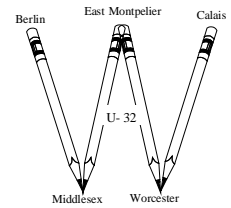


Washington Central Unified Union School District

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

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

Debra Taylor, Ph.D.
Interim Superintendent



WCUUSD Policy Committee Meeting Agenda

12.10.19

5 – 7 pm

1130 Gallison Hill Road, Montpelier

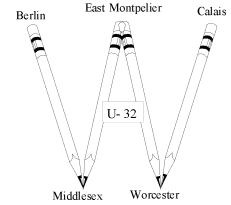
1. Call to Order
2. Approve Minutes of 11.26.19 – pg. 2
3. Updates
 - 3.1 Hate Symbols Resolution – pg. 5
4. Review Existing Policies
 - 4.1 Section A – Board
 - 4.1.1 Additional – pg. 7
 - 4.2 Section B – Personnel
 - 4.2.1 Current – pg. 17
 - 4.2.2 Additional
5. Adjourn

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Interim Superintendent



WCUUSD Policy Committee Unapproved Minutes

11.26.19
5 – 7 pm

1130 Gallison Hill Road, Montpelier

In attendance: Chris McVeigh, Jaiel Pulskamp, Marylynne Strachan, board members; Aaron Boynton, Berlin Principal; Jody Emerson, U-32 Assistant Principal; Debra Taylor, Interim Superintendent; David Delcore, Times Argus; Meg Allison, U-32 Librarian

1. Call to Order

5:04pm by Chris McVeigh

Motion to move Item 3.2 up to the beginning of the meeting made by Ms. Strachan, seconded by Ms. Pulskamp; passed unanimously.

3.2 Hate Symbols

The committee has not adopted a policy but are drafting a resolution addressing hate symbols. The draft was reviewed at this meeting. Ms. Allison appreciated the strong statement from the board on this subject. She shared with the committee some endorsements that student Bruce Pendaya received that might help with the language for this resolution. The committee suggested changing hurtful to harmful in the last sentence of the first paragraph, and changing the first sentence of the second paragraph as follows: "...student's rights to a safe educational environment, the WCUUSD Board directs administrative officials to vigorously.." The board will review the language and bring back to the next policy meeting.

2. Approve Minutes of 10.22.19

Motion was made by Ms. Strachan to approve the Minutes of 10/22/19 as written, seconded by Ms. Pulskamp; motion passed unanimously

3. Updates

3.1 Comprehensive Sexual Health Program Policy

Dr. Taylor reported that the proposed policy is a combination of curriculum and procedures. She passed out a revised version.

Feedback from the Health Teacher was to make the following changes:

'STD' to 'STI' throughout the document; replace "intercourse" with "sexual experience" in the fourth sentence; under the Implementation section change the first sentence to read "shall make condoms available..." and add "and other personnel".

Other changes as follows:

Under Implementation section, change the first sentence to begin alphabetical list with A. and add "B. The district shall provide information about proper condom use that is inclusive of all students. This information shall be created or approved by the district's School Health Advisory Committee or other appropriate school-community planning group. C. Barrier methods will be made available provided funding from community partners exists."

Chris suggested sending this out to all parents on an annual basis, such as added to the Student Handbook or a link to a newsletter.

3.2 Hate Symbols

See above

3.3 Library Media Procedure

The committee reviewed the Library Media Procedure. No changes were made.

3.4 Elementary School Choice

The Chair brought up some issues with choice regarding transportation. Discussion was that any student should be able to go to any school in the district, but it might be difficult as a practical matter. Would there be a certain number of slots available at each school? Mr. Boynton stated that there are a lot of irons in the fire with the merger work and the board is working on a lot, including logistical and precedent-setting pieces that may favor one school over another. If all schools are working towards equity, hopefully this would not become an issue. He would need more information before coming down on one side. Ms. Emerson noted that some schools are close to each other and therefore would be easier, but there are possible logistical issues regarding other schools. School proximity decisions are different than school choice. It was reiterated that a school choice policy wouldn't go into effect until the year after next, if it is adopted. Dr. Taylor noted that the policy can limit the number of students that can move between schools. She doesn't know of any school that has completely solved the transportation issue. Ms. Pulskamp wondered about getting community input but Ms. Strachan would like to have more details before bringing it to the public. She would like to get some information from other districts who have provided transportation. Mr. Boynton suggested having the committee provide three different options in order to solicit feedback. The Chair suggested targeting April to revisit this issue and come up with some options.

