

# Washington Central Unified Union School District

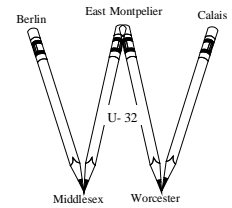
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*WCUUSD exists to nurture and inspire in all students the passion, creativity and power to contribute to their local and global communities.*

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

Debra Taylor, Ph.D.  
Interim Superintendent



## **WCUUSD Policy Committee Meeting Agenda 3.10.20 4:30 – 6:30 pm**

**1130 Gallison Hill Road, Montpelier**

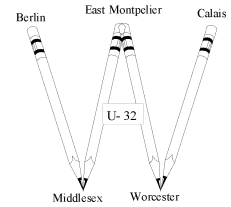
1. Call to Order
2. Approve Minutes of 2.11.20 – pg. 2
3. Requested Review
  - 3.1 Non-Retribution/Retaliation Policy – pg.6
4. Further Review Requested
  - 4.1 B3 Alcohol & Drug Free Workplace – pg. 7
  - 4.2 B20 Personnel Recruitment, Selection, Appointment & Background Checks – pg. 11
5. Review Existing Policies
  - 5.1 Section C – Students
    - 5.1.1 Current – pg. 17
6. Adjourn

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## WCUUSD Policy Committee Unapproved Minutes 2.11.20 5 – 7 pm

1130 Gallison Hill Road, Montpelier

**Present:** Chris McVeigh, Jaiel Pulskamp, Marylynn Strachan, Steven Dellinger-Pate, Jody Emerson, Jen Miller-Arsenault, Debra Taylor

1. Call to Order: Chris McVeigh called the meeting to order at 5:07 p.m.

Steven Dellinger-Pate was present to discuss the issue of proficiency based grading, as the board had discussed previously whether or not creating a policy around proficiency based grading (PBG) might be appropriate.

Steven Dellinger-Pate stated that proficiency based grading is included in the school profile. He noted that students are getting college admission offers and that U-32 is getting feedback from colleges that the school profile and transcript using proficiency based grading are clear.

Jaiel Pulskamp asked whether Montpelier High School had shared whether their students' college admissions decisions were affected by proficiency based report cards. He replied that he has not asked MHS about that. Some discussion followed about the difficulty of knowing reasons why students are accepted, rejected or deferred in response to college applications, before proficiency based grading, or now in light of proficiency based grading.

Steven Dellinger-Pate stated that, for students who are seeking admission to really competitive schools (for example, Duke), U-32 could support them in other ways besides the grading system; e.g., ACT/ SAT scores, resumes. He does not see PBG being the deterrent.

Superintendent Taylor indicated that Policy D1: Proficiency Based Graduation Requirements is in existence; she recommended that the committee could consider that policy, rather than creating a new one or additional one.

Chris McVeigh asked Principal Dellinger-Pate what had happened that caused families to be upset about college admissions re: PBG. He stated that some of the bigger state schools had communicated (e.g. University of Rhode Island) that they weren't able to make sense of how to convert the transcripts to the more traditional system. Discussion continued around the college admission process.

Steven Dellinger-Pate indicated that there is not a lot of difference as far as they can tell, about college admission trends - he is considering sharing with families information/ lists about colleges where U-32 students have been admitted. He explained that comparing PBG with previous grading system is not possible because PBG is a criterion system, whereas the letter-grade system is not. Steven Dellinger-Pate believes that being able to show transferable skills will be a boost as far as more accurately describing each student's profile.

Jaiel Pulskamp stated that she believes one of the challenges is in the communication piece - teachers to students, and school to families/ communities - to help better understand PBG. Marylynne Strachan stated that teachers need to be clear in their understanding of how the grading system works, so they can explain to students and families in ways that make sense.

Steven Dellinger-Pate shared that Lisa LaPlante is part of a group of Directors of Guidance who meet regularly and discuss issues such as college admissions. Some suggestions were made around communicating with colleges as well as communicating with families - for example, asking families, what have you heard back from colleges? and following up with colleges to clarify issues if needed.

2. Approve Minutes of 1.6.20: **Marylynne Strachan moved to approve the January 6, 2020 minutes. Seconded by Jaiel Pulskamp, this motion carried unanimously.**

3. Requested Review

- 3.1 B35 Family Medical Leave Policy: Debra Taylor shared that the Negotiations team has been discussing this issue, and that they have seen this draft policy.

- Jody Emerson explained some of the issues that have come up regarding using "weeks" versus "days" in the policy. Debra Taylor explained that the Negotiations team has addressed this in their work. Marylynne Strachan asked how the FMLA policy addresses parents who use such leave to attend IEP meetings or for mental health appointments. She noted that the federal Department Of Labor had shared an opinion letter in August 2019 about this.

The committee agreed to share this for a first reading to the board. The language in the policy will be changed from weeks to days.

#### 4. Review Existing Policies

##### 4.1 Section B – Personnel

4.1.1 Current: B1: Substitute Teachers - the committee reconsidered this policy, as the pronouns had been edited. Jaiel Pulskamp asked if all of the policies, overall, have been edited to change pronouns to “they.” Superintendent Taylor thinks they have. Jody Emerson asked whether there had been follow up as discussed at the previous meeting, as to whether other schools require bachelor’s degrees for substitutes. The committee agreed to add to qualifications: *“four years experience beyond high school, or bachelor’s degree preferred.”* This policy is ready to go to the WCUUSD Board.

##### B2: Volunteers and Work Study Students Policy:

Committee members would like to change the language to: *“A person who is a convicted sex offender, or a person with a substantiated finding of child or vulnerable adult abuse/ neglect, shall not be eligible to be a work study student or volunteer.”* (to make the language more stringent.)

(eliminate the underlining in the *implementation* portion of the policy.)

Under Legal References, delete *21 V.S.A.*

This policy is ready to go to the WCUUSD Board.

##### B3: Alcohol and Drug-Free Workplace:

Remove the word “illegal” (twice) in the first paragraph; add “under the *impairing* influence” (twice).

Also change the pronouns in the document: Superintendent Taylor will ask Krista to edit all of the policies, throughout, to change the pronouns to “they” / “their.”

This policy is ready to go to the WCUUSD Board.

B6: HIPAA: This policy is ready to go to the WCUUSD Board (with pronoun edits).

##### B7: Tobacco Prohibition

Jody Emerson indicated that vaping incidents are currently reported under drug and alcohol offenses because she is not able to know the substance that is vaped.

Ms. Emerson shared that, regardless of tobacco or marijuana, the response from the school is similar - there is a strong educational component, regardless.

