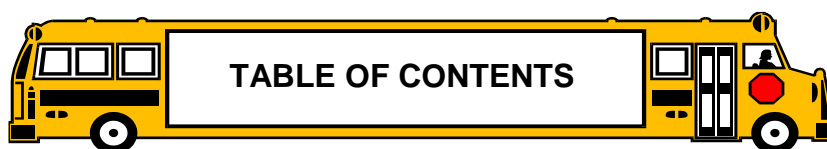


2021-2022

# Student / Parent Handbook



Academy School ~ Green Street School ~ Oak Grove School  
Dummerston School ~ Guilford Central School  
Putney Central School ~ Vernon Elementary School



Welcome Letter from Principals .....	1
Windham Southeast School District (WSESD) Board .....	2
Vernon Town School District (VTSD) Board.....	2
Central Office Administration.....	2
School Contact Information .....	2
Title I Schools – Home / School Compacts	
Academy School.....	4
Green Street School .....	5
Oak Grove School .....	6
Guilford Central School .....	7
Putney Central School.....	8
Parental Notification .....	9
Facial Coverings .....	9
School Hours.....	10
Arrival at School .....	10
School Attendance Best Practices .....	10
School Attire.....	13
Bicycles / Scooters.....	14
Cancellation/Closing	
▪ Cancellation of School.....	14
▪ Emergency Closing Procedures .....	14
Conduct	
▪ Expectations of Student Conduct .....	15
▪ Student Conduct and Discipline (Policy F1) .....	15
Confidentiality.....	19
Educational Support System .....	19
Emergency Contacts .....	21
Health	
▪ School Health Program .....	21
▪ Student Medication.....	21

History, Holidays and Traditions.....	22
Lost Books .....	22
Meal Program.....	23
New Americans .....	23
Parental Involvement.....	24
Photographs.....	25
Reporting to Parents .....	25
Retention.....	26
School Bus Policy and Procedures .....	26
School District Policies .....	28
School Safety .....	28
Smoking Policy.....	29
Student Services .....	29
Telephones / Use of Electronic Devices.....	30
Traffic .....	30
Visiting the School.....	30
Weapons .....	30
Alcohol and Drug Abuse Policy .....	31
Board Commitment to Non-Discrimination (Policy C9) .....	32
Prevention of Harassment, Hazing, and Bullying of Students (Policy F23) .....	34
Electronic Resources and the Internet (Policy G13).....	52
Public Complaints About Personnel (Policy D11).....	57
Reporting Suspected Child Abuse and Neglect (Policy F10) .....	58
Policy on the Use of Restraint and Seclusion (Policy F21).....	60
Transgender and Gender Creative Students (Policy F34).....	64
Prevention of Sexual Harassment as Prohibited by Title IX (policy F38).....	66

September 2021

53 Green St.  
Brattleboro  
Vermont  
05301

To All Parents, Students and Staff

Welcome to the 2021-2022 school year. One of our ongoing goals is to see that the community continues to be informed about the happenings in the Windham Southeast Supervisory Union's elementary schools.

The contents of this *Student/Parent Handbook* outline many of the important aspects concerning our schools. It is necessary that both parents and students take the time to read this handbook so that you have a better understanding of how our schools function. It would be especially helpful for both parents and students to review the contents of this handbook together.

We invite you and encourage you to become involved with our schools. We welcome you to communicate with school staff and to ask questions about your child's progress. Teachers will also be encouraged to contact parents on a regular basis to keep them informed about the happenings in the classroom.

We realize that this past year and a half have proven to be challenging for everyone, and we want you to know that our goal is to promote a positive school learning environment, without compromising the health and safety of our students and staff. We look forward to working with all of our families and are ready for the new challenges offered by the 2021-2022 school year.

Kelly Dias, Principal  
Academy School

Julianne Eagan, Principal  
Dummerston School

Jon Sessions, Assistant Principal  
Academy School

John Gagnon, Principal  
Guilford Central School

Kate Margaitis, Interim Principal  
Green Street School

Herve Pelletier, Principal  
Putney Central School

Mary Kaufmann, Principal  
Oak Grove School

Mary Ross, Principal  
Vernon Elementary School

*“An Education of Excellence”*

Telephone:  
802-254-3730  
FAX:  
802-254-3733

**WSESD SCHOOL BOARD MEMBERS**

Liz Adams ..... ladams@wsestdvt.org  
Anne Beekman, Vice-Chair ..... abeekman@wsestdvt.org  
Michelle Luetjen Green ..... mluetjengreen@wsestdvt.org  
Tim Maciel ..... tmaciel@wsestdvt.org  
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Thomas Nolan, Clerk ..... tnolan@wsestdvt.org  
Jaci Joanne Reynolds ..... jreynolds@wsestdvt.org  
David Schoales, Chair ..... dschoales@wsestdvt.org  
Kelly Young ..... kyoung@wsestdvt.org

**VERNON TOWN SCHOOL DISTRICT SCHOOL BOARD MEMBERS**

Kerry Amidon, Chair ..... kamidon@wsestdvt.org  
Walter Breau, Clerk ..... wbreau@wsestdvt.org  
Chad Mulverhill ..... cmulverhill@wsestdvt.org  
Hannah Rosinski, Vice-Chair ..... hrosinski@wsestdvt.org  
Kari Sparks ..... ksparks@wsestdvt.org

**CENTRAL OFFICE ADMINISTRATION**

53 Green Street, Brattleboro, VT 05301  
254-3730 (phone) — 254-3733 (fax) — www.wsestdvt.org

Mark Speno ..... Interim Superintendent  
Frank Rucker, Ed.D. .... Business Administrator  
Deb Kardane / Paul Smith, Ph.D. .... Curriculum Co-Coordinators  
Shelley Wilson ..... Director of Special Education  
Liz Dimick McLaughlin ..... Elementary Special Education Coordinator

**ACADEMY SCHOOL**

860 Western Avenue, Brattleboro, VT 05301  
254-3743 (phone) — 254-3756 (fax) — www.academyschoolvt.com

Kelly Dias ..... Principal  
Jon Sessions ..... Assistant Principal  
Mary Leary ..... Administrative Assistant  
Aria Rebaudo ..... Clerk  
Ana Ocasio ..... School Counselor  
Amy Majer ..... School Nurse  
Meghan Dillingham ..... School Nurse  
Jody Mattulke ..... Family Engagement and Education Coordinator  
Lorie Macie ..... Family Engagement and Education Coordinator

**GREEN STREET SCHOOL**

164 Green Street, Brattleboro, VT 05301

254-3737 (phone) — 254-3753 (fax) — www.greenstreetschoolvt.com

Kate Margaitis ..... Interim Principal  
Maureen Hart ..... Administrative Assistant  
Tracy Binet-Perrin ..... School Counselor  
Julia Duke ..... School Nurse  
Amy Johnston ..... Family Engagement and Education Coordinator  
Erica Salamy ..... Family Engagement and Education Coordinator

**OAK GROVE SCHOOL**

15 Moreland Avenue, Brattleboro, VT 05301

254-3740 (phone) — 254-3633 (fax) — www.oakgroveschoolvt.com

Mary Kaufmann ..... Principal  
Tricia Hill ..... Administrative Assistant  
Kathryn Mason ..... School Counselor  
Kim Rose ..... School Nurse  
Traci Bartlett ..... Family Engagement and Education Coordinator

**DUMMERSTON SCHOOL**

52 Schoolhouse Road, East Dummerston, VT 05346

254-2733 (phone) – 254-5751 (fax)

Julianne Eagan ..... Principal  
Melanie Keiser ..... Administrative Assistant  
Nicole Thomas ..... School Counselor  
Mary Ann Runge ..... School Nurse

**GUILFORD CENTRAL SCHOOL**

374 School Road, Guilford, VT 05301

254-2271 (phone) – 258-2848 (fax)

John Gagnon ..... Principal  
Renee Baker ..... Administrative Assistant  
Chantelle Albin ..... School Counselor  
Janet Michaud ..... School Nurse

**PUTNEY CENTRAL SCHOOL**

182 Westminster Road, Putney, VT 05301

387-5521 (phone) – 387-2776 (fax)

Herve Pelletier ..... Principal  
Sarah Coughlin / Nancy Gagnon ..... Administrative Assistants  
Marisa Lazarus Miner ..... School Counselor  
Nicole Buser ..... School Nurse

**VERNON ELEMENTARY SCHOOL**

Governor Hunt Road, Vernon, VT 05354

254-5373 (phone) – 257-0988 (fax)

Mary Ross ..... Principal  
Chris Nesbitt ..... Administrative Assistant  
Jamie Card ..... School Counselor  
Christine Kierstead ..... School Nurse



**ACADEMY SCHOOL HOME/SCHOOL COMPACT**

*The Academy School Home-School Compact explains the role each of us needs to play for student growth and achievement. We look forward to being your partner! (Additional resource information can be found on the school website – [www.academyschoolvt.com](http://www.academyschoolvt.com))*

<b>School/Teacher</b>	
<ul style="list-style-type: none"> <li>❖ Create a safe and healthy learning environment guided by the results of the climate survey.</li> <li>❖ Support students to achieve high academic standards.</li> <li>❖ Consistently hold students to high standards of behavior.</li> <li>❖ Provide the instruction and support each child needs to be successful, including extended day program and summer options.</li> <li>❖ Keep parents informed about student progress and assessment results throughout the year.</li> <li>❖ Educate parents in best practices to support learning at home.</li> <li>❖ Encourage parents to get involved in the school community.</li> <li>❖ Ask parents to evaluate and provide feedback through the annual Academy School parent survey.</li> </ul>	
<b>Student</b>	
<ul style="list-style-type: none"> <li>❖ Consistently demonstrate best effort through determination and perseverance.</li> <li>❖ Take responsibility for homework assignments and develop effective study habits.</li> <li>❖ Strive for independence by using academic, personal and social strategies and resources taught in the classroom and at home.</li> <li>❖ If you need support, advocate for yourself by asking questions, expressing concerns, or requesting help in a respectful manner.</li> <li>❖ Be an active bystander and interact with others in a positive, respectful way.</li> <li>❖ Be a motivated learner by setting realistic goals for yourself, planning steps for meeting them, and checking on your progress.</li> <li>❖ Demonstrate STAR behavior by being an enthusiastic and curious learner.</li> </ul>	
<b>Parent/Guardian</b>	
<ul style="list-style-type: none"> <li>❖ Make sure your child is present, on time, and prepared for school each day.</li> <li>❖ Help your child create and follow a regular homework routine.</li> <li>❖ Check backpacks and/or folders for homework and school information.</li> <li>❖ Communicate positively with your child by showing interest and noticing successes.</li> <li>❖ Follow a consistent bedtime routine which includes ten to twelve hours of sleep each night.</li> <li>❖ Encourage your child to eat a variety of nutritious foods to promote healthy development and the necessary energy for learning.</li> <li>❖ Limit recreational screen time to less than two hours daily and monitor what your child is viewing and playing.</li> <li>❖ Promote healthy and active alternatives to screen time.</li> <li>❖ Attend conferences and communicate as necessary with your child’s teacher.</li> <li>❖ Address issues involving your child directly with the classroom teacher.</li> </ul>	
Student Signature:	Date:
Parent/Guardian Signature:	Date:
Teacher Signature:	Date:



## GREEN STREET SCHOOL HOME/SCHOOL COMPACT 2021-2022

**A compact is an agreement made by partners who are working toward a common goal.** GSS staff, students, and families are all partners working toward the common goal of student growth and achievement. The GSS Home-School Compact explains the role each of us needs to play for this important goal to be met. We look forward to being your partner!

(More information can be found in the Student/Parent Handbook-Parent Involvement)

### School/Teacher

- ❖ Create a safe, healthy learning environment.
- ❖ Hold students to high standards for their school work and their behavior.
- ❖ Provide the instruction and support each child needs to be successful.
- ❖ Keep parents informed about student progress and assessment results throughout the year.
- ❖ Suggest ways for parents to support learning at home.
- ❖ Encourage parents to get involved in the school community.
- ❖ Ask parents to evaluate GSS through questionnaires when provided throughout the year.

### Student

- ❖ Make healthy, responsible choices.
- ❖ Give your best effort consistently.
- ❖ Practice good homework and study habits.
- ❖ Use strategies and resources to become more independent.
- ❖ Find ways to motivate yourself to do well.
- ❖ If you need support, let others know by asking questions, expressing concerns, or requesting help.
- ❖ Interact with others in a positive, respectful way.
- ❖ Set realistic goals for yourself, plan steps for meeting them, and check on your progress.

### Parent/Guardian

- ❖ Help your child develop healthy, responsible life skills and habits.
- ❖ Make sure your child is present, on time, and prepared for school each day.
- ❖ Help your child create and follow a regular homework routine.
- ❖ Check backpacks and/or folders for homework and school information.
- ❖ Communicate positively with your child by showing interest and noticing successes.
- ❖ Stay connected with your child's life at school by touching base with your child's teachers.
- ❖ Contact GSS if your child is struggling or having problems.
- ❖ Teach your child to value education.
- ❖ Attend conferences.

Student Signature: \_\_\_\_\_

Date \_\_\_\_\_

Parent/Guardian Signature: \_\_\_\_\_

Date \_\_\_\_\_

Teacher Signature: \_\_\_\_\_

Date \_\_\_\_\_



**OAK GROVE SCHOOL HOME/SCHOOL COMPACT 2021-2022**

*For students to do well in school, it is important for families and their school to work together to support students' education, social environment and healthy development.*

*Compacts are voluntary agreements between students, parents, teachers, and principals that help support students' academic success and social emotional well-being*

**As the Student,**

**I agree to:**

- Get to school on time every day
- Share my school day with my family
- Do my best at school and homework
- Practice the Four Guiding Principles: Be Respectful, Be Responsible, Be Safe & Be Kind
- Ask questions when I don't understand
- Follow school rules

**As the Teacher,**

**I agree to:**

- Create a safe and supportive learning environment
- Teach creative lessons for different learning styles
- Communicate regularly with parents regarding student's progress
- Be available to answer questions from parents
- Provide opportunities for parents to be involved

**As the Principal,**

**I agree to:**

- Create a welcoming and safe learning environment for everyone
- Foster a high standard of academic achievement
- Work with teachers and staff to intentionally guide students' education
- Promote school and home communications
- Be available to discuss student and community issues

**As the Parent,**

**I agree to:**

- Get my child to school on time every day
- Discuss school with my child daily
- Check backpack every day and complete necessary paperwork
- Provide homework support
- Talk to teachers often and keep school informed of changes in the family
- Attend school functions and conferences

\_\_\_\_\_  
Student Signature

\_\_\_\_\_  
Parent Signature

\_\_\_\_\_  
Teacher Signature

\_\_\_\_\_  
Principal Signature

## GUILFORD CENTRAL SCHOOL HOME / SCHOOL COMPACT 2021-2022

*A compact is an agreement made by partners who are working toward a common goal. GCS staff, students, and families are all partners working toward the common goal of student growth and achievement. The GCS Home-School Compact explains the role each of us needs to play for this important goal to be met. We look forward to being your partner!*

(More information can be found in the Student/Parent Handbook-Parent Involvement)

<b>School/Teacher</b>
<u>As the educator, I agree to:</u>
<ul style="list-style-type: none"><li>❖ Create a safe and supportive learning environment.</li><li>❖ Hold a high standard of academic achievement for all students.</li><li>❖ Teach creative lessons of different learning styles.</li><li>❖ Communicate regularly with parents regarding student's progress and ways to support homework completion.</li><li>❖ Be available to answer questions from parents</li><li>❖ Provide opportunities for parents to be involved.</li></ul>

<b>Student</b>
<ul style="list-style-type: none"><li>❖ Do my best at school and homework.</li><li>❖ Follow the school rules<ul style="list-style-type: none"><li>I am safe.</li><li>I am responsible</li><li>I am respectful</li><li>I am kind</li></ul></li><li>❖ Get to school on time daily</li><li>❖ Ask questions when I don't understand.</li><li>❖ Share my school day with family</li></ul>

<b>Parent/Guardian</b>
<ul style="list-style-type: none"><li>❖ Get my child to school on time daily.</li><li>❖ Discuss school with my child each day.</li><li>❖ Check my child's backpack every day and complete paperwork.</li><li>❖ Provide homework support.</li><li>❖ Talk to teachers often and inform school of changes.</li><li>❖ Attend school functions and conferences</li><li>❖ Monitor my child's screen time.</li></ul>

Student Signature: \_\_\_\_\_ Date \_\_\_\_\_

Parent/Guardian Signature: \_\_\_\_\_ Date \_\_\_\_\_

Teacher Signature: \_\_\_\_\_ Date \_\_\_\_\_

**PUTNEY CENTRAL SCHOOL HOME/SCHOOL COMPACT 2021-2022**

*For students to do well in school, it is important for families and their school to work together to support students' education, social environment and healthy development.*

*Compacts are voluntary agreements between students, parents, teachers, and principals that help support students' academic success and social emotional well-being*

**As the Student,**  
**I agree to:**

- Get to school on time every day
- Share my school day with my family
- Do my best at school and homework
- Practice PRIDE – participation, respect, responsibility, integrity, dedication, effort, excellence
- Ask questions when I don't understand

**As the Teacher,**  
**I agree to:**

- Create a safe and supportive learning environment
- Provide the instruction and support each child needs to be successful
- Communicate regularly with parents regarding student's progress
- Be available to answer questions from parents
- Provide opportunities for parents to be involved

**As the Principal,**  
**I agree to:**

- Create a welcoming and safe learning environment for everyone
- Foster a high standard of academic achievement
- Work with teachers and staff to guide students' education and social/emotional well being
- Promote school and home communications
- Be available to discuss student and community issues

**As the Parent,**  
**I agree to:**

- Get my child to school well rested and on time every day
- Discuss school with my child daily
- Check backpack every day and complete necessary paperwork
- Provide homework support
- Talk to teachers often and keep school informed of changes in the family
- Attend school functions and conferences

\_\_\_\_\_  
Student Signature

\_\_\_\_\_  
Parent Signature

\_\_\_\_\_  
Teacher Signature

\_\_\_\_\_  
Principal Signature



To All Parents of Students in the Windham Southeast Supervisory Union:

As a parent of a student in the Windham Southeast Supervisory Union Schools, you have a right to know the professional qualifications of the classroom teachers who instruct your child. Federal law allows you to ask for certain information about your child's classroom teachers, and requires us to give you this information in a timely manner, if you ask for it. Specifically, you have the right to ask for the following information about each of your child's classroom teachers:

- whether the Vermont Agency of Education has licensed the teacher for the grades and subjects he or she teaches;
- whether the Vermont Agency of Education has decided that the teacher can teach in a classroom without being licensed because of special circumstances;
- the teacher's college major; whether the teacher has any advanced degrees, and if so, the subject of the degrees;
- whether any paraeducators provide services to your child and, if they do, their qualifications.

If you would like to receive any of this information, please call your school office at the number listed on pages 2 and 3 of this handbook.



Masks/cloth facial coverings are required until further notice for all students and staff (with rare exceptions) at school, on the bus, and outside during outdoor learning time for PreK and older when three (3) foot distancing cannot be maintained.

Masks must cover the nose, secure under the chin and fit snugly against the sides of the face. Facial coverings for younger students should have elastic ear loops, not ties (choking hazards). Please be sure to label student masks with the child's name or initials, using a permanent marker. Masks should be washed daily, and should be readily available to put back on whenever removed; i.e., recess, after eating or following a mask break.

