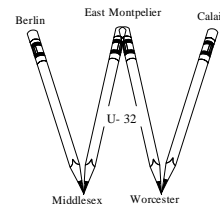


# Washington Central Unified Union School District

*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

Bryan Olkowski  
Superintendent



## WCUUSD Policy Committee Meeting Agenda 9.29.20 4:30-6:30 pm

Via Video Conference\*

<https://tinyurl.com/y3q6pj14>

Meeting ID: 957 5391 7285

Password: 323254

Dial by Your Location 1-929-205-6099

1. Call to Order
2. Approve Minutes of 6.23.20 – pg. 2
3. Review Existing Policies
  - 3.1. Section C – Students
    - 3.1.1. C7 – Student Attendance – pg. 7
    - 3.2. Follow up from July 15 Board Meeting – pg. 8
    - 3.3. School Closure
    - 3.4. School Choice – pg. 25
    - 3.5. Title IX – pg. 28
4. Future Agenda Items
5. Adjourn

**\*Open Meeting Law temporary changes as of 3/30/20:**

**Boards are not required to designate a physical meeting location. Board members and staff are not required to be present at a designated meeting location.**

**Our building will not be open for meetings. All are welcome to attend virtually.**

# Washington Central Unified Union School District

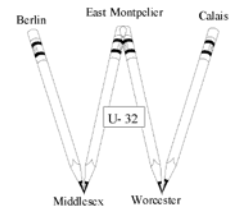
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Debra Taylor, Ph.D.  
Interim Superintendent



## **WCUUSD Policy Committee Meeting Minutes Unapproved 6.23.20 4:30-6:30 pm**

### **Via Video Conference\***

**Present:** Debra Taylor, Jody Emerson, Chris McVeigh, Marylynne Strachan, Jaiel Pulskamp, Dorothy Naylor, Townes DeGroot

1. **Call to Order:** Chris McVeigh called the meeting to order at 4:45.
2. Approve Minutes of 6.16.20 (this was put off until the next meeting)

### **3. Review Existing Policies**

*The committee agreed that pronouns need to be edited in the policies; this is assumed in all of the conversations about edits.*

#### 3.1 Section C – Students

##### 3.1.1 Current (C9, C20/C45, C46, C49):

C20: Jody Emerson had made a change to this policy, regarding less than ten day suspensions, as had been suggested by Chris McVeigh. The committee is ready for this to go to the WCUUSD Board for approval.

**Marylynne Strachan moved to approve Policy C20 for first reading at the WCUUSD Board level. Seconded by Jaiel Pulskamp, this motion carried unanimously.**

C45: Bus Discipline: The committee is ready for this to go to the WCUUSD Board for approval.

**Marylynne Strachan moved to approve Policy C45 for first reading at the WCUUSD Board level. Seconded by Jaiel Pulskamp, this motion carried unanimously.**

C46: Interrogation: The committee would like to bring this policy to the WCUUSD Board to discuss, especially the issue of videoing, or recording. Townes DeGroot

indicated that as a student he would like his right to record, to be known. The committee had also wanted to get counsel from Scott Cameron.

**Marylynne Strachan moved to bring Policy C46 to the WCUUSD Board, for their consideration of the language around a student's right to record an interrogation session. Seconded by Jaiel Pulskamp, this motion carried unanimously.**

C49: Kindergarten Entrance Age: This had been decided at the previous meeting; the committee had taken action to move this policy forward, eliminating the second paragraph.

### 3.2.1 Additional:

D1: Proficiency Based Graduation Requirements: Chris McVeigh indicated that this policy might be one that the committee wants to consider, in light of the recent discussions around PBGR. Superintendent Taylor suggested collecting some data from the guidance office, for the committee to consider. Marylynne Strachan asked Townes DeGroot for his input regarding this policy. Townes indicated that he has always had a clear understanding of proficiency requirements. He understands that some students have different degrees of understanding around proficiency grading. Personalized learning plans were discussed. Jody Emerson explained that U32 is continuing to work toward improvement around PLPs.

Jaiel Pulskamp recalled that there was discussion around confusion of whether colleges were accepting our PBGR when considering admission.

Marylynne Strachan stated that she feels we need to have this conversation with the full board and with the Education Quality Committee, before we consider this policy. Jaiel Pulskamp indicated that she thinks we need to consider ways to communicate to parents and community members around PBGR. Chris McVeigh reminded the committee that we are not thinking about revamping PBGR, just wanting to address how to communicate these requirements and to consider how colleges receive our grading system. Discussion followed around whether or not our PBGR translates to a GPA.

Chris McVeigh suggested that the WCUUSD Board revisit this topic in September.

D2: Grade Advancement: Chris McVeigh asked for input from committee members. Marylynne Strachan stated that she wonders why parental input is not included in this policy. Aaron Boynton stated that different schools approach this differently; he was wondering if the policy should answer the question of "who has the final say?" Some discussion followed around the topic of retention, in light of distance learning. Debra Taylor indicated that there are some guidelines from the Agency of Education. This policy will be tabled until the next committee meeting. Debra Taylor will share information with committee members, about the Agency of Education's guidance around this topic.

D3: Responsible Computer, Internet and Network Use: Jody Emerson explained to the committee that Go Guardian continues to work during distance learning. The same policy, rules and procedures apply during distance learning. Marylynn Strachan asked whether there is an educational component for younger students, around computer use and for example, digital citizenship. Aaron Boynton indicated that teachers do, as a rule, teach some computer usage.

**Marylynn Strachan moved to approve this policy for first reading at the WCUUSD level. Seconded by Jaiel Pulskamp, this motion carried unanimously.**

D4: Title 1 Comparability: Debra Taylor suggested that this policy stays as written. **Dorothy Naylor moved to approve this policy for first reading at the WCUUSD Board level. Seconded by Marylynn Strachan, this motion carried unanimously.**

D5: Animal Dissection: Debra Taylor suggested that this policy stays as written. Chris McVeigh indicated that he thinks the policy should indicate either superintendent or principal (not either/ or.) Committee agreed on “principal.” Townes DeGroot stated that he doesn’t know of any dissecting that happens in any of the science classes at U32. **Marylynn Strachan moved to approve this policy for first reading at the WCUUSD Board level. Seconded by Jaiel Pulskamp, this motion carried unanimously.**

D6: Class Size: Marylynn Strachan asked whether this policy will be affected by distance learning. Debra Taylor indicated that the policy itself is very broad regarding actual student numbers.

Some discussion followed around other issues such as school start time and teacher schedules related to collective bargaining agreements. Debra Taylor explained that in the fall when we are required to follow guidance around smaller groups of students (due to COVID19), these issues will be important. She shared that Task Forces are meeting regularly to address logistics. She suggested an update from the Task Forces, for example, in July.

Debra Taylor indicated that, as of now, it looks as if there will be a lot of variance from district to district in Vermont, regarding the start of school in the fall (in light of COVID19). She suggested that the Policy Committee might want to work on a policy, with input from the Task Force, around the idea of temporarily amending some policies, with a sunset provision, in light of COVID19.