4. Requested Review

4.1 Flag Policy

The committee reviewed the U-32 policy that was in effect last year but has not been adopted by the new WCUUSD board. The requests for a flag flying must be submitted and reviewed annually. The committee reviewed the draft procedures provided by Ms. Emerson. Ms. Taylor suggested adding the board criteria from the policy to the procedures. The committee would like to make this a district policy and change the language to include all schools in the district. The committee is comfortable with requiring an annual review of flags. Ms. Emerson suggested sending out a reminder to teacher advisors each Spring. She will also research flag etiquette before the next meeting.

5. Review Existing Policies

5.1 Section A – Board

5.1.1 Current

Review of A2 Policies and Procedures - committee agreed with the language as written and will sent to board for first reading.

5.1.2 Additional

Discussion was held regarding A20 Board Meetings, Agenda Preparation and Distribution. Following changes were approved: Replace first sentence under Regular Meeting Schedule with “Board will determine regularly scheduled meetings.” The third sentence under Agenda Preparation will continue as “...discretion of the board chair and superintendent, unless a majority of board members attending the meeting note to add an agenda item to the next regularly scheduled board meeting.” Under Agenda Distribution, change the amount of days the agenda & supporting materials will be distributed to the board from three to five days. Also, add “on the district website” in the second sentence, after “....the agenda is posted...”

The Chair would like to make some draft changes to the rest of the recommended policies before the next meeting.

5.2 Section B – Personnel

5.2.1 Current – tabled to a future meeting

5.2.2 Additional - tabled to a future meeting

6. Adjourn

The board adjourned by consensus at 7:05pm.

Minutes taken by Kristi Flynn

WASHINGTON CENTRAL UNIFIED
UNION SCHOOL DISTRICT

RESOLUTION: HATE SYMBOLS

Board of Directors'

WARNED: 12.2.19

RESOLUTION

ADOPTED: _____

Washington Central Unified Union School District strives to create a learning environment conducive to student achievement, creativity and exploration. An environment in which students use their opportunities to experience their power to create and change themselves and their environment. Hate symbols indefensibly dishonor those goals. Yet, free speech values protect, but do not extol, the right to be wrong. Censorship may punish or suppress harmful speech but it does not change minds.

To unwaveringly protect all student's rights to a safe educational environment, the WCUUSD School Board directs administrative officials to vigorously and promptly enforce our Prevention of Harassment, Hazing, and Bullying Policy to thwart and respond to the undeniably harmful effects with which hate symbols sully our educational community.

Dear Policy Committee Members,

For your review in advance of the committee meeting on December 10 next week.

Thank you.

Best,

Debra Taylor

Begin forwarded message:

From: Jonas Eno-Van Fleet <jenovanfleet@u32.org>
Date: December 4, 2019 at 9:09:02 PM EST
To: Debra Taylor <dtaylor@u32.org>, Cmcveigh@u32.org
Subject: possible amendment of C27

<https://www.crozetgazette.com/2019/04/05/red-flag-confederate-imagery-expelled-from-county-schools/>

At the end of the discussion, Superintendent Haas declared that he was “getting impatient” with the pace of deliberations, a comment for which he has since apologized. “I’m sitting on my hands waiting for some direction from the board,” he said, and then announced his intention to reinterpret the enforcement of the dress code policy to include a ban on Confederate and other imagery.

School board members did not object, nor were they required to vote on the interpretation, and Haas formalized the ban at the February 28 meeting: “Symbols, lettering or insignia associated with organizations that promote racial hatred or violence or that support white supremacy, to include Confederate symbolism, and other racist imagery, such as the swastika, are not permitted in our schools because they cause substantial disruption, interfere with our educational responsibilities, and may lead to further unrest in the future.”

And from our policy C27:

Student Self-Expression Students have a right to express themselves on school property and at school functions through speech or expressive actions, provided they do not materially and substantially interfere with the orderly operation of the school and the rights of others. This policy prohibits student self-expression that: A. Is obscene, vulgar, or profane, or harms the reputation of others; B. Violates federal, state or local laws; C. Advocates the use or availability of tobacco, alcohol or illegal drugs; D. Incites violence; or **E. Interferes with or advocates interference with the orderly operation of the schools**

Be it proposed that:

It is the sense of the WCUUSD board of directors that symbols, lettering, or insignia associated with organizations that promote racial hatred or violence or that support white supremacy, to include Confederate symbolism, and other racist imagery, such as the swastika, interfere with the orderly operation of our schools.