The committee agreed to include the language that Chris McVeigh had included around vaping.

This policy is ready to go to the WCUUSD Board.

B20: Personnel Recruitment, Selection, Appointment and Background Checks:  
This policy is ready to go to the WCUUSD Board, with noted changes that Chris McVeigh had provided.

B22: Public Complaints About Personnel: Under “Resolving Complaints,” change “arty” to “party.”

This policy is ready to go to the WCUUSD Board.

#### 4.1.2 Additional

B21: Professional Development: “professional development committee” should be noted “curriculum council.” “Action plan” in the document should be noted “Continuous Improvement Plan.”

This policy is ready to go to the WCUUSD Board with noted edits.

The committee agreed that the other recommended policies in this section: B30, B31, B32, B33, should go to the WCUUSD Board for first readings. Edits required will be (1) pronouns as well as (2) changing “Action Plan” to “Continuous Improvement Plan.”

Chris McVeigh had provided a draft policy: Non-Retribution/ Retaliation Policy, to consider at the next Policy Committee meeting.

Committee members agreed to change the start time of meetings to 4:30, starting on March 10th.

Chris McVeigh had collected some policies around School Choice. He will email to disseminate to committee members. The committee had agreed to address this in April.

5. Adjourn: The committee adjourned by consensus at 7:00 p.m.

Respectfully submitted,  
Lisa Stoudt, Committee Recording Secretary

Next meeting: March 10th 4:30 - 6:30

**WASHINGTON CENTRAL UNIFIED  
UNION SCHOOL DISTRICT**

**Board of Directors' Policy**

**POLICY:**     **B40**    

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

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

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

**NON-RETRIBUTION/RETALIATION**

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It is the Washington Central Unified Union School District's goal to encourage all employees of Washington Central Unified Union School District to be secure in discussing matters related to the School District, its staff, its students, its administration, and the Board. To encourage employees to frankly discuss matters related to the School District's provision of services to students, parents, staff members, or the community, it is the policy of the Washington Central Unified Union School District that no employee shall be retaliated against for voicing their opinion about a District related matter or raising any issue related to the School District services or business, provided the employee has acted in good faith in voicing their opinion(s). Good faith means the employee has a reasonably identifiable basis for expressing their opinion about a District related business or educational matter. This policy does not protect any employee from individual responsibility for potentially libelous or slanderous expression.

This non-retribution policy does not prohibit any potential employment action involving an employee according to established policy or contract provision, provided the employment action is not initiated, even in part, because of the employee's actions or opinions protected by this non-retaliation/non-retribution policy.

When an employee's concerns involve a personnel matter or a student matter, the employee shall follow the established lines of communication set forth in B31 Educator Supervision & Evaluation: Probationary Teachers policy.



An employee, volunteer or work study student who violates the terms of this policy may be asked to satisfactorily complete an alcohol or drug abuse assistance or rehabilitation program approved by the superintendent. In addition, an employee who violates the terms of this policy will be subject to disciplinary action, including but not limited to non-renewal, suspension or termination at the discretion of the superintendent or, if required, the board.<sup>[9]</sup>

### **D8 Alcohol and Drug Free Workplace Notes and References:**

- [1] Alcohol is not considered a “controlled substance” under federal law. The Drug Free Workplace Act therefore does not require that alcohol be included in an employer’s prohibition of drugs in the workplace. Vermont law does authorize employers to prohibit alcohol possession and/or use of alcohol in the workplace. The Vermont drug testing law defines “drug” broadly, and includes alcohol as a “drug.” 21 V.S.A. §511(3).
- [2] The Drug Free Workplace Act of 1988 applies to all individuals or organizations that receive federal grants and any individuals or organizations that are federal contractors whose contracts exceed \$100,000. The Act does not explicitly require a Drug Free Workplace policy, but it does require covered entities to “...establish a drug-free awareness program to inform employees about...the grantee’s policy of maintaining a drug free workplace...”. 41 U.S.C. §702(1)(b)(ii).
- [3] The Drug Free Workplace Act requires specific actions on the part of employers including publication of a statement notifying employees of the prohibition against illegal drugs in the workplace, the establishment of a drug-free awareness program with specific elements, the notification to employees that compliance with the prohibition against drugs is a requirement for employment and imposing specific sanctions on any employee who is convicted of violations occurring in the workplace. See 41 U.S.C. §701.
- [4] The inclusion of volunteers and work study students as “employees” for purposes of this policy is optional. See endnote 7 below.
- [5] The Drug Free Workplace Act uses the term “controlled substance” as synonymous with the term “drug.” Controlled substances are listed in the federal law at 21 U.S.C. 812.
- [6] Definition derived from 41 U.S.C. §706(1).
- [7] 41 U.S.C. §706(2). See also U.S. Department of Labor *Drug –Free Workplace Advisor*, <http://www.dol.gov/elaws/asp/drugfree/policy.htm>. Note that the federal law defines “employee” as one “..directly engaged in the performance of work pursuant to a federal grant or contract, whether or not the employee is paid through grant or contract funds. An employer may expand the coverage of this policy to include all employees, whether or not they are engaged in work pursuant to federal grants.
- [8] See 41 U.S.C. §702(a)(1)(D).
- [9] See 16 V.S.A. §242(3)(C) for authority of superintendent to dismiss employees subject to due process and other legal requirements.





An employee, volunteer or work study student who violates the terms of this policy may be asked to satisfactorily complete an alcohol or drug abuse assistance or rehabilitation program approved by the superintendent. In addition, an employee who violates the terms of this policy will be subject to disciplinary action, including but not limited to non-renewal, suspension or termination at the discretion of the superintendent or, if required, the board.<sup>[9]</sup>

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- [8] See 41 U.S.C. §702(a)(1)(D).
- [9] See 16 V.S.A. §242(3)(C) for authority of superintendent to dismiss employees subject to due process and other legal requirements.



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

### Recruitment

1. The board is committed to securing the services of the best personnel available. Only individuals who meet applicable state licensing requirements, or are eligible for waiver, will be employed.
2. The board seeks minority applicants in accordance with its policy pertaining to non-discrimination. The ~~d~~istrict will attempt to provide an educational experience enhanced by the professional contributions of representatives of different races, physical conditions, sexes, ethnic backgrounds and age groups.
3. All personnel will be recruited by the ~~d~~istrict's administrative staff under the immediate direction of the superintendent.
4. Written or electronic applications will be required of candidates for employment. The application will include a statement ~~to be~~ signed by the candidate listing the dates, locations and dispositions of any convictions, including findings of guilt, pleas of nolo contendere or guilty, for criminal violations. The application will also include a warning to the applicant that falsification of information on the application or during the application process will be grounds for dismissal if the applicant is hired.

