

AGENDA



**Addison Central School District
Policy Committee
Committee Meeting
Monday, January 22, 2024, 5:00 pm - 6:00 pm
208 Charles Avenue, Middlebury VT & Virtual Connection**

ACSD District Vision and Mission

OUR VISION

Our vision is for all ACSD students to reach their full learning potential, have a sense of belonging in our schools, and enrich our community and the communities where they live in the future.

OUR MISSION

Our mission is to provide high-quality, equitable, and varied learning environments that inspire a passion for learning and growth among our students.

Please click the link below to join the webinar:

Link to join Webinar

<https://us06web.zoom.us/j/87631336596>

- A. Call to Order Upon Reaching a Quorum
 - 1. Introductions - Board Members, Administrators and Staff
- B. Public Comment - Agenda Items
- C. Recommendation to Approve Minutes of 11/27/2023
- D. Committee Discussion:
 - 1. Draft Wellness Policy
 - 2. A20: Board Meetings, Agenda Preparation & Distribution
 - 3. Begin discussion of E20: Community Use of School Facilities
- E. Public Comment - Any Topic
- F. Adjournment

***Public Comment Guidelines:**

Public comments are encouraged and welcome at each regular board meeting during the period designated for public comment. Comments are limited to three minutes per person. Citizens will be called to make their statement by the board chair. Public comments regarding personnel, students or legal matters will not be heard by the Board.

MINUTES



Addison Central School District

Policy Committee

Committee Meeting

Monday, November 27, 2023, 5:15 pm - 6:15 pm

208 Charles Avenue, Middlebury VT & Virtual Connection

ACSD District Vision and Mission

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OUR MISSION

Our mission is to provide high-quality, equitable, and varied learning environments that inspire a passion for learning and growth among our students.

1. Call to Order Upon Reaching a Quorum

Suzanne calls the meeting to order at 6:20pm.

2. Introductions - Board Members, Administrators and Staff

Dr. Williams, Jamie McCallum, Joanna Doria, Suzanne Buck, Lindsey Hescok

3. Public Comment - Agenda Items none

4. Recommendation to Approve Minutes of 10/23/2023 Lindsey

abstains (she arrived after the motion passed.)

Move: Jamie McCallum Second: Suzanne Buck Status: Passed

A. Committee Discussion:

1. C9- Model Local Wellness Policy

Suzanne informs the committee that the AOE has released a new wellness policy and is requiring boards to adopt it. She is uncertain of the timeline. There are two ways to approach the adoption, both ways require us to retire our current C9 and adopt the new one. One way: in the "blank" section "Other School-based Activities to Promote Student Wellness" we would say "refer to

the comprehensive health education” section. The other option is to form a team to add more “original content” to the school-based student wellness section.

Joanna would like to back up and wonders why we didn’t have any A policies on this agenda. Suzanne clarifies that the Wellness Policy is urgent, so it takes president. We refer back to last month’s meeting and remember the three policies we would like to advance to the full board for a first read: A22 and A23, and A1 with clarification of the procedure language.

Suzanne wonders what we want to do with the Wellness Policy. Jamie asks about how this came to her attention. Suzanne clarifies that this will be mandated later this spring/summer but it is not required now. Jamie suggests a committee member refer to our C9 and identify important pieces in that we do not want to lose when we retire that policy. We can ask our attorney to vet the new additions. Dr. Williams suggests that we make those additions extremely clear. We return back to the original question: how do we want to approach this model policy? Adopt it with the 3 goals or ask a small administrative team to add more to that section? In the last remaining minutes of the meeting, there seems to be consensus to ask Dr. Williams to form a team to take a look and refer back to C9 and consider possible additions.

2. E20 - Community Use of School Facilities

We need to table discussion on this policy due to the time. We did find the correct link to the new VSBA policy:

https://www.vtvsba.org/files/ugd/b44bfd_db278eb6814f4aa595cd05d963532c9b.pdf

3. Public Comment - Any Topic

Mary Slosar, Weybridge, comments on the enforceability of the new AOE wellness policy versus our C9. She thinks the language in new policy is better equipped for accountability measures. That is positive. She also highlights that there is a regular and on-going practice at MUMS to reward students with candy which is in direct conflict with language in the new policy. Lastly, she encourages the committee to consider the opportunity to develop and put into place mechanisms that offer assurances for reporting and accountability.