**Marylynn Strachan moved to approve Policy D6 for first reading at the WCUUSD Board level. Seconded by Jaiel Pulskamp, this motion carried unanimously.**

E1: Title 1 Parental Involvement Compacts: **Dorothy Naylor moved to approve Policy E1 for first reading at the WCUUSD, Board level. Seconded by Jaiel Pulskamp, this motion carried unanimously.**

E45: Role of Religion in the Schools: (This is NOT a required policy.) Debra Taylor asked administrators, Aaron Boynton and Jody Emerson, whether they find this policy as written to be sufficient. They do. Committee members asked Townes DeGroot for his input; he shared his experience learning about religions as part of some curricula. Jaiel Pulskamp asked whether students get an excused absence if they are celebrating a religious holiday on a school day. Jody Emerson shared that, for truancy, all absences are counted, whether excused or not. The committee agreed that indicating in the policy that missing school for observing a religious holiday .

**Marylynne Strachan moved to approve this policy E45 (with noted amendments), for first reading at the WCUUSD Board level. Seconded by Jaiel Pulskamp, this motion carried unanimously.**

Jody Emerson and Aaron Boynton will be sure this change is reflected in the Student/ Parent handbooks.

E46: Memorials: **Marylynne Strachan moved to approve this policy E46, for first reading at the WCUUSD level. Seconded by Jaiel Pulskamp, this motion carried unanimously.**

F1: Travel Reimbursement: Debra Taylor shared that there are very specific forms for documenting reimbursement. **Marylynne Strachan moved to approve this policy F1 for first reading at the WCUUSD Board level. Seconded by Dorothy Naylor, this motion carried unanimously.**

F22: Diversity, Equity, and Inclusion: Debra Taylor stated that this is primarily the policy that the Montpelier School Board adopted in 2018. Marylynne Strachan asked whether Townes DeGroot has feedback about this draft. He stated that he thinks the policy is good, if vague. Marylynne Strachan suggested that the topic of curriculum within this policy would be a good discussion to have with the Education Quality Committee. Debra Taylor suggested that the Ed Quality Committee could consider this at their July meeting. Townes DeGroot will join the Education Quality Committee, since Mia Smith has graduated. Debra Taylor suggested that an annual report around diversity, equity and inclusion issues at WCUUSD be considered. Perhaps the Ed Quality Committee could take up monitoring around this policy.

4. Future Agenda Items

4.1 School Choice (6.30.20)

4.2 C7 Student Attendance (in the fall after guidance from AOE)

5. Adjourn: The committee adjourned by consensus at 6:40.

Respectfully submitted,  
Lisa Stoudt, Board Recording Secretary

**NEXT MEETING DATE:**

**\*Open Meeting Law temporary changes as of 3/30/20:**

**Boards are not required to designate a physical meeting location. Board members and staff are not required to be present at a designated meeting location.**

**Our building will not be open for meetings. All are welcome to attend virtually.**

**Required**

**WASHINGTON CENTRAL UNIFIED  
UNION SCHOOL DISTRICT**

**Board of Directors' Policy**

**STUDENT ATTENDANCE**

<b>POLICY:</b>	<u>C7</u>
<b>WARNED:</b>	<u>5.15.20</u>
<b>ADOPTED:</b>	<u>6.17.20</u>
<b>EFFECTIVE:</b>	<u>6.18.20</u>

**Policy**

It is the policy of the Washington Central Unified Union 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:

- written excuses;
- tardiness;
- notification of parents/guardian;
- signing out of school;
- excessive absenteeism;
- homebound and hospitalized students;
- early dismissals;
- homework assignments;
- making up work.

**Administrative Responsibilities**

The principal is responsible for maintaining accurate and up-to-date records of student attendance.

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.

*Legal Reference(s):* 16 V.S.A. §§1121 et seq. (Attendance required)  
16 V.S.A. § 1125 (Truant officers)  
VT State Board of Education Manual of Rules & Practices: §2120.8.3.3

# Washington Central Unified Union School District

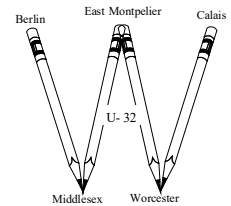
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Bryan Olkowski  
Superintendent



## Washington Central Unified Union School District Board Meeting - Approved Minutes July 15, 2020

### Present by Teleconference\*:

**Board Members:** Flor Diaz Smith, Lindy Johnson, Scott Thompson, Diane Nichols-Fleming, Dorothy Naylor, Stephen Looke, Chris McVeigh, Kari Bradley, Jonas Eno-Van Fleet, George Gross, Jaiel Pulskamp, Kari Bradley, Jill Olson, Jonathan Goddard

**Administrators:** Superintendent Bryan Olkowski, Business Administrator Lori Bibeau, Technology Director Keith MacMartin, U-32 Principal Steven Dellinger-Pate, U-32 Associate Principal Jody Emerson, U-32 Student Affairs Director Amy Molina, Principal Gillian Fuqua, Principal Casey Provost, Principal Aaron Boynton, Principal Cat Fair, Director of Curriculum Jen Miller-Arsenault, Director of Student Services Kelly Bushey, Special Education Coordinator Julia Pritchard

**Other:** ORCA videographer, David Lawrence, Glenn Gannon, Rick Kehne, Corinne Stridsberg, Kevin Nadzam, Alden Bird, Jacob Coakwell

**1.0 Call to Order:** Scott Thompson called the meeting to order at 6:01 p.m.

**2.0 Welcome:** Scott Thompson welcomed those present.

2.1 Reception of Guests

2.2 Agenda Revisions: Scott Thompson would like to add item 3.3: discuss board meetings on site with a remote option. He invited board members to add to “Future Agenda Items” regarding the court’s recent ruling around consolidation/ Act 46. Flor Diaz Smith suggested adding item 3.4: possible special board meeting.

2.3 Public Comments: Corinne Stridsberg had sent an email to board members. She reiterated from her email, her concerns about having a discussion on Front Porch Forum about school opening, when this has not been discussed or decided by the board. She feels that the board needs a more cohesive communication plan. She also asked, when considering bringing back staff and students - will there be widespread testing for everyone? Many can be asymptomatic. David Lawrence



stated that he has many questions about returning to school. He asked, does the board have the power to make its own decisions or does this come in the form of a mandate from a higher entity? Superintendent Olkowski stated that guidance from the Agency of Education and from public health officials continues to evolve, as do plans for August in light of COVID-19.

2.4 Student Report: no students present tonight

### **3.0 Board Operations (Discussion /Action)**

- 3.1 Replacement Board Members for Middlesex and Worcester: Chris McVeigh suggested inviting letters of interest from community members and setting a “soft deadline” of, e.g., two to three weeks from now. Diane Nichols-Fleming indicated that the expectation is that we do this in collaboration with the select board. Dorothy Naylor stated that we need to communicate this through more than Front Porch Forum. Flor Diaz Smith recollected from the past that the board brought someone forward to the select board and asked whether they had a problem with the potential candidate; that was the nature of the collaboration. Jonas Eno-Van Fleet stated that he thinks at some point it is worth discussing the possibility of reverting back to a ten person board. Jill Olson indicated that she would be in favor of discussing this, as it seems clear that we are having difficulty filling the board seats in the current configuration, possibly putting those towns at a disadvantage. Stephen Looke stated that it is important to have the same identical process in each town, for recruiting board members.
- 3.2 VSBA/VSA Virtual Conference: Flor Diaz Smith stated that she would like to create a “virtual team” to attend this conference, with a variety of participants, not limited to board members.
- 3.3 Board On Site meetings: Lindy Johnson had shared an article, asking the question - if we as a board are supporting sending students and teachers back in person, how does it appear to the public if the board is not willing to meet in person? The board discussed this issue. Superintendent Olkowski indicated that guidance has not been issued about meetings in person. He suggested reaching out to public health officials or legal counsel. He stated that the topic of returning to school as a whole is consideration of the Agency of Education, public health, and legal counsel. Stephen Looke suggested that the board create criteria for deciding to meet in person; this would make it clear for making the decision and for communicating with the community. Jill Olson suggested that the board grapple with this decision with other boards across the state, and not decide as a single board. Chris McVeigh indicated that, as much as it is a public health issue, it is also a perception issue. If the common theme is “we are all in this together” then the board should be willing to congregate. There was some discussion in the “chat” about this issue. Jonas Eno-Van Fleet reminded the board that this is July; we are not requiring students to congregate in person at this time, and he believes the board should adhere to public health guidance. Lindy Johnson stated that she appreciates this discussion, as when the topic comes up in the community she can

share that the board is discussing this issue. She feels that we need more coordination as a state.