The principal, school nurse, and superintendent will make the decision when and if there will be a change in the school's mask policy. Students age 11 and younger, who are not yet eligible for COVID-19 vaccination will remain masked at school. A public announcement will be made by the school about when and how the school's mask guidance will change.



Brattleboro:

Academy School	Kindergarten	8:25-2:40
	Grades 1-6	8:25-2:50 walkers / 3:05 buses leave
Green Street School	Grades K-6	8:15-2:45
Oak Grove School	Grades PreK-6	8:15-2:45
Dummerston School	Grades PreK-8	8:15-2:45
Guilford Central School	Grades PreK-6	8:00-2:40
Putney Central School	Grades PreK-8	8:15-2:45
Vernon Elementary School	Grades K-6	8:15-2:45



The schools will not conduct symptom screenings upon arrival. Students and staff should remain home if symptomatic, regardless of vaccination status.

Arrival times at each school vary, please follow the guidelines provided to you by your school.



*As daily attendance is critical to successful school performance, we want all students PreK-12 and families in Windham County have support in ensuring student attendance at school. The process and procedures to ensure that students are in school and learning follow below.*

Processes and Expectations

### ABSENCES

It is our shared responsibility to be sure that every child is safe and accounted for on every school day. If your child is absent from school, please notify the school **within 30 minutes of your school's start time.**

## UNREPORTED ABSENCES

The school will contact the parent/guardian at home or at work. If a child is not in school on a given day and we have **not** received notification from the parent/guardian and are not able to make contact with the parent/guardian, this means that we are not able to verify the child's location. We will then contact the appropriate police/sheriff's department as early in the day as possible for a welfare check. This is solely to ensure our student is safe. We will then make another outreach to the parent/guardian to make a plan to prevent further reported absences.

## TARDINESS

Being on time sets a positive tone for the day, and emphasizes the importance of education. Students are expected to arrive at school no later than the stated start time for your school. Students arriving after this time are considered late and will be marked tardy. Tardiness happens from time to time but regularly coming in late means the student misses the opportunity to be greeted by everyone, eat breakfast, settle into the day, learn the schedule for the day and generally get off to a positive start. If a trend of tardiness begins to appear, we will ask the parent/guardian to create a plan with the school to ensure that students arrive on time.

## APPROACH

We utilize a team approach for school attendance, including the child, their family, and school officials to explore with the family what obstacles are hindering school attendance. A student-centered plan will be developed to increase school attendance. Follow-up steps are set to assess if the plan is working for the student and the family. Records are kept in school files of all contacts related to this plan made with the family of the student. Interventions of last resort regarding attendance typically involve the Windham County State's Attorney and the Department of Children and Families. Involvement of those agencies happen after habitual absences and very low family involvement with the school.

### **Team Membership**

We rely on school staff to support improved attendance. If needed at a later stage, staff from state and community agencies, as well as parent liaison supports, will assist. Team meetings can be part of EST, 504, IEP, Act 264, Youth Services, and other necessary supports for the student.

### **Procedure**

School staff typically will use the following procedures to support families with school attendance; however, families should be aware that every situation is different, so this is **not** to be interpreted as the sole protocol:

### **Tardiness**

- |                                      |  |
|--------------------------------------|--|
| <i>After <u>five</u> tardy days</i>  | School personnel contact family in person or by phone.<br>Letter to go out to family from principal. |
| <i>After <u>seven</u> tardy days</i> | Letter to go out to family from principal.<br>Parent meeting scheduled with counselor and teacher.   |
| <i>After <u>ten</u> tardy days</i>   | Letter to go out to family from principal.   |

Parent meeting scheduled by school staff with principal, counselor, teacher, and any other necessary school staff.

At the meeting, a release of information is signed by the family to allow discussion between the school and outside agencies if necessary.

## **Absences**

### *After five absent days*

School personnel contact family in person or by phone, AND by mail. Based on the previous year, families may be referred to community supports or state agencies once an absence trend is identified.

### *After ten absent days*

Letter to go out to family including, if appropriate, a request for more information related to any medical diagnoses that your student may be experiencing that is preventing them from attending school.

Parent meeting scheduled with Educational Support Team (EST) or Attendance Committee and school personnel (including teacher, counselor, and principal).

A referral to community supports may be necessary at this stage.

### *After fifteen absent days*

Letter to go out to family.

Parent meeting scheduled according to guidelines established in Act 264 with school personnel and representative from outside agencies. These could include DCF, designated mental health, family support, and truancy agencies, as well as law enforcement.

### *Subsequent Absences*

Depending on the situation, the school will continue to refer to community supports and will determine if a referral to DCF or the State's Attorney will be necessary

### *State's Attorney*

An affidavit goes to the Windham County State's Attorney detailing the amount of absences, records of outreach between the school and the family, and what supports have already been put in place.

The State's Attorney will review the materials and determine if they believe the student is a Child in Need of Services.

If the State's Attorney makes this determination, a prosecutor will file a case in the Windham County Family Court to formally intervene with the student's habitual absences.

This is to ensure that a plan will be followed to remedy the absences and have your student regularly go back to school.

### *Family Court*

The Family Court judge evaluates any case filed by the State's Attorney and determines if conditions need to be imposed on the family related to your student's attendance. If a case is brought, you will be entitled to an attorney for both you and your student.

Please note: The School is not formally involved with truancy cases brought by the State's Attorney (meaning that the school is **not** suing your family). Any truancy cases in Court are brought by the State of Vermont

### *COVID 19*

The 2020-2021 school year brought many challenges, and as schools return to some version of normal in-person attendance, some special attention needs to be brought to students who struggled last year. Schools have been encouraged to consider making referrals earlier than the timelines set forth here, if a student struggled with attendance last year and shows signs of similar issues in the 2021-2022 school year.



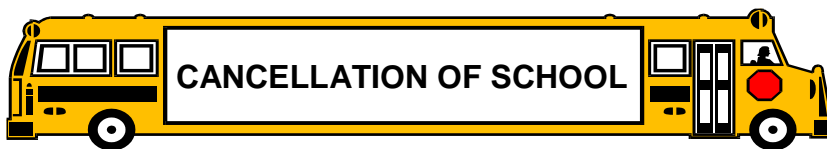
Children should come to school appropriately dressed to allow participation in all school activities. Students will not be allowed to wear clothing that presents a health or safety problem. Students are not to wear clothing that reveals undergarments, nor are they to wear clothing that reveals parts of the body intended to be covered. This includes a ban on strapless garments, tube tops, midriff shirts, belly shirts, and backless tops. Clothing which is intended for the outdoors should be removed for the school day and placed in the classroom cubbies/closet.

Clothing that promotes violent or obscene behavior or the use of tobacco, drugs and alcohol will not be allowed. Parents will be contacted to bring other clothing for their child. In the event that parents are unable to do so, children will be asked to turn shirts inside-out or will be given other clothing to wear.





The school district cannot be responsible for damage done to your child's bicycle/scooter when the bicycle/scooter is brought to school. Bicycles/scooters must have a lock. Children must wear a helmet if they ride their bicycle/scooter to school.



WSESU / WSESD has adopted School Messenger as its communication system. School Messenger is a rapid communication service, designed specifically for the PreK-12 community that addresses the needs of schools to communicate quickly and efficiently with members of the school and broader community. School Messenger's technology delivers voice, e-mail, and emergency messages to parents and staff in the event of an emergency situation, school closings or delays, or to announce upcoming events or important reminders. It is most important that parents provide the school with updated contact information so that you will receive these messages.

In addition, school cancellations due to weather are announced on local radio stations WTSA 96.7 FM/WKVT 92.7 FM/WKNE 103.7 FM. We make every effort to announce school closings by 6:00 a.m.

The 2021-2022 school calendar includes 4 snow days. If we use more than the 4 days allotted for snow cancellations, then the scheduled closing day of the school year will be moved accordingly. Example: If we have 5 snow days, then the last day of school will be Wednesday June 22, instead of Tuesday, June 21. Similarly, if only 3 snow days are used, then the last scheduled day of school will be on Monday, June 20. Parents are encouraged not to schedule vacations or their children's summer activities within a day or two of the proposed closing date.

Decisions regarding COVID-19 related school updates will be made by administration following state guidelines and in collaboration with the Vermont Department of Health and Vermont Agency of Education, and will communicate this to families through School Messenger.



In the event of a school evacuation due to weather, safety violations or other emergency, the school district will make every attempt to inform the parents and general public about the early dismissal through School Messenger, organized phone calls,

radio announcements (WTSA 96.7 FM/WKVT 92.7 FM) and other methods available to the community.

In the event of an emergency evacuation, students will be transported to a designated location. This will be announced on the radio and attempts will be made to contact parents by telephone and through School Messenger.

Children will only be released to parents or other designated adults. No child will be sent directly home without permission from a parent. In an effort to work as a team to ensure full communication, students should be instructed by their parent(s) that if they are returned home early due to a school evacuation or early dismissal, they should contact their parents or other adult designated by their parent to inform them that they have been returned home.



Discipline rules in our schools have been designed to be fair to both the students and teachers. We count on each child's behavior to help create a school environment that supports learning and ensures personal safety and well being.

We value and respect each member of the school community. As members of the school community, children are expected to treat others and the building with care and respect. Children are responsible for their actions. Appropriate and logical consequences will be imposed when necessary.

When problems of a serious nature occur or persist, parents will be asked to accompany their child to school for a meeting with the principal and other adults involved. We feel the learning opportunity for all students can be best assured with such cooperation between home and school



### **Policy F1**

It is the policy of the Windham Southeast School District to maintain a safe, orderly, civil and positive learning environment via a system of classroom and school management practices, supported by consistent, clear and fair disciplinary procedures. The goal of this policy is to create an environment where the rules for student behavior are clearly stated, are understood and accepted by students and staff, and are applied in compliance with due process requirements. This policy is to be applied in conjunction with the school's overall discipline plan developed pursuant to 16 V.S.A. § 1161a.

## **Definitions**

- 1) **Weapon** means a device, instrument, material or substance whether animate or inanimate, which, when used as it is intended to be used, is known to be capable of producing death or serious bodily injury.
- 2) **School** means any setting which is under the control and supervision of the school district. It includes school grounds, facilities, and school-sponsored events whether held on or off of school grounds and vehicles used to transport students to and from school or school activities.
- 3) **Expelled** means the termination of educational services for the remainder of the school year or up to ninety (90) school days, whichever is longer.
- 4) **Knife** means any instrument that is capable of ready use as a stabbing weapon that may inflict bodily injury or death.

## **Student Responsibilities**

It is the responsibility of each student to contribute to a safe and productive learning environment in the school by demonstrating respect and consideration for fellow students and adults. This includes complying with all policies and rules of conduct of the school district and individual classrooms.

## **Administrative Responsibilities**

The Principals, in consultation with the educational staff, will develop an overall discipline plan pursuant to 16 V.S.A. §1161a.

The plan will include clear guidelines for student behavior. The guidelines may include provisions for the suspension or expulsion of students who engage in misconduct on school property, on a school bus, or at a school-sponsored activity when the misconduct makes the continued presence of the student harmful to the welfare of the school. The guidelines may also include provisions for the suspension or expulsion of students who engage in misconduct not on school property, on a school bus, or at a school-sponsored activity where direct harm to the school can be demonstrated or where the misconduct can be shown to pose a clear and substantial interference with another student's equal access to educational programs.

The guidelines for student behavior will also include prohibitions against the possession by students of knives, weapons and dangerous instruments while at school, and shall allow disciplinary action up to and including expulsion for violations of the prohibition against knives, weapons and dangerous instruments that are not possessed at school as part of an educational program sponsored or sanctioned by the school.

Behavioral expectations, and the consequences of misconduct, will be stated in the student handbook and other publications distributed to students and parents/guardians.

Date Warned: July 22, 2019  
Date Adopted: August 7, 2019  
Legal References: 16 V.S.A. §1161a (Discipline)  
16 V.S.A. §1162 (suspension and expulsion)

20 U.S.C. §§1400 et seq.(IDEA)  
29 U.S.C. §794 (Section 504, Rehabilitation Act of 1973)  
VT State Board of Education Manual of Rules & Practices §4311,  
4312, 4313; 2120.8.12

Cross Reference: Board Commitment to Non-Discrimination (C9)  
Public Complaints About Personnel (D11)  
Search and Seizure (F4)  
Interrogations or Searches of Students by Law Enforcement  
Officers or Other Non-School Personnel (F5)  
Alcohol and Drug Abuse (F9)  
Firearms (F24)

### **Procedures: Student Conduct**

### **Code F1-P**

The rules of conduct will be distributed to, and discussed with, all students at the beginning of each school year in accord with procedures stated in the school discipline plan. Students will be instructed to share the student handbook with their parents. Copies of the handbook will be provided to parents or guardians in a manner determined by the Principal. The Principal may ask that parents sign a form indicating that they have reviewed the rules of conduct with their children. When new students enroll during the school year, they and their parents will be given copies of the rules of conduct as part of the pre-enrollment process.

The Principal or his or her designee shall be responsible for carrying out discipline procedures conforming with the following guidelines.

1. A student may request a meeting with the Principal or his or her designee to review any disciplinary action, other than a suspension or expulsion, affecting the student. If requested, the Principal or designee shall hold an informal meeting to review the incident and to hear the views of the student and any other persons who may have information that the Principal or designee believes to be relevant in the circumstances. The Principal or designee shall issue a prompt decision to the student, which may be oral or written. Except as otherwise provided in this policy, the decision of the Principal will be final.
2. Suspension or expulsion of students shall be imposed in accordance with state and federal law and regulations, due process requirements, and the following rules and procedures:
  - A. The Principal or his or her designee may assign a student to in-school detention for up to ten (10) consecutive school days for any infraction of school rules. As provided in the school's overall discipline plan, students assigned to in-school detention will be provided with reasonable opportunities to complete academic assignments and to benefit from counseling or other activities designed to bring about improvements in their behavior.

- B. A student who poses an immediate danger to persons or property or a significant threat of disrupting the academic process of the school shall be removed from the school or to a place within the school determined by the Principal, Superintendent or their designee to be sufficiently secure to ensure the safety of students and school personnel and the continuation of the academic process. The Superintendent or Principal or their designee shall notify a parent or guardian of a student who is removed from school without undue delay. If the parent, guardian or other responsible person designated as an emergency contact by the parent or guardian cannot be notified, the student will be detained at school or at another safe and secure setting for the remainder of the school day.
- C. No student will be removed from school for more than the remainder of a school day unless the student and his or her parents are given an opportunity for an informal hearing pursuant to paragraph "D" of this policy. When immediate removal of a student is necessary prior to a hearing, the hearing shall be held as soon as possible following the removal.
- D. The Superintendent or Principal may suspend a student from school for a period of ten (10) days or less for misconduct occurring on or off school grounds. Except as provided in paragraph "B" above, prior to such a suspension, the student and his or her parent or guardian shall be given an opportunity for an informal hearing with the Principal or his or her designee. The student and his or her parent or guardian must be given notice of the charges, an explanation of the evidence against the student, an opportunity for the student to tell his or her side of the story, and a decision in writing to the parent or guardian.
- E. The Superintendent or Principal may, with the approval of the Board and in accordance with 16 V.S.A. §1162(a), impose a long-term suspension or expulsion of a student [for longer than ten (10) days and up to ninety (90) school days or the remainder of the school year, whichever is longer] for misconduct on school property, on a school bus or at a school-sponsored activity when the misconduct makes the continued presence of the student harmful to the welfare of the school.
- F. In accord with the overall discipline plan developed under 16 V.S.A. § 1161a, short-term (ten days or less) or long-term suspension or expulsion may be imposed for misconduct not on school property, on a school bus or at a school-sponsored activity where direct harm to the welfare of the school can be demonstrated.
- G. Long-term suspension or expulsion must be preceded by notice and formal due process procedures, including the opportunity for a hearing before the school board. The Superintendent (or designee) shall notify the student and his or her parents in writing of the nature of the charges, the date, time and place of the hearing, the right to legal representation, and the disciplinary action to be recommended to the board. This notice shall be provided in sufficient time to

allow the student and his or her parents to prepare for the hearing. At the hearing, the student and parent/guardian shall be given an opportunity to present evidence and to cross-examine witnesses. The Board shall issue a written decision within ten (10) days of the conclusion of the hearing.

3. Notwithstanding the above provisions, a legal pupil who has a disability or is suspected of having a disability, and is eligible for special education services or Section 504 services may be removed from his or her current educational placement for disciplinary reasons for more than ten (10) consecutive days, or for more than ten (10) cumulative days in a school year only in accordance with Vermont State Board of Education Rules 4313 or 4312. The school Principal, with the agreement of a special education administrator, may impose short-term disciplinary sanctions on special education students as provided in Vermont State Board of Education Rule 4313. The Superintendent and coordinator of special education will develop additional procedures as needed to govern the discipline of students with disabilities.

In the event a student brings a weapon to school, the procedures set forth in the District's Firearms policy shall apply.



The Windham Southeast Supervisory Union wishes to remind parents who do not want children's names published for any reason(s) that they should indicate that desire in a letter to the Superintendent of Schools not later than the first Friday in October of the new school year.

Public Law 93-380 includes an amendment popularly referred to as the "Buckley Amendment" which requires school systems to refrain from publicizing any information at all about children when the parents do not wish such publicity to occur. Examples of the schools' publication of a list of names would certainly include athletic events, honor roll lists, musical or dramatic performances and other student activity functions such as Future Farmers of America, Future Homemakers of America, etc.

Unless the Superintendent of Schools receives written notification from the parents, it will be assumed that publication is agreeable.



Each of our District Schools has an Educational Support System (ESS). The role of the ESS is described below. To access your school's ESS simply call the school principal.

### **What is the Educational Support System?**

The Educational Support System (ESS) is a school-based system designed to help all students improve their school performance and help them grow academically, socially, emotionally and physically. The ESS provides a way for school staff to address students' varying needs in school. Each school is required, by law, to develop an Educational Support System (ESS) and Educational Support Team (EST).

### **What is the Educational Support Team?**

The Educational Support Team is a group of school staff who meet to review individual student referrals to recommend needed changes in the student's program. Teams usually have classroom teachers, a school counselor, the school nurse, special education teachers, and others as members. Parents are often invited to be members of their child's team. Schools have many different names for these teams such as Teacher Assistance Teams, Instructional Support Teams, etc.

### **Why would I need to know about the Educational Support Team?**

You may need to know about the Educational Support Team because it can help your child if s/he is having difficulty in school. Information may be included in your school's handbook. Parents may want to refer their child to the Team or the child may be referred to the Team by school staff. If you have concerns, you may refer your child to the EST by contacting your school principal.

### **What will the Educational Support Team do for my child?**

The EST will develop a plan to assist your child. In order to do this effectively, parents are considered active partners with the school. Your child's teacher may invite you to attend an EST meeting to discuss the concerns you or the school may have. At the meeting, the EST will discuss services or accommodations that might assist your child in the school setting. Examples include extended time to complete tasks, an after school homework group, a behavior plan, tutoring, a peer buddy, and/or the services of an aide, the school nurse or community service provider. Assistance may also be useful from the special educator. If you or the EST feel it would be helpful, a referral may be made for a comprehensive evaluation which is part of the special education process.