4. Adjournment Adjourned at 6:18 PM

Respectfully submitted,
Joanna Doria

Move: Jamie McCallum Second: Lindsey Hescock Status: Passed

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DRAFT

C9 – Local Wellness Policy

Warned:

Adopted:



Purpose

It is the intent of the Addison Central School District to comply with all applicable federal and state requirements (as outlined in the [Vermont Local Wellness Policy Guide](#), updated October 2023). In accordance with those requirements, this local wellness policy (LWP) (hereafter referred to as “this policy”) has been developed in consultation with parents, students, school food service program/school food authority personnel, physical education and health education teachers, school board members, school administration, members of the public, and school health professionals, which may include school nurses, school counselors, school-based clinicians, school social workers, or behavioral health professionals.

Definition

For the purpose of this policy, the term “standard(s)” applies to all age and/or grade applicable learning standards.

Policy Statement

It is the policy of the Addison Central School District (hereafter referred to as “District”) to establish goals that are developed to promote student wellness and comprehensive health, and include the following goal areas:

1. Nutrition Promotion and Education
2. Nutrition Services/Guidelines for all foods available on school campus
3. Physical Education and Physical Activity
4. Comprehensive Health Education
5. Other school-based activities to promote student wellness

Goals for Nutrition Promotion and Education

1. Provide nutrition promotion and education programs as required by state law and regulations of the State Board of Education. In particular, the District will provide a nutrition component in its Comprehensive Health Education program and will develop curricular programs intended to accomplish applicable goals enumerated in the Vermont Education Quality Standards.
2. Conduct nutrition promotion and education programs through appropriately licensed staff members.

3. 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.
4. Integrate nutrition promotion and education into core curricula in areas such as science and family and consumer science courses, to the extent practicable.

Goals for Nutrition Services/Guidelines for All Foods Available on School Campus

1. Provide adequate space for eating and serving school meals.
2. Provide a clean and safe meal environment for students.
3. Establish meal periods that provide adequate time to eat and are scheduled at appropriate hours.
4. Prohibit the use of food in District schools as a reward or punishment.
5. Provide training opportunities, as appropriate for food service and other staff members, in areas of nutrition and wellness.
6. Make free potable water available to children in meal service areas (for schools participating in the National School Lunch and School Breakfast program).
7. Ensure that nutrition services will reference USDA geographic preference rules and seasonal and local agricultural information when planning school meal menus, to the extent practicable.
8. Ensure that guidelines for reimbursable school meals are not less restrictive than regulations and guidance issued by the United States 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.

Nutrition Guidelines

- i. 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)
- ii. 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.
- iii. District fundraisers that occur during the school day will meet the USDA Smart Snack nutrition standards.
- iv. 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. 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.

Goals for Physical Education and Physical Activity

1. 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.
2. Ensure that physical education is designed to enable all students, including those who may need adapted physical education, to engage annually in rigorous, relevant, and comprehensive learning opportunities that allow them to demonstrate proficiency in physical education.
3. Ensure that educator licensure, professional development, and staff and program evaluation complies with state laws and regulations.

Goals for Comprehensive Health Education

1. Ensure the development and delivery of comprehensive health education as required by state law (currently 16 V.S.A. § 131, 16 V.S.A. § 906(3), 16 V.S.A. § 909) and Education Quality Standards Rules (Series 2000), Pupils Rules (Series 4000 as specified), and in coordination with expectations delineated in 16 V.S.A § § 131,132.
2. Consider the promotion and integration of health education throughout the school day and within various curriculum areas in addition to health education courses. This will be done to the extent practicable, under the supervision of the superintendent or designee, and aligned with state rules and standards.
3. Ensure that educator licensure, professional development, and staff and program evaluation complies with state laws and regulations.