- 3.4 Possible Special Board Meeting: Superintendent Olkowski would like to have an Executive Session next week, with legal counsel, specifically around the topic of leave requests. He noted that the situation with opening school is still very dynamic. He would like to follow the Executive Session with a board meeting with the public, to discuss the myriad of issues. He suggested next Wednesday, July 22, at 6 p.m., with a planned Executive Session to discuss personnel matters. Chris McVeigh asked for board members to get materials in advance of the meeting so that they can carefully consider beforehand.

#### 4.0 Reports (Discussion/Action)

##### 4.1 Superintendent

- 4.1.1 School Board Retreat: Superintendent Olkowski had provided a memo to the board. If possible, he would like to have the retreat in person. **Flor Diaz Smith moved to authorize the expenditure of \$2K plus travel, lodging, and food, for Nicholas Fischer to facilitate the board retreat. Seconded by Kari Bradley.** Discussion: Diane Nichols-Fleming asked whether there will be a small group to work on the agenda/ focus of the meeting. She would like the board to be clear about its hope for the retreat's focus. Jonas Eno-Van Fleet stated that he would prefer that the superintendent facilitate the retreat; he would prefer to not hire a facilitator. He shared his positive experience from the retreat last year, as a new board member. Some discussion followed around the topic of having a facilitator or not. **A vote was called. This motion carried unanimously.** Kari Bradley asked whether board members should email agenda ideas: the answer - yes. Stephen Looke reminded the board that this likely will need to be warned as a public meeting. Superintendent Olkowski will clarify.
- 4.1.2 Internet Access: Superintendent Olkowski had shared a memo with the board to provide an overall update around this ongoing challenging issue. The board discussed the issue of access.
- 4.1.3 Reopening Schools: Superintendent Olkowski had shared a memo. Stephen Looke indicated that he believes the fact that we know students learn better in person should be one of the underlying tenets for the discussion, rather than the statement that parents need to go to work. Chris McVeigh asked what is the entity that will make the decision about in person or online learning. He spoke about the conflicting messages around the CDC, federal government, local government, etc. Superintendent Olkowski stated that the Agency of Education is continuing to update guidelines based on the public health information that we have at the moment. Dorothy Naylor stated that, when parents opt to not send their students in person, we need to be sure that they have access to online learning. Some discussion followed. Jonas Eno-Van Fleet stated

that he would like to know information about availability of testing and that he would like to see daily bulletins to communicate, for example, “x” number of teachers are on sick leave or have tested, etc. Discussion followed around testing availability and protocols. Superintendent Olkowski shared some of the ongoing work of the Leadership Team and the various Task Force Teams.

4.1.4 Efficiency Vermont - HVAC: Superintendent Olkowski had provided a memo around “Refresh Air Ventilation and Isolation Rooms.” He shared that there is some grant money available through Efficiency Vermont. Jaiel Pulskamp asked whether the schools will be providing masks for students; she also noted that thermometers have been taking up to four weeks for delivery.

#### 4.2 Finance Committee (Action)

4.2.1 Review FY 20 Financial Report: Lori Bibeau had prepared a list for the board’s consideration, explaining the CARES reimbursements. She is hoping this money will be received at the end of August. She has spoken with the accounting firm as the audit is not yet completed, but the books have closed for FY20.

4.2.2 Authorize the Finance Committee to award bids over \$15,000 for COVID-19 items: **Kari Bradley moved to authorize the Finance Committee to award COVID-19 related bids over \$15k per Vermont Title 16 § 559 up to \$100k per item. Seconded by Jonas Eno-Van Fleet.** Discussion: Flor Diaz Smith shared that the Finance Committee had discussed this earlier at their meeting. Lindy Johnson asked for some examples around items, for example, up to \$100K. Lori Bibeau shared the example of temperature equipment for all of the schools. Stephen Looke noted that he supports the Finance Committee’s recommendation but that he expects the board to continue to spend money with fiscal responsibility, and to continue to keep board members apprised. Jonas Eno-Van Fleet indicated that this is not the time to be penny wise and pound foolish, as we need to do what is needed to responsibly and safely open schools. Board members discussed the position they are currently in, to make urgent decisions based on the best possible current information, in a situation that is ever changing.

**This motion carried unanimously.**

4.2.3 School Reopening COVID-19 Expense: **Flor Diaz Smith moved to authorize to expedite orders for unbudgeted items related to COVID19, up to \$300K. Seconded by Chris McVeigh.** Lori Bibeau provided some specifics; she had provided a memo, dated July 10, 2020, with details. Lindy Johnson stated that she feels the Agency of Education is not doing its part in providing resources for students and teachers, and is leaving it to school boards which causes inequities across the state.

**This motion carried unanimously.**

- 4.2.4 Central Office Renovations: Flor Diaz Smith explained the impetus for this renovation, related to COVID19. She indicated that the Finance Committee did not have unanimous agreement on this; however the committee wanted the board as a whole to consider this proposal. **Kari Bradley moved that the Board authorize the Superintendent to spend up to \$26k for the health and safety measures for office renovations, with prompt consideration given to the other buildings across WCUUSD. The Central Office Capital Fund has sufficient funds to cover the cost of renovations if these costs are not eligible for COVID-19 reimbursement. Seconded by Jonas Eno-Van Fleet.** Discussion: Chris McVeigh suggested more direct language in the motion around other buildings. Gillian Fuqua share that she and Bill Ford have visited the schools and are preparing specific information. Board members felt that the language as it stands is sufficient. **This motion carried unanimously.**
- 4.2.5 Hire Retreat Facilitator: This action was taken earlier in the meeting.
- 4.2.6 Solar Net Metering: Flor Diaz Smith shared that the Finance Committee had discussed this. An overview had been shared in the July 10, 2020 memo. Dorothy Naylor moved to table this motion. This motion to table was not seconded. **Kari Bradley moved to decline the offer from Novus and proceed with the plan to hire an energy consultant and develop a comprehensive energy plan for the district. Seconded by Jaiel Pulskamp. This motion carried unanimously.** Superintendent Olkowski asked whether there is a timeline for hiring an energy consultant. Flor Diaz Smith suggested that this be a future agenda item; she would not want to add more to the plate of the superintendent at this time. Sometime after school, reopening is a suggested time frame to continue this discussion.
- 4.2.7 Berlin Driveway Reconstruction and Paving Project: Flor Diaz Smith shared information. **Flor Diaz Smith moved to award the bid to Avery Excavation Inc \$477,518. Seconded by Chris McVeigh.** Discussion: Stephen Looke asked whether the budget included a 10% contingency. The answer was “no.” Jonas Eno-Van Fleet asked if there is a plan for upkeep and repair as necessary, to extend the life of the investment. Flor Diaz Smith replied that this is the work of the Facilities Committee. The question was raised around a retention pond/ storm water runoff. Principal Boynton shared that there has been a plan created; this was under the guidance of Debra Taylor. Stephen Looke stated that taking this action in essence is making the commitment to pave the parking lots in all of the schools. Other board members did not feel that this is a universal concern in other schools such as Rumney and East Montpelier (and Doty and Calais). Chris McVeigh indicated that “one size need not fit all” and these issues are case-by-case. Principal Boynton indicated that the retention pond is planned for the left of the front of the building, and thought has been given to aesthetics.