### **Will others know about the concerns the school or I have?**

Others may need to know about the concerns the school or you have. In order to contact community agencies and services, you would need to give your permission by signing a "Release of Information" form. The school is required by law to keep personally identifiable information about your child confidential.

### **Will any community agencies be involved with my child?**

The EST may provide you with information about community agencies that may be helpful to you or your child. Community services might include assistance with health care, counseling, housing, financial assistance, parenting issues, childcare, etc.



All parents MUST provide the school with two telephone numbers for emergency purposes. The school will then be assured that they can contact the parents or another appropriate adult at all times.



The school health program is an integral part of the total school program. Health services emphasize health education, health promotion, disease prevention, identification of health problems and classroom adaptations to meet the needs of all students.

Each of our supervisory union schools has a school nurse and there is a district-wide school physician who serves as a consultant.

Vermont State Statute 16 VSA § 1422 requires schools annually to test the hearing and vision of students in PreK, Kindergarten, the first, third, fifth, seventh, ninth, and twelfth grades. In accordance with federal Every Student Succeeds Act [ESSA] regulations, parents are permitted to opt their children out of such tests. This request should be made in writing and sent to your child's school nurse.

Childhood immunizations are both mandatory and important for the safety of the school community. Please contact your pediatrician at the start of the school year to ensure that your child has received their regularly required immunizations, and plan for your child to receive a flu vaccine (not mandatory but recommended) early in the school year.

The health staff works toward a healthful, safe environment for students, which encourages them to make positive decisions about the care of their bodies. A child's health is an important part of who he/she is in school as well as at home, and we encourage parents to communicate to the school staff health issues that affect their child.



Any student who is required to take prescribed medication during the regular school day or during school-sponsored activities must comply with the following regulations:



- 1. Medication may be given by the school nurse or designee upon written orders from a physician and upon written request of a student's parent or guardian.

The physician's orders must detail the name of the drug, dosage, time interval the medication is to be taken, diagnosis and reason for giving.

- 2. Medication must be brought to school in a container labeled by the pharmacy or physician and stored in a secure, locked storage place.

Non-prescription medication must be accompanied by a written request from the parents or guardian of a student bringing such medication to school. The request must contain assurances that the student has suffered no previous ill effects from the use of medication. Medication must be left in the custody of the school nurse or his/her designee.



The Windham Southeast Supervisory Union Schools are committed to local, state and national history, and social sciences standards designed to provide students with the tools to meet the responsibilities and challenges of life in the 21<sup>st</sup> century. According to the Vermont Field of Knowledge Content Standard for History and Social Sciences:

The main goal of these content standards for history and the social sciences is to educate learners to understand human society and to understand their places in that society. Students learn to make thoughtful choices in a diverse and connected world, and they gain insight into the human story.

Because of this commitment to excellence in education, classes will be studying a variety of national, ethnic and cultural histories, perspectives and traditions. These studies are essential elements in meeting the standards for social studies, social responsibility, history, and personal development in a meaningful and academically challenging curriculum.



If a book is lost by a student or a parent, a bill for the replacement cost of the book will be sent to the parents, along with a note explaining that our libraries are small and cannot afford to replace all the books that are lost.

The unaccounted bill carries over during the entire time the student is in our schools. This will affect the number of books a student may check out. If the total amount allowed out at a time is three books and they have lost two, then they can only take out one. If three books are lost, they may not take home any books, but may only use them in school.

If a book is paid for and then is found at the end of the summer or during the next school year, the amount of money that was paid will be returned. The money collected is to buy books from local book stores.



Food services are provided at all district sites on a daily basis. Please check school newsletters for serving times. School lunches and breakfast begin on the first day of school.

**Cost for Meals:**

	Brattleboro	Dummerston	Guilford	Putney	Vernon
Breakfast	*	*	*	*	*
Reduced Breakfast	*	*	*	*	*
Lunch	*	*	*	*	*
Reduced Lunch	*	*	*	*	*
Ala Carte Milk	.65	.65	.65	.65	.65
Adult Breakfast	3.00	3.00	3.00	3.00	3.00
Adult Lunch	4.75	4.75	4.75	5.00	4.75

\* State Funded

For further information regarding the meal programs, please contact your child's school.



We have a responsibility to ensure that all of our students feel safe and supported. This occurs when we create school cultures that are responsive to the needs of the children in our care, and our families. Under Federal Law, undocumented children and young adults have the same right to attend public primary and secondary schools as do U.S. citizens and permanent residents. [Plyler vs. Doe, 457 U.S. 202 (1982)]. And, under state law, all Vermont children, including undocumented children are required to attend school until the mandated age of 16. Meeting this obligation means going beyond telling families to enroll their student(s). It includes working proactively to ensure they feel safe, supported, and welcomed.



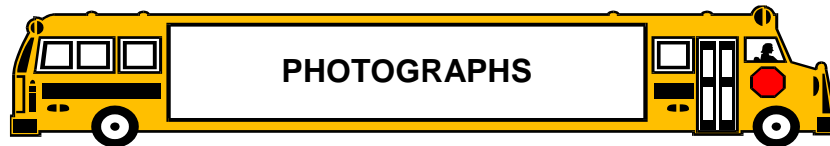
The academic and social success of students is largely determined by a positive, supportive relationship among staff, administration, parents and community members. New educational initiatives mandate and encourage the strengthening of the parent/school/community relationship. The Board believes that district schools should encourage and support parental participation and provide opportunities for helping parents to participate effectively.

The Superintendent shall develop and implement programs and procedures to accomplish the following objectives:

1. Parents should be informed about the significant changes in their children's educational programs, instructional methods and objectives.
2. Parents should be provided with information and opportunities intended to improve their abilities to work with their children at home and in school, and to build partnerships between home and school.
3. Professional and non-professional staff members, administrators, school board members, and school community partners should be provided with training opportunities intended to improve their abilities to build more effective relationships with parents.
4. Parents should be provided with opportunities to become informed about program design, operation and evaluation, and to communicate with educators on these subjects.
5. Parents should be encouraged to observe instructional activities, attend program meetings, discuss concerns with educators, participate in program evaluation and improvement efforts, and to give recommendations to school staff, administration, and board members.
6. Administrators should develop and implement plans to coordinate parental involvement strategies and practices district-wide and within individual schools, including such efforts under Title I, the Head Start program, the Education Support Team process, and Act 264 process, and the WSESU School Improvement Plan.
7. Annually, the district should evaluate parent involvement efforts to identify barriers, if any, to greater participation by parents, including parents with disabilities, who are disadvantaged, have limited English proficiency or limited literacy, or belong to racial or ethnic minorities. Based on evaluation results, the District shall design and implement strategies for improvement.
8. Each school providing Title I services, and parents of students receiving the services, shall develop a parent/school (or family/school) compact. The compact shall outline how parents, the entire school staff, and students will share the

responsibility for improved student achievement. It should describe the means by which the school and parents will build and develop a partnership to help children meet high standards. The compact shall include methods of increasing and strengthening parental and community involvement.

9. Each school shall strive to provide full opportunities for participation of parents with limited English proficiency and/or with disabilities, including using effective communication methods to provide information about the school in an understandable form.



Windham Southeast School District/Supervisory Union Policy H5 regarding photographing, filming, videotaping, and the recording of students, staff, or school activities states the following: These visits are arranged only after consultation with the principal or his/her designee. At the discretion of the administration, parents may be asked to sign general or specific permission slips to authorize interviewing, photographing, filming or videotaping of their children while at school or while participating in school activities. Photographing, filming, or recording of special education students will be allowed only after specific parental permission is obtained in writing.

(The full text of Policy H5 “Visits to School by Parents, Community Members or Media; Interviewing, Filming, Videotaping or Recording” can be found in the policy manual in the WSESU Central Office and on the school district’s website: [www.wsesu.org](http://www.wsesu.org).)



The Windham Southeast Supervisory Union believes that ongoing communication with parents is essential. Periodically a newsletter is sent home with students to inform parents of upcoming events, ideas and issues of interest to them. Teachers regularly communicate with parents through classroom newsletters and phone calls to individual parents. Parent communication is important. During the school day the expectation is that our teachers are teaching and working with students. Therefore, during the work-week teachers *will do their best* to return most emails and phone calls within 24 hours.

There will be no school-wide gatherings for the month of September (i.e., Open House, All School Sing, etc.).

Progress reports are sent home with students twice each year. Formal conferences are scheduled twice a year. Teachers or parents may request conferences at other times

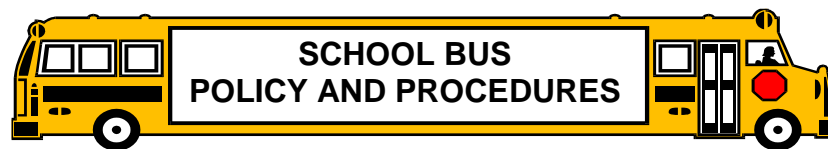
throughout the year. Student-run portfolio presentations are held at all levels in the spring.

Assessment plays an important role in assuring that every learner achieves the goals established for students in WSESD/SU. Assessment occurs in an ongoing manner within the context of the classroom curriculum. In addition, students participate in local, state and national assessments.



It is the policy of the Windham Southeast Supervisory Union that teachers and administrators will work with parents in determining the issue of promotion and retention. The specific criteria, process and timelines for this purpose will be set by the administration. Our districts recognize the importance of a collaborative decision in this process. The final decision will rest with the building administrator.

(For retention procedures, see WSESD Policy F19 "Grade Advancement: Retention, Promotion and Acceleration of Students" in the policy manual located in the WSESU Central Office, and on the school district's website: [www.wsesu.org](http://www.wsesu.org).)



1. The school bus driver is in complete charge of the school bus and the pupils and shall have the same authority in maintaining discipline as a teacher in the classroom. Pupils shall observe classroom conduct and obey the driver promptly and respectfully.
2. Pupils must arrive on time (5 minutes before pick-up time) at the designated bus stops. When the school bus is operating on an established schedule, it cannot wait for children who are not within sight of the stop when the bus arrives. Pupils are prohibited from leaving or boarding the bus at locations other than their assigned bus stop. Parents must provide advance written permission (co-signed by a school official) for pupils to be let off at any stop other than their usual destination.
3. Pupils shall wait in a safe place, clear of traffic and at least 10 feet away from the bus until it stops, and should walk quickly to, from, and in front of the bus.
4. Students must walk 10 paces in front of the bus before crossing and stop and cross at the driver's signal (thumb up).
5. Pupils shall wait in an orderly line and avoid horseplay at the bus stop.
6. Any unnecessary talking with the school bus operator is prohibited.

7. While ordinary conversation between pupils is permitted, loud, profane, or inappropriate conversation is not allowed.
8. Fighting, rough play, and throwing objects are not allowed.
9. Pupils shall respect the rights and safety of others (keeping hands to self and no name calling).
10. Pupils are prohibited from using or carrying tobacco products, alcohol, drugs, any controlled substance, weapons (guns, knives, explosives, etc.), objects that shoot any type of projectile, and items that could cause a fire on the bus (matches, lighters, etc.). Offenses relative to this item shall result with the pupil's immediate removal from the bus and/or indefinite suspension.
11. Backpacks must be worn or carried in front of pupils while entering or exiting the bus.
12. Smoking and chewing tobacco are not permitted on the school bus. Littering (either on the bus or out the windows) is not allowed. Eating or drinking on the bus is also prohibited.
13. Pupils shall go to the first available seat or to his/her assigned seat when entering the bus.
14. The rear door shall be used only in the case of an emergency.
15. All pupils must be seated while the bus is in motion. Students must keep their heads and limbs inside the bus.
16. The aisle of the bus must be kept clear. Pupils may bring items on the bus only if the items can be carried on the pupils' laps. Skis, animals, weapons, and other dangerous objects are prohibited on the buses. Skates may be carried only if adequate blade guards are in place.
17. Pupils are prohibited from hitching rides via the rear bumper or other parts of the bus.
18. Students are not allowed to cross behind the bus or walk along the sides of the bus. Students must wait for the bus to drive away before attempting to retrieve objects that fall underneath the bus.
19. Any violation of the above regulations will be reported to the appropriate building principal and disciplinary action will be taken.

#### PROCEDURES:

1. Students in grades PreK-2 will not be dropped off at a stop without a parent, adult, or older sibling, unless by prior authorization.

2. Discipline (Please note - the building principal will work with the bus company to determine final consequences for student behavior.)
  - The first refusal to comply with these regulations will result in a written warning with a copy sent home to the parents.
  - The second offense may result in a 3-day suspension from riding the bus.
  - The third offense may result in indefinite suspension from riding the bus.
3. Changing assigned bus stop:
  - A parent must sign a note for a student to ride another bus. The note is then sent to the principal who will write a school bus pass for the bus driver. This procedure is also used if a student will be leaving the bus at a different stop than his/her assigned stop. Note: If the student does not have a school bus pass, he/she will be left at their regular bus stop.

When a pupil has been suspended from the bus, the district will not be responsible for providing transportation. Before a student is reinstated, a conversation between the parent, student and school administrator must take place.

There may be circumstances that could result in immediate suspension from the bus. Such disciplinary action is to be at the discretion of the appropriate school administrator.

Students and other passengers traveling on the buses under contract by F.M. Kuzmeskus, Inc. to the WSESD/SU should be aware that the buses are equipped with video devices (cameras) so all riders should have no expectation of privacy. The district and F.M. Kuzmeskus, Inc. will use the videos for required business purposes only (student discipline matters, etc.)



A complete compilation of all Windham Southeast School District policies is available in the WSESU Central Office, and on the school district's website: [www.wsesu.org](http://www.wsesu.org). This handbook is derived from those policies, but does not necessarily cite complete policies.



Desks, textbooks and other materials or supplies loaned by the school to students remain the property of the school, and may be opened by school employees for cleaning, maintenance or emergencies. Students should not expect the contents to be private. When prohibited items are found in the course of routine cleaning or

maintenance, or in the case of emergency, they will be confiscated and a report will be made to the principal who will determine whether further investigation is warranted.

Searches of students' persons, personal effects (e.g. purse, book bag, etc.) may be conducted if there is reasonable cause to believe that such a search will produce evidence of a breach of school policy or law. Search of a student's person will be conducted by a school employee of the same sex, and in the presence of another school employee.



Smoking and/or the use of tobacco products in any form is prohibited within all school buildings in the district, on all district grounds and in all district facilities. (See Windham Southeast School District Policy E8 "Tobacco Prohibition".)

This ban extends to all employees, students and patrons attending school-sponsored events and meetings. The ban extends to school-owned and operated vehicles and facilities.



The student services program consists of full-time school counselors, one located in each building. The counselors deliver comprehensive social services to children, teachers and families. Their responsibilities include identifying students in need of services, assessing the needs and planning the appropriate interventions in coordination with other school personnel and parents. The major goal of the student service program is to improve situations in a child's life that are negatively affecting the child's adjustment in school and his/her learning experience.

The counselors talk through minor adjustment problems with parents, children and school personnel and assist parents in finding the community resources they need to help with a particular problem. It is recognized that the best education for any child occurs when the child is rewarded for learning both at school and at home. Therefore, the counselors act as liaisons between home and school.

Problem situations most appropriate for the counselors are those related to pupils' learning opportunities, academic achievement, social functioning and the need for change in the child's life at school, in the community and at home. In essence, they are advocates for the troubled school child.





School telephones are for school business. Students should not use them without permission from school personnel.

If students choose to bring electronic items to school (such as a cell phone) the items must be turned off and stored in a backpack during the school day.



Please respect parking signs, adhering to marked parking spaces when dropping off or picking up your child. For safety reasons, double parking at arrival and dismissal times is prohibited.



Until further notice, non-school/district personnel will be allowed in buildings on a limited basis by appointment. Masks are required.



Under Vermont law, school personnel are obligated to report to police any student who brings a weapon to school. Such weapons must also be turned over to police. This would include, but is not limited to, pocket knives, pen knives, etc. Please share this information with your child so that he/she fully understands his/her responsibility.

A detailed explanation of the School Board's Policy (F1 and F24) is located in each school office and at the WSESU Central Office.



The Windham Southeast School District Board, in accordance with Vermont State Law, Section I, VSA Title 16 § 1165, Alcohol and Drug Abuse, has adopted Policy F9 "Alcohol and Drug Abuse" for the elementary schools.

The above captioned policy is available for your review at the WSESU Central Office, and on the WSESU: website [www.wsesu.org](http://www.wsesu.org).

Further, in compliance with Section 5145 of the Drug-Free Schools and Communities Act, it is the policy of this school district that no student shall knowingly possess, use, sell, give or otherwise transmit, or be under the influence of any illegal drug, regulated substance, or alcohol on any school property, or at any school-sponsored activity away from or within the school. (Note: This shall also apply to family members and visitors to any of our school sites.) "Drug" means any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana or any other controlled substance as defined by state or federal regulation or statute.

Student compliance with these standards of conduct is mandatory.

**Parents and students are further informed that:**

- Age-appropriate, developmentally based drug and alcohol education and prevention programs are provided for all children.
- The use of illicit drugs and the unlawful possession and use of alcohol is wrong and harmful.
- The unlawful possession, use, or distribution of illicit drugs and alcohol by students on school premises is strictly prohibited.
- The district may impose disciplinary sanctions, up to and including expulsion, prosecution and rehabilitation.
- It is imperative that you familiarize yourself with the "Procedures for Dealing with Substance Abuse Incidents" in policy F9.
- Copies of the policies and counseling re-entry programs are made available by request through the building administrators.



The Board recognizes its obligation to respect the legal rights of all students, parents, employees, applicants for admission or employment, sources of referral of applicants for admission and employment and all unions or professional organizations holding collective bargaining or professional agreement with the school district. The board will seek to comply with all applicable federal and state non-discrimination laws.

### **Policy C9**

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.

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

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

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 Windham Southeast School District/SU 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 affiliation 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 Windham Southeast School District 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 Windham Southeast School District's compliance with the regulations 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.

Date Warned: July 22, 2019

Date Adopted: August 7, 2019

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)

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

**CODE C9-R**

## **PROCEDURES FOR HANDLING COMPLAINTS OF DISCRIMINATION**

The non-discrimination coordinator for the Windham Southeast School District is:

(Title) Kate Margaitis, Interim Principal  
(Where located) Green Street School  
(Phone Number) 802-254-3737  
(Email) kmargaitis@wsesdvt.org

### **Definitions**

A ***grievance*** is a claim made by a student, teacher or employee of the School District or other person that he or she has been subjected to discrimination because of specific actions of the School Board or its employees.

A ***grievant*** shall be a student(s) and/or parent(s) employee, or other person making the claim.

### **Intent**

Nothing contained within this grievance procedure shall be construed as limiting the right of an aggrieved person or persons to informally discuss a problem with the school

administration or staff. Should such an informal process fail to resolve the situation then a formal filing of a grievance may be made in accordance with the following procedure:

**Procedures** (all days are calendar days)

1. Within 15 days of an alleged violation of this policy, the aggrieved shall submit in writing to the Superintendent or designee the nature of the grievance and the remedy sought. The Superintendent should arrange for a meeting within 15 days of receipt of the grievance. The Superintendent shall provide a written answer on the grievance within 5 days of the meeting.
2. If the grievance is not resolved at Step I, then the aggrieved may, within 10 days of the denial, request in writing that the School Board or a committee of the School Board hear the grievance. The chair of the School Board or designee shall schedule a meeting before the Board or a committee of the Board within 15 days of receipt of the request. Such a meeting will be in a public or in an executive session depending upon the circumstances. The Board or its committee shall provide a written answer on the grievance within 5 days of the Board's next regularly scheduled meeting. The decision of the Board or its committee shall be final and binding to the extent of the jurisdictional limits and authority of the School Board.