Other School-based Activities to Promote Student Wellness such as:

1. Art and Expression:

Offer art and expression learning opportunities that provide students with a creative outlet to express their thoughts and emotions. Activities such as painting, drawing, or writing can serve as therapeutic tools and allow students to explore and communicate their feelings in a supportive environment.

2. Peer Support Groups:

Establish peer support groups where students can come together to discuss common challenges and share experiences. These groups can focus on topics like stress management, resilience building, or navigating transitions. Creating a sense of community and connection among students can positively impact their emotional well-being.

3. Environmental Wellness Initiatives:

Implement initiatives that promote environmental wellness within the school community. This could involve creating green spaces, organizing tree-planting events, or initiating recycling programs. Connecting students with nature and fostering a sense of environmental responsibility can contribute to overall well-being.

4. Mindfulness in the Classroom:

Organize mindfulness sessions where students can learn and practice mindfulness techniques, such as meditation and deep breathing exercises. These activities can help students manage stress, improve focus, and enhance overall mental well-being.

These activities aim to address different aspects of wellness, including emotional, social, and environmental well-being, providing a holistic approach to supporting students in their personal development.

Policy Development, Implementation, and Assessment

The local wellness team will participate in the development, implementation, monitoring, and annual review and update of the LWP in order to prepare annual progress reports and triennial assessments.

Annually, the District will issue a progress report to 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 the model local wellness policies and a description of the progress made in attaining the goals of this policy.

Every three years, the District will conduct an assessment of:

1. How well the District's LWP aligns with the AOE's model LWP,
2. Compliance within the District with regard to its LWP, and
3. Progress made in attaining the goals of the District's LWP.

Administrative Responsibilities

The superintendent or designee will:

1. Convene a local wellness team that includes parents, students, school food service program personnel, physical education and health education teachers, school board members, school administration, members of the public, and school health professionals, which may include school nurses, school counselors, school-based clinicians, school social workers or behavioral health professionals.
2. 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.
3. Provide a report at least annually to the board and to the public on the District's compliance with law and policies related to student wellness and the school nutrition environment. 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.
4. Assist in ensuring compliance with the District's LWP including goals for all required components and that evidence-based strategies have been reviewed and considered in the development of those goals.
5. Be responsible for ensuring that the District complies with applicable state law and regulations governing the provision of and access to physical activity, physical education, and comprehensive health education as set forth in 16 V.S.A. § 136, 16 V.S.A. § 906, 16 V.S.A. § 941, and Education Quality Standard Rules (Series 2000).
6. Be responsible for ensuring that schools identify, near or at the beginning of serving lines, what foods constitute unit priced reimbursable meals.
7. Be responsible for ensuring that the District complies with any Administrative Review procedures of the State Educational Agency.
8. Develop a plan to respond to a parent's signed statement that the teaching of disease, its symptoms, development, and treatment, conflicts with the parents' religious convictions. In the case of a student exemption from such instruction, the exempted student shall not be penalized by reason of that exemption.

BOARD MEETINGS, AGENDA PREPARATION & DISTRIBUTION

Policy

All Board meetings will be held in compliance with Vermont's open meeting law, 1 V.S.A. §§ 310 et seq.

Regular Meeting Schedule

Regular meetings of the board will be held at ___(place)_____ on ___(day of month, as "the first Monday of every month") beginning at (time).¹ The meeting schedule will be published and made available by the superintendent to any person on request.

Special and emergency meetings will be called by the chair on his or her own initiative or when requested by a majority of the board and shall be warned appropriately.² Only items on the agenda may be acted upon at these meetings.³

Conduct of Board Meetings

Meetings will be conducted in accordance with Robert's Rules of Order, Newly Revised.⁴ One or more members of the board may attend and participate in a regular, special or emergency meeting by electronic or other means so long as the requirements of 1 V.S.A. §312(a)(2) are met.

Executive Sessions

Executive sessions of the board will be convened only for the purposes stated in 1 V.S.A. §313. The minutes of any meeting where an executive session takes place will reflect the specific statutory reason for convening the executive session. Board members will not make public the confidential issues discussed during an executive session.