Section A – Board

Additional Recommended/Optional Policies

Recommended

WASHINGTON CENTRAL UNIFIED
UNION SCHOOL DISTRICT

Board of Directors' Policy

POLICY: A21

WARNED: _____

ADOPTED: _____

EFFECTIVE: _____

PUBLIC PARTICIPATION AT BOARD MEETINGS

Policy

It is the policy of the board to encourage public participation at its meetings.

Background

Public participation is very important to the successful function of the Washington Central Unified Union School District. The board wants to carry out its timely business with the benefit of public input and expertise, and to ~~It also wants to~~ keep the public informed ~~and up to date~~ on what is happening in the community's schools.

Implementation

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

Persons Who May Address the Board

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

Public Comment on Agenda Items

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

Public input on items not on the agenda

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

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

Recommended

WASHINGTON CENTRAL UNIFIED
UNION SCHOOL DISTRICT

Board of Directors' Policy

POLICY: A22

WARNED: _____

ADOPTED: _____

EFFECTIVE: _____

NOTICE OF NON-DISCRIMINATION

Policy

The board will not unlawfully discriminate in its programs and activities against any person or group on any basis prohibited by federal or state law, and will provide equal access to the Boy Scouts and other designated youth groups.¹

The district shall make reasonable accommodations to the known physical or mental limitations of an otherwise qualified handicapped applicant or employee unless the district can demonstrate that the accommodation would impose an undue hardship on the operation of its program or activity.²

The superintendent or his or her designee shall prepare for board review and approval, ~~and the board shall approve~~, guidance to applicants and employees regarding requests for reasonable accommodations, including provisions for undue hardship.³

Applicants for admission and employment, students, parents, employees, sources of referral of applicants for admission and employment, and all unions or professional organizations holding collective bargaining or professional agreements with the Washington Central Unified Union School District are hereby notified that this district does not discriminate on the basis of race, color, religion (creed), ancestry, national origin, place of birth, sex, sexual orientation, disability, age, political affiliation⁴ or marital status in admission or access to, or treatment or employment in, its programs and activities and provides equal access to the Boy Scouts and other designated youth groups.

A person has been designated by the WCUUSD to coordinate the district's efforts to comply with the regulations implementing Title VI, Title IX, and Section 504 of the Rehabilitation Act of 1973, and other non-discrimination laws or regulations. The designated coordinator is identified in the procedure accompanying this policy along with information on how that person may be contacted.

Any person having inquiries concerning the WCUUSD's compliance with the regulations

¹ Federal regulations implementing Title VI (race, color, national origin), Title IX (sex), Section 504 (disability), the *Age Discrimination Act*, and the *Boy Scouts Act* contain requirements for recipients of federal funds to issue notices of non-discrimination. These regulations require that recipients notify students, parents and others that they do not discriminate on the basis of race, color, national origin, sex, disability and age, and, if applicable, that they provide equal access to the Boy Scouts of America and other designated youth groups.

² See 34 C.F.R. § 104.12(a).

³ See 34 C.F.R. § 104.12(b) & (c) for requirements related to reasonable accommodations and factors to be considered when determining when a requested accommodation would create an undue hardship. The inclusion of this provision in this model policy is based on a finding by the federal Office of Civil Rights that a Vermont school district's policy on non-discrimination was not in compliance with Section 504 of the Rehabilitation Act of 1973 because it did not include these provisions.

⁴ Discrimination against an employee on the basis of political affiliation is prohibited by the Vermont Municipal Labor Relations Act. 21 V.S.A. § 1726(a)(7).

implementing Title VI, Title IX, Section 504 or other state or federal non-discrimination laws or regulations is directed to contact the non-discrimination coordinator described above.

Grievance Procedure In the absence of a controlling grievance procedure outlined in a collective bargaining agreement the procedure accompanying this policy will be in effect.

Procedures related to this policy can be found at.....