Harassment, hazing, and bullying is taken very seriously in all of our schools, and is handled on an individual basis by the school staff, nurses, counselors, and principals. Please refer to “Policy on the Prevention of Harassment, Hazing, and Bullying of Students” below (F23).

**I. Statement of Policy**

The Windham Southeast School District (hereinafter “District”) is committed to providing all of its students with a safe and supportive school environment in which all members of the school community are treated with respect.

It is the policy of the District to prohibit the unlawful harassment of students based on race, color, religion, creed, national origin, marital status, sex, sexual orientation, gender identity or disability. Harassment may also constitute a violation of Vermont’s Public Accommodations Act, Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act of 1990, the Age Discrimination Act of 1975, and/or Title IX of the federal Education Amendments Act of 1972.

It is also the policy of the District to prohibit the unlawful hazing and bullying of students. Conduct which constitutes hazing may be subject to civil penalties.

The District shall address all complaints of harassment, hazing and bullying according to the procedures accompanying this policy, and shall take appropriate action against any person -subject to the jurisdiction of the board-who violates this policy. Nothing herein shall be construed to prohibit punishment of a student for conduct which, although it does not rise to the level of harassment, bullying, or hazing as defined herein, otherwise violates one or more of the board's disciplinary policies or the school's code of conduct.

The Procedures attached are expressly incorporated by reference as though fully included within this Policy. The Procedures are separated from the policy for ease of use as may be required.

## **II. Implementation**

The superintendent or his/her designee shall:

1. Adopt a procedure directing staff, parents and guardians how to report violations of this policy and file complaints under this policy. (See Procedures on the Prevention of Harassment, Hazing and Bullying of Students)
2. Annually, select two or more designated employees to receive complaints of hazing, bullying and/or harassment at each school campus and publicize their availability in any publication of the District that sets forth the comprehensive rules, procedures, and standards of conduct for the school.
3. Designate an Equity Coordinator to oversee all aspects of the implementation of this policy as it relates to obligations imposed by federal law regarding discrimination. This role may be also be assigned to one or both of the Designated Employees.
4. Respond to notifications of possible violations of this policy in order to promptly and effectively address all complaints of hazing, harassment, and/or bullying.
5. Take action on substantiated complaints. In cases where hazing, harassment and/or bullying is substantiated, the District shall take prompt and appropriate remedial action reasonably calculated to stop the hazing, harassment and/or bullying; prevent its recurrence; and to remedy the impact of the offending conduct on the victim(s), where appropriate. Such action may include a wide range of responses from education to serious discipline.

Serious discipline may include termination for employees and, for students, expulsion or removal from school property. It may also involve penalties or sanctions for both organizations and individuals who engage in hazing. Revocation or suspension of an organization's permission to operate or exist within the District's purview may also be considered if that organization knowingly permits, authorizes or condones hazing.

## **III. Constitutionally Protected Speech**

It is the intent of the District to apply and enforce this policy in a manner that is consistent with student rights to free expression under the First Amendment of the U.S. Constitution. The purpose of this policy is to (1) prohibit conduct or communication that is directed at a person's protected characteristics as defined below and that has the purpose or effect of substantially disrupting the educational learning process and/or access to educational resources or creates a hostile learning environment; (2) prohibit conduct intended to ridicule, humiliate or intimidate students in a manner as defined under this policy.

**IV. Definitions.** For the purposes of this policy and the accompanying procedures, the following definitions apply:

- A. "Bullying" means any overt act or combination of acts, including an act conducted by electronic means, directed against a student by another student or group of students and which:
  - a. Is repeated over time;
  - b. Is intended to ridicule, humiliate, or intimidate the student; and
  - c. (i) occurs during the school day on school property, on a school bus, or at a school-sponsored activity, or before or after the school day on a school bus or at a school sponsored activity; or  
(ii) does not occur during the school day on school property, on a school bus or at a school sponsored activity and can be shown to pose a clear and substantial interference with another student's right to access educational programs.
- B. "Complaint" means an oral or written report provided by a student or any person to an employee alleging that a student has been subjected to conduct that may rise to the level of hazing, harassment or bullying.
- C. "Complainant" means a student who has provided oral or written information about conduct that may rise to the level of hazing, harassment or bullying, or a student who is the target of alleged hazing, harassment or bullying.
- D. "Designated employee" means an employee who has been designated by the school to receive complaints of hazing, harassment and bullying pursuant to subdivision 16 V.S.A. 570a(a)(7). The designated employees for each school building are identified in Appendix A of this policy.
- E. "Employee" includes any person employed directly by or retained through a contract with the District, an agent of the school, a school board member, a student teacher, an intern or a school volunteer. For purposes of this policy, "agent of the school" includes district / supervisory union staff.
- F. "Equity Coordinator" is the person responsible for implementation of Title IX (regarding sex-based discrimination) and Title VI (regarding race-based discrimination) for the District and for coordinating the District's compliance with Title IX and Title VI in all areas covered by the implementing regulations. The Equity Coordinator is also responsible for overseeing implementation of the

District's *Preventing and Responding to Harassment of Students and Harassment of Employees policies*. This role may also be assigned to Designated Employees.

- G. "Harassment" means an incident or incidents of verbal, written, visual, or physical conduct, including any incident conducted by electronic means, based on or motivated by a student's or a student's family member's actual or perceived race, creed, color, national origin, marital status, disability, sex, sexual orientation, or gender identity, that has the purpose or effect of objectively and substantially undermining and detracting from or interfering with a student's educational performance or access to school resources or creating an objectively intimidating hostile, or offensive environment.

Harassment includes conduct as defined above and may also constitute one or more of the following:

(1) Sexual harassment, which means unwelcome conduct of a sexual nature, that includes sexual violence/sexual assault, sexual advances, requests for sexual favors, and other verbal, written, visual or physical conduct of a sexual nature, and includes situations when one or both of the following occur:

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

(ii) Submission to or rejection of such conduct by a student is used as a component of the basis for decisions affecting that student.

Sexual harassment may also include student-on-student conduct or conduct of a non-employee third party that creates a hostile environment. A hostile environment exists where the harassing conduct is severe, persistent or pervasive so as to deny or limit the student's ability to participate in or benefit from the educational program on the basis of sex.

(2) Racial harassment, which means conduct directed at the characteristics of a student's or a student's family member's actual or perceived race or color, and includes the use of epithets, stereotypes, racial slurs, comments, insults, derogatory remarks, gestures, threats, graffiti, display, or circulation of written or visual material, and taunts on manner of speech and negative references to cultural customs.

(3) Harassment of members of other protected categories, means conduct directed at the characteristics of a student's or a student's family member's actual or perceived creed, national origin, marital status, disability, sex, sexual orientation, or gender identity and includes the use of epithets, stereotypes, slurs, comments, insults, derogatory remarks, gestures, threats, graffiti, display, or circulation of written or visual material, taunts on manner of speech, and negative references to customs related to any of these protected categories.

- H. "Hazing" means any intentional, knowing or reckless act committed by a student, whether individually or in concert with others, against another student: In



connection with pledging, being initiated into, affiliating with, holding office in, or maintaining membership in any organization which is affiliated with the educational institution; and

(1) Which is intended to have the effect of, or should reasonably be expected to have the effect of, endangering the mental or physical health of the student.

Hazing shall not include any activity or conduct that furthers legitimate curricular, extra-curricular, or military training program goals, provided that:

(1) The goals are approved by the educational institution; and

(2) The activity or conduct furthers the goals in a manner that is appropriate, contemplated by the educational institution, and normal and customary for similar programs at other educational institutions. With respect to Hazing, "Student" means any person who

- (i) is registered in or in attendance at an educational institution;
- (ii) has been accepted for admission at the educational institution where the hazing incident occurs; or
- (iii) intends to attend an educational institution during any of its regular sessions after an official academic break.

I. "Notice" means a written complaint or oral information that hazing, harassment or bullying may have occurred which has been provided to a designated employee from another employee, the student allegedly subjected to the hazing, harassment or bullying, another student, a parent or guardian, or any other individual who has reasonable cause to believe the alleged conduct may have occurred. If the school learns of possible hazing, harassment or bullying through other means, for example, if information about hazing, harassment or bullying is received from a third party (such as from a witness to an incident or an anonymous letter or telephone call), different factors will affect the school's response. These factors include the source and nature of the information; the seriousness of the alleged incident; the specificity of the information; the objectivity and credibility of the source of the report; whether any individuals can be identified who were subjected to the alleged harassment; and whether those individuals want to pursue the matter. In addition, for purposes of violations of federal anti-discrimination laws, notice may occur when an employee of the district, including any individual who a student could reasonably believe has this authority or responsibility, knows or in the exercise of reasonable care should have known about potential unlawful harassment or bullying.

J. "Organization" means a fraternity, sorority, athletic team, association, corporation, order, society, corps, cooperative, club, or other similar group, whose members primarily are students at an educational institution, and which is affiliated with the educational institution.

K. "Pledging" means any action or activity related to becoming a member of an organization.

- L. "Retaliation" is any adverse action by any person against a person who has filed a complaint of harassment, hazing or bullying or against a person who assists or participates in an investigation, proceeding or hearing related to the harassment complaint. Such adverse action may include conduct by a school employee directed at a student in the form of intimidation or reprisal such as diminishment of grades, suspension, expulsion, change in educational conditions, loss of privileges or benefits, or other unwarranted disciplinary action. Retaliation may also include conduct by a student directed at another student in the form of further harassment, intimidation, and reprisal.
- M. "School administrator" means a superintendent, principal or his/her designee assistant principal//technical center director or his/her designee and/or the District's Equity Coordinator.
- N. "Student Conduct Form" is a form used by students, staff, or parents, to provide, in written form, information about inappropriate student behaviors that may constitute hazing, harassment and/or bullying.

Date Warned: June 6, 2019  
 Date Adopted: June 18, 2019

## APPENDIX A

### Designated Employees 2021-2022

The following employees of the Windham Southeast School District have been designated by the District to receive complaints of bullying and/or harassment pursuant to this policy and 16 V.S.A. § 570a(a)(7) and 16 V.S.A. §570c(7) and under federal anti-discrimination laws;

#### **Non-Discrimination Coordinator**

Kate Margaitis, Green Street School  
 802-254-3737  
 kmargaitis@wsesdvt.org

#### **Academy School**

Kelly Dias, Principal  
 Jon Sessions, Assistant Principal  
 Ana Ocasio, Counselor  
 254-3743

#### **Green Street School**

Kate Margaitis, Interim Principal  
 Traci Binet-Perrin, Counselor  
 254-3737

#### **Putney Central School**

Herve Pelletier, Principal  
 Marisa Lazarus-Miner, Counselor  
 387-5521

#### **Vernon Elementary School**

Mary Ross, Principal  
 Jamie Card, Counselor  
 254-5373

**Oak Grove School**

Mary Kaufmann, Principal  
Kathryn Mason, Counselor  
254-3740

**Dummerston School**

Julianne Eagan, Principal  
Nicole Thomas, Counselor  
254-2733

**Guilford Central School**

John Gagnon, Principal  
Chantelle Albin, Counselor  
254-2271

**WSESU Programs**

Shelley Wilson, Director of SPED  
254-3748

**Brattleboro Area Middle School**

Keith Lyman, Principal  
Tom Daughton, Assistant Principal  
451-3500

**Brattleboro Union High School**

Steve Perrin, Principal  
451-3409  
Christopher Day, Assistant Principal  
451-3404  
Matthew Betz, Assistant Principal  
451-3412

**Windham Regional Career Center**

Nancy Wiese, Director  
451-3589  
Anne Doran, Counselor  
451-3586

**Procedures on the Prevention of Harassment, Hazing and Bullying of Students**

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

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

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

- C. Other reporting: Any other person who witnesses conduct that s/he reasonably believes might constitute hazing, harassment and/or bullying under this policy should promptly report the conduct to a designated employee.

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

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

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

## II. Responding to Notice of Possible Policy Violation(s)

- A. Upon **notice of information** that hazing, harassment and/or bullying may have occurred the designated employee shall:
  - i. Promptly reduce any oral information to writing, including the time, place, and nature of the conduct, and the identity of the participants and complainant.

- ii. Promptly inform the school administrator(s) of the information;
  - iii. If in the judgment of the school administrator, the information alleges conduct which may constitute harassment, hazing or bullying, the school administrator shall, as soon as reasonably possible, provide a copy of the policy on hazing, harassment and bullying and these procedures to the complainant and accused individual, or if either is a minor, cause a copy to be provided or delivered to their respective parent or guardian.
- B. Upon **initiation of an investigation**, the designated employee shall:
- i. Notify in writing both the complainant and accused individual (or if either is a minor inform their respective parent or guardian) that:
    - 1. an investigation has been initiated;
    - 2. retaliation is prohibited;
    - 3. all parties have certain confidentiality rights; and
    - 4. they will be informed in writing of the outcome of the investigation.
- C. All notifications shall be subject to state and/or federal laws protecting the confidentiality of personally identifiable student information. Pursuant to 34 CFR Part 99.30, a school administrator may seek the consent of the parent/guardian of the accused student, or the accused eligible student (if 18 or older, the accused student has the ability to consent), in order to inform the complainant of any disciplinary action taken in cases where the school determined that an act(s) of harassment, hazing, and/or bullying, or other misconduct occurred. The parent/guardian or eligible student shall provide a signed and dated written consent before an educational agency or institution discloses personally identifiable information from the student's education records.

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

- A. Initiation of Investigation - Timing. Unless special circumstances are present and documented, such as reports to the Department for Children and Families (“DCF”) or the police, the school administrator shall, no later than one school day after Notice to a designated employee, initiate or cause to be initiated, an investigation of the allegations, which the school administrator reasonably believes may constitute harassment, hazing or bullying.
- B. Investigator Assignment. The school administrator shall assign a person to conduct the investigation; nothing herein shall be construed to preclude the school administrator from assigning him/herself or a designated employee as the investigator. No person who is the subject of a complaint shall conduct such an investigation.
- C. Interim Measures. It may be appropriate for the school to take interim measures during the investigation of a complaint. For instance, if a student alleges that he or she has been sexually assaulted by another student, the school may decide to

place the students immediately in separate classes and/or transportation pending the results of the school's investigation. Similarly, if the alleged harasser is a teacher, allowing the student to transfer to a different class may be appropriate. In all cases, the school will make every effort to prevent disclosure of the names of all parties involved – the complainant, the witnesses, and the accused – except to the extent necessary to carry out the investigation. In all cases where physical harm has resulted and/or where the targeted student is known to be expressing suicidal ideation, or experiencing serious emotional harm, a safety plan will be put in place. Safety plans must also be considered in cases where the targeted student is known to have difficulty accessing the educational programs at the school as a result of the inappropriate behavior. No contact orders, or their enforcement, may also be appropriate interim measures.

- D. Due Process. The United States Constitution guarantees due process to students and District employees who are accused of certain types of infractions, including but not limited to sexual harassment under Federal Title IX. The rights established under Title IX must be interpreted consistent with any federally guaranteed due process rights involved in a complaint proceeding, including but not limited to the ability of the complainant and the accused to present witnesses and other evidence during an investigation. The District will ensure that steps to accord due process rights do not restrict or unnecessarily delay the protections provided by Title IX to the complainant.
- E. Standard Used to Assess Conduct. In determining whether the conduct constitutes a violation of this policy, the investigator shall consider the surrounding circumstances, the nature of the behavior, past incidents or past or continuing patterns of behavior, the relationships between the parties involved and the context in which the alleged incidents occurred. The complainant and accused will be provided the opportunity to present witnesses and other evidence during an investigation. The school will also consider the impact of relevant off-campus conduct on the school environment where direct harm to the welfare of the school can be demonstrated or the conduct can be shown to pose a clear and substantial interference with another student's equal access to educational programs. Whether a particular action constitutes a violation of this policy requires determination based on all the facts and surrounding circumstances.
- F. Completion of Investigation –Timing. No later than five school days from the filing of the complaint with the designated employee, unless special circumstances are present and documented, the investigator shall submit a written initial determination to the school administrator.
- G. Investigation Report. The investigator shall prepare a written report to include a statement of the findings of the investigator as to whether the allegations have been substantiated, and as to whether the alleged conduct constitutes hazing, harassment and/or bullying. The report, when referencing student conduct, is a student record and therefore confidential. It will be made available to

investigators in the context of a review conducted by either Vermont AOE, or investigations of harassment conducted by the Vermont Human Rights Commission or U.S. Department of Education Office of Civil Rights.

- H. Notice to Students/Parents/Guardians. Within five school days of the conclusion of the investigation, the designated employee shall:
- i. Notify in writing both the complainant and accused individual (or if either is a minor inform their respective parent or guardian) that:
    1. the investigation has been completed;
    2. whether or not the investigation concluded that a policy violation occurred (and which policy term was violated, i.e. harassment, hazing and/or bullying);
    3. that federal privacy law prevents disclosure of any discipline imposed as a result of the investigation unless the parent/guardian of the accused student and/or the accused eligible student consents to such disclosure, pursuant to 34 CFR Part 99.30, as set forth in Section II, Part C, above.
  - ii. Notify the Complainant Student - or if a minor, their parent(s) or guardian - in writing of their rights to:
    1. an internal review by the school of its initial determination as a result of its investigation as to whether harassment occurred;
    2. request an Independent Review of the school's "final" determination as to whether harassment occurred within thirty (30) days of the final determination or although a "final" determination was made that harassment indeed occurred the school's response to that harassment was inadequate to correct the problem; and that the review will be conducted by an investigator to be selected by the superintendent from a list developed by the Agency of Education;
    3. file complaints of harassment with either the Vermont Human Rights Commission and/or the federal Department of Education's Office of Civil Rights.
  - iii. Notify the Accused Student – or if a minor, their parent(s) or guardian - in writing of their right to appeal as set forth in Section V of these procedures.
- I. Violations of Other Policies. In cases where the investigation has identified other conduct that may constitute a violation of other school disciplinary policies or codes of conduct, the designated employee shall report such conduct to the school administrator for action in accordance with relevant school policies or codes of conduct.

#### IV. Responding to Substantiated Claims

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

- i. Potential Remedial Actions. Remedial action may include but not be limited to an age appropriate warning, reprimand, education, training and counseling, transfer, suspension, and/or expulsion of a student, and warning, reprimand, education, training and counseling, transfer, suspension and/or termination of an employee. A series of escalating consequences may be necessary if the initial steps are ineffective in stopping the hazing, harassment and/or bullying. To prevent recurrences counseling for the offender may be appropriate to ensure that he or she understands what constitutes hazing/harassment and/or bullying and the effects it can have. Depending on how widespread the hazing/harassment/bullying was and whether there have been any prior incidents, the school may need to provide training for the larger school community to ensure that students, parents and teachers can recognize hazing/harassment/bullying if it recurs and know how to respond.
- ii. School Access/Environment Considerations. The District will also take efforts to support victims' access to the District's programs, services and activities and consider and implement school-wide remedies, where appropriate. Accordingly, steps will be taken to eliminate any hostile and/or threatening environment that has been created. For example, if a female student has been subjected to harassment/bullying by a group of other students in a class, the school may need to deliver special training or other interventions for that class to repair the educational environment. If the school offers the student the option of withdrawing from a class in which a hostile environment/bullying occurred, the District will assist the student in making program or schedule changes and ensure that none of the changes adversely affect the student's academic record. Other measures may include, if appropriate, directing a bully/harasser to apologize to the affected student. If a hostile environment has affected the entire school or campus, an effective response may need to include dissemination of information, the issuance of new policy statements or other steps that are designed to clearly communicate the message that the school does not tolerate harassment and/or bullying and will be responsive to any student who reports that conduct
- iii. Hazing Case Considerations. Appropriate penalties or sanctions or both for organizations that or individuals who engage in hazing and revocation or



suspension of an organization's permission to operate or exist within the institution's purview if that organization knowingly permits, authorizes, or condones hazing.