Agenda Preparation

The superintendent will prepare proposed agendas for all meetings of the board after consultation with the board chair. Items of business may be suggested by any board member, staff member, student, or citizen of the district. The inclusion of items on proposed agendas will be at the discretion of the board chair and superintendent. An item may only be added or removed from a meeting agenda as the first order of business at the meeting.⁵ Other adjustments to an agenda may be made at any time during the meeting.

Agenda Distribution

The proposed agenda, together with supporting materials, will be distributed to board members by the superintendent three days prior to regular meetings and as soon as practicable before special and emergency meetings. At least 48 hours prior to a regular meeting and 24 hours prior to a special meeting, the superintendent shall ensure that the agenda is posted in the municipal

¹ See 1 V.S.A. §312(c)(1). "The time and place of all regular meetings....shall be clearly designated by statute, charter, regulation, ordinance, bylaw, resolution or other determining authority of the public body..."

² See 1 V.S.A. See 1 V.S.A. §312(c)(2) & (3)

³ See Robert's Rules of Order §9. Although action on items not on the proposed agenda for regular meetings is allowed as "New Business," boards should avoid taking action on non-agenda items at regular meetings. If necessary, emergency meetings can be called to act on matters needing immediate action.

⁴ See 16 V.S.A. §554(b)

⁵ See 1 V.S.A. § 312(d)(3)(A)

clerk's office and [two other designated physical locations in the municipality].⁶ In addition, proposed meeting agendas will be made available to any interested person upon specific request.⁷

<i>VSBA Version:</i>	March 3, 2020
<i>Date Warned:</i>	
<i>Date Adopted:</i>	
<i>Legal Reference(s):</i>	<i>1 V.S.A. §§ 310 et seq. (Public meetings)</i>
	<i>16 V.S.A. § 554 (School board meetings)</i>
<i>Cross Reference:</i>	

⁶ See 1 V.S.A. § 312(d)

⁷ This section of this model policy is not required. See 1 V.S.A. § 312(c) and (d) for notice and warning requirements for special and emergency meetings.

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<i>VSBA Version:</i>	March 3, 2020
<i>Date Warned:</i>	

⁶ See 1 V.S.A. § 312(d)

⁷ This section of this model policy is not required. See 1 V.S.A. § 312(c) and (d) for notice and warning requirements for special and emergency meetings.

<i>Date Adopted:</i>	
<i>Legal Reference(s):</i>	1 V.S.A. §§ 310 et seq. (<i>Public meetings</i>)
	16 V.S.A. § 554 (<i>School board meetings</i>)
<i>Cross Reference:</i>	

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Special and emergency meetings will be called by the chair ~~on his or her own initiative~~ in conjunction with the superintendent or when requested by a majority of the board and shall be warned appropriately.^[2] Only items on the agenda may be acted upon at these meetings.^[3]

Conduct of Board Meetings

Meetings will be conducted in accordance with Robert's Rules of Order, Newly Revised.^[4] One or more members of the board may attend and participate in a regular, special or emergency meeting by electronic or other means so long as the requirements of 1 V.S.A. §312(a)(2) are met.

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Agenda Preparation

The superintendent will prepare proposed agendas for all meetings of the board after in consultation with the ~~board chair~~ executive committee. Items of business may be suggested by any board member, staff member, student, or citizen of the district. The inclusion of items on proposed agendas will be at the discretion of the ~~board chair~~ Executive Committee and superintendent. If an agenda item is denied, the item can be placed on the agenda through a request of three board members and approval of the full board. An item may only be added or

removed from a meeting agenda as the first order of business at the meeting.^[5] Other adjustments to an agenda may be made at any time during the meeting. **Action items unless properly warned can not be added to the agenda.**

The Board will follow an annual agenda planning cycle that is directed through input to the Executive Committee from the board. The cycle will include reviewing, monitoring and affirming interactions with stakeholder groups, approval of policies and activities to improve Board performance through education and enriched input and deliberation. Within this planning process is also the Orientation of New Board Members.

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[1] See 1 V.S.A. §312(c)(1). “The time and place of all regular meetings....shall be clearly designated by statute, charter, regulation, ordinance, bylaw, resolution or other determining authority of the public body...”