### Selection

1. It is the policy of the ~~b~~oard to select employees ~~solely~~ on the basis of character, professional qualifications, and critical job requirements. Employees will be selected in a manner that does not unlawfully discriminate. The ~~s~~uperintendent shall require ~~that~~ all applicants, as a condition of employment consideration, to cooperate fully with background investigations, supplying references and releases so the ~~d~~istrict can contact previous employers. ~~For A~~pplicants the ~~s~~uperintendent is prepared to recommend for employment will be expected to provide fingerprints, releases and other information necessary to conduct criminal record background investigations. The costs of such checks will be borne by the ~~(prospective employee) (the school district)~~ ~~d~~istrict. All offers of employment will be conditioned upon satisfactory completion of the background investigation and a finding that the information provided by the application during the pre-employment process was accurate, complete and truthful.
2. The ~~s~~uperintendent shall request a criminal record check through the Vermont Criminal Information Center (VCIC) on any candidate ~~he or she~~ they intends to appoint or ~~is prepared~~ to recommend for appointment. Requests will be made for fingerprint-supported criminal records from the FBI as well as criminal records from the state of Vermont and any state in which the superintendent knows the applicant has resided or been employed. The ~~s~~uperintendent shall maintain such records in accordance with state law.
3. The ~~s~~uperintendent shall also request information through any available abuse registry to determine whether there are any substantiated abuse/neglect charges or sex offense

convictions against an applicant before appointing or nominating a candidate for employment. The superintendent shall maintain such records in accordance with state law.

4. Employment conditioned on the completion of a background check may be terminated if it is determined that the employee failed to respond truthfully to questions about criminal activity or prior employment. In any event the superintendent shall forward the information received from VCIC to the person about whom the request was made and inform the person of their rights to challenge the accuracy of the record and to determine the disposition of the record under 16 V.S.A. §§255(f), (g).
5. Providing a safe learning environment for students is a primary consideration in district employment decisions. The district will base such decisions on all relevant information, qualifications, and circumstances. Unfavorable background check information is not an automatic bar to employment, nor is a background check with no unfavorable information a guarantee of employment. However, no person convicted of a sexual offense requiring registration on the Vermont comprehensive sex offender registry shall be employed by the school district.

### **Appointment**

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

*Legal Reference(s): 16 V.S.A. §§251 et seq. (Criminal record checks)  
16 V.S.A. §242(3) and 563 (12) (Responsibility for hiring)  
Act 1 of 2009 (Adjourned Sess.)  
Act 108 of 2010*



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Act 1 of 2009 (Adjourned Sess.)  
Act 108 of 2010*



# Section C – Students

## Current Approved WCUUSD Policies (First 10)

**Required**

**WASHINGTON CENTRAL UNIFIED  
UNION SCHOOL DISTRICT**

**Board of Directors' Policy**

<b>POLICY:</b>	<u>          <b>C1</b>          </u>
<b>WARNED:</b>	<u>          <b>6/1/19</b>          </u>
<b>ADOPTED:</b>	<u>          <b>6/12/19</b>          </u>
<b>EFFECTIVE:</b>	<u>          <b>7/1/19</b>          </u>

**STUDENT EDUCATION RECORDS**

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**Policy**

The Washington Central Unified Union School District recognizes the importance of keeping accurate and appropriate education records<sup>2</sup> for students as part of a sound educational program and is committed to act as trustee of this information, maintaining these records for educational purposes to serve the best interests of its students.

The principles of accuracy and confidentiality underlie all policies and procedures for the collection, maintenance, disclosure and destruction of education records. It is the policy of the district to protect the confidentiality of education records and release information only as permitted by law. Annually or when the student enrolls, the district will inform<sup>3</sup> parents, guardians, and students eighteen years and older of their right to inspect, review, and seek amendment of the student’s education records. The district will inform parents guardians, and students eighteen years and older of items considered directory information through notices distributed at the beginning of each school year or when a student enrolls.<sup>4</sup>

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

**Definitions**

All terms used in this policy, and the procedures developed for the implementation of this policy, shall be defined, where applicable, as those terms are defined in the Family Educational Rights and Privacy Act and in the federal regulations promulgated pursuant to that Act.<sup>5</sup>

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<sup>1</sup> *The federal Family Educational Rights and Privacy Act (FERPA) does not explicitly require a school board policy on the protection of student records. Its requirements are stated in the negative... ”no funds shall be made available to any educational agency... which has a policy of denying... the right of parents... to review and inspect educational records. 20 U.S.C. 1232g; 34 C.F.R. Part 99. Nor does the State Board Manual of Rules and Practices explicitly require a school board policy on student records. “Each school shall develop and implement a system of maintaining student records... which is in compliance with FERPA.” SBE Rule 2120.8.3.3.*

<sup>2</sup> *A “record” means any information recorded in any way, including but not limited to, handwriting, print, computer media, video or audio tape, film, microfilm and microfiche. The term “education records” means those records that are (1) directly related to a student, and (2) maintained by the school district, a school within the*

*district, or a party acting for the school district or a school within the school district. It does not include a teacher's notes that are in the teacher's sole possession and shared only with a substitute teacher. 20 U.S.C. 1232g; 34 C.F.R. 99.3*

<sup>3</sup> *School districts are required to find an effective way to notify parents whose primary language is not English. 34 C.F.R. §99.9.*

<sup>4</sup> *The Family Educational Rights and Privacy Act allows schools to designate certain information as "directory information" and release it after providing public notice of the categories of information it seeks to release. "Directory information" includes, but is not limited to, a student's name, address, telephone listing, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, and the most recent previous educational agency or institution attended by the student. Additional information may be released with specific parental consent. 12 U.S.C. §1232g; 34 C.F.R. §99.3.*

<sup>5</sup> *12 U.S.C. §1232g; 34 C.F.R. §99.3.*

*Legal Reference(s):* 20 U.S.C. §§1232g (Federal Family Educational Rights and Privacy Act of 1974)  
20 U.S.C. § 7908  
16 V.S.A. 563(27) (NCLBA Armed Forces Recruiter/Higher Education Access)  
34 C.F.R. Part 99  
1 V.S.A. §317 (Definitions)  
15 V.S.A. §670 (Non-custodial parents)  
33 V.S.A. §5536a (Juvenile court records)  
VT State Board of Education Manual of Rules and Practices §2120.8.3.3

**Required**

**WASHINGTON CENTRAL UNIFIED  
UNION SCHOOL DISTRICT**

**Board of Directors' Policy**

<b>POLICY:</b>	<u>C2</u>
<b>WARNED:</b>	<u>6/1/19</u>
<b>ADOPTED:</b>	<u>6/12/19</u>
<b>EFFECTIVE:</b>	<u>7/1/19</u>

**STUDENT ALCOHOL & DRUGS**

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It is the policy of the Washington Central Unified Union School District that no student shall knowingly possess, use, sell, give or otherwise transmit, or be under the influence of any illegal drug, regulated substance, or alcohol on any school property, or at any school sponsored activity away from or within the school.<sup>1</sup> It is further the policy of the district to make appropriate referrals in cases of substance abuse.