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

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

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

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

## **V. Post Investigative Reviews**

### Rights of Complainants

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

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

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

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

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

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

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

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

### Rights of Accused Students

- A. Appeal. Any person determined to have engaged in an act(s) of hazing, harassment and/or bullying may appeal the determination and/or any related disciplinary action(s) taken, directly to the school board of the school district. The school board shall conduct a review on the record. The standard of review by the school board shall be whether the finding that an act(s) of hazing, harassment, and/or bullying has been committed constitutes an abuse of discretion by the school level fact finder. Appeals should be made to the school board within ten (10) calendar days of receiving the determination that an act(s) of hazing, harassment and/or bullying has occurred and/or any announced discipline. The school board shall set the matter for a review hearing at the next scheduled school board meeting to the extent practicable, but not later than 30 days from receipt of the appeal filing.
- B. Accused Student/Appellant Access to Investigative Reports/Findings. The school district shall make available upon request of the Accused Student/Appellant, any relevant information, documents, materials, etc. related to the investigation and related finding on appeal that can be redacted and de-identified in compliance with the requirements set forth at 34 CFR Part 99. For those documents that cannot be provided due to the requirements set forth at 34 CFR Part 99, when an Accused Student/Appellant seeks a review on the record before the school board of the school district, a school administrator may seek the consent of the parent/guardian of the targeted student, or the accused eligible targeted student (if 18 or older, the targeted student has the ability to consent), in order to inform the accused student of the findings which gave rise to the school's determination that an act(s) of harassment, hazing, and/or bullying occurred. The parent/guardian or eligible student shall provide a signed and dated written consent before an educational agency or institution discloses personally identifiable information from the student's education records.

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

- A. Privacy Concerns. The privacy of the complainant, the accused individual, and the witnesses shall be maintained consistent with the District's obligations to investigate, to take appropriate action, and to comply with laws governing the

disclosure of student records or other applicable discovery or disclosure obligations.

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

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

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

## VII. Reporting to Other Agencies

- A. Reports to Department of Children and Families. When a complaint made pursuant to this policy includes allegations of child abuse, any person responsible for reporting suspected child abuse under 33 V.S.A. § 4911, et seq. must report the allegation to the Commissioner of DCF. If the victim is over the age of 18 and a report of abuse is warranted, the report shall be made to Adult Protective Services in accordance with 33 V.S.A. § 6901 et seq.
- B. Reports to Vermont Agency of Education. If a harassment complaint is made in a public school about conduct by a licensed educator that might be grounds under Vermont law for licensing action, the principal shall report the alleged conduct to the Superintendent and the Superintendent shall report the alleged conduct to the Secretary of Education. If a harassment complaint is made in an independent school about conduct by a licensed educator that might be grounds under Vermont law for licensing action, the head of school is encouraged to report the alleged conduct to the Secretary of Education.
- C. Reporting Incidents to Police
  - a. FERPA Rights. Information obtained and documented by school administration regarding the school's response to notice of student conduct that may constitute hazing, harassment and/or bullying may constitute an "educational record" regarding the student or student(s) involved as defined by the Family Education Rights and Privacy Act. Accordingly, such information may not be disclosed without prior parent approval to local law enforcement except in response to a lawfully issued subpoena, or in connection with an emergency if disclosure is necessary to protect the health or safety of the student or other individuals.
  - b. First Hand Reports. Nothing in this policy shall preclude persons from reporting incidents and/or conduct witnessed first-hand that may be considered to be a criminal act to law enforcement officials.
  - c. Hazing Incidents. It is unlawful to (1) engage in hazing; (2) solicit direct, aid, or attempt to aid, or abet another person engaged in hazing; or (3) knowingly fail to take reasonable measures within the scope of the person's authority to prevent hazing. It is not a defense in an action under this section that the person against whom the hazing was directed consented to or acquiesced in the hazing activity. Hazing incidents will be reported to the police in a manner consistent with the confidentiality rights set forth above in this section.
- D. Continuing Obligation to Investigate. Reports made to either DCF or law enforcement shall not be considered to absolve the school administrators of their obligations under this policy to pursue and complete an investigation upon receipt of notice of conduct which may constitute hazing, harassment and/or bullying.

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

- A. Disseminating Information. Annually, prior to the commencement of curricular and co-curricular activities, the District shall provide notice of this policy and procedures to students, custodial parents or guardians of students, and staff members, including references to the consequences of misbehavior contained in the plan required by 16 V.S.A. 1161a. Notice to students shall be in age-appropriate language and include examples of hazing, harassment and bullying. At a minimum, this notice shall appear in any publication of the District that sets forth the comprehensive rules, procedures and standards of conduct for the District.
- B. Student Training. The school administrator shall use his/her discretion in developing age-appropriate methods of discussing the meaning and substance of this policy with students to help prevent hazing, harassment and bullying.
- C. Staff Training. The board or its designee shall ensure that teachers and other staff receive training in preventing, recognizing and responding to hazing, harassment and bullying.
- D. Data Gathering. Public school districts shall provide the Vermont Agency of Education with data requested by the Secretary of Education.

### Legal References:

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



## **Acceptable Use of Electronic Resources and the Internet G13**

### **Purpose**

The Windham Southeast School District uses electronic resources including the Internet to support and enrich the curriculum, to allow students to benefit from access to electronic information resources and opportunities for collaboration that are uniquely provided by certain electronic technologies, and to enhance staff professional development.

This policy is intended to ensure compliance with the requirements of applicable federal and state laws that regulate the provision of access to the Internet and other electronic resources by school districts.

**Definitions.** As used in this policy, the following terms shall be defined in accord with federal and, where the context clearly allows, state law.

- A. **Child Pornography** means any visual depiction, including any photograph, film, video, picture, or computer or computer-generated image or picture, whether made or produced by electronic, mechanical, or other means, of sexually explicit conduct, where:
1. the production of such visual depiction involves the use of a minor engaging in sexually explicit conduct;
  2. such visual depiction is a digital image, computer image, or computer-generated image that is, or is indistinguishable from, that of a minor engaging in sexually explicit conduct; or
  3. such visual depiction has been create, adapted, or modified to appear that an identifiable minor is engaging in sexually explicit conduct.
- B. **Harmful to minors** means any picture, image, graphic image file or other visual depiction that:
1. taken as a whole, with respect to minors, appeals to a prurient interest in nudity, sex or excretion;
  2. depicts, describes or represents in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or lewd exhibition of the genitals; and
  3. taken as a whole lacks serious literary, artistic, political or scientific value as to minors.
- C. **Technology protection measure** means a specific technology that blocks or filters Internet access to visual depictions that are obscene, child pornography, or harmful to minors.

- D. Minor means an individual who has not attained the age of 18.
- E. Computer and other electronic devices means any hardware, software, or other technology attached or connected to, installed in, or otherwise used in connection with a computer.
- F. Access to Internet means a computer that is equipped with a modem or is connected to a computer network that has access to the Internet.

## **Policy**

Access to District electronic resources including the Internet will be available to students and staff who agree to abide by the requirements of this policy. User agreements, except as otherwise described in this policy, will be required prior to allowing any individual unsupervised access to District electronic resources.

The availability of access to electronic information does not imply endorsement by the District of the content, nor does the district guarantee the accuracy of information received. The District shall not be responsible for any information that may be lost, damaged or unavailable when using the network or for the content of any information that is retrieved via the Internet.

The use by students, staff or others of district electronic resources is a privilege, not a right. The District's computer and network resources are the property of the District. Users shall have no expectation of privacy in anything they create, store, send, receive or display on or over the District's computers or network resources, including personal files. The district reserves the right to monitor, track, and log network access and use; monitor fileserver space utilization by District users; or deny access to prevent unauthorized, inappropriate or illegal activity and may revoke access privileges and/or administer appropriate disciplinary action for misuse of its electronic resources. The District shall cooperate to the extent legally required with local, state and federal officials in any investigation concerning or related to the misuse of the District's Internet, computers or network.

The District shall work to ensure Internet safety for minors by taking steps that include monitoring the online activities of minors and the operation of technology protection measures with respect to any of its computers with Internet access that protects against access through such computers to visual depictions that are obscene, child pornography, or harmful to minors.

The following materials, in addition to those stated in law and defined in this policy, are inappropriate for access by minors:

- Defamatory
- Lewd, vulgar, or profane
- Threatening
- Harassing or discriminatory
- Bullying
- Terroristic



The District shall operate technology protection measures during the use of any of its computers with Internet access, including those computers not accessible to minors that protect against access through such computers to material inappropriate for minors, including but not limited to, visual depictions that are obscene or child pornography.

### **Administrative Responsibilities**

The Superintendent or his or her designee shall coordinate and oversee the use of District electronic resources including the Internet, and will develop procedures necessary to implement this policy. In addition, the Superintendent or his or her designee shall ensure that the district, as part of its implementation of this policy, is educating minors about appropriate on-line behavior, including interacting with other individuals on social networking websites and in chat rooms and cyberbullying awareness and response.

Administrative procedures developed under this policy shall include provisions necessary to ensure that Internet service providers and other contractors comply with applicable restrictions on the collection and disclosure of student data and any other confidential information stored in District electronic resources.

In addition, the administrative procedures developed under this policy shall include Internet safety measures that provide for the monitoring of online activities by minors and address the following:

1. Control of access by minors to inappropriate matter on the Internet and World Wide Web.
2. Safety and security of minors when using electronic mail, chat rooms, and other forms of direct electronic communications.
3. Prevention of unauthorized online access by minors, including "hacking" and other unlawful activities.
4. Unauthorized disclosure, use, dissemination of personal information regarding minors.
5. Restriction of minors' access to materials harmful to them.

The administrative procedures developed under this policy shall also provide that authorized individuals may temporarily disable the District's technology protection measures to enable access for bona fide research or other lawful purpose.

The Superintendent or his or her designee shall conduct an annual analysis of the implementation of this policy, and shall make recommendations to the Board as needed to ensure that the District's approach to Internet safety is effective.

### **User Responsibilities**

During school hours, users may access electronic resources including the Internet for school related purposes only. The term "school related purpose" includes use of the system for classroom activities, which may involve e-mail communication, career development, and curriculum driven research. It also includes use of the system for other school activities such as sports, other co-curricular activities and school sponsored fund raising activities.

The District may provide e-mail access for students and staff. Students and staff may use real-time electronic communication, such as chat or instant messaging (only for specifically organized educational activities).

Students will not post personal contact information about themselves or other people and agree to follow communication safety requirements outlined in administrative procedures when using electronic communications including the Internet.

All users of District electronic resources are expected to act in a responsible, ethical and legal manner. Specifically, the following uses are prohibited:

1. Commercial or for-profit uses.
2. Product advertisement or political lobbying.
3. Bullying or harassment
4. Offensive or inflammatory communication, including hate mail, discriminatory remarks or “sexting.”
5. Unauthorized or illegal installation, distribution, reproduction or use of copyrighted materials.
6. Accessing sending, receiving, transferring, viewing sharing or downloading obscene, pornographic, lewd or otherwise illegal materials, images or photographs.
7. Inappropriate language or profanity.
8. Impersonation of another user.
9. Loading or using unauthorized games, programs, files or other electronic media.
10. Disabling or bypassing the Internet blocking/filtering software without authorization.
11. Accessing, sending, receiving, transferring, viewing, sharing or downloading confidential information without authorization.

Students and staff may access the District’s electronic resources for limited personal use. Limited personal use of the District’s electronic resources including the Internet shall be allowed if permission is granted by the superintendent or his or her designee in advance, and the use:

- o imposes no tangible cost to the District;
- o does not unduly burden the District’s electronic resources;
- o occurs during non-instructional time and does not impede other student or staff access for educational purposes; and
- o does not violate this policy.

### **Parental Notification and Responsibility**

Each school will provide written annual notice to parents/guardians about student use of District electronic resources including the Internet, the policies and procedures governing their use, and the limitation of liability of the District. Parents/guardians must sign an agreement to allow their child(ren) to access District electronic resources including the Internet and return this agreement to the school before access will be granted. Students 18 years of age or older must sign their own agreement. A signed user agreement will not be required when students are using school computers for research as part of a course requirement and the use is supervised by a responsible adult.

### **Limitation/Disclaimer of Liability**

The District is not liable for unacceptable use or violations of copyright restrictions or other laws, user mistakes or negligence, and costs incurred by users. The District is not responsible for ensuring the accuracy, age appropriateness, or usability of any information found on the District's electronic resources network including the Internet. The District is not responsible for any damage experienced, including, but not limited to, loss of data or interruptions of service. The District is not responsible for the accuracy or quality of information obtained through or stored on the electronic resources system including the Internet, or for financial obligations arising through their unauthorized use.

### **Enforcement**

In the event there is an allegation that a user has violated this policy, a student will be provided with notice and opportunity to be heard in the manner set forth in the student disciplinary policy.

Allegations of staff member violations of this policy will be processed in accord with contractual agreements and legal requirements.

The District will cooperate fully with local, state, or federal officials in any investigation concerning or relating to illegal activities conducted through the use of the District's electronic resources including the Internet.

Date Warned: July 22, 2019  
Date Adopted: August 7, 2019  
Legal References: 17 U.S.C. §§101-120 (Federal Copyright Act of 1976 as amended)  
20 U.S.C. § 6777 et seq. (Enhancing Education Through Technology Act)  
18 U.S.C. §2251 (Federal Child Pornography Law—Sexual Exploitation and Other Abuse of Children)  
47 U.S.C. §254 (Children's Internet Protection Act)  
47 CFR §54.520 (CIPA Certifications)  
13 V.S.A. §§2802 et seq. (Obscenity, minors)  
13 V.S.A. § 1027 (Disturbing Peace by Use of...Electronic Means)  
13 V.S.A. §2605(Voyeurism)  
Cross Reference: Student Conduct and Discipline (F1)  
Copyrights (G2)  
Selection of Instructional Materials (G5)  
Complaints About Instructional Materials (G6)



## **Policy D11**

It is the policy of the Windham Southeast 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 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 C9.

### **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 school and school district administrators to attend the 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.

Date Warned: July 22, 2019

Date Adopted: August 7, 2019

Legal Reference(s): 16 VSA § 1752 (Suspension, Dismissal)  
1 VSA § 31 et seq. (Open Meetings)

Cross Reference: Board Commitment to Non-Discrimination (C6)



## **Policy F10**

It is the policy of the Windham Southeast School District to ensure that all School District employees report suspected child abuse and/or neglect as outlined in 33 V.S.A. §4911 et seq.

### **Purpose**

The purpose of this policy is to protect children whose health and welfare may be jeopardized by abuse or neglect. It is further the purpose of this policy to make clear to all School District employees and school officials that it is not their role to be investigator, judge and jury in cases of suspected abuse or neglect. Rather, it is the role of School District employees to be faithful and timely reporters of suspected abuse or neglect so that allegations can be brought to the attention of objective, trained and experienced investigators.

### **Definitions**

1. ***Immediately*** means as soon as the abuse or neglect is suspected but in no case later than 24 hours after such abuse or neglect is suspected.
2. ***Suspected*** means the School District employee has reasonable cause to believe such abuse or neglect occurred. This does not mean that the employee must be convinced the abuse or neglect occurred. Doubts the employee may have shall be resolved in favor of reporting the suspicion. Further, the employee shall not refrain from making a report under this policy for the reason that there may be retaliation against the child because the employee has a confidential relationship with the child, or for any other reason no matter how well-intentioned.
3. ***Report*** means an oral or written description of the suspected abuse or neglect. If the report is made orally, the reporter should note in writing the person to whom the report was made and when the report was made. A report made to DCF shall contain the following:
  - the name and address of the reporter
  - the name and address, if known, of the child and the child's parents or other persons responsible for the child's care
  - the age of the child
  - the nature and extent of the child's injuries together with any evidence of previous abuse or neglect of the child or the child's siblings
  - any other information the reporter believes might be helpful

4. **Abused or neglected child** means a child under the age of eighteen whose physical health, psychological growth and development or welfare is harmed or at substantial risk of harm by the acts or omissions of the child's parent or other individual who may be responsible for the child's welfare (e.g. guardian, foster parent, stepparent, teacher, etc.), or in the case of sexual abuse, of any individual.

Harm can be caused by the actual infliction of harm, including physical injury or emotional maltreatment, by allowing such harm to occur, by failing to provide the child with adequate food, clothing, shelter or health care, or by abandonment of the child.

5. **Sexual abuse** means any act by a person involving sexual molestation or exploitation of a child including but not limited to incest, prostitution, rape, sodomy, or any lewd and lascivious conduct involving a child. Sexual abuse also includes the aiding, abetting, counseling, hiring, or procuring of a child to perform or participate in any photograph, motion picture, exhibition, show, representation, or other presentation which, in whole or in part, depicts sexual conduct, sexual excitement or sadomasochistic abuse involving a child. NOTE: THE LAW PROVIDES THAT SEXUAL ABUSE MAY ALSO BE SEXUAL HARASSMENT. HOWEVER, FOLLOWING THIS SCHOOL DISTRICT'S POLICY ON SEXUAL HARASSMENT DOES NOT FULFILL A MANDATORY REPORTER'S LEGAL RESPONSIBILITIES UNDER THE DCF REPORTING LAW. SUSPECTED SEXUAL ABUSE MUST BE REPORTED TO DCF.

### **Implementation**

Any School District employee or school official, regardless of whether he or she is a "mandated reporter," under Vermont law (33 V.S.A. §4913), shall report suspected child abuse or neglect to the building Principal or his or her designee. If the building Principal or designee is the person suspected of child abuse or the person who suspects the abuse or neglect, the report shall be made to the Superintendent of Schools.

Upon receiving a report, the Principal, Principal's designee or the Superintendent, as the case may be, shall report the incident immediately to the Department of Children and Families (DCF).

### **Training**

All staff shall receive training once each school year in reporting suspected child abuse and neglect. Such training shall include assistance in recognizing the signs and symptoms of abuse and neglect.

### **Availability of Policy**

This policy shall be provided each year to the parents of students in attendance and to each employee of the School District including substitute teachers. Further, this policy shall be posted in at least three prominent places within the school building

Date Warned: July 22, 2019  
Date Adopted: August 7, 2019  
Legal Reference(s): 33 V.S.A. §§4911 et seq. (Reporting abuse of children)  
Cross Reference: Prevention of Harassment of Students (F23)



## **Policy F21**

### **I. Statement of Purpose**

It is the policy of the Windham Southeast School District that students not be subjected to inappropriate restraint or seclusion as defined by Vermont State Board of Education Rule 4500. It is the school district's intent to create and maintain a positive and safe learning environment, and promote positive behavioral interventions and supports in district schools. This policy is further intended to assist in creating a common understanding within the school district of appropriate interventions by district staff.