**This motion carried unanimously.**

**Flor Diaz Smith moved to approve the transfer of \$126,020 from the Capital Fund for this project. Seconded by Jonas Eno-Van Fleet, this motion carried unanimously.**

4.3 Policy (Action)

4.3.1 Second Reading of C47 Student Exchanges: **Dorothy Naylor moved to approve C47: Student Exchanges, on second reading. Seconded by Lindy Johnson. Chris McVeigh invited questions. This motion carried. Scott Thompson abstained from this vote.**

4.3.2 First Reading of C20 Student Conduct and Discipline, C46 Interrogation or Searches of Students By Law Enforcement or Other Non-School Personnel, C49 Kindergarten Entrance Age, D3 Responsible Computer, Internet & Network Use, D4 Title I Comparability, D5 Animal Dissection, D6 Class Size, E1 Title I Parent Involvement Compacts, E45 Role of Religion in the Schools. E46 Memorials, F1 Travel Reimbursement: Chris McVeigh invited questions or comments from these policies, for the first readings.

C20: Some of the language is specific to U32 and does not apply to the elementary schools. The Policy Committee will address this at the next meeting.

C46: Interrogation or Searches of Students by Law Enforcement or Other Non-School Personnel, some discussion followed. Chris McVeigh shared that this policy had been reviewed by legal counsel.

C49: Kindergarten Entrance Age: Aaron Boynton shared that the committee discussed this policy at length. Board members and some community members discussed this proposed draft.

D3: Responsible Computer, Internet & Network Use: no comments

D4 Title I Comparability: no comments

D5 Animal Dissection: no comments

D6 Class Size: Some discussion followed around the impact of COVID19 on class size. Stephen Looke stated that he believes the language in the policy is flexible enough to allow for something unprecedented such as COVID19.

E1 Title I Parent Involvement Compacts: no comments

E45 Role of Religion in the Schools: Some discussion followed around absences due to religious observations. The committee will reconsider the language.

E46 Memorials: Stephen Looke suggested that the committee reconsider this policy; he expressed some concerns. Discussion followed. Jody Emerson explained her understanding of the history behind the creation of this policy. Chris McVeigh asked for a straw poll to the board - this is not a required policy; would the board want to pursue this? The board agreed that this is worth pursuing. Stephen Looke suggested engaging the

community in the conversation around this policy. Jonas Eno-Van Fleet suggested using another term in place of “grandfathered.”

F1 Travel Reimbursement: no comments

Kari Bradley suggested that a calendar be created to track each policy that has a reporting mechanism included in the language.

## 5.0 Consent Agenda (Action)

5.1 Approve Minutes of 6.17.20 and 7.1.20: **Diane Nichols-Fleming moved to approve the minutes of June 17, 2020 and July 1, 2020. Seconded by Flor Diaz Smith, this motion carried unanimously.**

5.2 Approve Board Orders for 6.30.20 and 7.15.20: **Chris McVeigh moved to approve the board orders in the amounts of \$11,293,037.01 (6-30-20) and \$156,482.19 (7-15-20). Seconded by Lindy Johnson. This motion carried unanimously.**

## 6.0 Personnel (Action)

6.1 Approve New Teachers, Resignations, Retirements, Leave of Absence and Change in FTE: **Lindy Johnson moved to accept the following retirements (effective June 30, 2021): Susan Pryce (U-32 Special Educator, 1.0 FTE), Sue Anne Mayette (U-32 Speech/Language Pathologist, 1.0 FTE), Jane Badger (East Montpelier Administrative Assistant, 0.20 FTE/Paraeducator, 0.80 FTE), Katherine Stone (East Montpelier Pre-Kindergarten Assistant, 0.40 FTE). Seconded by Diane Nichols-Fleming.** Discussion: Diane Nichols-Fleming asked whether these are a result of the early retirement offer? They are. **This motion carried unanimously.**

## 7.0 Future Agenda Items

- Memorials
- Energy consultant
- Act 46
- Business Administrator position
- VSBA dues
- (chat function during Zoom meetings - possible later date)

Jonas Eno-Van Fleet indicated that he does not think using the “chat” function during online board meetings is an effective way to communicate during the meeting. Some discussion followed around the July 1st meeting when the topic was discussed re: in person versus remote learning in the context of home schooling. At that time, we did not have firm guidance from the Agency of Education. Discussion followed. Jill Olson reminded the board that just today the guidance was received from the Agency of Education around a “hybrid” memo; this will be an ongoing conversation.

Stephen Looke asked that the Agenda committee discuss how the board handles the “chat” function during online board meetings, and to come to the board with a future

agenda item. Superintendent Olkowski would like to get some legal counsel around this issue as well.

Flor Diaz Smith reminded the board that we are going to need to continue to pivot, change, and be flexible, in light of COVID19.

**8.0 Adjournment: The board adjourned by consensus at 9:55 p.m.**

Respectfully submitted,  
Lisa Stoudt, Board Recording Secretary





2. **In School or Out of School Suspensions for < Ten Days:** The principal may suspend a student from school for a period of 10 days or less for unsafe behavior that constitutes a policy violation, and/or an illegal action. Students assigned to an in school suspension shall be provided access to academic assignments and reasonable accommodations for completion of those assignments. The student and their parent or guardian must be given notice of the infraction and an explanation of why the student is suspended from attending class for any portion of the school day or requested to participate in an afterschool restorative activity. The administration shall provide a restorative approach to meeting the needs of the student, provide opportunity for the student to take responsibility for what happened, and ensure supports are in place that help to foster the future success of the student and reduce recidivism. Prior to an out of school suspension, the student and their parent or guardian shall be given an opportunity for an informal hearing with the principal or their designee. The student and their parent or guardian must be given notice of the charges, an explanation of the evidence against the student, an opportunity for the student to tell their side of the story, and a decision in writing to the parent or guardian. The student is responsible for class assignments during their period of suspension.- Restorative re-entry meetings may be required prior to a student returning to school from an out of school suspension. Students have the opportunity to repair harm caused in the community with the restorative practices model.

3. **Suspensions for > Ten Days:** The principal or their designee may suspend a student for a fixed period of more than 10 days, for continuous unsafe behaviors that harm the welfare of the school or when required by law Long-term suspension must be preceded by notice and formal due process procedures, including the opportunity for a hearing before the board. The student and their parents must be notified in writing of the date, time, and place of the hearing and given an opportunity to present evidence, cross-examine witnesses, to be represented by counsel, and receive a written decision within 10 days of the hearing. The notice shall also include a statement of the rule infraction(s) alleged, the potential consequences of the hearing, and a summary of the evidence to be introduced at the hearing. The student will be responsible for class assignments during their period of suspension. The school will request a parent conference before reinstating the student to pre-suspension status.