**Definitions**

***Substance Abuse*** is the ingestion of drugs and or alcohol in such a way that it interferes with a person's ability to perform physically, intellectually, emotionally, or socially.<sup>2</sup>

***Drug*** means any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana or any other controlled substance as defined by state or federal regulation or statute.<sup>3</sup>

**Educational Program.** The (superintendent, principal, other) shall work with appropriate staff members to develop and conduct an alcohol and drug abuse educational program.<sup>4</sup> The program shall be consistent with the Vermont Alcohol and Drug Education Curriculum Plan<sup>5</sup>. If the school district is a recipient of federal Safe and Drug-Free Schools and Communities Act funds, the Act will be considered in the development of the alcohol and drug abuse educational program.<sup>6</sup>

**Support and Referral System.** In each school the principal or his or her designee shall develop a support and referral system for screening students who refer themselves and students who are referred by staff for suspected drug and/or alcohol use and/or abuse problems.<sup>7</sup> The support and referral system will include processes to determine the need for further screening, education, counseling or referral for treatment in each referred case.<sup>8</sup> In addition, the principal shall establish procedures for administering emergency first aid related to alcohol and drug abuse.<sup>9</sup>

**Cooperative Agreements.**<sup>10</sup> The (superintendent, principal, other) shall annually designate an individual to be responsible for providing information to students and parents or guardians about outside agencies that provide substance abuse prevention services and to encourage the use of their services and programs when appropriate.

The Washington Central Unified Union School District has a Substance Abuse Prevention (SAP) Counselor. They will provide substance abuse treatment to students who are referred through the school's support and referral system, or who refer themselves for treatment.

**Staff Training.** The (superintendent, principal, other) will work with appropriate staff to provide training for teachers and health and guidance personnel who teach or provide other services in the school's alcohol and drug abuse prevention education program. The training provided will meet the requirements of State Board Rules related to staff training.<sup>11</sup>

**Community Involvement.** The (superintendent, principal, other) will work with school staff and community members to implement a program to inform the community about substance abuse issues in accord with State Board of Education rules.<sup>12</sup>

**Annual Report.** In a standard format provided by the Agency of Education, the (superintendent, principal, other) will submit an annual report to the Secretary of Education describing substance abuse education programs and their effectiveness.<sup>13</sup>

**Notification.** The (superintendent, principal, other) shall ensure that parents and students are given copies of the standards of conduct and disciplinary sanctions contained in the procedures related to this policy, and are notified that compliance with the standards of conduct is mandatory. Notice to students will, at a minimum, be provided through inclusion of these standards and sanctions in the student handbook distributed to all students at the beginning of each school year or when a student enrolls in the school.<sup>14</sup>

<sup>1</sup> 16 V.S.A. § 1165(a). See also 18 V.S.A. § 4237 making it unlawful for any person to sell or dispense any regulated drug to minors or to any other person on school property or property adjacent to a school .

<sup>2</sup> Vermont State Board of Education Manual of Rules and Practices, Rule 4211

<sup>3</sup> See definitions of narcotic drugs and hallucinogenic drugs in 18 V.S.A. §4201; and controlled substance in 41 U.S.C. §706(3) and 21 U.S.C. §812.

<sup>4</sup> 16 V.S.A. §131(9); SBE Rule 4213.1

<sup>5</sup> SBE Rule 4212.2 requiring that education program be consistent with this Plan.

<sup>6</sup> 20 U.S.C. §§7101 et seq.

<sup>7</sup> SBE Rule 4212.3

<sup>8</sup> SBE Rule 4212.3D.

<sup>9</sup> SBE Rule 4212.3B. SBE Rule 4212.3B requires that each "...school district policy...establish procedures for administering first aid related to alcohol and drug abuse. The procedures will define the roles of the personnel involved."

<sup>10</sup> SBE Rule 4212.3.

<sup>11</sup> SBE Rule 4213.2. See also SBE Rule 4212.3C.

<sup>12</sup> SBE Rule 4214 does not require that this paragraph be included in a school board policy. The rule does require that schools engage in community programs "...to inform the community about the school's alcohol and drug prevention education program, alcohol and drug abuse prevention issues, and community-wide responsibility for effective alcohol and drug abuse prevention." This paragraph could be included in administrative procedures developed in conjunction with this policy.

<sup>13</sup> SBE Rule 4215 does not require that this paragraph be included in a school board policy. The rule does require that the school's annual report include information on substance abuse education programs. This paragraph could be included in administrative procedures developed in conjunction with this policy.

<sup>14</sup> This section is not required by law, but could be included in a school board policy to ensure that adequate notice of the school district's policy and procedures related to alcohol and drug abuse is given to students and parents.

*Legal Reference(s):* 20 U.S.C. §§7101 et seq. (Safe & Drug-Free Schools & Communities Act of 1994)  
16 V.S.A. §909 (Drug & Alcohol Abuse Prevention Education Curriculum)  
16 V.S.A. 131(9) (Comprehensive Health Education)  
16 V.S.A. §1045(b)(Driver Training Course)  
16 V.S.A. §1165 (Alcohol and drug abuse)  
18 V.S.A. §4226 (Drugs: minors, treatment, consent)  
Vt. State Board of Education Manual of Rules and Practices §§4200 -4215)

*Cross Reference:* Student Conduct and Discipline (C20)  
Search and Seizure (C21)  
(Interrogations or Searches of Students by Law Enforcement)  
Officers or Other Non-School Personnel (F5)

**Required**

**WASHINGTON CENTRAL UNIFIED  
UNION SCHOOL DISTRICT**

**Board of Directors' Policy**

**POLICY:**           C3          

**WARNED:**           6/1/19          

**ADOPTED:**           6/12/19          

**EFFECTIVE:**           7/1/19          

**TRANSPORTATION**

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**Policy**

Where it is reasonable and necessary to enable a student entitled or required to attend an elementary or a secondary school within the Washington Central Unified Union School District, the district may furnish transportation on public roads to students who reside within the district. The district may also provide transportation to non-resident students as authorized by the board. Accordingly, the Washington Central Unified Union School District has decided to furnish transportation under this policy.