### **II. Definitions**

The following terms, as defined in State Board Rule 4500.3, shall apply to this policy.

- A. Behavioral Intervention Plan means a plan that details strategies to address behaviors that impede learning, or are ongoing, and do not readily respond to general intervention or classroom management techniques, by teaching pro-social skills and other positive replacement behaviors. The plan may include positive strategies, program or curricular modifications, and supplementary aids and supports required to address problem behaviors.
- B. Chemical Restraint means a drug, medication or chemical used on a student to control behavior or restrict movement that is not:
  - 1. Prescribed by a student's licensed physician for the standard treatment of a student's medical or psychiatric condition; and
  - 2. Administered as prescribed by the licensed physician.
- C. Functional Behavioral Assessment means the analysis of a student's behavior patterns before, during, and after rule-breaking or other inappropriate behavior for the purpose of guiding the development of a behavioral intervention plan.
- D. Mechanical Restraint means the use of any device or object that restricts a student's movement or limits a student's sensory or motor functions unless under the direction of a healthcare professional for medical or therapeutic purposes. The term does not include devices implemented by trained school personnel, or utilized by a student for the specific and approved therapeutic and safety purposes for which such devices were designed including:
  - 1. Restraints for medical immobilization,

2. Adaptive devices or mechanical supports used to achieve proper body position, balance or alignment;
  3. Vehicle safety restraints including a seat belt or harness used for balance or safety on a car or bus; or
  4. Seat belts in wheelchairs or on toilets.
- E. Parent means:
1. A biological or adoptive parent of the child;
  2. A legal guardian of the child;
  3. A person acting in place of a biological or adoptive parent, including a grandparent, stepparent or other relative with whom the child lives, or a person legally responsible for the child's welfare;
  4. A foster parent or developmental home provider who has been appointed the educational surrogate parent by the Educational Surrogate Parent Program; or
  5. An educational surrogate parent.
- F. Physical Escort means the temporary touching or holding, without the use of force, of the hand, wrist, arm, or back of a student who is exhibiting minimal resistance for the purpose of directing movement from one place to another.
- G. Physical Restraint means the use of physical force to prevent an imminent and substantial risk of bodily harm to the student or others. Physical restraint does not include:
1. Momentary periods of physical restriction by direct person-to-person contact, accomplished with limited force and designed either
    - (a) to prevent a student from completing an act that would result in potential physical harm to himself/herself or another person; or
    - (b) to remove a disruptive student who is unwilling to leave the area voluntarily;
  2. The minimum contact necessary to physically escort a student from one place to another;
  3. Hand-over-hand assistance with feeding or task completion; or
  4. Techniques prescribed by a qualified medical professional for reason of safety or for therapeutic or medical treatment.
- H. Positive Behavioral Interventions and Supports means an approach to preventing and responding to targeted behavior that:
1. Is based on evidence-based practices;
  2. Is proactive and instructional, rather than reactive; Can operate on individual, group, classroom, or school wide levels;
  3. Includes a system of continual data collection; and
  4. Relies on data-driven decisions.
- I. Prone Physical Restraint means holding a student face down on his or her stomach using physical force for the purpose of controlling the student's movement.
- J. School means a learning environment receiving public funds or over which the Vermont Department of Education has regulatory authority.



- K. School Personnel means individuals working in schools as defined in 4500.3(10) who are employed by the school or who perform services for the school on a contractual basis, and school resource officers, while acting in that capacity.
- L. Seclusion means the confinement of a student alone in a room or area from which the student is prevented or reasonably believes he or she will be prevented from leaving. Seclusion does not include time-out where a student is not left alone and is under adult supervision.
- M. Substantial Risk means an imminent threat of bodily harm where there is an ability to enact such harm. Substantial risk shall exist only if all other less restrictive alternatives to defuse the situation have been exhausted or failed or the level of risk prohibits exhausting other means.
- N. Supine Physical Restraint means holding a student on his or her back using physical force for the purpose of controlling the student's movement.
- O. Student means a student enrolled in a school as defined in paragraph J above.

### **III. Policy**

The superintendent or his or her designee shall develop administrative procedures to ensure district/school district compliance with the requirements of Vermont State Board of Education Rule 4500. The administrative procedures shall include at least the following components.

- A. Prohibitions against the imposition on students of mechanical or chemical restraints by school personnel and contract service providers.
- B. Prohibitions against the imposition on students of physical restraint in circumstances designated as impermissible by State Board of Education rules.
- C. Restrictions on the use of physical restraint and seclusion to circumstances allowed by State Board of Education rules, including provisions that allow the inclusion of restraint or seclusion as part of a student's individual safety plan only when that plan meets the conditions set forth in State Board of Education rules, and provisions that require the termination of restraint or seclusion, and the monitoring of students subjected to restraint or seclusion, as established by State Board of Education rules.
- D. Procedures to ensure that only school personnel or contract service providers who are trained in the use of restraint and seclusion are authorized to impose restraint or seclusion unless, due to the unforeseeable nature of the danger of a particular circumstance, trained personnel are not immediately available.
- E. Processes to ensure that impositions of restraint or seclusion are reported to school administrators, parents, superintendents and the Secretary of the Vermont Agency of Education under circumstances and within the time limitations required by State Board of Education rules.

- F. Processes to ensure that each school in the district/school district maintains written records of each use of restraint and seclusion in accordance with the requirements of State Board of Education rules.
- G. Procedures to ensure that each school in the district/school district implements follow-up procedures that are consistent with the requirements of State Board of Education rules.
- H. Annual notification procedures to ensure that each school in the district/school district informs school personnel and parents of students enrolled in the school of the policies and procedures pertaining to the use of physical restraint and seclusion, and the intent of the school to emphasize the use of positive behavioral interventions as well as supports and its intention to avoid the use of physical restraint or seclusion to address targeted student behavior.
- I. Processes for the filing, investigation and resolution of complaints by school personnel or parents regarding the use of restraint or seclusion, including the designation of school officials who are authorized to receive complaints. The procedures for resolving complaints shall require that any complaint regarding the use of restraint or seclusion is investigated and written findings are issued within thirty (30) days of the complaint's receipt. If a complaint regarding the use of restraint or seclusion is unresolved at the school building level, it shall be directed to the superintendent in accordance with the complaint processes established by the Board in Policy D11, Public Complaints About Personnel.

#### **IV. Implementation**

The superintendent shall ensure that appropriate staff are provided training by programs recommended by the Vermont Agency of Education unless he or she submits a plan to the Secretary of Education demonstrating how a training program not recommended by the Department of Education contains the elements required of recommended programs and meets the purposes of the State Board of Education rules on restraint and seclusion.

The superintendent shall report annually to the Board on the implementation of the administrative procedures required by this policy, and shall include in his or her report recommendations for changes, if any, to related school district/school district policies or procedures.

Date Warned: July 22, 2019

Date Adopted: August 7, 2019



### **Policy F34**

This policy is designed to provide direction for administrators, staff, students, and parents to address issues that may arise concerning the needs of transgender and gender creative students. Title IX of the Education Amendments of 1972, and 9 V.S.A. 4502 protect all students from sex discrimination, including transgender students and students who do not conform to traditional gender stereotypes.

It is the policy of the Windham Southeast School District to provide a safe, orderly, civil and positive learning environment for all students, regardless of perceived or actual sex, sexual orientation, gender identity, or gender expression.

### **Definitions**

- “Cisgender” means a person whose gender identity corresponds to their assigned sex at birth.
- “Gender identity” means a person’s actual or perceived gender identity, or gender-related characteristics that are intrinsically related to a person’s gender or gender-identity, regardless of the person’s assigned sex at birth.
- “Gender expression” means the way a person externally communicates gender to other people such as through behaviors, clothing, hairstyles, voice, mannerisms, activities, or body characteristics.
- “Gender creative” refers to a person whose gender-related identity and/or gender expression does not conform to the social expectations or norms for a person of that sex assigned at birth. Other terms that have the same or similar meaning include gender non-conforming, gender variant, gender expansive, gender fluid, or gender atypical.
- “Transgender” is a term which describes an individual whose gender identity or gender expression is different from the individual’s assigned sex at birth.
- “Sexual Orientation” is a person’s emotional and sexual attraction to other people based on the gender of the other person. Sexual orientation is not the same as gender identity. Not all transgender students identify as gay, lesbian or bisexual, and not all gay, lesbian and bisexual students display gender creative characteristics.

### **Privacy**

All students have the right to privacy. Consistent with those rights provided under the Family Educational Rights and Privacy Act of 1974 (FERPA), a transgender or gender creative student will be able to discuss and express their gender identity and gender expression openly and to decide when, with whom, and how much of their private information to share with others.

In addition, school staff will respect any requests to use a name and pronoun that corresponds to the student's gender identity that the student asserts or wishes to assert at school. Students will not be required to obtain a court ordered name and/or gender change or to change their pupil personnel records as a prerequisite to being addressed by the name and pronoun that corresponds to their gender identity.

There may be times when disclosure to school staff or employees of a student's transgender status is necessary in order to fulfill a school's obligations to the transgender student with respect to safety and health, education and anti-discrimination efforts. In all cases, the school will work closely with students and families in devising an appropriate plan regarding the confidentiality of a student's transgender status that works for both the student and the student's family while meeting competing legal requirements. To the extent possible and consistent with all competing legal requirements, school personnel will endeavor throughout to maintain the confidentiality of the student's transgender status.

### **Student Records**

The superintendent will adopt procedures that ensure that all students' personally identifiable information is maintained in compliance with FERPA and state and federally mandated reporting requirements.

To the extent that the school is not legally required to use a student's legal name or gender on school records and other documents, the school will use the name and gender preferred by the student.

Where a student's record(s) may not be changed absent court order due to state and federal law, efforts will be taken to maintain those records in strictest confidentiality in order to preserve the student's transgender status and, where appropriate, for an amended version to be maintained which preserves the confidentiality of that transgender status where a review of the record is required for educational purposes by either school personnel, the student, or personnel who will be evaluating the student (for eligibility purposes, for example).

A student (or parent in the case of minor student) who is currently enrolled may request retroactive changes to that student's record including name and gender. Such requests will be handled on a case-by-case basis with consideration of the need to maintain legally accurate records consistent with state and federal mandated reporting requirements with the school's ongoing efforts to maintain internal student confidentiality regarding a student's transgender status.

Former student permanent pupil records will be changed by request of a parent of a minor student, or former students who have reached the age of majority, upon receipt of documentation that such legal name and/or gender have been changed pursuant to applicable state law.

## Use of Gender Segregated Facilities

A transgender student will not be required to use a locker room or restroom that conflicts with the student's gender identity.

Any student who expresses a need or desire for increased privacy will be provided with reasonable alternative arrangements. Reasonable alternative arrangements may include the use of a private area, or a separate changing schedule, or use of a single stall restroom. Any alternative arrangement will be provided in a way that protects a student's ability to keep their transgender status confidential.

In all cases the use of restrooms and locker rooms by transgender students requires schools to consider numerous factors, including, but not limited to: the transgender student's preference; protecting student privacy; maximizing social integration of the transgender student; minimizing stigmatization of the student; ensuring equal opportunity to participate; the student's age; and protecting the safety of the students involved.

## School Activities

As a general rule, in any circumstances where students are separated by gender in school activities (i.e., overnight field trips), students will be permitted to participate in accordance with their gender identity consistently asserted at school. Activities that may involve the need for accommodations to address student privacy concerns will be addressed on a case-by-case basis considering the factors listed above.

Date Warned: July 22, 2019  
Date Adopted: August 7, 2019



**Code: F38**  
**Required**

### **I. Statement of Policy.**

- A. **Prohibiting Title IX Sexual Harassment.** Per Title IX of the Education Amendments Act of 1972 ("Title IX") the Supervisory Union does not discriminate on the basis of sex in its educational programs and activities, including employment and admissions. All forms of sex-based discrimination, including sexual harassment, are prohibited in the Supervisory Union. A Supervisory Union with actual knowledge of sexual harassment in an educational program or activity of the Supervisory Union against a person in the United States must respond promptly in a manner that is not deliberately indifferent. A Supervisory Union is deliberately indifferent only if its response to sexual harassment is clearly unreasonable in light of the known circumstances. A Supervisory Union may be

deemed to have been deliberately indifferent based on its restriction of rights protected under the U.S. Constitution, including the First, Fifth and Fourteenth Amendments.

- B. **Retaliation.** Retaliation as defined by this Policy is expressly prohibited. Complaints alleging retaliation may be filed according to the Title IX Grievance Procedures set forth in Section IV.
- C. **Concurrent Statutory Obligations.** While all forms of sex-based discrimination are prohibited in the Supervisory Union, the purpose of this policy is to address, and only address, *sexual harassment as defined in Title IX and Section II.M. below.* For conduct which satisfies that definition, a school's response is governed by this policy, and in those cases for which they have received a filing of a formal complaint of same, as set forth under the Title IX Grievance Process set forth in Section IV below. For other forms of inappropriate conduct, or conduct which may satisfy the definition of harassment on the basis of sex under Vermont law, including student misconduct and employment based statutes prohibiting unlawful harassment and other forms of misconduct, the Supervisory Union may have the separate obligation to address those behaviors as required by other school policies and applicable laws.
- D. **Covered Parties.** This Policy shall apply to all students, employees and any third party who contracts with the Supervisory Union to provide services to Supervisory Union students or employees, upon Supervisory Union property or during any school program or activity. A third party under supervision and control of the school system will be subject to termination of contracts/agreements, restricted from access to school property, and/or subject to other consequences, as appropriate.

## II. Definitions

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

- A. **“Actual Knowledge”** means “notice” of “sexual harassment” or allegations of “sexual harassment” to either (a) a recipient's Title IX Coordinator; or (b) any official of the recipient who has the authority to institute corrective measures on behalf of the recipient; or (c) to any employee of an elementary and secondary school.
  - a. For purposes of this paragraph “sexual harassment” refers to the definition as contained *within this policy.* For other forms of inappropriate conduct, or conduct which may satisfy the definition of harassment on the basis of sex as recognized under Vermont law, schools retain the option and in some cases the obligation, to address those behaviors as required by policy and law.
  - b. Actual knowledge shall not be deemed to exist when the only official of the recipient with actual knowledge is the respondent.
  - c. “Notice” as used in this paragraph includes, but is not limited to, a Report of Sexual Harassment to the Title IX Coordinator as described Section IV.B.
  - d. Notice sufficient to trigger an obligation under this policy only shall exist where any employee has sufficient personal knowledge of alleged facts to be aware that if such facts were found to be true it would constitute a violation of this policy.
  - e. Imputation of knowledge based solely on vicarious liability OR constructive notice shall be insufficient to establish or constitute actual knowledge.
- B. **“Complainant”** is an individual who is alleged to be the victim of conduct that could constitute “sexual harassment” under this Policy. In order for an individual to be

considered to be a Complainant they need not file Report of Sexual Harassment, nor a Formal Complaint of Sexual Harassment. Where the Title IX Coordinator signs a Formal Complaint of Sexual Harassment, the Title IX Coordinator is not considered a "Complainant."

- C. "**Days**" shall mean calendar days, but shall exclude non-weekend days on which the Supervisory Union office is closed (e.g. holidays, office-wide vacations), or any weekday during the school year on which school is closed (e.g. snow days).
- D. "**Decision-Maker**" means persons tasked with either the responsibility of making determinations of responsibility (referred to as "Initial Decision-Maker"); or the responsibility to decide any appeal (referred to as "Appellate Decision-Maker") with respect to Formal Complaints of Sexual Harassment in accordance with the Title IX Grievance Process.
- E. "**Determination of Responsibility**" is the formal finding by the decision-maker on each allegation of Sexual Harassment contained in a Formal complaint that the Respondent did or did not engage in conduct constituting Sexual Harassment under Title IX.
- F. "**Disciplinary sanctions**" are consequences imposed on a Respondent when s/he is determined responsible for sexual harassment prohibited under this Policy.
- G. "**Emergency Removal**" for purposes of this Policy shall mean removing a respondent from the Supervisory Union's education program or activity on an emergency basis, provided that the Supervisory Union undertakes an individualized safety and risk analysis, determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal, and provides the respondent with notice and an opportunity to challenge the decision immediately following the removal. Emergency Removals as permitted by this Policy shall not be construed to modify any rights under the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act.
- H. "**Formal Complaint of Sexual Harassment**" means a document filed by either (a) a complainant (or complainant's parent/guardian); or (b) the Title IX Coordinator, alleging sexual harassment against a respondent AND requesting that the Supervisory Union investigate the allegation of sexual harassment. The issuance or receipt of a Formal Complaint of Sexual Harassment formally triggers the Title IX Grievance Process set forth in Section IV of this Policy.
- I. "**Investigation of Title IX Sexual Harassment**" Before the Supervisory Union can conduct an Investigation of Sexual Harassment under this Policy, against a Respondent, a Formal Complaint of Sexual Harassment that contains an allegation of sexual harassment and a request that the Supervisory Union investigate the allegations is required. Such investigation is a part of the Title IX Grievance Process, as set forth in Section IV.E.
- J. "**Remedial actions**" are actions intended to restore or preserve a complainant's equal access to the educational programs and activities of the Supervisory Union.

- K. “**Report of Sexual Harassment**” is any report which provides the Supervisory Union with actual knowledge of sexual harassment or allegations of sexual harassment. Such a report may or may not be accompanied by a Formal Complaint of Sexual Harassment. Without such a Complaint, the Title IX Grievance Process is not triggered. See Section IV.A and IV.B. regarding the process for initiating that process.
- L. “**Respondent**” means an individual who has been reported to be the individual accused (i.e. perpetrator) of conduct that could constitute sexual harassment as defined under this policy.
- M. “**Retaliation**” means intimidation, threats, coercion, or discrimination by either the Supervisory Union or any other person, against any individual for the purpose of interfering with any right or privilege secured by Title IX and/or this Policy, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing in connection with this Policy. Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sexual discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX or this policy, constitutes retaliation.

Limitation in Scope.

- i. Material False Statements. Actions taken in response to **materially** false statements made in bad faith, or to submitting **materially** false information in bad faith, as part of a report or during the Title IX Grievance Process do not constitute retaliation. A determination of responsibility alone is insufficient to conclude that a person made a materially false statement in bad faith.
  - ii. 1st Amendment Protections. The exercise of rights protected under the First Amendment does not constitute retaliation prohibited by this Policy.
- N. “**Sexual harassment**” prohibited under Title IX and by this Policy is conduct on the basis of sex, occurring in an education program or activity of the Supervisory Union, against a person in the United States that satisfies one or more of the following:
1. A Supervisory Union employee conditioning the provision of an aid, benefit, or service of the Supervisory Union on an individual's participation in unwelcome sexual conduct; **OR**
  2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, **AND** objectively offensive that it effectively denies a person equal access to the Supervisory Union’s education program or activity; **OR**
  3. Or any conduct which satisfies one or more of the following definitions:
    - a. Sexual assault: Any sexual act(s) directed at another person without consent of the victim, including instances where the victim is unable to lawfully give consent because of age or cognitive ability. Consent to a sexual act exists where words, actions or other non-verbal conduct objectively communicates a desire to participate in the sexual act(s). Consent to some sexual act(s) does not indicate consent to all sexual acts. Consent may be withdrawn at any time by objectively communicating through words, actions or other non-verbal conduct. **AND/OR**
    - b. Dating Violence: Violence committed by a person who is or has been in a social relationship of a romantic or an intimate nature with the victim. The



existence of the relationship shall be considered with reference to the length of the relationship, the type of relationship and the frequency of the interactions between the persons involved in the relationship. **AND/OR**

- c. Domestic violence: Felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner or any other persons protected under 15 V.S.A. section 1101 from domestic abuse. **AND/OR**
- d. Stalking: A course of conduct by a person directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others or suffer substantial emotional distress.