Legal Reference(s): 9 V.S.A. §4502 (Public accommodations)
21 V.S.A. §§495 et seq. (Employment practices)
21 V.S.A. §1726 (Unfair labor practices)
20 U.S.C. §§1400 et seq. (IDEA)
20 U.S.C. §§1681 et seq. (Title IX, Education Amendments of 1972))
29 U.S.C. §206(d) (Equal Pay Act of 1963)
29 U.S.C. §§621 et seq. (Age Discrimination in Employment Act)
29 U.S.C. §794 (Section 504, Rehabilitation Act of 1973)
42 U.S.C. §§2000d et seq. (Title VI of the Civil Rights Act of 1964)
42 U.S.C. §§12101 et seq. (Americans with Disabilities Act of 1990)

Recommended

WASHINGTON CENTRAL UNIFIED
UNION SCHOOL DISTRICT

Board of Directors' Policy

POLICY: A23

WARNED: _____

ADOPTED: _____

EFFECTIVE: _____

COMMUNITY ENGAGEMENT AND VISION

The schools within the Washington Central Unified Union School District ~~and the schools within the District~~ are an integral part of their community. Community support, financial and advisory, is necessary for the schools' operation and achievement of excellence. The WCUUSD recognizes understands the success of its vision is inextricably intertwined with the vibrant communities it serves. This partnership should be mutually beneficial. ~~that e~~Community support is based on a mutual exchange, a dynamic process in which the WCUUSD contributes to the community's success and, in turn, benefits from the community's resources.

In order to maintain productive relationships with the community, the board will ~~have a~~ clearly articulated a vision for the school district. The board will also adopt a strategic plan to implement the vision which moves the district forward in its goals for student achievement. The board will closely monitor progress toward the vision and refine it as necessary.

Establishing the Vision

When creating a vision for the district and the communities served, ~~T~~the board will seek-solicit community input ~~in its consideration of the vision~~ in a variety of settings and contexts to ensure participation that is representative of the community itself. The vision will be informed by community input into values for use in creating the district's vision and goals. The superintendent will provide the board with data and research-based best practice ~~provided by the superintendent.~~

Implementation

The board ~~will strive to keep the~~ vision should inform the Board's at the forefront of all decision making. The board will ~~assure that there are~~ budget sufficient resources ~~devoted~~ to implement the strategic plan, and will receive monitoring reports on a quarterly _____ basis to ensure effective implementation of the strategic plan. On an annual _____ basis, the board will revisit the vision and strategic plan and make adjustments according to input from the community and the superintendent.

Recommended**WASHINGTON CENTRAL UNIFIED
UNION SCHOOL DISTRICT****Board of Directors' Policy****POLICY:** A24**WARNED:** _____**ADOPTED:** _____**EFFECTIVE:** _____**BOARD/SUPERINTENDENT RELATIONSHIP**

Policy

The School Board establishes policy and governs through the policy it creates. The Superintendent manages all operations of the school system in accordance with School Board policies.

The Board recognizes and values the Superintendent's experience and expertise in instructional and administrative matters. The Superintendent recognizes and values the Board's experience in issues related to the Washington Central Unified Union School District and the Board's connections and responsibilities to the community it represents.

The Superintendent and the Board members respect the confidentiality of communication in both directions and work toward open communication and trust. The Superintendent works only for the Board as a whole, not for any individual member. Only decisions of the Board acting as a body are binding on the Superintendent.

Board members work directly with the Superintendent and central office staff, so long as such communication is clearly not giving direction or suggesting a course of action that staff perceives as direction. When presented with citizen concerns, Board members refer them to appropriate levels of authority, in accordance with the district's policy on complaints.

The Board directs the Superintendent through written policies that prescribe the results the Board wants to achieve. The Board is realistic in setting expectations about what can be accomplished, given the school district's available resources. The Superintendent is accountable to the Board for the performance of staff.

Annually, the Board evaluates the Superintendent's performance. The Superintendent is accountable to the School Board for the achievement of the Board's goals. The Board is responsible for clearly setting forth and communicating its expectations before evaluation takes place. The Board will evaluate the Superintendent's job performance in a way that is systematic, fair, and effective.

WASHINGTON CENTRAL UNIFIED
UNION SCHOOL DISTRICT

Board of Directors' Policy

POLICY: A31

WARNED: _____

ADOPTED: _____

EFFECTIVE: _____

BOARD MEMBER EDUCATION

Policy

It is the policy of the Washington Central Unified Union School District to encourage and support board members' efforts to actively engage in ~~remain knowledgeable about~~ their roles and the issues with which they deal.