[2] See 1 V.S.A. See 1 V.S.A. §312(c)(2) & (3)

[3] See Robert’s Rules of Order §9. Although action on items not on the proposed agenda for regular meetings is allowed as “New Business,” boards should avoid taking action on non-agenda items at regular meetings. If necessary, emergency meetings can be called to act on matters needing immediate action.

[4] See 16 V.S.A. §554(b)

[5] See 1 V.S.A. § 312(d)(3)(A)

[6] See 1 V.S.A. § 312(d)

[7] This section of this model policy is not required. See 1 V.S.A. § 312(c) and (d) for notice and warning requirements for special and emergency meetings.

Addison Central School District

Policy: Community Use of School Facilities

File Code: E20

Warned: June 8, 2017

Adopted: June 19, 2017

Policy

The School Board, recognizing school facilities as a community asset, encourages community groups to request use school facilities for civic, educational, cultural, or recreational purposes.

It is the policy of the School Board to make school facilities and certain equipment available for use by the public, provided that such use is in the best interests of the District. Due consideration will be given to efficient, economical and appropriate use of the facilities and equipment, provided such use does not interfere with school activities.

Use of ACSD facilities must conform to all ACSD policies and procedures. No use that conflicts with the ACSD vision or mission shall be approved.

The requirements for scheduling, responsibilities of the user, and schedule of fees are outlined in Procedure E20: Community Use of School Facilities.

COMMUNITY USE OF SCHOOL FACILITIES

NOTE: Any School District permitting community use of school facilities does so with the understanding that it may not restrict that use based on the nature and/or viewpoints of the requesting organization or person(s). VSBA encourages Districts to consult with legal counsel to better understand their rights and obligations under this policy before adopting it.

ADOPTION NOTES – This text box and the disclaimer should be removed prior to adoption.

(a) General – As with all model policies, VSBA recommends that each board carefully review this model prior to adoption to assure suitability with the district’s own specific circumstances, internal coding system, current policies, and organizational structures. Highlighted language or blank, underscored spaces indicate areas which Boards must change/complete to reflect local personnel titles, policy references, duty assignments etc. There may also be optional language for the board to consider; in this case the word [OPTIONAL] should be removed.

(b) Legal references are listed for convenience, but do not need to be included in the policy as adopted.

(c) Any model policies listed under “cross-reference” indicate a reference to another related VSBA model policy. A district should check its own current policies to assure internal consistency.

(d) Withdrawn and earlier versions of revised policies should be maintained separately as part of the permanent records of the District.

Statement of Policy

_____ Supervisory Union/School District recognizes its legal right to preserve its facilities exclusively for the purpose of conducting its educational programs, and therefore prohibits all community use of school facilities.²

OR (OPTION: Delete the other policy statement once your board decides whether/not to permit community use of school facilities)

¹ 16 V.S.A. §563(30) authorizes school boards to “make available school facilities and equipment for specified public purposes if such purposes appear, in the judgment of the board, to be in the best interests of the district and are an efficient, economical, and appropriate use of they facilities and equipment.”

² The School District has a legitimate interest in preserving the property for the use to which it was lawfully dedicated. *Perry Ed. Assn. v. Perry Local Educators’ Assn*, 460 U.S. 37 (1983).

_____ Supervisory Union/School District (SU/SD) recognizes that although the primary purpose of the school facilities is to educate students within the district, school facilities are a valuable community resource. It is the policy of the (SU/SD) to make school facilities available to individuals and community groups without discrimination in accordance with this policy, provided the facilities are preserved for regular school activities.³

Administrative Responsibilities

1. The superintendent may authorize the use of school facilities by community members for the following purposes, provided all relevant procedures are followed⁴:
 - a. Meetings by parent-teacher organizations and school booster organizations whose purpose is to support the operations of the schools and the school district;
 - b. Meetings by employees' professional organizations comprised of school district employees;⁵
 - c. Instruction in any branch of education, learning, and the arts;
 - d. Social, civic and recreational meetings, and entertainment, provided the events are open to the public;⁶
 - e. Civic forums and community centers, provided the events are open to the public;
 - f. Recreation, physical training and athletics, including competitive athletic contests for children and adults;
 - g. Private academic tutoring or music lessons;⁷
 - h. Child care programs;