Limitation in Scope. For purposes of this policy conduct shall not be deemed to satisfy Title IX's definition of "sexual harassment" if the conduct occurred either

(1) outside of the United States and/or (2) includes locations, events or circumstances over which the Supervisory Union did not exercise substantial control over both the respondent and the context in which the harassment occurred.

- O. **"Supportive Measures"** are non-disciplinary, non-punitive, individualized services, offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the Supervisory Union's education program or activity without unreasonably burdening the other party including measures designed to protect the safety of all parties or the Supervisory Union's educational environment, or deter sexual harassment. These measures may include, but are not limited to, the following:
  - 1. counseling;
  - 2. extensions of deadlines or other course-related adjustments;
  - 3. modifications of work or class schedules;
  - 4. campus escort services;
  - 5. mutual restrictions on contact between the parties;
  - 6. changes in work or housing locations;
  - 7. leaves of absence;
  - 8. increased security and monitoring of certain areas of the Supervisory Union campus;
  - 9. and other similar measures.

### III. Duties

#### A. Reports of Sexual Harassment

- 1. Any Person May Make a 'Report of Sexual Harassment'. Any person may report sexual harassment whether relating to her/himself or another person. A Report of Sexual Harassment may be made at any time, in person, by mail, by telephone, electronic mail, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report.
  - a. Any Staff Member May Receive Reports. Additionally, while the Supervisory Union strongly encourages Reports of Sexual Harassment to be made directly to

the Title IX Coordinator, the report may be made to **any** Supervisory Union staff member, including, for instance, a counselor, teacher or principal.

- b. In Cases where Title IX Coordinator is Alleged Respondent. If the Title IX Coordinator is the alleged respondent, in such cases either the Report of Sexual Harassment or Formal Complaint of Sexual Harassment may be made directly to the Superintendent, who shall thereafter fulfill the functions of the Title IX Coordinator regarding that Report/Complaint, or delegate the function to another person.

**B. Supervisory Union Response to Report of Sexual Harassment.**

1. Duty to respond. The Supervisory Union will promptly respond when there is Actual Knowledge of sexual harassment, even if a Formal Complaint of Sexual Harassment has not been filed.
  - a. Supervisory Union Response Must Be Equitable. In its response the Supervisory Union shall treat Complainants and Respondents equitably by providing supportive measures to the Complainant and by following the Title IX Grievance Process prior to imposing any disciplinary sanctions or other actions that are not supportive measures against a Respondent.
  - b. Reports of Harassment Received by Supervisory Union Employees Shall Be Referred to Title IX Coordinator. Where any Supervisory Union employee – other than the employee harasser, or the Title IX Coordinator – receives information of conduct which may constitute sexual harassment under this Policy, s/he shall, without delay, inform the Title IX Coordinator of the alleged sexual harassment. Failure to report will subject the employee to discipline up to and including dismissal.
  - c. Complainant Contact. As soon as reasonably possible after receiving a Report of Sexual Harassment from another Supervisory Union employee or after receiving a report directly through any means, the Title IX Coordinator shall contact the Complainant [and parent/guardian in cases where the complainant is a student under the age of 18] to:
    - i. discuss the availability of and offer supportive measures;
    - ii. consider the complainant's wishes with respect to supportive measures;
    - iii. inform the complainant of the availability of supportive measures with or without the filing of a formal complaint; and
    - iv. explain to the complainant the process for filing a Formal Complaint of Sexual Harassment.
2. Formal Investigation of Sexual Harassment. Before the Supervisory Union may conduct a formal investigation of sexual harassment or take any action (other than supportive measures) against a Respondent, a Formal Complaint that contains an allegation of sexual harassment and a request that the Supervisory Union investigate the allegations is required and must be filed by either the Complainant, the Complainant's Parent/Guardian, or the Title IX Coordinator, as set forth under Section IV.B. below.
3. Initiating the Title IX Grievance Process. A Report of Sexual Harassment alone does **not** initiate a Title IX Grievance Process. Before the Supervisory Union may initiate that process, a Formal Complaint of Sexual Harassment must be filed under the procedures set out in IV.A. ("Title IX Grievance Process").

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

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

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

E. **Reporting to Other Agencies.**

1. **Reports to Department of Children and Families.** When a report made pursuant to this policy includes allegations of child abuse, any person responsible for reporting suspected child abuse under 33 V.S.A. § 4491, et seq. must report the allegation to the Commission or DCF. If the victim is over the age of 18 and a report of abuse is warranted, the report shall be made to Adult Protective Services in accordance with 33 V.S.A. § 6901 et seq.
2. **Reports to Vermont Agency of Education.** If a report of sexual harassment is made to the Supervisory Union about conduct by a licensed educator that might be grounds under Vermont law for licensing action, the principal shall report the alleged conduct to the Superintendent and the Superintendent shall report the alleged conduct to the Secretary. [If a report of sexual harassment is made in an independent school about conduct by a licensed educator that might be grounds under Vermont law for licensing action, the head of school is encouraged to report the alleged conduct to the Secretary of Education.]
3. **Reporting Incidents to Police.**
  - a. **FERPA Rights.** Information obtained and documented by school administration regarding the school’s response to notice of student conduct that may constitute sexual harassment may constitute an “educational record” regarding the student or student(s) involved as defined by the Family Education Rights and Privacy Act. Accordingly, such information may not be disclosed without prior parent approval to local law enforcement except in response to a lawfully issued subpoena, or in connection with an emergency if disclosure is necessary to protect the health or safety of the student or other individuals.
  - b. **First Hand Reports.** Nothing in this policy shall preclude persons from reporting incidents and/or conduct witnessed first-hand that may be considered to be a criminal act to law enforcement officials.

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

F. **Disseminating Information and Notice.**

1. Notice of Title IX Policy. The Supervisory Union will make this Policy publicly available on the Supervisory Union's website (OR if the Supervisory Union does not maintain a website, available upon request for inspection by members of the public).
2. Notice of Title IX Obligations and Coordinator Information. The Supervisory Union shall include in all student and employee handbooks, and shall make publicly available on the Supervisory Union's website (OR if the Supervisory Union does not maintain a website, available for inspection to members of the public upon request) the following information:
  - a. The Supervisory Union's policy of non-discrimination on the basis of sex, that it is required by Title IX not to discriminate in such a manner, and that such requirement not to discriminate in the education program or activity of the Supervisory Union extends to admission and employment (all to be prominently displayed on both the website and in publications);
  - b. The title, name, office address, email address, and telephone number of the Supervisory Union's Title IX Coordinator (all to be prominently displayed on both the website and in publications);
  - c. A statement that Title IX inquiries may be referred to either the Supervisory Union's Title IX Coordinator or to the Assistant Secretary for Civil Rights. The same information shall be otherwise provided to students, employees, unions or professional organizations holding collective bargaining or professional agreements with the Supervisory Union, and all persons seeking employment with the Supervisory Union, or seeking to enroll or participate in the Supervisory Union's educational programs or activities. Those persons shall also be informed of the grievance procedures and process provided for under Section IV. of this Policy, including how to file either a Report of Sexual Harassment or Formal Complaint of Harassment, and the response the Supervisory Union will take in response to such filings.
3. Training Materials. Additionally, the Supervisory Union will make any materials used to train personnel as required under Sec. V.F. publicly available on the Supervisory Union's website (OR if the Supervisory Union does not maintain a website, available upon request for inspection by members of the public).

G. **Record Keeping**

The Supervisory Union shall maintain for a period of seven years records of

1. **Sexual Harassment Investigations.** The Supervisory Union shall maintain records of any:
  - a) determination regarding responsibility;
  - b) any disciplinary sanctions imposed on the respondent;
  - c) any remedies provided to the complainant designed to restore or preserve equal access to the recipient's education program or activity; and
  - d) any appeal and result therefrom.
2. **Any informal resolution and the result therefrom.**
3. **All materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process.**

**4. For each response required of the Supervisory Union by this Policy to Actual Knowledge of Sexual Harassment, the Supervisory Union must create and maintain for a period of seven years the following:**

- a) Records of any actions, including any supportive measures, taken in response to a Report of Sexual Harassment or Formal Complaint of Harassment. In each instance the Supervisory Union must document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the Supervisory Union's educational program or activity. Where a Supervisory Union does not provide a Complainant with supportive measures, then the Supervisory Union must document the reasons why such a response was not clearly unreasonable in light of the known circumstances. The documentation of certain bases or measures does not limit the Supervisory Union in the future from providing additional explanations or detailing additional measures taken.

**H. Confidentiality**

**1. Duty to Maintain Confidentiality.**

The Supervisory Union must keep confidential the identity of any individual who has made a Report of Sexual Harassment or Formal Complaint of Sexual Harassment under this Policy, any Complainant, Respondent, and any witness, except either:

- a) As may be permitted by the FERPA statute, 20 U.S.C. 1232g, or FERPA regulations, 34 C.F.R. part 99;
- b) or as required by law, such as reports to DCF, law enforcement or the Agency of Education as set forth in Section III.E above;
- c) or to carry out the purposes of 34 C.F.R. part 106, including the conduct of any investigation, hearing or judicial proceeding arising thereunder, as set forth in this policy (Section IV.C.2, IV.E.7,8, and 10, IV.F.5., IV.G.3., and IV.H.7.);
- d) where maintaining confidentiality with respect to supportive measures offered to the Complainant or Respondent would impair the ability of the Supervisory Union to provide the supportive measures;

**IV. TITLE IX GRIEVANCE PROCESS.**

**A. General Provisions.**

1. Triggers for Implementation. The Title IX Grievance Process is used only upon the filing of a **Formal Complaint** of sexual harassment as described below. This process must be followed before any discipline of a Respondent to allegations of Sexual Harassment may be imposed by the Supervisory Union.
2. Protections for Equitable Treatment in the Handling of Formal Complaints by Supervisory Union. The Supervisory Union response to a Formal Complaint of Sexual Harassment shall treat Complainant and Respondents equitably. In particular, this Title IX Grievance Process shall require:
  - a) **“Presumption of Non Responsibility”** presumption that the Respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the Title IX Grievance Process;
  - b) **“Objectivity”** an objective evaluation of all relevant evidence - including both inculpatory and exculpatory evidence - and provide that credibility determinations may not be based on a person's status as a Complainant, Respondent, or Witness;
  - c) **“Conflict and Bias Free Personnel”** that individuals designated by the Supervisory Union to act as Title IX Coordinator, investigator, decision-makers, or to facilitate an informal resolution process, shall have no conflict of interest nor

- bias for or against a Complainant or Respondent individually, or complainants or respondents generally;
- d) **“No Interference with Legal Privileges”** such that at no point in the grievance process will the Title IX Coordinator, the investigator, any decision maker, or any other person participating on behalf of the Supervisory Union, require, allow, rely upon, or otherwise use questions or evidence that constitutes, or seeks disclosure of, information protected under a legally recognized privilege (e.g., doctor/patient, attorney/client, clergy, etc.), unless the person holding such privilege (parent/guardian for minor student) has waived the privilege in writing to use the information with respect to the Title IX Grievance Process;
  - e) **“Proof of Responsibility for Sexual Harassment by a Preponderance of the Evidence,”** which is only met when the party with the burden convinces the fact finder (the Initial Decision- Maker) that there is a greater than 50% chance that the claim is true (i.e., more likely than not). This standard shall be applied to all Formal Complaints of Sexual Harassment, whether they involve students or faculty; and
  - f) **“Reasonably Prompt Time Frames for Conclusion of the Title IX Grievance Process.”** The Supervisory Union shall make a good faith effort to conduct a fair, impartial grievance process in a reasonably prompt manner designed to provide all parties with a prompt and equitable resolution. It is expected that in most cases, the grievance process will be concluded - through at least the determination of responsibility decision - within 80 days after filing the Formal Complaint of Sexual Harassment. However, more complex cases or other case specific circumstances, may require additional time beyond that timeframe. In such cases, good cause must be shown and written notice provided.
    1. Grievance Process Timeline.
      - a. Investigation 20 +/- days (as the complexity of the case demands);
      - b. 10 days for reviewing information prior to conclusion of investigation;
      - c. 10 days after receiving investigative report -by either- party to respond;
      - d. 10 days for decision maker to allow initial questions;
      - e. 10 days for responses to questions;
      - f. 10 days for questions and responses to follow-up questions;
      - f. 10 days for determination of responsibility decision;
      - g. 10 days for appeal (6 additional days for administrative steps);
      - h. 10 days for argument/statement challenging or supporting determination;
      - i. 10 days for decision on appeal.
    2. Delays and Extensions of Time. At any stage of the grievance process, the Supervisory Union (through the Superintendent, or if the Superintendent is the respondent, the Title IX Coordinator or designee) may for good cause allow for temporary delays or extensions of time upon request of either party, or on his/her own initiative. Examples of good cause may include such things as availability of parties, party advisors, witnesses, school or school administrative office holidays or vacations, referral back to an earlier stage of the grievance process, concurrent law enforcement or other agency activity, or need to obtain language interpreters or accommodation of disabilities. For any such delay or extension of time, the Superintendent or the Title IX Coordinator will provide simultaneous written notice to the parties of the delay/extension and the reason(s).
    3. Delivery of Copies and Notices. Except as specifically stated elsewhere in this Policy, for any document, information or material required to be delivered to a party or to a person assigned with responsibility under the Title IX

Grievance Process, the manner of transmittal may be by electronic mail, regular mail or such other manner reasonably calculated to assure prompt delivery with evidence thereof (such as a commercial carrier or other receipted delivery). Hand delivery will only be permitted if made to the Supervisory Union official charged with the specific function under this Policy (e.g., Title IX Coordinator, Superintendent, investigator, decision maker(s), etc.). Any document required to be delivered to a minor or other non-eligible student, must also be delivered to the minor's parent/guardian. Copies should also be sent to a party's advisor if the information for the advisor has been previously communicated to the sending party. Under federal regulations, copies of the investigative evidence, as well as the investigative report, must be forwarded to a party's advisor.

4. Notice of Range of Disciplinary Sanctions and Remedial Actions Upon Final Determination of Responsibility.
  - a. Employee Respondents. "Disciplinary sanctions" against an employee respondent may include any available sanction available for the discipline of employees, up to and including dismissal or non-renewal for any other violation of Board policy, applicable individual or collective bargaining contract, or state or federal laws or regulations.
  - b. Student Respondents. "Disciplinary sanctions" against a student may include any available discipline or sanction, up to and including expulsion, permitted by Supervisory Union policies, and any other Supervisory Union rules and procedures or student code of conduct.
  - c. Remedial Actions. Remedial actions as to a Respondent after a Title IX Sexual Harassment Final Decision, whether employee or student, may include the imposition upon a responsible respondent of any additional non-disciplinary measures appropriate to effecting a remedy for sexual harassment, and may include such measures as no-contact requirements, scheduling adjustments, removal or exclusion from extracurricular activities, class reassignments, limits on future class registrations, restrictions on access to various spaces in the school buildings, reassignment of attendance, and similar measures fine-tuned to respond appropriately to the circumstances surrounding a successful complainant's right to access the Supervisory Union's program and activity. Additional remedial actions may include recommendations that a school-wide or system-wide response is needed in order to respond to the sexual harassment in a way that is not clearly unreasonable under the circumstances. In such cases, the Superintendent shall provide additional staff training, harassment prevention programs, or such other measures as determined appropriate to protect the safety of the educational environment and/or to deter sexual harassment.
5. Emergency Removal. Nothing in this Policy, or Title IX Grievance Process, precludes a Supervisory Union from removing a Respondent from the Supervisory Union's education program or activity on an emergency basis, provided that the Supervisory Union undertakes an individualized safety and risk analysis, determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal, and provides the Respondent with notice and an opportunity to challenge the decision immediately following the removal. This provision may not be construed to modify any rights under the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation

Act of 1973, or the Americans with Disabilities Act. Such removal shall not be disciplinary.

6. Administrative Leave. Nothing in this Policy precludes a recipient from placing a non-student employee respondent on administrative leave during the pendency of the Title IX Grievance Process. This provision may not be construed to modify any rights under Section 504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act.

B. **Formal Complaints of Sexual Harassment**. The Title IX Grievance Process is initiated by way of a Formal Complaint (“complaint” or “formal complaint”) filed by the Complainant, the Complainant’s parent/guardian, or the Title IX Coordinator.