Implementation

Individual board members ~~will take advantage of~~ should pursue opportunities to understand their roles, educational issues in general, school programs, State Department of Education functions and legislative activities. The superintendent and board chair will ~~be responsible for assuring that provide~~ information on leadership development opportunities ~~is available~~ to all board members. New members ~~will~~ should participate in a district orientation session and other opportunities designed to familiarize themselves with all aspects of board operation.

Members who take part in workshops and seminars offered by the Vermont School Boards Association and other organizations will be reimbursed for travel and other expenses related to participation in training activities provided prior approval is obtained from the board, and funds for these purposes are available.

CODE A32
(Policy to Consider)

BOARD GOAL-SETTING & EVALUATION

Policy

The board will participate in goal-setting and self-evaluation activities developed or recommended by the superintendent at least annually.

Implementation

Particular attention will be given to board goals and performance in the following areas:

- Policy making
- Policy implementation
- Community relations
- Board interpersonal communication skills
- Board-Superintendent relations
- Fiscal/budget management
- The instructional program
- Labor relations
- Board in-service training
- Government relations

Date Warned:

Date Adopted:

Legal Reference(s):

Cross Reference: *Board Member Education (B1)*

CODE A33
(Policy to Consider)

SCHOOL VISITS BY BOARD MEMBERS

Policy

It is the policy of the _____ School District to encourage school board members to become familiar with their schools, its programs and the needs of its staff and students.

Implementation

Individual board members may visit schools periodically to expand their knowledge of school programs and staff and student needs.

These visits should follow prior notification to the principal. Concerns raised as a result of school visits by board members should be directed to the Superintendent.

Date Warned:
Date Adopted:
Legal Reference(s):
Cross Reference:

BOARD RELATIONS WITH SCHOOL PERSONNEL

Policy

It is the policy of _____ School District to encourage school board interactions with school personnel while respecting appropriate reporting relationships.

At School Board Meetings

The board will request the Superintendent to invite school personnel to school board meetings regularly to discuss student achievement relative to their programs.

Relations with the Principal

The superintendent will develop guidelines for board relations with principals and other administrators. Guidelines for board relations with principals should take into account:

1. The responsibility of the superintendent to direct the administration and coordination of educational programs in the district;
2. The periodic need of board members for information most readily available from school principals; and
3. The need to maintain a distinction between the administrative role of the principal and the policy making role of the board.

Relations with Other School Staff

1. Individual board members will communicate with staff members on matters of school business only at the direction of the board as a whole.
2. Staff participation in the development of educational and personnel policies will be encouraged and facilitated by the board
3. Board members will adhere to procedures required by board policy and Vermont law related to collective bargaining and teacher evaluation.

Date Warned:

Date Adopted:

Legal Reference(s): 16 V.S.A. §§1981 et seq. (Labor Relations)
16 V.S.A. §§1751 et seq. (Contracts, etc.)
16 V.S.A. §§243 et seq. (Principals)
21 V.S.A. §§1721 et seq. (Municipal Labor Act)

Cross Reference: Personnel: Recruitment, Selection, Appointment and Criminal Records Checks (D1)

Section B – Personnel

Current Approved WCUUSD Policies

Required

WASHINGTON CENTRAL UNIFIED
UNION SCHOOL DISTRICT

Board of Directors' Policy

POLICY: B1

WARNED: 6/1/19

ADOPTED: 6/12/19

EFFECTIVE: 7/1/19

SUBSTITUTE TEACHERS

Policy

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

Qualifications

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

Unlicensed Persons

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

Licensed Educators

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

Administrative Responsibilities

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

The Superintendent or his or her designee will conduct an orientation session for substitute teachers each year, including information on the prevention, identification, and reporting of child sexual abuse, as required by 16 V.S.A. 563(a). Each teacher under contract will compile a packet of information containing pertinent substitute teacher information as defined by the Principal.

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

Legal Reference(s): Vt. Standards Board for Professional Educators Rules §§5381 et seq.
16 V.S.A. §558 (Employment of school board members)
16 V.S.A. §251 et seq. (Access to Criminal Records)

Required

WASHINGTON CENTRAL UNIFIED
UNION SCHOOL DISTRICT

Board of Directors' Policy

POLICY: B2

WARNED: 6/1/19

ADOPTED: 6/12/19

EFFECTIVE: 7/1/19

VOLUNTEERS AND WORK STUDY STUDENTS POLICY

Policy

Washington Central Unified Union School District recognizes the valuable contributions made by volunteers and work study students. It further recognizes that appropriate supervision of volunteers and work study students will enhance their contributions, as well as fulfill the responsibility that the district has for the education and safety of its students.