³ A district has the legal right to preserve its facilities exclusively for the purpose of conducting its educational programs. It could do that by prohibiting all community use of facilities. However, once a district allows any community use of its facilities, then it has created either a public forum or a limited public forum. A totally public forum is one where all uses are permitted on a first come, first serve basis. A limited public forum is one where certain categories of uses are allowed. *Travis v. Owego-Apalachin School Dist.*, 927 F.2d 688 (2d Cir. 1991) (good overview of differences between types of public forums). This is the most common approach for school districts.

In a limited public forum, once the district allows a community group to use its facility for one purpose then it must open the facilities to all other community groups wishing to use the facilities for the same genre of activity. Access to facilities may not be restricted based on the group's viewpoint. *Lamb's Chapel v. Center Moriches Union Free School Dist.*, 508 U.S. 384 (1993); *Good News Club v. Milford Central Schools*, 533 U.S. 98 (2001). In these cases, the Supreme Court specifically held that religious groups' use of school facilities must be permitted when other groups seeking to teach morals have been permitted to use facilities.

⁴ This list is merely an example. An individual school district could decide to make this list broader or narrower. However, when designating categories of permissible uses, a district must remain viewpoint neutral. For example, if the district allows groups to meet to discuss anti-war activities, it must also allow groups to meet in support of the military

⁵ As illustrated by the first two entries on this list, a district may allow certain types of groups, such as parent-teacher organizations or employee organizations to use school facilities. Such designations are constitutionally permissible because they do not specify the group by viewpoint. Similarly, a school district may adopt a policy that limits community use to groups whose members are mostly children or young adults, or that limits use of facilities to groups that are comprised predominantly of residents of the school district.

⁶ There is no constitutional requirement that events be open to the public. However, many school districts have this requirement in order to prevent the use of school facilities for exclusive, private functions.

⁷ This is an example of a viewpoint neutral exception to the prohibition on for-profit activities

- i. Meetings, entertainment, and occasions where admission fees are charged, when the proceeds are to be spent for an educational or charitable purpose, and the events are open to the public.⁸
 - j. The Boy Scouts of America, Big Sisters of America and Girls Club of America, Future Farmers of America, Girls Scouts of America, Little League Baseball, Inc, and any other group intended to serve youth under the age of 21 listed in Title 36 of the U.S. Code use of school facilities upon payment of suitable fees and costs according to the district fee schedule.⁹
2. The superintendent shall establish procedures for the use of school facilities by community members, which, at minimum,
- a. may include reasonable time, place, and manner restrictions on the use of the facilities;¹⁰
 - b. shall not discriminate based on viewpoint;
 - c. shall include a fee schedule for facilities use¹¹;
 - d. shall require all users to demonstrate adequate insurance coverage;
 - e. shall require all users to agree to hold the district harmless from any and all liability resulting from their use of the facilities;
 - f. shall require all users to make clear in announcements and publicity that their events and activities are not sponsored by the school district; and
 - g. *[OPTION: choose one of the following and delete the other choice once your board decides whether/not to permit possession or use:]* shall prohibit possession or use of a firearm or a dangerous or deadly weapon.

OR

⁸ Again, the requirement that the proceeds from admission-charging events be used for educational or charitable purposes is not a constitutional one. Rather it is a preference that many school districts might wish to make.

⁹ Boy Scouts of America Equal Access Act, 20 U.S.C. 7905 allows youth groups of certain designated patriotic societies access to schools.

¹⁰ Examples of a “time” restriction are that all groups conclude their meetings by 9 p.m. or that they limit the frequency with which they use facilities. A “place” restriction might be that the new gym not be used. A “manner” restriction might require all groups to leave the facility in the condition in which it was when they arrived. Such restrictions must be applied evenly to all groups and must not be designed to preclude particular groups from access.