4. **Expulsion:** The superintendent or principal may recommend for expulsion any student whose unsafe behaviors are harmful to the welfare of the school or as required by law. A student may be expelled only after a majority vote of the board supporting the recommendation of the superintendent or principal, preceded by notice and a due process hearing conforming to the requirements set forth in paragraph 4 above.

5. A legal pupil who has a disability or is suspected of having a disability that has yet to be diagnosed is subject to the due process protections outlined in Articles 1 through 13 of **Rule 4313: Discipline Procedures for Students Eligible for Special Education Services** of the Vermont Department of Education Special Education Regulations.

### **Student Bus Conduct:**

Students are encouraged to conduct themselves in a manner that is respectful of themselves and others.

Students are expected to follow the expectations set forth in the family (student-parent) handbook and by the bus driver, which is distributed to all families each year by each school. Students are encouraged to conduct themselves in a manner that is respectful of themselves and others. Unsafe behaviors will be reported to the school principal. Responses to the unsafe behavior of students is

progressive in nature, Parents will be notified by the principal or by their designee when consequences are applied.

Riding the bus is a privilege and not a right. Under certain circumstances, that privilege could be taken away. Consequences often involve assigned seating and may require removal from the bus for a period of time.

In the event a student is denied transportation privileges for a period of time, parents will be given notice by letter as well as by direct verbal contact.

The principal or designee, in consultation with the bus company, may remove a student from the bus when that student's behavior represents a serious immediate threat to the health and safety of fellow passengers and/or the driver. The student's health and safety will be taken into consideration in such instances.

Student behavior may be monitored by video cameras and other monitoring procedures at the discretion of the board. Students' rights of access as stated in Federal Law (IDEA 504 and American Disabilities) will be adhered to.

Bus discipline removal procedures will follow state and Federal regulations and due process procedures.

*Legal Reference(s): 16 V.S.A. §1161a, et seq.  
Individuals with Disabilities Act, Section 504 of the Rehabilitation Act of 1973  
Vt. State Board of Education Manual of Rules & Practices §4313*

WASHINGTON CENTRAL UNIFIED  
UNION SCHOOL DISTRICT

Board of Directors' Policy

POLICY: C46

WARNED: \_\_\_\_\_

ADOPTED: \_\_\_\_\_

EFFECTIVE: \_\_\_\_\_

**INTERROGATION OR SEARCHES OF  
STUDENTS BY LAW ENFORCEMENT OR OTHER NON-SCHOOL PERSONNEL**

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The purpose of this policy is to establish guidelines pertaining to interrogation of students on school grounds or at school-sponsored activities. Students may not be interrogated by law enforcement or other non-school government officials unless there is a legal basis to do so, including evidence of abuse or neglect or an imminent health or safety threat.

1. A student in school may not be interrogated by any non-school authority without the knowledge of the school principal or their designee, and knowledge and permission of parent or guardian, unless the interview or interrogation is part of a child abuse or neglect investigation conducted by the department of social and rehabilitation services in accordance with Chapter 49 of Title 33 of the Vermont Statutes Annotated.
2. Except as stated in number 1, the district will not make students available to law enforcement for interview, or interrogation, for any legal or any other law enforcement purpose unless written notification has been sent to the student's parent(s) or legal guardian and the parent(s) or legal guardian have provided written permission for law enforcement authorities to interview or interrogate the student. For a student 18 year old or older law enforcement must obtain that students written permission as well.
3. A student may not be released to the custody of persons other than a parent or legal guardian, unless placed under arrest by legal authority or otherwise taken by legal authority exercised by child protective services.
4. If a student is removed from the school by legal authority, the student's parent(s) or guardian(s) shall be notified of this action by school officials as soon as possible.
5. No questioning by non-school personnel of a student under the age of eighteen who may be accused of an offense shall occur unless the parent(s) or guardian(s) have been notified and have been given the opportunity to be present at the time of the questioning. Questioning may, however, take place without notification of parents if such questioning is required due to an emergency or urgent potential danger to life, or property, as determined by the Principal, and reasonable efforts to notify the student's parents are unsuccessful.

**WASHINGTON CENTRAL UNIFIED  
UNION SCHOOL DISTRICT**

**Board of Directors' Policy**

**POLICY:**     C49    

**WARNED:** \_\_\_\_\_

**ADOPTED:** \_\_\_\_\_

**EFFECTIVE:** \_\_\_\_\_

**KINDERGARTEN ENTRANCE AGE**

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The Washington Central Unified Union School District recognizes that a successful beginning school experience fosters good self –concept and positive attitude toward school. Research has shown that children who are fully five (5) when they enter kindergarten are more likely to be physically, emotionally, socially, and intellectually ready for that school experience. The intent of setting the standard age of admission into the kindergarten program at five years of age on or before September 1 of a given year is to help ensure the success of children through the advantage of maturity.

**Required**

**WASHINGTON CENTRAL UNIFIED  
UNION SCHOOL DISTRICT**

**Board of Directors' Policy**

**POLICY:**         D6        

**WARNED:**         7.10.20        

**ADOPTED:**                                 

**EFFECTIVE:**                                 

**CLASS SIZE**

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It is the intent of the Washington Central Unified Union School District 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.

**Board of Directors' Policy**

**POLICY:** E45

**WARNED:** 7.10.20

**ADOPTED:** \_\_\_\_\_

**EFFECTIVE:** \_\_\_\_\_

**ROLE OF RELIGION IN THE SCHOOLS**

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The primary mission of the public school is education. The proper role of religion in the public school lies in its academic value and not in the appropriation or endorsement of any particular religion or belief system, nor of religion over non-religion. By “academic value” is meant the meaning of religious systems and the role they have played in the development of human history and culture.

This policy reserves the school’s role of deepening understanding of humanity as a whole, while preserving the family’s role of guiding children in a particular belief system if it chooses to do so. This policy also safeguards the function of school as a meeting place for children and families of different backgrounds and beliefs. The application of this policy will enhance our understanding of and respect for differences in religious beliefs and practices, and deepen our understanding of our common humanity. In furtherance of this policy:

1. All engagement with religion, whether in the form of teaching about a religious holiday, the role of religion in history, school programs, or the academic study of religion itself, must be done solely with education and understanding as its goal.
2. Curriculum planning should include the study of religion, where appropriate, as an important part of a complete education, which can enhance student understanding and appreciation of diverse religious beliefs and practices.
3. Our schools will be sensitive, respectful and responsive to the experiences of diverse religious cultures and traditions.
4. Staff will be provided information, guidance and specific advice regarding the implementation of this policy and the current rulings regarding secularism and/or the role of religion in schools.

**Considerations**

**What not to do**

- Schedule important school events, (i.e. – open house) on significant holidays of community religious groups, (i.e. Yom Kippur, Good Friday).
- Recognize holidays in an overly religious way;
- Celebrate holidays that are purely religious in nature, as opposed to holidays that combine religious and secular traditions;
- Teach religious values in holiday activities;
- Hold holiday activities that rise to the level of religious practice;
- Require students to participate in activities related to a religious holiday;

- Impose rigid attendance policies that have the effect of penalizing students who are absent from school for religious holidays;
- Set up permanent religious displays; or
- Hold a holiday music program that includes only religious music.