Definitions

For the purposes of this policy and procedures developed pursuant to this policy:

1. **Volunteer:** A volunteer is any individual including parents not employed by the School District who works on an occasional or regular basis assisting with educational activities including coaches, chaperones, in or out of the school setting. A volunteer works without compensation or economic benefits.
2. **Work Study Student:** A work study student means a post-secondary student who receives compensation for work performed at a school operated by the district as part of a work experience program sponsored or provided by the college or university at which he or she is enrolled. A student working toward a teaching credential who may be placed at a school as a student teacher is not a work study student.

Implementation

The Superintendent shall develop procedures to ensure that volunteers and work study students are appropriately screened prior to entering into service in the school district. The screening process utilized by the school district shall include different levels of background checks depending upon the type of contact the volunteer or work study student will have with children. All background checks shall at a minimum include use of the tools currently recommended by the State of Vermont for checking for substantiated findings of child or vulnerable adult abuse/neglect and sex offender convictions. A person who is a convicted sex offender shall not be eligible to be a work study student or volunteer. In the case of a person with a substantiated finding of child or vulnerable adult abuse/neglect, the Superintendent shall determine the person's eligibility to serve as a work study student or volunteer.

Legal Reference(s):	4 V.S.A. §1102(b)(8)(Unauthorized disclosure)
	16 V.S.A. §564 (Harassment & hazing prevention)
	16 V.S.A. §260 (Supervision policy requirement)
	20 V.S.A. §§2062, 2063 (Fees)
	20 V.S.A. §2056c (Dissemination of criminal history)
	21 V.S.A.

^[1]
Required

**WASHINGTON CENTRAL UNIFIED
UNION SCHOOL DISTRICT**

Board of Directors' Policy

POLICY:	<u>B3</u>
WARNED:	<u>6/1/19</u>
ADOPTED:	<u>6/12/19</u>
EFFECTIVE:	<u>7/1/19</u>

^[2] **ALCOHOL and DRUG-FREE WORKPLACE**

Policy^[3]

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

Definitions

Drug means any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana or any other controlled substance as defined by state or federal statute or regulation.^[5]

Workplace means the site for the performance of work for the School District, including any school building or any school premises and any school-owned vehicle or any other school-approved vehicle used to transport students to and from school or school activities. It also includes off school property during any school-sponsored or school-approved activity, event or function such as a field trip or athletic event, where students are under the jurisdiction of the School District.^[6]

Employee means all persons directly or indirectly compensated by the school district for providing services to the district and all employees of independent contractors who provide services to the district.^[7]

Volunteer means an individual not employed by the School District who works on an occasional or regular basis in the school setting to assist the staff. A volunteer works without compensation or economic benefits provided by the school district.

Work Study Student means a student who receives compensation for work performed at the school as part of a college work experience program. For purposes of this policy, an intern, working without pay, will be considered as a work study student. A student working toward a teaching credential who may be placed at a school as a student teacher is not a work study student.

Employee Responsibilities

As a condition of employment, each employee will notify the Superintendent in writing of his or her conviction of any criminal drug statute for a violation occurring on or in the workplace as defined above. The employee must notify the Superintendent no later than five days after such conviction. Entry of a *nolo contendere* plea shall constitute a conviction for purposes of this policy, as will any judicial finding of guilt or imposition of sentence. Within 10 days of notification from an employee, or receipt of actual notice of an alcohol or drug conviction, the Superintendent will notify any federal or state officers or agencies legally entitled to such notification.^[8]

An employee, volunteer or work study student who violates the terms of this policy may be 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.^[9]

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.

Required

**WASHINGTON CENTRAL UNIFIED
UNION SCHOOL DISTRICT**

Board of Directors' Policy

POLICY: **B4**

WARNED: **6/1/19**

ADOPTED: **6/12/19**

EFFECTIVE: **7/1/19**

**MANDATORY DRUG & ALCOHOL
TESTING: TRANSPORTATION EMPLOYEES**

**MANDATORY DRUG & ALCOHOL TESTING:
TRANSPORTATION EMPLOYEES**

Policy

The Washington Central Unified Union School District will comply with the Alcohol and Drug Testing Policy that its transportation company has adopted, which must follow the Omnibus Transportation Employee Testing Act of 1991.