¹¹ As a matter of fiscal responsibility, fee schedules should take into account the actual cost to the district of the use of the facilities. Fees for different facilities may be tailored to the unique size or quality of the facility. Fees for one category of use may not be set differently depending on the type of group using the facility. It is permissible, however, for a district to set a schedule that charges no fees for parent-teacher organizations and employee professional organizations. *Child Evangelism Fellowship of South Carolina v. Anderson*, 47 F.3d 1062 (4th Cir. 2006) held that it was unlawful to give school administrators discretion to waive fees for community groups’ use of school facilities because it presents too great a risk of viewpoint discrimination, which runs afoul of the First Amendment. The court left open the possibility that a set of narrow, objective, and definite standards that ensure viewpoint neutrality for fee waivers might be permissible. The district’s policy of allowing free use for three types of school organizations and when in the “best interest” of the district, without defining the groups, was improper. Districts should proceed cautiously when waiving fees.

shall permit possession or use of a firearm or a dangerous or deadly weapon for instructional or other specific purposes, e.g. gun safety courses or gun shows.¹²

3. The superintendent may deny an application for use of facilities or terminate an individual or group's use for the following reasons:
 - a. Uses that are likely to cause a material and substantial disruption to school operations;
 - b. events and meetings promoting or sponsored by a political party;¹³
 - c. political campaign events by someone running for office;
 - d. uses that interfere with school district maintenance and repair of facilities;
 - e. uses that could damage special equipment in the facilities;
 - f. uses that could reasonably be expected to or actually do give rise to a riot or public disturbance;
 - g. events or meetings of private for-profit entities;
 - h. events at which fees are charged for profit;
 - i. uses where alcoholic beverages or unlawful drugs are sold, distributed, consumed, promoted or possessed; and
 - j. any other uses prohibited by law.

<i>VSBA Review Date</i>	October 3, 2023
<i>Date Warned</i>	
<i>Date Adopted</i>	
<i>Legal References</i>	16 V.S.A. § (3), (5) (Powers of school boards) 13. V.S.A. § 4004 20 U.S.C. § 7905 (Boy Scouts of America Equal Access Act) 18 U.S.C. § 921 (Gun Free School Zones Act of 1990) <i>Travis v. Owego-Apalachin School Dist.</i> , 927 F.2d 688 (2d Cir. 1991) <i>Lamb's Chapel v. Center Moriches Union Free School Dist.</i> , 508 U.S. 384 (1993) <i>Good News Club v. Milford Central Schools</i> , 533 U.S. 98 (2001)

¹² 13 VSA § 4004 prohibits any person from knowingly possessing a firearm or a dangerous or deadly weapon while within a school building or on a school bus. However, the board of school directors, or the superintendent or principal if delegated authority to do so by the board, may authorize possession or use for specific occasions or for instructional or other specific purposes. Similarly, 18 USC § 921, which prohibits the possession of firearms on school grounds, carves out an exception for use by an individual in a program approved by the school. We encourage you to seek legal advice should your district decide to permit community members to possess or use of firearms or dangerous or deadly weapons in your schools for instructional or other specific purposes.

¹³ In *Hickock v. Orange County Comm.College*, 472 F. Supp. 2d 469 (S.D.N.Y. 2006), the court held that the college's policy of excluding events that promote activities of political parties is an appropriate restriction for a limited public forum because it is viewpoint neutral. If a school district adopts a policy that permits political events, then it must permit all political groups to hold events regardless of their viewpoint.

	<i>Child Evangelism Fellowship of South Carolina v. Anderson</i> , 47 F.3d 1062 (4th Cir. 2006) <i>Hickock v. Orange County Comm. College</i> , 472 F. Supp. 2d 469 (S.D.N.Y. 2006)
Cross References	Student Athletics, Clubs and Activities

DISCLAIMER: This model policy has been prepared by the Vermont School Boards Association for the sole and exclusive use of VSBA members, as a resource to assist member school boards with their policy development. School Districts should consult with legal counsel and revise model policies to address local facts and circumstances prior to adoption, unless the model policy states otherwise. VSBA continually makes revisions based on school districts' needs and local, state and federal laws, regulations and court decisions, and other relevant education activity.