1. Complainant Options. In cases of Actual Knowledge (and/OR) Reports of Sexual Harassment, the Complainant retains the option to either file a Complaint of Sexual Harassment or choose not to and instead simply receive the supportive measures, except as set forth below.
  - a. Filings by Title IX Coordinator. In cases where the Complainant does not file a Formal Complaint of Sexual Harassment, the Title IX Coordinator may nevertheless choose to sign and thus initiate a Formal Complaint of Harassment, but only if:
    - i. initiating the grievance process against the respondent is not clearly unreasonable in light of the known circumstances;
    - ii. in other cases where, in the exercise of good judgment and in consultation with the Supervisory Union’s attorney as appropriate, the Title IX Coordinator determines that a grievance process is necessary to comply with the obligation not to be deliberately indifferent to Actual Knowledge of sexual harassment.
    - iii. If the Complaint is filed by the Title IX Coordinator, he/she is not a party to the action, and the Supervisory Union must comply with all of the provisions of the Title IX Grievance Process relative to respondents and complainants.
  - b. Supportive Measures. The Title IX Coordinator will contact the Complainant to discuss and offer supportive measures.
2. Respondent Rights. In cases where no Formal Complaint of Sexual Harassment is either filed by the Complainant or the Title IX Coordinator **no disciplinary action may be taken** against the Respondent based upon conduct that would constitute sexual harassment under this policy. Nevertheless, the Title IX Coordinator may contact the respondent to discuss, and or impose, non-disciplinary supportive measures.
3. Timeliness of Formal Complaints of Sexual Harassment. Although the Supervisory Union will initiate the Title IX Grievance Process regardless of when the Formal Complaint of Sexual Harassment is submitted, delays in reporting may significantly impair the ability of school officials to investigate and respond to the allegations.
4. Jurisdiction Over Parties. Although there is no time limit per se to filing a Formal Complaint of Sexual Harassment, Complaints may be dismissed if either the Complainant or Respondent is no longer enrolled or employed by the Supervisory Union.
5. Manner of Filing and Content of Formal Complaints of Sexual Harassment. Formal Complaints of Sexual Harassment may be filed with the Title IX coordinator in person, by mail, or by email and must be in writing. While forms may be obtained from the Title IX Coordinator or on the Supervisory Union or school website, at a minimum, a Formal Complaint of Sexual Harassment must:



- a. contain the name and address of the Complainant and the student's parent or guardian if the complainant is a minor student;
  - b. describe the alleged sexual harassment;
  - c. request an investigation of the matter;
  - d. when filed by the Complainant be signed by the Complainant or otherwise indicate that the complainant is the person filing the complaint, or if not filed by the Complainant be signed by the Title IX Coordinator.
6. **Consolidation of Complaints.** The Supervisory Union may consolidate formal complaints of allegations of sexual harassment where the allegations of sexual harassment arise out of the same facts or circumstances and the formal complaints are against more than one respondent; or by more than one complainant against one or more respondents; or by one party against the other party. When the Supervisory Union has consolidated formal complaints so that the grievance process involves more than one complainant or more than one respondent, references to the singular "party", "complainant", or "respondent" include the plural, as applicable.
- C. **Notification of Formal Complaint to Parties ("Notification").** Upon receipt of a Formal Complaint of Sexual Harassment, the Supervisory Union must provide the following written notice to the parties who are known:
1. Notice of the Supervisory Union's Title IX Grievance Process (Section IV), including any informal resolution process.
  2. Notice of the allegations potentially constituting sexual harassment as defined by Section II.M., including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting sexual harassment as defined by Section II.M., and the date and location of the alleged conduct, if known.
    - a. **Supplemental Notice Required Upon Change in Investigative Scope.** If, in the course of an investigation the Supervisory Union decides to investigate allegations about the Complainant or Respondent that are not included in the original Notification, the Supervisory Union must provide simultaneous notice of the additional allegations to the parties whose identities are known.
  3. The written notice must include a statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the Title IX Grievance Process set forth in Section IV. of the Policy.
  4. The written notice must inform the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney (who may be present during any Grievance proceeding, including any related meeting or proceeding). The Supervisory Union may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties.
  5. The written notice must inform the parties of any provision in the Supervisory Union's code of conduct that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.
- D. **Informal Resolution.** At any time prior to reaching a determination regarding responsibility (but only after the filing of a formal complaint), the Supervisory Union may offer an optional informal resolution process (e.g., mediation, arbitration), provided that the Supervisory Union:

1. May not require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, waiver of the right to a Sexual Harassment Investigation of a Formal Complaint of Sexual Harassment, such as may occur through Informal Resolution;
2. May not offer an informal resolution process unless a Formal Complaint of Sexual Harassment is filed;
3. Provides written notice to the parties disclosing:
  - a) The allegations of the Formal Complaint of Sexual Harassment;
  - b) The requirements of the information resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations, provided, however, that at any time prior to agreeing to an informal final resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint; and
  - c) Any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.
4. Obtains the parties' voluntary written consent to the informal resolution process; and
5. Does not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.

**E. Sexual Harassment Investigation.**

The Title IX Coordinator shall designate a qualified, trained, person to investigate. The investigation must:

1. Include objective evaluation of all relevant evidence, including inculpatory and exculpatory evidence. (Evidence about the complainant's sexual predisposition or prior sexual behavior are **not** relevant, unless such evidence about the complainant's prior sexual behavior is offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the evidence concerns specific incidents of the complainant's prior sexual behavior with respect to the respondent and is offered to prove consent.)
2. Ensure that the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rests on the Supervisory Union and not on either of the parties;
3. Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence;
4. Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence;
5. Provide the parties with the same opportunities to have others present during any interview or other part of the investigation, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice. The Supervisory Union may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties;
6. Provide, to a party (e.g., Respondent or Complainant – and parent/guardian as appropriate) whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all investigative interviews, or other meetings, with sufficient time for the party to prepare to participate;
7. Provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, including the evidence upon which the recipient does not intend to rely in reaching a determination regarding responsibility and inculpatory or

- exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to the conclusion of the investigation;
8. PRIOR to completion of the Sexual Harassment Investigative Report, the Supervisory Union, through the Title IX Coordinator, must send to each party and party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties must have at least 10 days to submit a written response, which the investigator will consider prior to completion of the investigative report;
  9. Prepare a written Sexual Harassment Investigative Report that fairly summarizes relevant evidence, including, without limitation, witness credibility, discrepancies, inculpatory and exculpatory information, and relevant Supervisory Union policies, rules and regulations, and the manner in which the same were made known to the pertinent school populations or specific parties. The investigative report shall include a description of the procedural steps taken, starting with the receipt of the formal complaint, and continuing through the preparation of the investigative report, including any notifications to the parties, interview with parties and witnesses, site visit, and methods used to gather evidence.
  10. The investigator shall provide the Investigative Report in hard copy or electronic format to the Title IX Coordinator, to each party and each party's advisor, if any. Each party will have 10 days from receipt to provide the Title IX Coordinator a written response to the Investigative Report.
- F. **Initial Determination of Responsibility.** The initial determination of responsibility of the respondent shall be made by the Initial Decision-Maker.
1. **Initial Decision-Maker.** The Initial Decision-Maker cannot be the same person(s) as the Title IX Coordinator or the Investigator(s).
  2. **Opportunity for Relevant Party Questions.** After the Investigator Report has been sent to the parties pursuant to Section IV. E.10 (above), and PRIOR to making a determination of responsibility, the Initial Decision-Maker will afford each party 10 days to submit written, relevant questions to the Initial Decision-Maker that the party wants asked of any party or witness. Only relevant questions may be posed. The Initial Decision-Maker shall explain to the party proposing the questions any decision to exclude a question as deemed "not relevant."
    - a. **Irrelevant Questions and Evidence.** Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are **not** relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the Complainant, or if the question and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.
    - b. **Written Responses to Questions.** The Initial Decision-Maker will provide the questions to the party/witness, with copies to each party, and provide no less than 10 days for written responses, likewise to be provided to each party.
    - c. **Opportunity for Limited Supplemental Questions.** The Initial Decision-Maker will provide 5 days each for supplementary, limited follow-up questions and 5 days for answers, and may provide for additional rounds of follow-up questions, as long as the provision is extended to both parties equally.
  3. **Prohibition on Negative Inferences.** The Initial Decision-Maker may not make any credibility determinations based on the person's status as a complainant, respondent or witness.

4. Presumption of Non-Responsibility. The Respondent must be deemed to be not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the Title IX Grievance Process.
5. Written Initial Determination Regarding Responsibility. Within 10 days following the close of the period set for responses to the last round of follow-up questions, the Initial Decision-Maker must issue a Written Initial Determination to the Title IX Coordinator, the Superintendent and the parties simultaneously, which, while applying the preponderance of the evidence standard, must include:
  - a. Identification of the allegations potentially constituting Sexual Harassment as defined in this Policy, section II.M.;
  - b. A description of the procedural steps taken from the receipt of the formal complaint through the Initial Determination Regarding Responsibility, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather evidence, and hearings held;
  - c. Findings of fact supporting the Written Initial Determination Regarding Responsibility;
  - d. Conclusions regarding the application of the Supervisory Union's applicable codes of conduct, policies, administrative regulations or rules to the facts;
  - e. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility (i.e., whether or not the respondent is responsible for sexual harassment), any disciplinary sanctions the Supervisory Union imposes on the Respondent, and whether remedies designed to restore or preserve equal access to the Supervisory Union's education program or activity will be provided by the Supervisory Union to the Complainant; and
  - f. The Supervisory Union's procedures and permissible bases for the Complainant and Respondent to appeal (as set forth in Section IV.H, below).
6. Finality of Decision. The Initial Determination Regarding Responsibility becomes final, and identified as the **Title IX Sexual Harassment Final Decision** either:
  - a. On the date that Supervisory Union provides the parties with Written Determination of the Appeal, if an appeal is taken as set forth in Section IV.H. (below); OR
  - b. Where no appeal is taken, the date on which an appeal would no longer be considered timely.
7. Duty to Effectuate Title IX Sexual Harassment Final Decision.
  - a. Supervisory Union Response to Sexual Harassment. Once a **Title IX Sexual Harassment Final Decision** is issued, the Supervisory Union may implement remedies as set forth in Section III.D. above, and action as necessary to respond in a manner not deliberately indifferent in light of the known circumstances in cases of a Determination of Title IX Sexual Harassment Final Decision concluding responsibility for Sexual Harassment. The issue of responsibility for the conduct at issue shall not be subject to further review or appeal within the Supervisory Union (except as provided by Supervisory Union policy or collective bargaining agreement or applicable law). Appeals of disciplinary sanctions may be made pursuant to the Supervisory Union's ordinary review process for discipline, or to the extent applicable through any statutory or other processes provided under collective bargaining agreements or individual contracts.
  - b. Responsibility for Response. The Title IX Coordinator is responsible for effective implementation of remedies.
  - c. Other Actions Pursuant to Applicable Code of Conduct, Policies, Agreements, Contracts. The Supervisory Union may also proceed against the Respondent or Complainant pursuant to the Supervisory Union's applicable code of conduct or

other Board policies, collective bargaining agreement, individual contract or administrative rules/regulations/ procedures.

**G. Dismissal of a Formal Complaint.**

1. The Supervisory Union must dismiss a formal complaint with regard to Title IX sexual harassment if the alleged conduct:
  - a. Would not constitute sexual harassment, even if proved;
  - b. Did not occur in the Supervisory Union's education program or activity; or
  - c. Did not occur against a person in the United States.
2. The Supervisory Union may dismiss a formal complaint with regard to Title IX sexual harassment if at any time during the investigation or determination of responsibility stage(s):
  - a. A complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein;
  - b. The respondent is no longer enrolled or employed by the Supervisory Union; or
  - c. Specific circumstances prevent the recipient from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.
3. Upon dismissal of a formal complaint, the Supervisory Union must promptly send written notice of the dismissal and the reason(s) therefore simultaneously to the parties.
4. The dismissal of a formal complaint under Title IX does not preclude the Supervisory Union from continuing any investigation or taking action under other Supervisory Union policies, code of conduct or administrative rules/regulations. In some cases, the Supervisory Union may have an obligation to continue an investigation and proceed under a different policy or mandated process.

**H. Appeals.** The Supervisory Union must offer both parties an appeal from an Initial Determination Regarding Responsibility, and from a Dismissal of a Formal Complaint, or any allegations therein.

1. Method of Filing. Either party may appeal the Initial Determination of Responsibility or the dismissal of a Formal Complaint of Sexual Harassment (or any allegations therein) by notifying the Superintendent in writing ("written appeal"), with a copy to the Title IX Coordinator. If there are multiple determinations of responsibility, the written appeal shall specify which ones are included in the appeal.
2. Deadline for Notice of Appeal. The Notice of Appeal must be in writing and received by the Superintendent, with a copy to the Title IX Coordinator, within 10 days of either the Initial Determination of Responsibility or the written Notice of Dismissal being communicated to the parties, as appropriate.
3. Grounds For Appeal. Either party may only appeal the Initial Determination of Responsibility or the Dismissal of a Formal Complaint of Sexual Harassment (or any allegations therein) based upon one or more of the following grounds, which must be stated specifically in the party's written appeal:
  - a. Procedural irregularity that affected the outcome of the matter;
  - b. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; or
  - c. The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.
4. Appellate Decision-Maker. The Appellate Decision-Maker shall not be the same person as the Initial Decision-Maker that reached the determination regarding

responsibility or the Dismissal of a Formal Complaint of Sexual Harassment, the Investigator(s) or the Title IX Coordinator. The Appellate Decision-Maker shall not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. The Appellate Decision-Maker shall be trained as set forth in section V.F.2. and 3.

5. Supervisory Union Notification of Appeal and Duty to Equitable Treatment of Parties During Appeal. The Supervisory Union must notify the both parties in writing when an appeal is filed and implement appeal procedures equally for both parties.
6. Opportunity to Brief Appellate Decision-Maker.
  - a. Deadline In Cases Other than Newly Available Evidence. Except in cases of newly available evidence, each party shall have 10 days “reasonable and equal opportunity” from the date of the Notification of Appeal under section H.5. above, to submit to the Appellate Decision-Maker a written statement in support of, or challenging, the Initial Determination Regarding Responsibility.
  - b. Deadline in Cases of Newly Available Evidence. In cases where the basis of the appeal is newly available evidence affecting the outcome, the party relying upon such evidence shall submit to the Appellate Decision-Maker such evidence or a summary of such evidence along with the party’s appeal statement first and within 7 days from the date of the Notification of the Appeal. In such instances the Appellate Decision-Maker shall then forward such documentation on to the opposing party, whereupon the opposing party shall thereafter have 7 days to review and submit their Brief to the Appellate Decision-Maker.
7. Written Determination of the Appeal
  - a. The Appellate Decision-Maker shall provide a Written Determination of the Appeal after considering the record and the parties’ appeal statements, describing the result of the appeal and the rationale of the result. The appeals decision maker will only overturn the Initial Determination of Responsibility upon a conclusion that it was clearly erroneous (i.e., either made on unreasonable grounds, or without any proper consideration of the circumstances). If the basis or one of the bases for the appeal was new evidence, the appeals decision maker may either make a determination of responsibility regarding that evidence or refer it back to the appropriate stage of the Title IX Grievance Process. The Appellate Decision shall be provided simultaneously to both parties, with a copy to the Title IX Coordinator and the Superintendent of Schools.
  - b. Upon issuance of the Written Determination of the Appeal, it becomes a **Title IX Sexual Harassment Final Decision**, as set forth in Section IV.F.6, with commensurate Title IX obligations for the Supervisory Union to act as set forth in Section IV.F.7.

V. **Responsible Personnel.**

A. **Bias or Conflicts of Interest.**

No person designated as a Title IX Coordinator, investigator, decision-maker, nor any person designated by the Supervisory Union to facilitate an informal resolution process, may have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.

B. **Title IX Coordinator.**

The Supervisory Union must designate and authorize at least one employee to coordinate its efforts to comply with its responsibilities under this Policy, which employee must be referred to as the “Title IX Coordinator.” Any individual designated by the Supervisory Union as a Title IX Coordinator shall be free of conflict of interest or bias for

or against complainants or respondents generally or an individual complainant or respondent.

1. Notice of Title IX Coordinator Contact Information. The name or title, office address, electronic mail address, and telephone number of the employee(s) designated as the Title IX Coordinator shall be provided to the following:
  - a. all applicants for admission and employment;
  - b. parents or legal guardians of elementary and secondary school students;
  - c. employees; and
  - d. all unions or professional organizations holding collective bargaining or professional agreements with the recipient.
2. Duties of Title IX Coordinator In addition to coordinating the Supervisory Union's efforts to comply with its responsibilities under this Policy, and any other duties assigned, the Title IX Coordinator shall be responsible for:
  - a. Receipt of Reports of Sexual Harassment. Any person may report sex discrimination, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), in person, by mail, by telephone, or by electronic mail, using contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. Such a report may be made at any time (including during non-business hours) by using the telephone number or electronic mail address, or by mail to the office address, listed for the Title IX Coordinator.
    - i. Responding to general reports and formal complaints of sexual harassment.
      - (a). The Title IX Coordinator shall promptly contact the Complainant (or where Complainant is a minor their parent/guardian) (regardless to whether a formal complaint has been received) to discuss:
        - i. Supportive Measures: the availability of supportive measures (as defined in section II.N. above); to consider Complainant's wishes with respect to supportive measures; to inform of the availability of supportive measures with or without the filing of a Formal Complaint of Sexual Harassment;
        - ii. Formal Complaint and explain the process for filing a Formal Complaint of Sexual Harassment.
      - ii. Signing and/or receiving Formal Complaints of Sexual Harassment and in such cases commencing the Title IX Grievance Process set out in Section IV. above;
      - iii. Coordinating the effective implementation of supportive measures; and
      - iv. Coordinating the Supervisory Union's efforts to comply with its responsibilities related to the Title IX Grievance Process set forth in Section IV of this policy, including any other specific duties as assigned by the Superintendent to fulfill the Supervisory Union's obligations under this policy.
3. Conflict of Interest or Bias/Unavailability. In cases where the Title IX Coordinator is unavailable, including unavailability due to a conflict of interest or other disqualifying reason, the Superintendent shall assure that another person with the appropriate training and qualifications is appointed as acting Title IX Coordinator for that case, in such instances "Title IX Coordinator" shall include the acting Title IX Coordinators.

**C. Investigators.**

1. Conflict of Interest or Bias. Any individual assigned to investigate a Formal Complaint of Sexual Harassment shall not have a conflict of interest or bias for or

- against complainants or respondents generally or an individual complainant or respondent.
2. Responsibilities. Investigators shall be responsible for conducting Sexual Harassment Investigations as set forth in Section IV.E. above.
- D. **Decision-Makers**.
1. Conflict of Interest or Bias. Any individual assigned as a Decision-Maker in the case of a Sexual Harassment under this Policy shall not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.
  2. Responsibilities.
    - a. **Initial Decision-Makers** shall be responsible for issuing an Initial Determination Regarding Responsibility following a Sexual Harassment Investigation and other duties set forth in Section IV.F. above.
    - b. **Appellate Decision-Makers** shall be responsible for issuing a Written Determination of the Appeal, and other duties set forth in Section IV.H. above.
- E. **Informal Resolution Process Facilitators (“Facilitators”)**.
1. Conflict of Interest or Bias. Any individual assigned to facilitate an informal resolution process shall not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.
  2. Responsibilities. Facilitators shall be responsible for facilitating a process of informal resolution as permitted in section IV. D. above.
- F. **Training**. The Supervisory Union shall ensure that training of the following personnel occur:
1. All Supervisory Union Employees. Training of Supervisory Union Employees shall occur relative to mandatory reporting obligations, and any other responsibilities they may have relative to this Policy.
  2. Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process. These individuals must be trained on the following topics:
    - a. the definition of sexual harassment as contained within this Policy;
    - b. the scope of the recipient’s education program or activity;
    - c. how to conduct an investigation, appeals, and informal resolution process;
    - d. how to serve impartially, including by avoiding prejudgment of the facts at issue; and
    - e. conflicts of interest and bias.
  3. Decision-makers. In addition to the topics set forth in II.D.2. above, decision-makers shall be trained on the following topics:
    - a. issues of relevance of questions and evidence, including when questions and evidence about the complainant’s sexual predisposition or prior sexual behavior are not relevant as set forth in Section IV.E.1. and IV.F.2.a.
  4. Investigators. In addition to the topics set forth in II.D.2. above, investigators shall be trained on issues of relevance to create an investigative report that fairly summarizes relevant evidence, as set forth in Section IV.E.9 above.
  5. Training Materials. Any materials used for trainings of Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, must:
    - a. Not rely on sex stereotypes; and



- b. Promote impartial investigations and adjudications of formal complaints of sexual harassment.
- c. Be made available to the public either on its website, or if the Supervisory Union does not maintain a website, must make those materials available upon request for inspection by members of the public.

**Date Warned:** December 7, 2020

**Date Adopted:** December 21, 2020

**Legal References:**

1. *Title IX of the Education Amendments of 1972, 20 U.S.C 1681, et seq 20 U.S.C. §1232g, Family Educational Rights and Privacy Act*
2. *34 CFR. Part 99, Family Educational Rights and Privacy Act Regulations*
3. *34 CFR 106.8, Designation of responsible employee and adoption of grievance procedures.*
4. *34 CFR 106.30, Definitions*
5. *34 CFR 106.44, Recipient's response to sexual harassment*
6. *34 CFR 106.4, Grievance process for formal complaints of sexual harassment*
7. *34 CFR 106.71, Retaliation*