complaint, or the grievant is not a student or employee, the

¹ 29 U.S.C. § 794; 42 U.S.C. § 12132; 34 C.F.R. § 104.4; 28 C.F.R. § 35.101

² 28 C.F.R. § 35.107(b); 34 C.F.R. §§ 100.6(d), 104.7(b), 104.61

grievant may, instead, contact the District Section 504 Coordinator, [INSERT 504 COORDINATOR CONTACT INFORMATION]. The person receiving the complaint, or their designee, shall investigate and then verbally convey his/her findings to both the person who alleged the violation and the person who **is the subject of the complaint within 10 business days.**

Step 2 If the informal Step 1 process does not resolve the matter, OR if the grievant does not wish to use the informal procedures set forth in Step 1, a written complaint may be submitted to either the District Section 504 Coordinator, [INSERT 504 COORDINATOR CONTACT INFORMATION] or the appropriate school specific Building 504 Coordinator (see list at the end of this document for contact information) who will investigate the complaint. [NOTE: If the Section 504 Coordinator is the subject of the complaint, the complaint should be submitted to the Superintendent who will appoint another administrator (or third party) to conduct the investigation. If both the Section 504 Coordinator and the Superintendent have involvement with the complaint, the written complaint may be submitted to the Human Resources Coordinator, Carla Messier 1130 Gallison Hill Rd, Montpelier, VT 05602

The complaint shall be in writing and signed by the grievant and include:

1. the grievant's name and contact information;
2. the facts of the incident or action complained about;
3. the date of the incident or action giving rise to the complaint;
4. the type of discrimination alleged to have occurred;
5. and the specific relief sought;

Or, alternatively, the grievant may use the 504 Complaint Form (attached). Names of witnesses and other evidence as deemed appropriate by the grievant may also be submitted. An investigation of the complaint will begin within 10 business days following the submission of the written complaint.

The investigation may be informal, but it must be thorough and shall include an interview of the parties and witnesses, a review of relevant evidence, and any other steps necessary to ensure a prompt and thorough investigation of the complaint.

A written disposition of the complaint shall be issued within 10 business days of completion of the investigation, unless a specific written extension of time is provided to the parties.

Copies of the disposition, subject to FERPA confidentiality,³ will be given to both the grievant and the person who is the subject of the complaint. If discrimination was found to have occurred, the disposition will include the steps that the District will take to prevent recurrence of any discrimination and to correct its discriminatory effects on the grievant and others, if appropriate.

Step 3 If the grievant wishes to appeal the decision in Step 2, he/she may submit a signed, written appeal to the Superintendent (or Board if the Superintendent is the subject of the complaint) within 15 business days after receipt of the written disposition. The Superintendent/Board or his/her designee shall respond to the complaint, in writing, within 30 business days of the date of the appeal. Copies of the response shall be provided to both the grievant and the person who is the subject of the complaint.

The ADA/504 Coordinator(s) will maintain the files and records related to any complaints filed under this protocol.

The District hereby provides assurance that it strictly prohibits any form of retaliation against persons who utilize this Protocol. The District will make appropriate arrangements to ensure that disabled persons are provided other accommodations, if needed, to participate in this grievance process. Such arrangements may include but are not limited to, providing interpreters for the deaf, providing taped cassettes of material for the blind, or assuring a barrier-free location for the proceedings. The Section 504 Coordinator will be responsible for such arrangements.

If you have questions regarding these procedures or desire to file a complaint, please contact either the District 504 Coordinator or Building Section 504 Coordinator.

[INCLUDE BUILDING 504 COORDINATOR CONTACT INFORMATION]

<i>VSBA Version:</i>	<i>January 25, 2022</i>
<i>Date Warned:</i>	
<i>Date Adopted:</i>	
<i>Legal Reference(s):</i>	<i>20 U.S.C. § 1232f</i> <i>28 C.F.R. § 35.101</i> <i>28 C.F.R. § 35.107(b)</i> <i>29 U.S.C. § 794</i> <i>34 C.F.R. § 99.1</i> <i>34 C.F.R. § 104.4</i> <i>34 C.F.R. §§ 104.7(b), 104.61</i> <i>34 C.F.R. § 100.6(d)</i> <i>42 U.S.C. § 12132</i>
<i>Cross Reference:</i>	