The superintendent will establish routes and designate stops after considering both the safety of children and efficiency of operation. The superintendent will consider the following factors when determining routes and stops.

1. The age and health of pupils,
2. Distance to be traveled,
3. Condition of the road, and
4. Type of highway.

The superintendent may consider any other factors he or she deems appropriate when establishing routes and designated stops.

The superintendent shall submit to the school board for approval any contracts, leases or purchases necessary to maintain and operate transportation equipment, and shall include in his or her annual report to the board information as to all pupils transported by the school district and the expense thereof.

*Legal Reference(s):*           16 V.S.A. §§1221, 1222, 1224 (Student transportation)  
                                  16 V.S.A. §1551 (Technical center transport)

**Required**

**WASHINGTON CENTRAL UNIFIED  
UNION SCHOOL DISTRICT**

**Board of Directors' Policy**

**POLICY:** C4

**WARNED:** 6/1/19

**ADOPTED:** 6/12/19

**EFFECTIVE:** 7/1/19

**LIMITED ENGLISH PROFICIENCY STUDENTS**

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**Policy**

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

**Implementation**

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

*Legal Reference(s): 42 U.S.C.§§2000 d et seq. (Title VI of the Civil Rights Act of 1964); 20 U.S.C. 6801 et seq. (English Language Acquisition, Enhancement, and Academic Achievement Act)  
20 U.S.C. § 7801(25) (Definition of Limited English Proficiency)  
34 C.F.R. Part 100  
9 V.S.A. §4502 (Discrimination, public accommodations)  
Vermont State Board of Education Manual of Rules and Procedures §1250*

**Required**

**WASHINGTON CENTRAL UNIFIED  
UNION SCHOOL DISTRICT**

**Board of Directors' Policy**

<b>POLICY:</b>	<u>          C5          </u>
<b>WARNED:</b>	<u>          6/1/19          </u>
<b>ADOPTED:</b>	<u>          6/12/19          </u>
<b>EFFECTIVE:</b>	<u>          7/1/19          </u>

**WEAPONS / FIREARMS**

It is the intent of the board to comply with the federal Gun Free Schools Act of 1994, and the Vermont state laws (16 V.S.A. §1166 & §1162) requiring school districts to provide for the possible expulsion of students who bring or possess dangerous weapons or firearms at school. It is further the intent of the board to maintain a student discipline system consistent with the requirements of the federal Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act and the Vermont State Board of Education rules.

**Definitions:**

This policy shall define the terms “*dangerous weapons*”, “*firearm*”, “*at school*” and “*expelled*”. However, the school board may augment the definitions, provided they remain consistent with definitions required by state and federal law.

- a. The term “*dangerous weapon*” means a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, designed for, or is readily capable of, causing death or serious bodily injury. This includes weapons that a student acquires at school or on the bus.
- b. “*Firearm*” means any weapon, whether loaded or unloaded, which will expel a projectile by the action of an explosive and includes any weapon commonly referred to as a pistol, revolver, rifle, gun, machine gun or shotgun.
- c. “*At school*” means any setting that is under the control and supervision of the school district. It includes school grounds, facilities and vehicles used to transport students to and from school or school activities.
- d. “*Expelled*” means the termination of educational services to a student for greater than 10 days, and is determined by the board.

**Policy Statement**

**PART A: WITH REGARDS TO STUDENTS**

Any student who brings to school or possesses a dangerous weapon while at school shall be brought by the superintendent to the school board for consideration of an expulsion hearing.

However, with the prior written consent of the superintendent or his/her designee, a student may possess a device that might be considered a dangerous weapon for a predetermined educational purpose.

If after a hearing, a student is found by the board to have brought or possessed a dangerous weapon while at school, the superintendent or principal may suspend the student for up to 10 school days, or the board may expel the student for up to the remainder of the school year, or up to 90 school days, whichever is longer, 16 V.S.A. §1162(a). Or, if after a hearing, a student is found by the board to have brought or possessed a firearm while at school, the student shall be expelled for no less than one calendar year, 16 V.S.A. §1166 (2). However, the school board may modify the expulsion on a case-by-case basis when it finds circumstances such as, but not limited to:

- a. The student was unaware that he or she had brought a weapon to school.
- b. The student did not intend to use the weapon or threaten or endanger others.
- c. The student is disabled and the misconduct is related to the disability.
- d. The student does not present an ongoing threat to others and a lengthy expulsion would not serve the best interests of the student nor substantially further the goal of ensuring a safe and fear free environment.



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

### **Policy Implementation**

An expulsion hearing conducted under this policy shall afford due process as required by law, and as developed by the superintendent or his/her designee.

The superintendent may refer to the appropriate law enforcement agency any student who possesses or brings a dangerous weapon to a school under the control and supervision of the school district. The superintendent shall refer to the appropriate law enforcement agency any student who possesses or brings a firearm to a school under the control and supervision of the school district. In addition, the superintendent may report any incident subject to this policy to the Department of Children & Families.

As required by state law, the superintendent shall annually provide the Secretary of Education with descriptions of the circumstances surrounding expulsions imposed under this policy, the number of students expelled, and the type of dangerous weapons involved.

### **PART B: WITH REGARD TO PERSONS OTHER THAN STUDENTS**

No person shall enter onto school grounds while in possession of a dangerous weapon or firearm as described above unless:

- a. The person has prior written approval from the superintendent or his/her designee to bring the weapon to school for authorized activities;
- b. The person is a law enforcement officer.