### **What schools may do**

- Schedule school breaks to coincide with religious holidays;
- Acknowledge religious holidays, as long as activities emphasize secular instruction about religious traditions; and as long as activities include diverse religious traditions;
- Hold programs that include religious themes, as long as the programs emphasize cultural, rather than spiritual, aspects; and as long as they reflect the diversity of religions and/or traditions;
- Perform religious music as part of a program that includes secular music or music from a variety of religious traditions;
- Set up temporary displays about religious holidays, as long as the displays acknowledge the diversity of traditions and are used to teach about the holidays;
- Hold a performance that features music related to religious holidays, such as Christmas carols and secular seasonal songs, as long as the concert isn't dominated by religious music; and as long as the concert reflects the diversity of the community.
- Hold activities related to religious holidays even if somebody might be offended. As with other curriculum controversies, mere exposure to ideas that may be objectionable to some people does not create a reason for elimination, and schools cannot effectively teach if they are forced to avoid anything controversial.

### **Tips for Planning Activities**

#### **Teachers planning such activities are encouraged to answer the following questions:**

Is this activity designed to, or might it have the effect of, either promoting or inhibiting a particular religion or religion in general?

How does this activity serve the academic goals of the course or the educational mission of the school?

Will any student or parent be made to feel like an outsider, not a full member of the community, by this activity or the way it is being taught or presented?

Do I include activities to teach about diverse religious holidays at various times of the year?

Am I prepared to teach about the religious meaning of this holiday in a way that enriches students' understanding of religion, history or cultures?

When I display student work that contains religious symbols, signs or content, do I include an explanation of how this work connects with current studies? Which Vermont Standard, Vital Result or Learning Opportunity is addressed by this activity?

**WASHINGTON CENTRAL UNIFIED  
UNION SCHOOL DISTRICT**

**Board of Directors' Policy**

**POLICY:** E46

**WARNED:** 7.10.20

**ADOPTED:** \_\_\_\_\_

**EFFECTIVE:** \_\_\_\_\_

**MEMORIALS**

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**Philosophy**

The Washington Central Unified Union School District Board of Directors recognizes that the death of a student or staff member is a traumatic event, and that memorial activities, ceremonies, and monuments serve an important function in the healing process. The Board of Directors also recognizes that there are many variables that can lead to inequities in the type and placement of memorials, including family resources, variations in cultural views and customs, circumstances of death, length of attendance, and the popularity of the deceased.

For these reasons and others, the Board of Directors believes that there should be a common space designated in the school or on the school grounds where students or staff who die while enrolled or working at the school can be honored.

**Policy**

It is the policy of the WCUUSD that deceased students or staff will be remembered within a common memorial location, and that no independent or individual memorials will be erected or placed on the school campus.

Temporary tributes, such as flowers, photographs, and similar memorabilia will be limited to a reasonable period of time as determined by the administration. After this period, all items will be removed.

**Procedure**

The Board of Directors will charge the administration with developing a common memorial, to be approved by the Board at a public meeting. Each deceased person will be allotted the same amount of space within the common memorial. Individual designs and materials may differ, but must be made of durable materials. All content, including graphics and text, are subject to approval by the administration.

The cost of creating and maintaining the common memorial will be borne by the school. Individualized commemorations within the common memorial will be created and paid for by the friends and family of the deceased. If there is no one willing or able to provide an individual commemoration, a standard remembrance will be provided by the school.

Existing memorials will be grandfathered for a period of 12 months from the date of adoption of this policy, or for the period previously agreed to when the memorials were erected, but in no case longer than 24 months. The administration will contact the owners or family members for each memorial on school grounds as of the date of this policy, and inform them of these removal provisions. Memorials not removed by the applicable dates will be placed in storage for a period of six months. Memorials not claimed after six months will be disposed of.



# The Vermont Statutes Online

## Title 16 : Education

### Chapter 021 : Maintenance Of Public Schools

(Cite as: 16 V.S.A. § 822a)

#### § 822a. Public high school choice

(a) Definitions. In this section:

(1) "High school" means a public school or that portion of a public school that offers grades 9 through 12 or some subset of those grades.

(2) "Student" means a student's parent or guardian if the student is a minor or under guardianship and means a student himself or herself if the student is not a minor.

(b) Limits on transferring students. A sending high school board may limit the number of resident students who transfer to another high school under this section in each year; provided that in no case shall it limit the potential number of new transferring students to fewer than five percent of the resident students enrolled in the sending high school as of October 1 of the academic year in which the calculation is made or 10 students, whichever is fewer; and further provided that in no case shall the total number of transferring students in any year exceed 10 percent of all resident high school students or 40 students, whichever is fewer.

(c) Capacity. On or before February 1 each year, the board of a high school district shall define and announce its capacity to accept students under this section. The Secretary shall develop, review, and update guidelines to assist high school district boards to define capacity limits. Guidelines may include limits based on the capacity of the program, class, grade, school building, measurable adverse financial impact, or other factors, but shall not be based on the need to provide special education services.

(d) Lottery.

(1) Subject to the provisions of subsection (f) of this section, if more than the allowable number of students wish to transfer to a school under this section, then the board of the receiving high school district shall devise a nondiscriminatory lottery system for determining which students may transfer.

(2) Subject to the provisions of subsection (f) of this section, if more than the allowable number of students wish to transfer from a school under this section, then the board of the sending high school district shall devise a nondiscriminatory lottery system for determining which students may transfer; provided, however:

(A) a board shall give preference to the transfer request of a student whose request to transfer from the school was denied in a prior year; and

(B) a board that has established limits under subsection (b) of this section may choose to waive those limits in any year.

(e) Application and notification.

(1) A high school district shall accept applications for enrollment until March 1 of the school year preceding the school year for which the student is applying.

(2) A high school district shall notify each student of acceptance or rejection of the application by April 1 of the school year preceding the school year for which the student is applying.

(3) An accepted student shall notify both the sending and the receiving high schools of his or her decision to enroll or not to enroll in the receiving high school by April 15 of the school year preceding the school year for which the student has applied.

(4) After sending notification of enrollment, a student may enroll in a school other than the receiving high school only if the student, the receiving high school, and the high school in which the student wishes to enroll agree. If the student becomes a resident of a different school district, the student may enroll in the high school maintained by the new district of residence.

(5) If a student who is enrolled in a high school other than in the school district of residence notifies the school district of residence by July 15 of the intent to return to that school for the following school year, the student shall be permitted to return to the high school in the school district of residence without requiring agreement of the receiving district or the sending district.

(f) Enrollment.

(1) An enrolled nonresident student shall be permitted to remain enrolled in the receiving high school without renewed applications in subsequent years unless:

(A) the student graduates;

(B) the student is no longer a Vermont resident; or

(C) the student is expelled from school in accordance with adopted school policy.

(2) A career technical education (CTE) center serving the region in which a receiving high school district is located shall be the CTE center in which a nonresident student under this section is eligible to enroll. The nonresident student shall be eligible to use any transportation the district provides for resident students attending the CTE center.

(g) Tuition and other costs.

(1) Unless the sending and receiving schools agree to a different arrangement, no tuition or other cost shall be charged by the receiving district or paid by the sending district for a student transferring to a different high school under this section; provided, however, a sending high school district shall pay special education and career technical education costs for resident students pursuant to the provisions of this title.

(2) A student transferring to a different high school under this section shall pay no tuition, fee, or other cost that is not also paid by students residing in the receiving district.

(3) A district of residence shall include within its average daily membership any student who transfers to another high school under this section; a receiving school district shall not include any student who transfers to it under this section.