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

Legal Reference(s): 49 C.F.R. Parts 40, 382, 391, 392, 395 and 653

Required

WASHINGTON CENTRAL UNIFIED
UNION SCHOOL DISTRICT

Board of Directors' Policy

POLICY:	<u>B5</u>
WARNED:	<u>6/1/19</u>
ADOPTED:	<u>6/12/19</u>
EFFECTIVE:	<u>7/1/19</u>

PREVENTION OF EMPLOYEE HARASSMENT

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

A. Definitions

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

B. Examples

Unlawful harassment can include any unwelcome verbal, written or physical conduct which offends, denigrates, or belittles an employee because of the employee's race, religion, color, national origin, marital status, sex (including pregnancy), sexual orientation, gender identity, age, ancestry, place of birth, genetic information or disability. Such conduct includes, but is not limited to: unsolicited derogatory remarks, jokes, demeaning comments or behavior, slur,

mimicking, name calling, graffiti, innuendo, gestures, physical contact, stalking, threatening, bullying, extorting or the display or circulation of written materials or pictures.

Sex

Sexual harassment may include unwelcome touching, crude jokes or pictures, discussions of sexual experiences, teasing related to sexual characteristics, pressure for sexual activity, display or sending of pornographic pictures or objects, obscene graffiti, and spreading rumors related to a person's alleged sexual activities.

Race and Color

Racial or color harassment may include unwelcome verbal, written or physical conduct directed at the characteristics of a person's race or color such as nicknames emphasizing stereotypes, racial slurs, and negative references to racial customs.

Religion

Harassment on the basis of religion includes unwelcome verbal, written or physical conduct directed at the characteristics of a person's religion or creed such as derogatory comments regarding surnames, religious tradition, or religious clothing, or religious slurs.

National Origin and Place of Birth

Harassment on the basis of national origin includes unwelcome verbal, written or physical conduct directed at the characteristics of a person's national origin or place of birth such as negative comments regarding surnames, manner of speaking, customs, language or ethnic slurs.

Age

Age harassment includes unwelcome verbal, written or physical conduct directed at someone (an applicant or employee) age 40 or older, such as offensive remarks about a person's ability to perform certain tasks because of his or her age.

Marital Status

Harassment on the basis of marital status includes unwelcome verbal, written or physical conduct directed at the characteristics of a person's marital status, such as comments regarding pregnancy or being an unwed mother or father.

Sexual Orientation

Harassment on the basis of sexual orientation includes unwelcome verbal, written or physical conduct directed at the characteristics of a person's sexual orientation.

Gender Identity

Harassment on the basis of gender identity includes unwelcome verbal, written or physical conduct directed at an individual's actual or perceived gender identity, or gender-related characteristics intrinsically related to an individual's gender or gender identity, regardless of the individual's assigned sex at birth.

Disability

Disability harassment includes any unwelcome verbal, written or physical conduct directed at the characteristics of a person's disabling mental or physical condition such as imitating manner of speech or movement, or interference with necessary equipment.

Genetic Information

Genetic information harassment can include, for example, making offensive or derogatory remarks about an applicant or employee's genetic information, or about the genetic information of a relative of the applicant or employee. Genetic information includes information about an individual's genetic tests and the genetic tests of an individual's family members, as well as information about family medical history.

D. Procedure

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

Non-Discrimination Coordinators: Address:
Telephone number:

Principal: Address:
Telephone number:

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

- b. Equal Employment Opportunity Commission, 1 Congress Street, Boston, MA 02114, tel: (617)565-3200 (voice), (617)565-3204 (TDD). Complaints should be filed within 300 days of any unlawful harassment.