*Legal Reference(s):* 16 V.S.A. §1162 (Suspension or expulsion of pupils)  
16 V.S.A. §1166 (State law pursuant to Federal law) 13 V.S.A. §§4004, 4016 (Criminal offenses)  
20 U.S.C. §7151 (Gun Free Schools Act)  
18 U.S.C. §921 (Gun Free Schools Act of 1990) 20 U.S.C. §§ 1400 et seq.(IDEA)  
29 U.S.C. §794 (Section 504, Rehabilitation Act of 1973)  
Vt. State Board of Education Manual of Rules & Practices, §§4311, 4312

*Cross Reference:* Student Records (C1)  
Search and Seizure (C21)  
Student Conduct and Discipline (C20)

**Required**

**WASHINGTON CENTRAL UNIFIED  
UNION SCHOOL DISTRICT**

**Board of Directors' Policy**

**POLICY:** C6

**WARNED:** 6/1/19

**ADOPTED:** 6/12/19

**EFFECTIVE:** 7/1/19

**HOME STUDY STUDENTS**

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**Policy**

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

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

*Legal Reference(s): 16 V.S.A. 563 (24) (Powers of school boards)  
Vermont State Board of Education Manual of Rules & Practices §§4400, 9200.3.1, 2367 20  
U.S.C. §§1400 et seq. (IDEA)  
34 C.F.R. §§ 300.450-2, 76.650-662  
16 V.S.A. 563(24). School boards are required to "... adopt a policy which, in accordance with rules adopted by the state board of education, will integrate home study students into its schools through enrollment in courses, participation in co-curricular and extra-curricular activities and use of facilities." See also SBE Rules 4400-4405.*

**Required**

**WASHINGTON CENTRAL UNIFIED  
UNION SCHOOL DISTRICT**

**Board of Directors' Policy**

<b>POLICY:</b>	<u>C7</u>
<b>WARNED:</b>	<u>6/1/19</u>
<b>ADOPTED:</b>	<u>6/12/19</u>
<b>EFFECTIVE:</b>	<u>7/1/19</u>

**STUDENT ATTENDANCE**

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**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

## Required<sup>1</sup>

WASHINGTON CENTRAL UNIFIED  
UNION SCHOOL DISTRICT

Board of Directors' Policy

<b>POLICY:</b>	<u>C8</u>
<b>WARNED:</b>	<u>6/1/19</u>
<b>ADOPTED:</b>	<u>6/12/19</u>
<b>EFFECTIVE:</b>	<u>7/1/19</u>

## PUPIL PRIVACY RIGHTS

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### Policy

It is the intent of the Washington Central Unified Union School District to comply with the provisions of the federal Pupil Privacy Rights Amendment (PPRA)<sup>[2]</sup> and Vermont State Board of Education Rules<sup>[3]</sup> governing the administration of certain student surveys, analyses or evaluations.<sup>[4]</sup>

### Administrative Responsibilities

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

1. The right of parents or eligible students to inspect surveys created by third parties before administration or distribution of the surveys to students;
2. Any applicable procedures for granting request by a parent for access to such survey within reasonable time after a request is received;
3. Arrangements of protect student privacy in the event of the administration or distribution of a survey to a student containing one or more of the items listed in the federal Pupil Privacy Rights Amendment,<sup>[6]</sup>
4. The right of a parent to inspect any instructional material used as part of the educational curriculum for the parent's child, and any applicable procedures for granting access to such material within a reasonable time after the request is received.<sup>[7]</sup>
5. The administration of physical examinations or screenings that the school district may administer to a student;<sup>[8]</sup>
6. The collection, disclosure or use of personal information collected from students for the purpose of marketing or for selling that information, including arrangements to protect student privacy in the event of such collection, disclosure or use.<sup>[9]</sup>
7. The right of a parent of a student to inspect any instrument used in the collection of personal information under subparagraph (6) above, and any applicable procedures for granting a request for such inspection within a reasonable time after receiving the request;<sup>[10]</sup>
8. Provisions to ensure that parents are notified of the school district policies and procedures adopted to comply with federal and state laws and regulations governing pupil privacy, including, but not limited to, notification of activities involving the collection of personal information from students, the administration of surveys containing items specifically listed in the Pupil Privacy Rights Amendment.<sup>[11]</sup>

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[1] This policy is required by the Federal Protection of Pupil Rights Act, 20 U.S.C. §1232h; Vermont State Board Manual of Rules and Practices, Rule 2120.8.12(f).

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

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

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

[5] *See* 20 U.S.C. §1232h(c)(1).

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

[7] *See* 20 U.S.C. §1232h(c)(1)(C).

[8] *See* 20 U.S.C. §1232h(c)(1)(D).

[9] *See* 20 U.S.C. §1232h(c)(1)(E).

[10] *See* 20 U.S.C. §1232h(c)(1)(F)

[11] *See* 20 U.S.C. §1232h(c)(2).

**Required**

**WASHINGTON CENTRAL UNIFIED  
UNION SCHOOL DISTRICT**

**Board of Directors' Policy**

<b>POLICY:</b>	<u>    <b>C9</b>    </u>
<b>WARNED:</b>	<u>    <b>6/1/19</b>    </u>
<b>ADOPTED:</b>	<u>    <b>6/12/19</b>    </u>
<b>EFFECTIVE:</b>	<u>    <b>7/1/19</b>    </u>

**NUTRITION & WELLNESS**

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**Purpose**

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

**Policy Statement**

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

**I. Goals for Nutrition Promotion and Education.**

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

**II. Goals for Physical Education and Physical Activity.**

- A. The district shall provide physical education classes for all students as required by Education Quality Standards.
- B. The district shall offer opportunities for students in grades K-12 to participate in at least 30 minutes of physical activity within or outside of the school day. Physical activity may

include recess and movement built into the curriculum, but does not replace physical education classes.

### III. Goals for Nutrition Services

- A. The district shall ensure that guidelines for reimbursable school meals are not less restrictive than regulations and guidance issued by the Secretary of Agriculture pursuant to sections (a) and (b) of section 9A(a) and (b) of the Richard B. Russell National School Lunch Act as those regulations and guidance apply to schools.
- B. The district shall provide adequate space for eating and serving school meals.
- C. The district shall provide a clean and safe meal environment for students.
- D. The district shall establish meal periods that provide adequate time to eat and are scheduled at appropriate hours.
- E. Food shall not be used in district schools as a reward or punishment.
- F. The district shall provide training opportunities as appropriate for food service and other staff members in areas of nutrition and wellness.
- G. Schools participating in the National School Lunch and School Breakfast programs shall make free potable water available to children in the meal service areas.

### IV. Nutrition Guidelines.

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

### V. Other School Based Activities

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

## VI. Assessment:

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

## VII. Policy Implementation

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

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

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

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

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

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

*Vermont Education Quality Standards 2120.5*

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

<sup>[i]</sup> [See Resource: Summary, Nutrition Standards for All Foods Sold in School, <https://www.fns.usda.gov/sites/default/files/cn/allfoods-summarychart.pdf>]

<sup>[ii]</sup> See above

<sup>[iii]</sup> A useful summary of the Smart Snacks Standards can be found at, <https://www.fns.usda.gov/sites/default/files/cn/allfoods-summarychart.pdf>



**Required**

**WASHINGTON CENTRAL UNIFIED  
UNION SCHOOL DISTRICT**

**Board of Directors' Policy**

**PREVENTION OF HARASSMENT,  
HAZING AND BULLYING**

<b>POLICY:</b>	<u><b>C10</b></u>
<b>WARNED:</b>	<u><b>6/1/19</b></u>
<b>ADOPTED:</b>	<u><b>6/12/19</b></u>
<b>EFFECTIVE:</b>	<u><b>7/1/19</b></u>

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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.