(h) Special education. If a student who is eligible for and receiving special education services chooses to enroll in a high school other than in the high school district of residence, then the receiving high school shall carry out the individualized education program, including placement, developed by the sending high school district. If the receiving high school believes that a student not on an individualized education program may be eligible for special education services or that an existing individualized education program should be altered, it shall notify the sending high school district. When a sending high school district considers eligibility, development of an individualized education program, or changes to a program, it shall give notice of meetings to the receiving high school district and provide an opportunity for representatives of that district to attend the meetings and participate in making decisions.

(i) Suspension and expulsion. A sending high school district is not required to provide services to a resident student during a period of suspension or expulsion imposed by another high school district.

(j) Transportation. Jointly, the superintendent of each supervisory union shall establish and update a statewide clearinghouse providing information to students about transportation options among the high school districts.

(k) Nonapplicability of other laws. The provisions of subsections 824(b) and (c) (amount of tuition), 825(b) and (c) (maximum tuition rate), and 826(a) (notice of tuition change) and section 836 (tuition overcharge and undercharge) of this chapter shall not apply to enrollment in a high school pursuant to this section.

(l) Waiver. If a high school board determines that participation under this section would adversely affect students in its high school, then it may petition the Secretary for an exemption. The Secretary's decision shall be final.

(m) Report. Notwithstanding 2 V.S.A. § 20(d), the Secretary shall report annually in January to the Senate and House Committees on Education on the implementation of public high school choice as provided in this section, including a quantitative and qualitative evaluation of the program's impact on the quality of educational services available to students and the expansion of educational opportunities. (Added 2011, No. 129 (Adj. Sess.), § 34; amended 2013, No. 56, § 4, eff. May 30, 2013; 2013, No. 92 (Adj. Sess.), §§ 97, 302, eff. Feb. 14, 2014.)

I. Statement of Policy.

A. **Prohibiting Title IX Sexual Harassment.** Per Title IX of the Education Amendments Act of 1972 (“Title IX”) the District does not discriminate on the basis of sex in its educational programs and activities, including employment and admissions. All forms of sex-based discrimination, including sexual harassment, are prohibited in the District. A District with actual knowledge of sexual harassment in an educational program or activity of the District against a person in the United States must respond promptly in a manner that is not deliberately indifferent. A District is deliberately indifferent only if its response to sexual harassment is clearly unreasonable in light of the known circumstances. A District may be deemed to have been deliberately indifferent based on its restriction of rights protected under the U.S. Constitution, including the First, Fifth and Fourteenth Amendments.

B. **Retaliation.** Retaliation as defined by this Policy is expressly prohibited. Complaints alleging retaliation may be filed according to the Title IX Grievance Procedures set forth in Section IV.

C. **Concurrent Statutory Obligations.** While all forms of sex-based discrimination are prohibited in the District, the purpose of this policy is to address, and only address, *sexual harassment as defined in Title IX and Section II.M. below*. For conduct which satisfies that definition, a school’s response is governed by this policy, and in those cases for which they have received a filing of a formal complaint of same, as set forth under the Title IX Grievance Process set forth in Section IV below. For other forms of inappropriate conduct, or conduct which may satisfy the definition of harassment on the basis of sex under Vermont law, including student misconduct and employment based statutes prohibiting unlawful harassment and other forms of misconduct, the District may have the separate obligation to address those behaviors as required by other school policies and applicable laws.

D. **Covered Parties.** This Policy shall apply to all students, employees and any third party who contracts with the District to provide services to District students or employees, upon District property or during any school program or activity. A third party under supervision and control of the school system will be subject to termination of contracts/agreements, restricted from access to school property, and/or subject to other consequences, as appropriate.

II. Definitions

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

A. **“Actual Knowledge”** means “notice” of “sexual harassment” or allegations of “sexual harassment” to either (a) a District’s Title IX Coordinator; or (b) any official of the District who has the authority to institute corrective measures on behalf of the recipient; or (c) to any employee of the District.

a. For purposes of this paragraph “sexual harassment” refers to the definition as contained *within this policy*. For other forms of inappropriate conduct, or conduct which may satisfy the definition

of harassment on the basis of sex as recognized under Vermont law, schools retain the option and in some cases the obligation, to address those behaviors as required by policy and law.

- a. Actual knowledge shall not be deemed to exist when the only official of the recipient with actual knowledge is the respondent.
- b. "Notice" as used in this paragraph includes, but is not limited to, a Report of Sexual Harassment to the Title IX Coordinator as described Section IV.B.
- c. Notice sufficient to trigger an obligation under this policy only shall exist where any employee has sufficient personal knowledge of alleged facts to be aware that if such facts were found to be true it would constitute a violation of this policy.
- d. Imputation of knowledge based solely on vicarious liability OR constructive notice shall be insufficient to establish or constitute actual knowledge.

B. "**Complainant**" is an individual who is alleged to be the victim of conduct that could constitute "sexual harassment" under this Policy. In order for an individual to be considered to be a Complainant they need not file Report of Sexual Harassment, nor a Formal Complaint of Sexual Harassment. Where the Title IX Coordinator signs a Formal Complaint of Sexual Harassment, the Title IX Coordinator is not considered a "Complainant."

C. "**Days**" shall mean calendar days, but shall exclude non-weekend days on which the District office is closed (e.g. holidays, office-wide vacations), or any weekday during the school year on which school is closed (e.g. snow days).

D. "**Decision-Maker**" means persons tasked with either the responsibility of making determinations of responsibility (referred to as "Initial Decision-Maker"); or the responsibility to decide any appeal (referred to as "Appellate Decision-Maker") with respect to Formal Complaints of Sexual Harassment in accordance with the Title IX Grievance Process.

E. "**Determination of Responsibility**" is the formal finding by the decision-maker on each allegation of Sexual Harassment contained in a Formal complaint that the Respondent did or did not engage in conduct constituting Sexual Harassment under Title IX.

F. "**Disciplinary sanctions**" are consequences imposed on a Respondent when s/he is determined responsible for sexual harassment prohibited under this Policy.

F. "**Emergency Removal**" for purposes of this Policy shall mean removing a respondent from the District's education program or activity on an emergency basis, provided that the District undertakes an individualized safety and risk analysis, determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal, and

provides the respondent with notice and an opportunity to challenge the decision immediately following the removal. Emergency Removals as permitted by this Policy shall not be construed to modify any rights under the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act.

**G. “Formal Complaint of Sexual Harassment”** means a document filed by either (a) a complainant (or complainant’s parent/guardian); or (b) the Title IX Coordinator, alleging sexual harassment against a respondent AND requesting that the District investigate the allegation of sexual harassment. The issuance or receipt of a Formal Complaint of Sexual Harassment formally triggers the Title IX Grievance Process set forth in Section IV. of this Policy.

**H. “Investigation of Title IX Sexual Harassment”** Before the District can conduct an Investigation of Sexual Harassment under this Policy, against a Respondent, a Formal Complaint of Sexual Harassment that contains an allegation of sexual harassment and a request that the District investigate the allegations is required. Such investigation is a part of the Title IX Grievance Process, as set forth in Section IV.E.

**I. “Remedial actions”** are actions intended to restore or preserve a complainant’s equal access to the educational programs and activities of the District.

**J. “Report of Sexual Harassment”** is any report which provides the District with actual knowledge of sexual harassment or allegations of sexual harassment. Such a report may or may not be accompanied by a Formal Complaint of Sexual Harassment. Without such a Complaint, the Title IX Grievance Process is not triggered. See Section IV.A and IV.B. regarding the process for initiating that process.