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

Legal Reference(s): 9 V.S.A. §§4502 et seq. (Public accommodations)
16 V.S.A. 11(a)(26) (Definitions)
21 V.S.A. §§495 et seq. (Unlawful employment practice, sexual harassment)
42 U.S.C. §§2000e et seq. (Title VII of the Civil Rights Act of 1964)
29 C.F.R. 1604.11 (Equal Opportunity Employment Commission)

Cross Reference: C10 Prevention of Harassment, Hazing & Bullying of Students

Required

**WASHINGTON CENTRAL UNIFIED
UNION SCHOOL DISTRICT**

Board of Directors' Policy

**HEALTH INSURANCE PORTABILITY
AND ACCOUNTABILITY ACT
COMPLAINT (HIPAA)**

POLICY: **B6**

WARNED: **6/1/19**

ADOPTED: **6/12/19**

EFFECTIVE: **7/1/19**

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

Legal References:

*42 U.S.C. 1320d-2 and 1320d-4
45 C.F.R. Subpart C*

Required

WASHINGTON CENTRAL UNIFIED
UNION SCHOOL DISTRICT

Board of Directors' Policy

TOBACCO PROHIBITION

POLICY: B7

WARNED: 6/1/19

ADOPTED: 6/12/19

EFFECTIVE: 7/1/19

Policy

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

Definitions

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

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

Legal Reference(s): 16 V.S.A. §140 (Tobacco on school grounds)
18 V.S.A. §§1421 et seq. (Smoking in the workplace)
7 V.S.A. 1001 et seq.

Recommended

WASHINGTON CENTRAL UNIFIED
UNION SCHOOL DISTRICT

Board of Directors' Policy

POLICY: B20

WARNED: 6/7/19

ADOPTED: 6/26/19

EFFECTIVE: 7/1/19

PERSONNEL RECRUITMENT, SELECTION, APPOINTMENT AND BACKGROUND CHECKS

Policy

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

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

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

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

Definitions

1. The term "criminal record" as used in this policy shall have the same meaning as defined in 16 V.S.A. § 252(1).
2. The term "unsupervised" as used in this policy shall have the same meaning as defined in 16 V.S.A. § 252(4).
3. The term "abuse registry" as used in this policy shall include the Vermont Child Protection Registry maintained by the Vermont Department for Children and Families and the Vulnerable Adult Abuse Registry maintained by the Vermont Department of Disabilities, Aging and Independent Living.
4. The terms "employ" or "employment" as used in this policy shall, as the context requires, apply to individuals who are, or are being considered for, full-time, part-time or temporary

employment in the school district, including student teachers and those contractors and employees of contractors who may have unsupervised contact with students.

Recruitment

1. The board is committed to securing the services of the best personnel available. Only individuals who meet applicable state licensing requirements will be employed.
2. The board seeks minority applicants in accordance with its policy pertaining to non-discrimination. The district will attempt to provide an educational experience enhanced by the professional contributions of representatives of different races, physical conditions, sexes, ethnic backgrounds and age groups.
3. All personnel will be recruited by the district's administrative staff under the immediate direction of the superintendent.
4. Written or electronic applications will be required of candidates for employment. The application will include a 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 board to select employees solely on the basis of character, professional qualifications, and critical job requirements. Employees will be selected in a manner that does not unlawfully discriminate. The superintendent shall require that all applicants, as a condition of employment consideration, cooperate fully with background investigations, supplying references and releases so the district can contact previous employers. Applicants the superintendent is prepared to recommend for employment will be expected to provide fingerprints, releases and other information necessary to conduct criminal record background investigations. The costs of such checks will be borne by the (prospective employee) (the school district). All offers of employment will be conditioned upon 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 superintendent shall request a criminal record check through the Vermont Criminal Information Center (VCIC) on any candidate he or she intends to appoint or is prepared to recommend for appointment. Requests will be made for fingerprint-supported criminal records from the FBI as well as criminal records from the state of Vermont and any state in which the superintendent knows the applicant has resided or been employed. The superintendent shall maintain such records in accordance with state law.
3. The superintendent shall also request information through any available abuse registry to determine whether there are any substantiated abuse/neglect charges or sex offense convictions against an applicant before appointing or nominating a candidate for employment. The superintendent shall maintain such records in accordance with state law.

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

Appointment

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

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

Recommended

WASHINGTON CENTRAL UNIFIED
UNION SCHOOL DISTRICT

Board of Directors' Policy

POLICY: B22

WARNED: 6/7/19

ADOPTED: 6/26/19

EFFECTIVE: 7/1/19

PUBLIC COMPLAINTS ABOUT PERSONNEL

Policy

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

Resolving Complaints

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

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

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

Appeal to the Board

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

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

*Legal Reference(s): 16 V.S.A. §1752 (Suspension, dismissal)
1 V.S.A. §§310 et seq. (Open meetings)*