**II. Implementation**

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<sup>1</sup> Where language suggests a “District” will take action, it shall be the Superintendent, the Head of School, or his/her designee.

The superintendent or his/her 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 supervisory union 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 his/her designee assistant principal/technical center director or his/her designee and/or the District’s Equity Coordinator.

**N. “Student Conduct Form”** is a form used by students, staff, or parents, to provide, in written form, information about inappropriate student behaviors that may constitute hazing, harassment and/or bullying.

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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:

**WASHINGTON CENTRAL UNIFIED UNION SCHOOL DISTRICT  
PROCEDURES ON THE PREVENTION OF HARASSMENT, HAZING AND  
BULLYING OF STUDENTS**

**A. Reporting Complaints of Hazing, Harassment and/or Bullying**

- A. **Student Reporting:** Any student who believes that s/he has been hazed, harassed and/or bullied under this policy, or who witnesses or has knowledge of conduct that s/he reasonably believes might constitute hazing, harassment and or/bullying, should promptly report the conduct to a designated employee or any other school employee.
- B. **School employee reporting:** Any school employee who **witnesses conduct** that s/he reasonably believes might constitute hazing, harassment and/or bullying shall take reasonable action to stop the conduct and to prevent its recurrence and immediately report it to a designated employee and immediately complete a Student Conduct Form.

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

- C. **Other reporting:** Any other person who witnesses conduct that s/he reasonably believes might constitute hazing, harassment and/or bullying under this policy should promptly report the conduct to a designated employee.
- D. **Documentation of the report:** If the complaint is oral, the designated employee shall promptly reduce the complaint to writing in a Student Conduct Form, including the time, place, and nature of the alleged conduct, the identity of the complainant, alleged perpetrator, and any witnesses. Both the complainant and the alleged perpetrator will have the right to present witnesses and other evidence in support of their position.
- E. **False complaint:** Any person who knowingly makes a false accusation regarding hazing, harassment and/or bullying may be subject to disciplinary action up to and including suspension and expulsion with regard to students, or up to and including discharge with regard to employees. There shall be no adverse action taken against a person for reporting a complaint of hazing, harassment and/or bullying when the person has a good faith belief that hazing, harassment and/or bullying occurred or is occurring.
- F. **Rights to Alternative Complaint Process:** In addition to, or as an alternative to filing a harassment complaint pursuant to this policy, a person may file a harassment complaint with the Vermont Human Rights Commission or the

Office for Civil Rights of the U.S. Department of Education at the addresses noted below:

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

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

**B. Responding to Notice of Possible Policy Violation(s)**

- A. Upon notice of information that hazing, harassment and/or bullying may have occurred the designated employee shall:
- i. Promptly reduce any oral information to writing, including the time, place, and nature of the conduct, and the identity of the participants and complainant.
  - ii. Promptly inform the school administrator(s) of the information;
  - iii. If in the judgment of the school administrator, the information alleges conduct which may constitute harassment, hazing or bullying, the school administrator shall, as soon as reasonably possible, provide a copy of the policy on hazing, harassment and bullying and these procedures to the complainant and accused individual, or if either is a minor, cause a copy to be provided or delivered to their respective parent or guardian.
- B. Upon initiation of an investigation, the designated employee shall:
- i. Notify in writing both the complainant and accused individual (or if either is a minor inform their respective parent or guardian) that:
    1. an investigation has been initiated;
    2. retaliation is prohibited;
    3. all parties have certain confidentiality rights; and
    4. they will be informed in writing of the outcome of the investigation.
- C. All notifications shall be subject to state and/or federal laws protecting the confidentiality of personally identifiable student information. Pursuant to 34 CFR Part 99.30, a school administrator may seek the consent of the parent/guardian of the accused student, or the accused eligible student (if 18 or older, the accused student has the ability to consent), in order to inform the



complainant of any disciplinary action taken in cases where the school determined that an act(s) of harassment, hazing, and/or bullying, or other misconduct occurred. The parent/guardian or eligible student shall provide a signed and dated written consent before an educational agency or institution discloses personally identifiable information from the student's education records.

### **III. Investigating Hazing, Harassment and/or Bullying Complaints**

- A. **Initiation of Investigation - Timing.** Unless special circumstances are present and documented, such as reports to the Department for Children and Families (“DCF”) or the police, the school administrator shall, no later than one school day after Notice to a designated employee, initiate or cause to be initiated, an investigation of the allegations, which the school administrator reasonably believes may constitute harassment, hazing or bullying.
- B. **Investigator Assignment.** The school administrator shall assign a person to conduct the investigation; nothing herein shall be construed to preclude the school administrator from assigning him/herself or a designated employee as the investigator. No person who is the subject of a complaint shall conduct such an investigation.
- C. **Interim Measures.** It may be appropriate for the school to take interim measures during the investigation of a complaint. For instance, if a student alleges that he or she has been sexually assaulted by another student, the school may decide to place the students immediately in separate classes and/or transportation pending the results of the school’s investigation. Similarly, if the alleged harasser is a teacher, allowing the student to transfer to a different class may be appropriate. In all cases, the school will make every effort to prevent disclosure of the names of all parties involved – the complainant, the witnesses, and the accused -- except to the extent necessary to carry out the investigation. In all cases where physical harm has resulted and/or where the targeted student is known to be expressing suicidal ideation, or experiencing serious emotional harm, a safety plan will be put in place. Safety plans must also be considered in cases where the targeted student is known to have difficulty accessing the educational programs at the school as a result of the inappropriate behavior. No contact orders, or their enforcement, may also be appropriate interim measures.
- D. **Due Process.** The United States Constitution guarantees due process to students and District employees who are accused of certain types of infractions, including but not limited to sexual harassment under Federal Title IX. The rights established under Title IX must be interpreted consistent with any federally guaranteed due process rights involved in a complaint proceeding, including but not limited to the ability of the complainant and the accused to present witnesses and other evidence during an investigation. The District will ensure that steps to accord due process rights do not restrict or unnecessarily delay the protections provided by Title IX to the complainant.

- E. Standard Used to Assess Conduct. In determining whether the conduct constitutes a violation of this policy, the investigator shall consider the surrounding circumstances, the nature of the behavior, past incidents or past or continuing patterns of behavior, the relationships between the parties involved and the context in which the alleged incidents occurred. The complainant and accused will be provided the opportunity to present witnesses and other evidence during an investigation. The school will also consider the impact of relevant off-campus conduct on the school environment where direct harm to the welfare of the school can be demonstrated or the conduct can be shown to pose a clear and substantial interference with another student's equal access to educational programs. Whether a particular action constitutes a violation of this policy requires determination based on all the facts and surrounding circumstances.
- F. Completion of Investigation – Timing. No later than five school days from the filing of the complaint with the designated employee, unless special circumstances are present and documented, the investigator shall submit a written initial determination to the school administrator.
- G. Investigation Report. The investigator shall prepare a written report to include a statement of the findings of the investigator as to whether the allegations have been substantiated, and as to whether the alleged conduct constitutes hazing, harassment and/or bullying. The report, when referencing student conduct, is a student record and therefore confidential. It will be made available to investigators in the context of a review conducted by either Vermont AOE, or investigations of harassment conducted by the Vermont Human Rights Commission or U.S. Department of Education Office of Civil Rights.
- H. Notice to Students/Parents/Guardians. Within five school days of the conclusion of the investigation, the designated employee shall:
- i. Notify in writing both the complainant and accused individual (or if either is a minor inform their respective parent or guardian) that:
    1. the investigation has been completed;
    2. whether or not the investigation concluded that a policy violation occurred (and which policy term was violated, i.e. harassment, hazing and/or bullying);
    3. that federal privacy law prevents disclosure of any discipline imposed as a result of the investigation unless the parent/guardian of the accused student and/or the accused eligible student consents to such disclosure, pursuant to 34 CFR Part 99.30, as set forth in Section II, Part C, above.
  - ii. Notify the Complainant Student - or if a minor, their parent(s) or guardian - in writing of their rights to:
    1. an internal review by the school of its initial determination as a result of its investigation as to whether harassment occurred;
    2. request an Independent Review of the school's "final" determination as to whether harassment occurred within thirty (30) days of the final determination or although a "final" determination was made that harassment indeed occurred the school's response to that harassment was inadequate to correct the problem; and that the review will be conducted by an

investigator to be selected by the superintendent from a list developed by the Agency of Education;

3. file complaints of harassment with either the Vermont Human Rights Commission and/or the federal Department of Education's Office of Civil Rights.

iii. Notify the Accused Student – or if a minor, their parent(s) or guardian - in writing of their right to appeal as set forth in Section V of these procedures.

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

#### **IV. Responding to Substantiated Claims**

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

(i) Potential Remedial Actions. Remedial action may include but not be limited to an age appropriate warning, reprimand, education, training and counseling, transfer, suspension, and/or expulsion of a student, and warning, reprimand, education, training and counseling, transfer, suspension and/or termination of an employee. A series of escalating consequences may be necessary if the initial steps are ineffective in stopping the hazing, harassment and/or bullying. To prevent recurrences counseling for the offender may be appropriate to ensure that he or she understands what constitutes hazing/harassment and/or bullying and the effects it can have. Depending on how widespread the hazing/harassment/bullying was and whether there have been any prior incidents, the school may need to provide training for the larger school community to ensure that students, parents and teachers can recognize hazing/harassment/bullying if it recurs and know how to respond.

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

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

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

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

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

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

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

## **V. Post Investigative Reviews**

### Rights of Complainants

**A. Internal Review of Initial Harassment Determinations By Complainant.**

A complainant or parent of a complainant may request internal review by the District of a designee's initial determination (following investigation) that harassment has not occurred via written request submitted to the District superintendent. All levels of internal review of the investigator's initial determination, and the issuance of a final decision, shall, unless special circumstances are present and documented by the District, be completed within 30 calendar days after review is requested.

**B. Independent Reviews of Final Harassment Determinations By Complainant.**

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

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

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

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

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

Vermont Human Rights Commission  
14-16 Baldwin Street  
Montpelier, VT 05633-6301  
(800) 416-2010 or (802) 828-2480 (voice)  
(877) 294-9200 (tty)  
(802) 828-2481 (fax)

Email: [human.rights@state.vt.us](mailto:human.rights@state.vt.us)

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

## Rights of Accused Students

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

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

## **VI. Confidentiality and Record Keeping**

**A. Privacy Concerns.** The privacy of the complainant, the accused individual, and the witnesses shall be maintained consistent with the District's obligations to investigate, to take appropriate action, and to comply with laws governing the disclosure of student records or other applicable discovery or disclosure obligations.

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

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

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

## **VII. Reporting to Other Agencies**

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

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

C. Reporting Incidents to Police

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

b. 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.

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

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

**VIII. Disseminating Information, Training, and Data Reporting**

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



- B. Student Training. The school administrator shall use his/her discretion in developing age-appropriate methods of discussing the meaning and substance of this policy with students to help prevent hazing, harassment and bullying.
- C. Staff Training. The board or its designee shall ensure that teachers and other staff receive training in preventing, recognizing and responding to hazing, harassment and bullying.
- D. Data Gathering. Public school districts shall provide the Vermont Agency of Education with data requested by the Secretary of Education.

**Legal References:**

Title V, Section B, 504 of the Rehabilitation Act of 1973, 29 U.S.C. §794 et seq.;  
 Title VI of the Civil Rights Act of 1964, 42 U.S.C. §2000d;  
 Title IX of the Educational Amendments Act of 1972, 20 U.S.C. §§ 1681 et seq.;  
 Family Education Rights Privacy Act; 20 U.S.C. §1232g;  
 Public Accommodations Act, 9 V.S.A. §§4500 et seq.;  
 Education, Classifications and Definitions, 16 V.S.A. §11(26);(30)(A);(32); Education,  
 16 V.S.A. §140(a)(1); Education, 16 V.S.A. §166(e);  
 Education, Bullying, 16 V.S.A. §570c;  
 Education, Harassment, Hazing and Bullying, 16 V.S.A. § 570;  
 Education, Harassment, 16 V.S.A. §570a;  
 Education, Harassment, 16 V.S.A. §570c;  
 Education, Harassment, 16 V.S.A. §570f;  
 Education, Hazing, 16 V.S.A. §570b;  
 Education, Hazing, 16 V.S.A. §570f Education,  
 Discipline, 16 V.S.A. §1161a;  
 Education, Suspension or Expulsion of Pupils; 16 V.S.A. §1162; Child  
 Abuse, 33 V.S.A. §§4911 et seq.;  
 Adult Protective Services, 33 V.S.A. §6901 et seq., all as they may be amended from time to  
 time.  
 Washington v. Pierce, 179 VT 318 (2005).