**K. “Respondent”** means an individual who has been reported to be the individual accused (i.e. perpetrator) of conduct that could constitute sexual harassment as defined under this policy.

**L. “Retaliation”** means intimidation, threats, coercion, or discrimination by either the District or any other person, against any individual for the purpose of interfering with any right or privilege secured by Title IX and/or this Policy, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing in connection with this Policy. Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sexual discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX or this policy, constitutes retaliation.

**Limitation in Scope.**

i. **Material False Statements.** Actions taken in response to **materially** false statements made in bad faith, or to submitting **materially** false information in bad

faith, as part of a report or during the Title IX Grievance Process do not constitute retaliation. A determination of responsibility alone is insufficient to conclude that a person made a materially false statement in bad faith.

ii. 1st Amendment Protections. The exercise of rights protected under the First Amendment does not constitute retaliation prohibited by this Policy.

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

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

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

N. **“Supportive Measures”** are non-disciplinary, non-punitive, individualized services, offered as appropriate, as reasonably available, and without fee or charge to the

complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the District’s education program or activity without unreasonably burdening the other party including measures designed to protect the safety of all parties or the District’s educational environment, or deter sexual harassment. These measures may include, but are not limited to, the following:

- 1.counseling;
- 2.extensions of deadlines or other course-related adjustments;
- 3.modifications of work or class schedules;
- 4.campus escort services;
- 5.mutual restrictions on contact between the parties;
- 6.changes in work or housing locations;
- 7.leaves of absence;
- 8.increased security and monitoring of certain areas of the district campus;
- 9.and other similar measures.

### III. **Duties**

#### A. **Reports of Sexual Harassment**

1. **Any Person May Make a ‘Report of Sexual Harassment’.** Any person may report sexual harassment whether relating to her/himself or another person. A Report of Sexual Harassment may be made at any time, in person, by mail, by telephone, electronic mail, or by any other means that results in the Title IX Coordinator receiving the person’s verbal or written report.

- a. **Any Staff Member May Receive Reports.** Additionally, while the District strongly encourages Reports of Sexual Harassment to be made directly to the Title IX Coordinator, the report may be made to any District staff member, including, for instance, a counselor, teacher or principal.
- b. **In Cases where Title IX Coordinator is Alleged Respondent.** If the Title IX Coordinator is the alleged respondent, in such cases either the Report of Sexual Harassment or Formal Complaint of Sexual Harassment may be made directly to the Superintendent, who shall thereafter fulfill the functions of the Title IX Coordinator regarding that Report/Complaint, or delegate the function to another person.

#### B. **District Response to Report of Sexual Harassment.**

1. **Duty to respond.** The District will promptly respond when there is Actual Knowledge of sexual harassment, even if a Formal Complaint of Sexual Harassment has not been filed.
  - a. **District Response Must Be Equitable.** In its response the District shall treat Complainants and Respondents equitably by providing supportive measures to the Complainant and by following the Title IX Grievance Process prior to imposing any disciplinary sanctions or other actions that are not supportive measures against a Respondent.



- b. Reports of Harassment Received by District Employees Shall Be Referred to Title IX Coordinator. Where any District employee – other than the employee harasser, or the Title IX Coordinator – receives information of conduct which may constitute sexual harassment under this Policy, s/he shall, without delay, inform the Title IX Coordinator of the alleged sexual harassment. Failure to report will subject the employee to discipline up to and including dismissal.
- c. Complainant Contact. As soon as reasonably possible after receiving a Report of Sexual Harassment from another District employee or after receiving a report directly through any means, the Title IX Coordinator shall contact the Complainant [and parent/guardian in cases where the complainant is a student under the age of 18] to:
  - i. discuss the availability of and offer supportive measures;
  - ii. consider the complainant’s wishes with respect to supportive measures;
  - iii. inform the complainant of the availability of supportive measures with or without the filing of a formal complaint; and
  - iv. explain to the complainant the process for filing a Formal Complaint of Sexual Harassment.

2. Formal Investigation of Sexual Harassment. Before the District may conduct a formal investigation of sexual harassment or take any action (other than supportive measures) against a Respondent, a Formal Complaint that contains an allegation of sexual harassment and a request that the District investigate the allegations is required and must be filed by either the Complainant, the Complainant’s Parent/Guardian, or the Title IX Coordinator, as set forth under Section IV.B. below.

3. Initiating the Title IX Grievance Process. A Report of Sexual Harassment alone does **not** initiate a Title IX Grievance Process. Before the District may initiate that process, a Formal Complaint of Sexual Harassment must be filed under the procedures set out in IV.A. (“Title IX Grievance Process”).

### **C. Formal Complaints of Sexual Harassment.**

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

response to a Formal Complaint of Sexual Harassment, the District must follow the Title IX Grievance Process set forth in Section IV.

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

**E. Reporting to Other Agencies.**

1. Reports to Department of Children and Families. When a report made pursuant to this policy includes allegations of child abuse, any person responsible for reporting suspected child abuse under 33 V.S.A. § 4491, et seq. must report the allegation to the Commission or DCF. If the victim is over the age of 18 and a report of abuse is warranted, the report shall be made to Adult Protective Services in accordance with 33 V.S.A. § 6901 et seq.

2. Reports to Vermont Agency of Education. If a report of sexual harassment is made to the District about conduct by a licensed educator that might be grounds under Vermont law for licensing action, the principal shall report the alleged conduct to the Superintendent and the Superintendent shall report the alleged conduct to the Secretary. [If a report of sexual harassment is made in an independent school about conduct by a licensed educator that might be grounds under Vermont law for licensing action, the head of school is encouraged to report the alleged conduct to the Secretary of Education.]

3. Reporting Incidents to Police.

a. FERPA Rights. Information obtained and documented by school administration regarding the school's response to notice of student conduct that may constitute sexual harassment may constitute an "educational record" regarding the student or student(s) involved as defined by the Family Education Rights and Privacy Act. Accordingly, such information may not be disclosed without prior parent approval to local law enforcement except in response to a lawfully issued subpoena, or in connection with an emergency if disclosure is necessary to protect the health or safety of the student or other individuals.

b. First Hand Reports. Nothing in this policy shall preclude persons from reporting incidents and/or conduct witnessed first-hand that may be considered to be a criminal act to law enforcement officials.

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

**Required**

**WASHINGTON CENTRAL UNIFIED  
UNION SCHOOL DISTRICT**

**Board of Directors' Policy**

**PREVENTION OF HARASSMENT,  
HAZING AND BULLYING**

**POLICY: C10**

**WARNED: 5.15.20**

**ADOPTED: 6.3.2020**

**EFFECTIVE: 6.13.2020**

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**I. Statement of Policy**

The Washington Central Unified Union School District <sup>1</sup> (hereinafter “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 the 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 Act 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.

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<sup>1</sup>

Where language suggests a “district” will take action, it shall be the superintendent, or their designee.

## **II. Implementation**

The superintendent or their 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 Washington Central Unified Union School District 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.

## **III. 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.

**IV. 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:

- Is repeated over time;
- Is intended to ridicule, humiliate, or intimidate the student; and
- (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 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:

- (i) Submission to that conduct is made either explicitly or implicitly a term or condition of a student's education, academic status, or progress; or
- (ii) 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

- (i) 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 their designee assistant principal//technical center director or their 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.

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## **APPENDIX A**

### **Designated Employees:**

The following employees of the Washington Central Unified Union School District 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 anti-discrimination laws;

Name:

Title:

Contact Information:

Name:

Title:

Contact Information: