

Colchester School Board

Meeting Agenda and Packet

August 2, 2016

**Colchester School District
Board of Education Meeting Agenda
Colchester High School
Library/Media Center
August 2, 2016
7:00 PM**

Agenda

- | | |
|---|--------------------|
| I. Call to Order and Pledge of Allegiance | |
| II. Citizen Participation* | |
| III. Hear Presentation on InfoSnap | Information |
| IV. Approval of Acoustics RFP | Action |
| V. Hazing, Harassment, Bullying Policy Review | Action |
| VI. Exposure to Animals Policy Review | Action |
| VII. Hear Discussion of Agenda for August 12th School Board Retreat | Information |
| VIII. Approval of Personnel Consent Agenda | Action |
| IX. Approval of Minutes: July 19, 2016 | Action |
| X. Board/Administration Communication, Correspondence, Committee Reports | Information |
| XI. Possible Future Agenda Items | Information |
| XII. Executive Session | Action |
| XIII. Adjournment | |

On The Third Tuesday of Each Month*

During the meeting, the school board will review the top questions and themes submitted to them via email to SchoolBoardQuestions@cstdvt.org. Note: All submissions must be received before noon on the third Tuesday of every month.

NEW!

InfoSnap

Colchester School District's Student Registration Management System

Coming in August 2016



What is InfoSnap?

- New online registration and demographics verification process for families
- Families can register at any time of day that is convenient for them
- Form/submission support provided by the InfoSnap support team 24/7
- Online forms have been customized to closely resemble the previously used paper forms
- Required documents, such a proof of residency, can be scanned and uploaded directly into InfoSnap
- Data privacy is imperative; all data is securely hosted in a scalable cloud environment



Benefits to the District and to Families

- SmartForm™ technology ensures families are only asked relevant questions based on how they answered previous questions
- “Snap” technology allows family data, such as telephone numbers and addresses, to be “snapped” between siblings; thereby reducing data entry time for the families and improving information integrity
- After being approved by the building registrar, the data is “scrubbed” by InfoSnap for validation and formatting, improving the accuracy and consistency of data across the district
- Data entered by families is imported into our Student Information System, PowerSchool, and is available to building staff, as needed



New Online Student Enrollment/Registration

- Families that are new to the Colchester School District will use the New Student Form to gather initial data
- The New Student Form is slightly longer than the Returning Student Form
- Upon submission, the applicable building registrar is notified that a new registration has been submitted for review
- Data must be reviewed and verified before being approved
- After review and approval, the data is imported into PowerSchool, significantly reducing data entry for building registrars for registration



Returning Student Enrollment/Registration

- Families with students re-enrolling with the Colchester School District, including those families that have participated in the Act 166 Pre-K program, will use the Returning Student Form
- The goal of the Returning Student Form is to have families verify and/or update data to maintain accurate data in our Student Information System, PowerSchool



Returning Student Enrollment/Registration (continued)

- Data from the student records will be pre-populated into the forms from our Student Information System, saving families a substantial amount of time when verifying/updating data
- Parents access their children's data through an InfoSnap assigned "snap code" – ensuring that no one else can access their information
- Building registrars will have the ability to track the registration process for families in their building, and the ability to reach out to families to remind them to complete forms, if necessary
- Data must be reviewed and verified before being approved
- After review and approval, the data is imported into PowerSchool, again significantly reducing data entry for building registrars for registration



Advantages for Families

- Student data “snaps” into additional forms when a parent has multiple children to register. For example, phone and address information “snaps” into child #2’s form after child #1 has been registered
- Special features like supported document scanning allow parents to upload documentation straight from their home computer and at their convenience
- SmartForm™ technology lets parents stop and start when completing forms
- Once the data is collected, families can rest assured knowing that their sensitive information is kept private and secure
- Technical assistance is available 24/7



Advantages for Staff

- The process is paperless. Previously, our school staff spent hours compiling hundred of papers into packets for families
- The new process allows us to electronically issue forms to parents, track their completion progress and send timely notifications when information is due
- Fields can be required online, while on paper forms some data can be missed
- Data is scrubbed for accurate formatting prior to import into PowerSchool
- InfoSnap integrates with PowerSchool's Student Information System (SIS) via real-time, on-demand data exchange
- Our schools will have accurate student information on the first day of school





**InfoSnap Student Registration Management System
August 2016**

Creative Woodworks LLC

20 A Morse Dr
Essex Jct, VT 05452
Phone 802-872-7723 Fax (Same)
E-Mail Creative@myfairpoint.net

Estimate

Date	Estimate #
7/15/2016	CWWE 15

Name / Address
Wright & Morrissey, Inc 99 Swift ST, Suite 100 South Burlington, Vermont 05403

			Project
			Colchester High Sch...
Description	Qty	Cost	Total
Control Room, Elevation 3: 9 foot by 5 foot countertop with square edge will be constructed with black laminate and supported by metal "L" brackets. All panels will have hanging cleats, replacing the need for hanging hardware. The panel carcass will be constructed with fire rated Foamkore and fire rated plywood with P-lam edging. Cable hangers suspended from ceiling to be provided by others. C-channel that runs in between curves acoustic panels to be provided by others. Installation provided by others. Delivery of Panels provided by Creative Woodworks. Ceiling panel layout provided by Creative Woodworks. Any panels not shown on drawing will be additional cost. Creative Woodworks will provide shop drawings for curved angled panels All elevations are from the 7/14 drawings except elevation 4. Elevation 4 is from 6/16 drawings. Vermont Sales Tax		1,378.00	1,378.00
		6.00%	0.00
Total			\$105,586.11

Customer Signature _____

Creative Woodworks LLC

20 A Morse Dr
 Essex Jct, VT 05452
 Phone 802-872-7723 Fax (Same)
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Estimate

Date	Estimate #
7/15/2016	CWWE 15

Name / Address
Wright & Morrissey, Inc 99 Swift ST, Suite 100 South Burlington, Vermont 05403

			Project
			Colchester High Sch...
Description	Qty	Cost	Total
Control Room, Elevation 5: All 11 units (panels) will be Fiber Reinforced Laminate (FRL) in the color of Tendu (NW754-WE) from Nevamar.		10,239.58	10,239.58
Stage Wall, Elevation 4: All 11 units will be in fire rate laminate in a "60" matte-finish per specs on architectural drawings in the color of Asian Night (7949)from Wilsonart.		7,835.10	7,835.10
Ceiling Panels, Elevation 2: All 9 units will be in Fire Rated Laminate in the color of Recon Oak (W2005-WE) from Nevamar.		12,691.28	12,691.28
Angled Acoustic Panels, Elevation 2: All 30 units will be in the color of Tendu (NW754-WE) from Nevamar. Lower Panels will be constructed in the Fiber Reinforced Laminate and the upper panels will be constructed with Fire Rated Laminate.		20,026.19	20,026.19
Curved Acoustic Panels, Elevation 3: All 42 Units will be in the color of Tendu (NW754-WE) from Nevamar. Lower Panels will be constructed in the Fiber Reinforced Laminate and the upper panels will be constructed with Fire Rated Laminate. Recon Oak (W2005-WE) will run vertically in between the wall panels on the east and west sides of theater. Back panels to enclose the gaps of horizontal will be constructed using Wilsonart 1595-k in a "60" finish per spec on architectural drawings.		53,415.96	53,415.96
		Total	

Customer Signature

Policy on the Prevention of Harassment, Hazing and Bullying of Students

I. Statement of Policy

The Colchester 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 and related acts of retaliation. Conduct which constitutes hazing may be subject to civil penalties.

The District shall address all complaints of harassment, hazing, ~~and~~ bullying and retaliation 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 or retaliation as defined herein, otherwise violates one or more of the board's disciplinary policies or the school's code of conduct.

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

II. Implementation

The superintendent or his/her designee shall:

~~* Throughout this model policy and the related procedures, "District" shall apply to Independent Schools and should be substituted as appropriate. References to the Superintendent shall equate to "Head of School" or "Headmaster" as appropriate, with regard to Independent Schools. Where language suggests a "District" will take action, it shall be the Superintendent, the Head of School, the Headmaster or his/her designee.~~

1. Adopt a procedure directing staff, parents and guardians how to report violations of this policy and file complaints under this policy. (See Model 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, ~~and/or~~ retaliation - 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, ~~and/or~~ retaliation.—
5. Take action on substantiated complaints. In cases where hazing, harassment, ~~and/or~~ bullying ~~and/or~~ retaliation is substantiated, the District shall take prompt and appropriate remedial action reasonably calculated to stop the hazing, harassment, ~~and/or~~ bullying ~~and/or~~ retaliation; 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 information provided by a student or any person to an employee alleging that a student has been subjected to conduct that may rise to the level of hazing, harassment ~~or~~, bullying and/or retaliation.
- 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 and/or retaliation, or a student who is the target of alleged hazing, harassment, ~~or~~ bullying and/or retaliation.
- D. **“Designated employee”** means an employee who has been designated by the school to receive complaints of hazing, harassment, ~~and~~ bullying and/or retaliation pursuant to subdivision 16 V.S.A. 570a(a)(7). The designated employees for each school building are identified in Appendix A of this policy.
- E. **“Employee”** includes any person employed directly by or retained through a contract with the District, an agent of the school, a school board member, a student teacher, an intern or a school volunteer. For purposes of this policy, “agent of the school” includes supervisory union staff.
- F. **“Equity Coordinator”** is the person responsible for implementation of Title IX (regarding sex-based discrimination) and Title VI (regarding racebased 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:

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

- I. **“Notice”** means a written complaint or oral information that hazing, harassment, ~~or~~ bullying and/or retaliation may have occurred which has been provided to a designated employee from another employee, the student allegedly subjected to the hazing, harassment, ~~or~~ bullying or retaliation, 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 or retaliation 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 ~~conduct~~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 and/or retaliation.

- 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~~ complaints of harassment, hazing, or bullying. 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, bullying, hazing, 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 and/or retaliation.

APPENDIX A

Designated Employees:

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

Name: _____

Title: _____

Contact Information:

Name: _____ Title:

Contact Information:

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

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

- A. Student Reporting: Any student who believes that s/he has been hazed, harassed, bullied and/or retaliated against under this policy, or who witnesses or has knowledge of conduct that s/he reasonably believes might constitute hazing, harassment, bullying, and/or retaliation 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, bullying and/or retaliation 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, bullying and/or retaliation 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, bullying and/or retaliation 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, bullying and/or retaliation 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, bullying and/or retaliation when the person has a good faith belief that hazing, harassment, bullying and/or retaliation 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

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

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

- A. Upon **notice of information** that hazing, harassment, bullying and/or retaliation 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 hazing, harassment, bullying and/or retaliation, 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 hazing, harassment, bullying and/or retaliation, 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, Bullying and/or Retaliation 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 hazing, harassment, bullying and/or retaliation.
- 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, bullying and/or retaliation. 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. hazing, harassment, bullying and/or retaliation);
 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 if requested within thirty (30) days of notice of such initial determination;
 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, bullying and/or retaliation has been committed, the school shall take prompt and appropriate disciplinary and/or remedial action reasonably calculated to stop the hazing, harassment, bullying and/or retaliation and prevent any recurrence of hazing, harassment, bullying and/or retaliation, 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, bullying and/or retaliation. To prevent recurrences counseling for the offender may be appropriate to ensure that he or she understands what constitutes hazing, harassment, bullying and/or retaliation and the effects it can have. Depending on how widespread the hazing/harassment/bullying/retaliation 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/retaliation 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/bullying/hazing or against a person who assists or participates in an investigation, proceeding or hearing related to the such complaints. A person may violate this anti-retaliation provision regardless of whether the underlying complaint 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/hazing/bullying), 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 followup inquiries to see if there are have been any new incidents or any retaliation.

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

V. Post Investigative Reviews

Rights of Complainants

A. Internal Review of Initial Harassment Determinations By Complainant.

A complainant or parent of a complainant may request internal review by the District of a designee's initial determination (following investigation) that harassment has not occurred via written request submitted to the District superintendent. The complainant shall make such a request in writing to the superintendent of schools within thirty (30) days of notice of such determination. 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

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

Rights of Accused Students

A. Appeal. Any person determined to have engaged in an act(s) of hazing, harassment, bullying and/or retaliation 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, bullying and/or retaliation 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, bullying and/or retaliation 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, bullying and/or retaliation 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 Commissioner. If a harassment complaint is made in an independent school about conduct by a licensed educator that might be grounds under Vermont law for licensing action, the head of school is encouraged to report the alleged conduct to the Secretary of Education.
- C. Reporting Incidents to Police
- a. FERPA Rights. Information obtained and documented by school administration regarding the school’s response to notice of student

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

- b. First Hand Reports. Nothing in this policy shall preclude persons from reporting incidents and/or conduct witnessed first-hand that may be considered to be a criminal act to law enforcement officials.
- c. Hazing Incidents. It is unlawful to (1) engage in hazing; (2) solicit direct, aid, or attempt to aid, or abet another person engaged in hazing; or (3) knowingly fail to take reasonable measures within the scope of the person’s authority to prevent hazing. It is not a defense in an action under this section that the person against whom the hazing was directed consented to or acquiesced in the hazing activity. Hazing incidents will be reported to the police in a manner consistent with the confidentiality rights set forth above in this section.

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

VIII. Disseminating Information, Training, and Data Reporting

- A. Disseminating Information. Annually, prior to the commencement of curricular and co-curricular activities, the District shall provide notice of this policy and procedures to students, custodial parents or guardians of students, and staff members, including references to the consequences of misbehavior contained in the plan required by 16 V.S.A. 1161a. Notice to students shall be in age-appropriate language and include examples of hazing, harassment, bullying, and retaliation. 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, bullying and retaliation.

- 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, bullying, and retaliation.
- 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).

TABLE OF FORM FORMS & LETTERS FOR HHB INVESTIGATIONS & INSTRUCTIONS FOR USE

I. Draft Letters Announcing Investigation & Delay In Starting.....3-4

NOTE: Send only if investigation cannot commence within 1 school day from notice of information to the Designated Employee that forms the basis for the reasonable belief by the Building Administrator that hazing/harassment/bullying may have occurred.

Select the letter appropriate to the audience (complainant/targeted student OR accused student). Even if sent, letters at “II” below must still be sent once investigation is commenced.

II. Draft Letters Announcing HHB or Retaliation Investigation Commencement

NOTE: Send every time investigation commences (even if there was a delay in the start of the investigation as noted in “I” above).

Select the letter appropriate to the audience (complainant/targeted student OR accused student) and for the focus of the investigation of which there are two possibilities:

Hazing/Harassment/Bullying.....5-6
Retaliation.....7-8

III. Draft Letters Announcing Delay in Completion of Investigation.....9-10

NOTE: Send only if investigation cannot be completed within 5 school days from date of notice of information to Designated Employee that forms reasonable belief by Building Administrator that hazing/harassment/bullying may have occurred.

Select the letter appropriate to the audience (complainant/targeted student OR accused student). In addition, letters provided under “IV” below must still be sent once investigation is completed.

IV. Draft Letters Announcing Completion of HHB or Retaliation Investigation and Outcomes.....11-19

NOTE: Send at the conclusion of every investigation of HHB or retaliation.

Select the letter appropriate to the audience (complainant/targeted student OR accused student) and for the outcomes of which there are three possibilities:

(1) no HHB/retaliation and no other student code of conduct violation found;11-12

(2) no HHB/retaliation violation found, however other student code of conduct violation WAS found;13-15

OR

(3) HHB/retaliation violation found.....16-19

V. Sample Conduct Form.....20

DRAFT LETTER ANNOUNCING DELAY IN STARTING HHB INVESTIGATION

NOTE: To be used to announce investigation and that there will be a delay in initiation given special, documented circumstances. Once investigation commences, the DRAFT announcement of HHB investigation letter should then be sent to both parties' parents.

TO: Complainant Student/Parent(s)
RE: Announcing Special Circumstances Delaying Initiation of Investigation

Today (or date) [INSERT THE SCHOOL NAME] received a report that your (son/daughter) may have been subjected to inappropriate student conduct which I as building administrator for [INSERT SCHOOL NAME]] reasonably believe may constitute harassment, hazing or bullying. I am enclosing copies of both [INSERT SCHOOL OR SU NAME] Policy For the Prevention of Harassment, Hazing and Bullying of Students and accompanying Procedures on the Prevention of Harassment, Hazing and Bullying of Students for your information. Under the Procedures [INSERT SCHOOL NAME] is required to initiate an investigation of those allegations within one school day of its receiving that information, except where special circumstances exist. (Procedures, Section III.A.)

I am providing written notification to you that special circumstances exist in this case ***[OPTIONAL: "whereby ..." (INSERT BRIEF EXPLANATION OF DELAY TO THE EXTENT POSSIBLE WITHOUT VIOLATING OTHER STUDENT PRIVACY RIGHTS, i.e., investigator absence/illness, student witness availability, school activities necessitating student absences from campus, government agency or police directives received by school)]*** such that the school will not be able to initiate the investigation within that time limit.

You will receive written confirmation when the investigation has in fact commenced, which we anticipate will be no later than [INSERT DATE].

Please feel free to contact me with any questions.

Signed,

Building Administrator

Enclosures: Policy For the Prevention of Harassment, Hazing and Bullying of Students; Procedure For the Prevention of Harassment, Hazing and Bullying of Students

BCC: Investigator's Investigative File

DRAFT LETTER ANNOUNCING DELAY IN STARTING HHB INVESTIGATION

NOTE: To be used to announce investigation and that there will be a delay in initiation given special, documented circumstances. Once investigation commences, the DRAFT announcement of investigation letter should then be sent to both parties' parents.

TO: Accused Student/Parent(s)
RE: Announcing Special Circumstances Delaying Initiation of Investigation

Today (or date) [INSERT THE SCHOOL NAME] received a report that your (son/daughter) may have been engaged in inappropriate student conduct which I as building administrator for [INSERT SCHOOL NAME] reasonably believe may constitute harassment, hazing or bullying. I am enclosing copies of both [INSERT SCHOOL OR SU NAME] Policy For the Prevention of Harassment, Hazing and Bullying of Students and accompanying Procedures on the Prevention of Harassment, Hazing and Bullying of Students for your information. Under the Procedures [INSERT THE SCHOOL NAME] is required to initiate an investigation of those allegations within one school day of receipt of that information, except where special circumstances exist. (Procedures, Section III.A.)

I am providing written notification to you that special circumstances exist in this case ***[OPTIONAL: "whereby ..." (INSERT BRIEF EXPLANATION OF DELAY TO THE EXTENT POSSIBLE WITHOUT VIOLATING OTHER STUDENT PRIVACY RIGHTS, i.e., investigator absence/illness, student witness availability, school activities necessitating student absences from campus, government agency or police directives received by school)]*** such that the school will not be able to initiate the investigation within that time limit.

You will receive written confirmation when the investigation has in fact commenced, which we anticipate will be no later than [INSERT DATE].

Please feel free to contact me with any questions.

Signed,

Building Administrator

Enclosures: Policy For the Prevention of Harassment, Hazing and Bullying of Students; Procedure For the Prevention of Harassment, Hazing and Bullying of Students

BCC: Investigator's Investigative File

FORM LETTER ANNOUNCING COMMENCEMENT OF HHB INVESTIGATION

TO: Complainant Student/Parent(s)
RE: Announcement of Commencement of HHB Investigation

Today (or date) [INSERT THE SCHOOL NAME] received a report that your (son/daughter) may have been subjected to inappropriate student conduct which I as building administrator for [INSERT SCHOOL NAME]] reasonably believe may constitute harassment, hazing or bullying.

I am providing you with written notice that the [INSERT THE SCHOOL NAME] has initiated an investigation under [INSERT THE SCHOOL OR SU NAME] Policy For the Prevention of Harassment, Hazing and Bullying of Students and accompanying Procedures on the Prevention of Harassment, Hazing and Bullying of Students to ascertain whether or not the alleged behaviors occurred - and if so – whether they violated the policy. (Procedures, Section II.B.) I am enclosing a copy of both the policy and the related procedures - for your information. I would encourage you to please review these with your (son/daughter).

Please be aware that the investigation is confidential. (Procedures, Section VI.) This is for the rights of all involved. Accordingly, I may not disclose details of the alleged incidents to you to the extent they involve other students.

Please know that your child has a right to be free of any retaliation from students or faculty as a result of the filing of this complaint and/or participation in this investigation. (Policy, Section IV. N.) Accordingly, if at any time you believe that your child has been subject to retaliation by either students or staff I would encourage you to contact me immediately so that we may take prompt, appropriate action.

You will receive written notification of the completion of our investigation and whether any alleged policy violation(s) were or were not substantiated. (Procedures, Section III.H.) In the meantime, please feel free to contact me regarding any questions you may have about our policies/procedures or the investigation.

Thank you for your cooperation as we continue to work towards creating a school environment that is supportive, respectful and safe for all students.

Signed,

Building Administrator

Enclosures: Policy For the Prevention of Harassment, Hazing and Bullying of Students; Procedure For the Prevention of Harassment, Hazing and Bullying of Students

BCC: Investigator's Investigative File

FORM LETTER ANNOUNCING COMMENCEMENT OF HHB INVESTIGATION

TO: Accused Student/Parent(s)

RE: Announcement of Commencement of Investigation

Today (or date) [INSERT THE SCHOOL NAME] received a report that your (son/daughter) may have been involved in some inappropriate student conduct which I as building administrator for [INSERT SCHOOL NAME] reasonably believe may constitute harassment, hazing or bullying.

I am providing you with written notice that the [INSERT THE SCHOOL NAME] has initiated an investigation under [INSERT THE SCHOOL OR SU NAME] Policy For the Prevention of Harassment, Hazing and Bullying of Students and accompanying Procedures on the Prevention of Harassment, Hazing and Bullying of Students to ascertain whether or not the alleged behaviors occurred - and if so – whether they violated the policy. (Procedures, Section II.B.) I am enclosing a copy of both the policy and the related procedures - for your information. I would encourage you to please review these with your (son/daughter).

Please be aware that the investigation is confidential. (Procedures, Section VI.) This is for the rights of all involved. Accordingly, I may not disclose details of the alleged incidents to you to the extent they involve other students.

In addition, please be aware that the alleged victim, as well as any other students who cooperate in this investigation – including your child - have a right to be free from and are protected from any retaliation as a result of the filing of this complaint and/or participation in this investigation. Accordingly, if at any time you or your child believe that he/she has been subject to retaliation by either students or faculty I would encourage you to contact me immediately so that we may take prompt, appropriate action.

You will receive written notification of the completion of our investigation and whether any alleged policy violation(s) were or were not substantiated. (Procedures Section III.H.) In the meantime, please feel free to contact me regarding any questions you may have about our policies/procedures or the investigation.

Thank you for your cooperation as we continue to work towards creating a school environment that is supportive, respectful and safe for all students.

Signed Building Administrator

Enclosures: Policy For the Prevention of Harassment, Hazing and Bullying of Students; Procedure For the Prevention of Harassment, Hazing and Bullying of Students

BCC: Investigator's Investigative File

FORM LETTER ANNOUNCING RETALIATION INVESTIGATION

TO: Complainant Student/Parent(s)

RE: Announcement of Commencement of Retaliation Investigation

Today (or date) [INSERT THE SCHOOL NAME] received a report that your (son/daughter) may have been subjected to inappropriate student conduct which I as building administrator for [INSERT SCHOOL NAME] reasonably believe may constitute "retaliation," which is prohibited by [INSERT THE SCHOOL OR SU NAME] Policy For the Prevention of Harassment, Hazing and Bullying of Students.

I am therefore providing you with written notice that the [INSERT THE SCHOOL NAME] has initiated an investigation under [INSERT THE SCHOOL OR SU NAME] Policy For the Prevention of Harassment, Hazing and Bullying of Students and accompanying Procedures on the Prevention of Harassment, Hazing and Bullying of Students to ascertain whether or not the alleged behaviors occurred - and if so – whether they violated the policy. (Procedures, Section II.B.) I am enclosing a copy of policy and related procedures - for your information. I would encourage you to please review these policies and procedures with your (son/daughter).

Please be aware that the investigation is confidential. (Procedures, Section VI.) This is for the rights of all involved. Accordingly, I may not disclose details of the alleged incidents to you to the extent they involve other students.

Please also know also that your child has a right to be free of any additional retaliation from students or faculty as a result of the filing of this complaint and participation in this investigation. (Policy, Section IV. N.) Accordingly, if at any time you believe that your child has been subject to further retaliation by either students or staff I would encourage you to contact me immediately so that we may take prompt, appropriate action.

You will receive written notification of the completion of our investigation and whether any alleged policy violation(s) were or were not substantiated. (Procedures, Section III.H.) In the meantime, please feel free to contact me regarding any questions you may have about our policies/procedures or the investigation.

Thank you for your cooperation as we continue to work towards creating a school environment that is supportive, respectful and safe for all students.

Signed,

Building Administrator

Enclosures: Policy For the Prevention of Harassment, Hazing and Bullying of Students; Procedure For the Prevention of Harassment, Hazing and Bullying of Students

BCC: Investigator's Investigative File

FORM LETTER ANNOUNCING RETALIATION INVESTIGATION

TO: Accused Student/Parent(s)

RE: Announcement of Commencement of Retaliation Investigation

Today (or date) [INSERT THE SCHOOL NAME] received a report that your (son/daughter) may have been involved in inappropriate student conduct which I as building administrator for [INSERT SCHOOL NAME] reasonably believe may constitute "retaliation," which is prohibited by [INSERT THE SCHOOL NAME] Policy For the Prevention of Harassment, Hazing and Bullying of Students.

I am therefore providing you with written notice that the [INSERT THE SCHOOL NAME] has initiated an investigation under [INSERT THE SCHOOL OR SU NAME] Policy For the Prevention of Harassment, Hazing and Bullying of Students and accompanying Procedures on the Prevention of Harassment, Hazing and Bullying of Students to ascertain whether or not the alleged behaviors occurred - and if so – whether they violated the policy. (Procedures, Section II.B.) I am enclosing a copy of both the policy and the related procedures - for your information. I would encourage you to please review these policies and procedures with your (son/daughter).

Please be aware that the investigation is confidential. (Procedures, Section VI.) This is for the rights of all involved. Accordingly, I may not disclose details of the alleged incidents to you to the extent they involve other students.

In addition, please be aware that the alleged victim, as well as any other students who cooperate in this investigation – including your child - have a right to be free from and are protected from any additional retaliation as a result of the filing of this complaint and participation in this investigation. Accordingly, if at any time you or your child believe that he/she has been subject to further retaliation by either students or faculty I would encourage you to contact me immediately so that we may take prompt, appropriate action.

You will receive written notification of the completion of our investigation and whether any alleged policy violation(s) were or were not substantiated. (Procedures, Section III.H.) In the meantime, please feel free to contact me regarding any questions you may have about our policies/procedures or the investigation.

Thank you for your cooperation as we continue to work towards creating a school environment that is supportive, respectful and safe for all students.

Signed, Building Administrator

Enclosures: Policy For the Prevention of Harassment, Hazing and Bullying of Students; Procedure For the Prevention of Harassment, Hazing and Bullying of Students

BCC: Investigator's Investigative File

DRAFT LETTER ANNOUNCING DELAY TO TARGETED STUDENT IN COMPLETING HHB INVESTIGATION

NOTE: To be used to provide notice that there will be a delay in completion of HHB investigation, given special, documented circumstances. Once investigation is completed, the DRAFT announcement of HHB completion investigation letter(s) should then be sent to both parties' parents.

TO: Complainant Student/Parent(s)

RE: Announcing Special Circumstances Delaying Completion of Investigation

On (INSERT DATE OF ORIGINAL ANNOUNCEMENT LETTER) you were provided with written notice that the [INSERT THE SCHOOL NAME] had initiated an investigation under [INSERT THE SCHOOL NAME] Policy For the Prevention of Harassment, Hazing and Bullying of Students and accompanying Procedures on the Prevention of Harassment, Hazing and Bullying of Students. Under the accompanying Procedures the school is required to complete its investigation no later than five school days from the filing of the complaint with the school, unless special circumstances are present and documented. (Procedures, Section III.A.)

I am therefore providing you with written notification that special circumstances exist in this case **[OPTIONAL: "whereby ..." (INSERT BRIEF EXPLANATION OF DELAY TO THE EXTENT POSSIBLE WITHOUT VIOLATING OTHER STUDENT PRIVACY RIGHTS, i.e., investigator absence/illness, student witness availability, school activities necessitating student absences from campus, government agency or police directives received by school)]** such that the school will not be able to complete the investigation within that time limit.

You will receive written confirmation when the investigation has in fact been completed, which we anticipate will be no later than [INSERT DATE].

Please feel free to contact me with any questions.

Signed,

Building Administrator

Enclosures: Policy For the Prevention of Harassment, Hazing and Bullying of Students; Procedure For the Prevention of Harassment, Hazing and Bullying of Students

BCC: Investigator's Investigative File

DRAFT LETTER ANNOUNCING DELAY TO ACCUSED STUDENT IN COMPLETING HHB INVESTIGATION

NOTE: To be used to provide notice that there will be a delay in completion of HHB investigation, given special, documented circumstances. Once investigation is completed, the DRAFT announcement of HHB completion investigation letter(s) should then be sent to both parties' parents.

TO: Accused Student/Parent(s)
RE: Announcing Special Circumstances Delaying Completion of Investigation

Today (or date) [INSERT THE SCHOOL NAME] received a report that your (son/daughter) may have been engaged in inappropriate student conduct which [INSERT THE SCHOOL NAME] reasonably believes may constitute harassment, hazing or bullying. I am enclosing copies of both [INSERT THE SCHOOL NAME] Policy For the Prevention of Harassment, Hazing and Bullying of Students and accompanying Procedures on the Prevention of Harassment, Hazing and Bullying of Students for your information. Under the Procedures [INSERT THE SCHOOL NAME] is required to initiate an investigation of those allegations within one school day of receipt of that information, except where special circumstances exist. (Procedures, Section III.A.)

I am providing written notification to you that special circumstances exist in this case **[OPTIONAL: "whereby ..." (INSERT BRIEF EXPLANATION OF DELAY TO THE EXTENT POSSIBLE WITHOUT VIOLATING OTHER STUDENT PRIVACY RIGHTS, i.e., investigator absence/illness, student witness availability, school activities necessitating student absences from campus, government agency or police directives received by school)]** such that the school will not be able to complete the investigation within that time limit.

You will receive written confirmation when the investigation has in fact been completed, which we anticipate will be no later than [INSERT DATE].

Please feel free to contact me with any questions.

Signed,

Building Administrator

Enclosures: Policy For the Prevention of Harassment, Hazing and Bullying of Students; Procedure For the Prevention of Harassment, Hazing and Bullying of Students

BCC: Investigator's Investigative File

DRAFT LETTER ANNOUNCING NO STUDENT CONDUCT POLICY VIOLATION (HHB or OTHERWISE)

TO: Complainant Student/Parent(s)

On [Insert date of first letter announcing investigation] you were provided written notification that the school had initiated an investigation under [INSERT THE SCHOOL OR SU NAME] Policy for the Prevention of Harassment, Hazing and Bullying and our related Procedures. Such investigation was initiated in response to information received that your (son/daughter) may have been subjected to inappropriate student conduct which the school reasonably believed might violate that policy.

I write today to report the investigation was completed on [INSERT DATE which cannot be more than 5 school days prior, and unless a delay letter was sent – see page 9 above – cannot be more than 5 school days following notice of the incident]] with a finding of **no substantiation of a violation of the school’s aforementioned policy.** (Procedures, Section III.H.)

Please be advised that all persons who participated in this investigation continue to have the right to be free from any acts of retaliation against them stemming from that participation.

Please be advised that in cases of alleged harassment you are entitled to an Internal Review of our investigations’ conclusions regarding whether harassment occurred. (Procedures, Section V.A.) Such review shall be completed within thirty days. You can also seek an Independent Review by an investigator selected by the school from a roster of investigators maintained by the Vermont Agency of Education in conjunction with the Vermont Human Rights Commission of our investigation’s conclusions regarding whether harassment occurred. (Procedures, Section V.B.) If you wish to pursue one - or both - of these options please contact our Superintendent of Schools at [INSERT ADDRESS]. In the case of an independent review please submit your request in writing and no later than (insert date thirty days from the date of this letter). (NOTE: **It is recommended that schools amend the procedures to explicitly provide in cases of an internal review a similar requirement for a time limit for parent to the review (30 days is appropriate), and that the request be in writing. If you have done so then you can omit the limiting phrase in the prior sentence “In the case of an independent review”**).

You may also, at any time, refer complaints regarding incidents of alleged harassment to the Vermont Human Rights Commission or the U.S. Department of Education Office of Civil Rights division for review. The contact information for both entities are listed in Procedures Section V.C., page 9. (Enclosed)

Thank you again for your cooperation as we continue to work towards creating a school environment that is supportive, respectful and safe for all students.

Signed, Building Administrator

Enclosures: Policy For the Prevention of Harassment, Hazing and Bullying of Students; Procedure For the Prevention of Harassment, Hazing and Bullying of Students
BCC: Investigator's Investigative File

DRAFT LETTER ANNOUNCING NO STUDENT CONDUCT POLICY VIOLATION (HHB or OTHERWISE)

TO: Accused Student/Parent(s)

On [insert date of first letter announcing investigation] you were provided written notification that the school had initiated an investigation under [INSERT THE SCHOOL OR SU NAME] Policy for the Prevention of Harassment, Hazing and Bullying and our related Procedures. Such investigation was initiated in response to information received that your (son/daughter) may have engaged in inappropriate student conduct which the school reasonably believed might violate that policy.

I write today to report that the investigation was completed on [INSERT DATE which cannot be more than 5 school days prior, and unless a delay letter was sent – see page 10 above – cannot be more than 5 school days following notice of the incident)] with a finding of **no substantiation of a violation of the school's aforementioned policy.** (Procedures, Section III.H.)

Please be advised that all persons who participated in this investigation continue to have the right to be free from any acts of retaliation against them stemming from that participation.

I encourage you to contact me with any remaining questions or concerns that you have.

Thank you again for your cooperation as we continue to work towards creating a school environment that is supportive, respectful and safe for all students.

Signed,
Building Administrator

Enclosures: Policy For the Prevention of Harassment, Hazing and Bullying of Students; Procedure For the Prevention of Harassment, Hazing and Bullying of Students

BCC: Investigator's Investigative File

DRAFT LETTER: OTHER STUDENT CODE OF CONDUCT VIOLATION, BUT NOT HHB POLICY

TO: Complainant Student/Parent(s)

On [Insert date of first letter announcing investigation] you were provided written notification that the school had initiated an investigation under [INSERT SCHOOL OR SU NAME] Policy for the Prevention of Harassment, Hazing and Bullying and our related Procedures. Such investigation was initiated in response to information received that your son/daughter may have been subjected to inappropriate student conduct which the school reasonably believed might violate that policy.

I write today to report the investigation was completed on [INSERT DATE which cannot be more than 5 school days prior, and unless a delay letter was sent – see page 9 above – cannot be more than 5 school days following notice of the incident]] and concluded that although inappropriate conduct was found to have occurred, there was **no substantiation of a violation of the school’s aforementioned policy.**

Although federal privacy law prevents me from discussing any disciplinary action taken to address the inappropriate conduct found to have occurred and committed by other student(s) - I can tell you that appropriate action has been taken with the appropriate students. (Procedures, Section III.H.I.3)

Please also be advised that all persons who participated in this investigation continue to have the right to be free from any acts of retaliation against them stemming from that participation.

Please be advised that in cases of alleged harassment you are entitled to an Internal Review of our investigations’ conclusions regarding whether harassment occurred. (Procedures, Section V.A.) Such review shall be completed within thirty days. You can also seek an Independent Review by an investigator selected by the school from a roster of investigators maintained by the Vermont Agency of Education in conjunction with the Vermont Human Rights Commission of our investigation’s conclusions regarding whether harassment occurred. (Procedures, Section V.B.) If you wish to pursue one - or both - of these options please contact our Superintendent of Schools at [INSERT ADDRESS]. In the case of an independent review please submit your request in writing and no later than (insert date thirty days from the date of this letter). (NOTE: **It is recommended that schools amend the procedures to explicitly provide in cases of an internal review a similar time limit for parent to the review (30 days is appropriate), and that the request be in writing. If you have done so then you can omit the limiting phrase in the prior sentence: “*In the case of an independent review*”**).

You may also, at any time, refer complaints regarding incidents of alleged harassment to the Vermont Human Rights Commission or the U.S. Department of Education Office of Civil Rights division for review. The contact information for both entities are listed in Procedures Section V.C., page 9. (Enclosed)

Thank you again for your cooperation as we continue to work towards creating a school environment that is supportive, respectful and safe for all students.

Signed,

Building Administrator

Enclosures: Policy For the Prevention of Harassment, Hazing and Bullying of Students; Procedure For the Prevention of Harassment, Hazing and Bullying of Students

BCC: Investigator's Investigative File

DRAFT LETTER: OTHER STUDENT CODE OF CONDUCT VIOLATION, BUT NOT HHB POLICY

TO: Accused Student/Parent(s)

On [insert date of first letter announcing investigation] you were provided written notification that the school had initiated an investigation under [INSERT SCHOOL OR SU NAME] Policy for the Prevention of Harassment, Hazing and Bullying and our related Procedures. Such investigation was initiated in response to information received that your son/daughter may have engaged in inappropriate student conduct which the school reasonably believed might violate that policy.

I write today to report the investigation was completed on [INSERT DATE which cannot be more than 5 school days prior, and unless a delay letter was sent – see page 10 above – cannot be more than 5 school days following notice of the incident]] and concluded that although there was no substantiation of a violation of the school's aforementioned policy, inappropriate conduct violating the school's (insert specific reference to general code of conduct violated) was found to have occurred.

As a consequence, your child (will serve/be required to engage in) [ANNOUNCE DISCIPLINE FOR OTHER CODE OF CONDUCT VIOLATIONS TO THE EXTENT THEY ARE TO BE IMPOSED.] [IN CASES OF OUT OF SCHOOL SUSPENSION ANNOUNCE ANY RE-ENTRY MEETING TO BE HELD BY DATE AND TIME IF APPROPRIATE.]

[WHERE THE SCHOOL ADMINISTRATOR RECOMMENDS DISCIPLINE FOR MORE THAN TEN DAYS SUSPENSION OR EXPULSION, INSERT LANGUAGE DETAILING THEIR RIGHT TO ATTEND BOARD MEETING AND RELATED PROCESS HERE WITH REFERENCE TO RIGHTS TO BRING LEGAL COUNSEL, QUESTION WITNESSES, ETC].

Please be advised that all persons who participated in this investigation continue to have the right to be free from any acts of retaliation against them stemming from that participation.

Thank you again for your cooperation as we continue to work towards creating a school environment that is supportive, respectful and safe for all students.

Signed,

Building Administrator

Enclosures: Policy For the Prevention of Harassment, Hazing and Bullying of Students; Procedure For the Prevention of Harassment, Hazing and Bullying of Students

BCC: Investigator's Investigative File

BSD DRAFT LETTER ANNOUNCING VIOLATION OF HHB POLICY OR RETALIATION

TO: Complainant Student/Parent(s)

On [Insert date of first letter announcing investigation] you were provided written notification that the school had initiated an investigation under [INSERT SCHOOL OR SU NAME] Policy for the Prevention of Harassment, Hazing and Bullying and our related Procedures. Such investigation was initiated in response to information received that your son/daughter may have been subjected to inappropriate student conduct which the school reasonably believed might violate that policy.

I write today to report the investigation was completed on[INSERT DATE which cannot be more than 5 school days prior, and unless a delay letter was sent – see page 9 above – cannot be more than 5 school days following notice of the incident]] with a finding of **substantiation of a violation of the school’s aforementioned policy**, with respect to (INSERT ONE: “harassment”/”hazing”/”bullying”/”retaliation”).

Although Federal privacy law prevents me from discussing any specific disciplinary action taken in this matter with respect to other students, (Procedures, Section III.H.I.3), I can tell you we are required to take reasonable steps to prevent a reoccurrence of the offending conduct, and to remedy its effects on the victim. We therefore have taken and will take steps consistent with this obligation as outlined in Section IV., Procedures on the Prevention of Harassment, Hazing and Bullying, subject to any appeal rights that the offending student may choose to exercise.

Please be advised that in cases of alleged harassment you are entitled to an Internal Review of our investigations’ conclusions regarding whether harassment occurred. (Procedures, Section V.A.) Such review shall be completed within thirty days. You can also seek an Independent Review by an investigator selected by the school from a roster of investigators maintained by the Vermont Agency of Education in conjunction with the Vermont Human Rights Commission of our investigation’s conclusions regarding whether harassment occurred or when found to have occurred whether the school’s response was adequate to solve the problem. (Procedures, Section V.B.) If you wish to pursue one - or both - of these options please contact our Superintendent of Schools at [INSERT ADDRESS]. In the case of an independent review please submit your request in writing and no later than (insert date thirty days from the date of this letter). **(NOTE: It is recommended that schools amend the procedures to explicitly provide in cases of an internal review a time limit for parent to the review (days is appropriate), and that the request be in writing. If you have done so then you can omit the limiting phrase “In the case of an independent review”).**

You may also, at any time, refer complaints regarding incidents of alleged harassment to the Vermont Human Rights Commission or the U.S. Department of Education Office of Civil Rights division for review. The contact information for both entities are listed in Procedures Section V.C., page 9. (Enclosed)

Thank you again for your cooperation as we continue to work towards creating a school environment that is supportive, respectful and safe for all students.

Signed,

Building Administrator

Enclosures: Policy For the Prevention of Harassment, Hazing and Bullying of Students; Procedure For the Prevention of Harassment, Hazing and Bullying of Students

BCC: Investigator's Investigative File

DRAFT LETTER ANNOUNCING VIOLATION OF HHB POLICY FOUND

TO: Accused Student/Parent(s)

On [insert date of first letter announcing investigation] you were provided written notification that the school had initiated an investigation under [INSERT SCHOOL OR SU NAME] Policy for the Prevention of Harassment, Hazing and Bullying and our related procedures. Such investigation was initiated in response to information received that your son/daughter may have engaged in inappropriate student conduct which might violate that policy.

I write today to report the investigation was completed on [INSERT DATE which cannot be more than 5 school days prior, and unless a delay letter was sent – see page 10 above – cannot be more than 5 school days following notice of the incident] with a finding of **substantiation of a violation of the school's aforementioned policy**, with respect to (INSERT ONE: "harassment"/"hazing"/"bullying"/"retaliation").

By law and Section IV of our Procedures on the Prevention of Harassment, Hazing and Bullying of Students we are required to take reasonable steps to prevent a reoccurrence of the offending conduct and to remedy any impacts on the victim. We have taken and will take steps consistent with this obligation.

As a consequence, your child (will serve/be required to engage in) [ANNOUNCE DISCIPLINE FOR OTHER HHB POLICY VIOLATIONS TO THE EXTENT THEY ARE TO BE IMPOSED.] [IN CASES OF OUT OF SCHOOL SUSPENSION ANNOUNCE ANY RE-ENTRY MEETING TO BE HELD BY DATE AND TIME IF APPROPRIATE.]

[WHERE THE SCHOOL ADMINISTRATOR RECOMMENDS DISCIPLINE FOR MORE THAN TEN DAYS SUSPENSION OR EXPULSION, INSERT LANGUAGE DETAILING THEIR RIGHT TO ATTEND BOARD MEETING AND RELATED PROCESS HERE WITH REFERENCE TO RIGHTS TO BRING LEGAL COUNSEL, QUESTION WITNESSES, ETC].

Finally, please be advised that any student determined to be violation of the Policy for the Prevention of Harassment, Hazing & Bullying of Students may appeal that determination and/or any related disciplinary action(s) taken, directly to the board of the school district. (Procedures, Section V "Rights of Accused Students.") Should you wish to pursue this right, please contact in writing within ten calendar days of receipt of this letter the school board directly of that request. The Board will then set the matter for review at the next scheduled school board meeting to the extent practicable, but no later than 30 days from receipt of your request. Please note while discipline recommendations *in excess of ten days of suspension shall be considered "stayed"* until the conclusion of such review and other related board reviews, other lesser suspensions, discipline and/or other actions taken for the safety of students will proceed

to the extent practicable. Please see the attached Procedures for further details regarding this process.

Thank you again for your cooperation as we continue to work towards creating a school environment that is supportive, respectful and safe for all students.

Signed,

Building Administrator

Enclosures: Policy For the Prevention of Harassment, Hazing and Bullying of Students; Procedure For the Prevention of Harassment, Hazing and Bullying of Students

BCC: Investigator's Investigative File

Sample Form Student Misconduct Complaints

Note: Form should not be titled "harassment" or "bullying" form, so as to avoid inappropriately narrowing the scope of the investigation, rather "Student Conduct Form." Any form created by the school should contain the following fields:

DISTRICT EMPLOYEE AUTHOR:

(Designated Employee? Y N)

IDENTITY OF STUDENT/ADULT REPORTER:

IDENTITY OF ALLEGED STUDENT OFFENDER:

DATE OF REPORT BY STUDENT:

TIME OF REPORT BY STUDENT:

DESCRIPTION OF CONDUCT REPORTED:

STUDENT WITNESSES (if any):

DISTRICT EMPLOYEE WITNESSES (if any):

STUDENTS INTERVIEWED BY EMPLOYEE AUTHOR (if any):

INITIAL ACTIONS BY EMPLOYEE AUTHOR (if any):

NEXT STEPS TO BE TAKEN BY EMPLOYEE AUTHOR (report to Designee, inform parents, commence investigation):

SCHOOL DESIGNEE INCIDENT REPORTED TO:

DATE & TIME INCIDENT WAS REPORTED TO C-1 DESIGNEE:

_____ **(Signature of Designee)**

Copies of this form must be given to the school principal, assistant principal, both Designated Employees, the alleged offender's teachers, the alleged victim's teachers, and placed within both the accused student and complainant student's disciplinary files (where appropriate). A copy must also be placed in central filing.

TO: VSBIT MEMBERS
RE: Updated Draft HHB Letters
DA: May 25, 2016
FR: Heather T. Lynn

Please be advised that the HHB Tool Kit “Draft Letters” announcing the initiation of investigations, delays in initiation, delays in completion of investigation, and final results of investigations, have all been updated as of May 25, 2016.

The reasons for the updates are as follows:

- A NEW LETTER to reflect initiation of investigation for cases of alleged RETALIATION, and amendments to all other completion of investigation letters to reflect cases of possible RETALIATION.
- Clarification and documentation within the letter’s text to reflect the new role assigned to Building Administrators within the Model Procedures -Section III.A.
- Changes to the letters such that Building Administrators are now the recommended signatories on all letters. (Again to reflect their new role as set forth in Model Procedures).
- Clarification within the letter content which incorporates the timing requirements of the Procedures for completing an investigation (within 5 school days of notice to the designee), and for reporting out the results of an investigation (within 5 school days of reaching conclusions in the investigation).
- Clarification in result letters in cases of alleged harassment that a Complainant Parent dissatisfied with the outcome, when seeking an Independent Review must do so within 30 days of the final decision and do so in writing, but that those requirements DO NOT apply to requests for Internal Review *unless the school/SU amends its Procedures to impose those requirements.*
- Adding additional information for possible justifications for investigation delays

PRELIMINARY DRAFT 7-21-16
ANIMALS IN THE CLASSROOM
OR ON SCHOOL PROPERTY

The Colchester Supervisory District recognizes that, under the proper conditions, animals can be an effective teaching aid.

It is also recognized that there can be medical and physical risks associated with animals, both wild and domesticated, in the classroom and/or on school property.

Additionally, federal and state prescribe circumstances under which individuals with disabilities have a right to bring their service animals onto District premises.

The Superintendent or her/his designee shall prepare procedures and rules to be followed, consistent with State and federal law and guidelines, when an individual wishes to bring an animal onto school property and into any school building. The procedures and rules shall address the bringing of animals to school for instructional purposes, and shall also provide a process to be followed when a request is made by an employee or student with a disability to be accompanied at school by a service animal.

DRAFT: 7-21-16

Procedures and Rules For Bringing Animals into School or Onto School Property

Part I. Definitions. The following definitions are to be used in carrying out Parts II-IV of these rules and procedures.

- A. "Animal(s)" means live vertebrates such as mammals, birds, reptiles, fish, and amphibians. Examples: dogs, rats, red racer snakes, cats. The term "animals" includes "service animals" and "animal visitors."
- B. "Animal visitors" means any animal that is not a service animal.
- C. "Individual with a disability" (or "student with a disability") means a person with a mental or physical impairment that substantially limits a major life activity, as defined under Section 504 of the Rehabilitation Act (504) and the Americans with Disability Act (ADA).
- D. "Poisonous animal" means an animal, including spiders, insects, reptiles and amphibians, which is venomous or toxin-producing, that delivers its poison through a bite, scratch, etc., in amounts sufficient to cause humans sickness, extreme pain or death. Examples: rattlesnake, brown recluse spider.
- E. "Service animal" means any dog that is individually trained to work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual or other mental disability.
 - (1) The definition of "service animal" does not include other species of animals, whether wild or domestic, trained or untrained.
 - (2) The "work" or "tasks" performed by a service animal must be directly related to the individual's disability. Examples of work or tasks include, but are not limited to: assisting an individual who is blind or who has low vision with navigation; alerting an individual who is deaf or hard of hearing to the presence of people or sounds; pulling a wheelchair; assisting an individual during a seizure; retrieving items such as medicine or the telephone; providing physical support and assistance with balance and stability to individuals with mobility impairments; and helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors. The provision of emotional support, well-being, or comfort does not constitute work or tasks of a service animal.
 - (3) Requests by an individual with a disability for reasonable modifications to policies and practices in order to permit the use of a miniature horse, that has been individually trained to do work or perform tasks for the individual with disabilities, will be handled through the same procedures as those for service animals, and the same requirements apply. In addition, by law the District may also consider: the type, size and

weight of the animal and whether the school can accommodate these features; whether the handler has sufficient control of the animal; whether the miniature horse is housebroken; and whether the animal's presence in a specific school or school location compromises legitimate safety interests that are necessary for safe operation.

- F. "Wild animal" means an animal not commonly domesticated.
Examples: frog, snake, robin, spider, squirrel.

II. Access for Service Animals

- A. Students: Parents (or a student age 18 or older) may submit to the building principal requests for use of a service animal by a student. The District will respond to requests for student use of service animals at school on a case-by-case basis using the following procedures:
- (1) **Referral to 504/ADA Personnel.** When a parent (or student with a disability aged 18 or over) makes a request to a staff person for the use of a service animal by a disabled student, the staff person will promptly notify the principal or designee. The principal or designee will forward the request to District administrator responsible for Section 504/ADA compliance, as applicable.
 - (2) **Prior to Meeting.**
 - a. The District administrator shall promptly provide the parent with an information input form for completion and for use by the 504/504 team in considering the request for use of a service animal. **Form ___.**
 - b. If the student has not previously been determined by the District to have disability, the parent shall also be asked to provide information showing the existence of a disability for presentation to the 504/ADA team. If the school is aware of what disability is suspected, the school shall, in preparation for the 504/ADA meeting, gather pertinent information related to the existence of the disability and effect on functioning at school.
 - (3) **504/ADA Team and Meeting.** The District will hold a meeting with the family to consider the request in light of all relevant information. The meeting will be held within a reasonable time following the request, typically within two weeks unless the parent is unavailable during that time.
 - (a) The Team should include of the student's parent, at least one classroom teacher, the school nurse, and the school's ADA/504 representative, along with any other individuals with

specialized knowledge regarding the student's disability and/or the training and capabilities of the service animal.

- (4) **Determination of Disability.** If the student has not previously been determined to be an individual with a disability by a 504/ADA or EPT, the Team should first review information to determine that the student has a disability within the meaning of the ADA/504 (a “mental or physical impairment that substantially limits a major life activity”). The usual 504 form shall be used for this process.
- (3) **Decision on Request for Service Animal.** If the student is an individual with a disability, based on the information provided/gathered, the District will determine whether the animal in question meets the definition of a service animal. District staff may ask if the dog is required because of the student’s disability; what disability-related work or tasks animal has been individually trained to perform for the student, if not readily apparent.
- (4) **Need for Service Animal at School.** If the District determines that the animal is a service animal, the meeting participants will then consider whether allowing the student's use of the service animal at school is a necessary accommodation so that the student can achieve equal access to, participation in and benefits from, the school and its programs and activities
- (5) **Notice to Parent.** The District will provide parents (or the student who is 18 or older) with results of the determination under the ADA and Section 504, as applicable, and notice of rights as applicable.
- (6) **Team Preparation of a Service Animal Plan.** If the student has been found to have a disability, and the dog has been found to be a service animal, the 504/ADA team shall prepare a plan/agreement specifying responsibilities for the service animal while on school premises, including any accommodations the student may need in connection with using the dog. This Service Animal Plan shall supplement the student’s 504 plan.
Form __.
- (7) **Notice to IEP team.** The 504/ADA team shall forward its findings and 504/ADA Services Animal Plan to the student’s IEP team so that the IEP team can consider whether any amendment to the IEP is needed to provide FAPE under the IDEA.
- (8) **Ongoing review.** The 504/ADA team shall continue to monitor (and periodically review and amend as needed) the 504/ADA Service Animal plan so long as the student continues to use a service animal.

B. **Employees.** Upon receipt of a request from an employee with a disability, the District will consider allowing the employee with disabilities to use a service animal at work as a reasonable accommodation, unless doing so would result in an undue hardship to the employer.

- (1) If the employee has not already been determined to have a disability under Section 504/ADA, that determination shall be made first. The District may request medical and other documentation necessary to establish the existence of the disability and its resulting functional limitations.
- (2) If a disability has been established, the District shall follow the District's usual procedures for deciding reasonable accommodation requests for employees with disabilities. It shall initiate an interactive process with the employee, to discuss the disability-based need for the service animal as an accommodation, if not obvious. The District may discuss with the employee the need for the accommodation, including the need for a service animal; may ask what disability-related task or work the service animal is individually trained to do; and may establish whether the service animal will at all times be under the employee's care and control, and will not disrupt the workplace.
- (3) If the reasonable accommodation request to bring a service animal to work is granted, the employee is responsible for taking care of the service animal, including making sure the animal is not disruptive and remains at all times with the employee, providing veterinary care, making arrangements for food and water, and taking the animal outside when necessary to relieve itself, and so on.
- (4) The District and employee should discuss if there are any reasonable accommodations that are essential to allow the employee to care for and control the animal in the work place. Examples: brief breaks during the day for the employee to take the animal outside for toileting; establishing location where animal can be provided with food, water if needed.

III. Rules and Responsibilities for Use of Service Animals at School, on School Grounds, and at School Functions.

- A. The District is not responsible for the care or supervision of a service animal in school or on school grounds.
- B. The service animal must be under the control of a handler at all times by means of a harness, leash or tether, unless either the handler is unable, because of a disability, to use a harness, leash or other tether or the use of harness, leash or tether would interfere with the service animal's safe, effective performance of work or tasks. If the latter, the service animal must

- be otherwise under the handler's control (e.g. voice control, signals, or other effective means) at all times.
- C. The service animal may be excluded or removed if the animal is not housebroken or if the animal is out of control and the animal's handler does not take effective action to control it. If a service animal is excluded, the District will give the person with a disability the opportunity to participate in the service, program, or activity without the service animal. The District is not required to "fundamentally alter" its programs or operations, etc., in allowing the use of service animals.
 - D. The District will not require a surcharge or other fee for use of a service animal. However, the District has a policy that allows charging for destruction of school property in other situations and may charge the service animal's owner for any damage or harm caused by the service animal.
 - E. The District may not require documentation that the animal has been certified, trained or licensed as a service animal, as a condition for access. The District does require proof of compliance with State and local immunization, licensing, and similar laws, including municipal ordinances.
 - F. Handling conflicting needs:
 - (1) If the District is or becomes aware of another individual with a disability who is adversely affected by the service animal (e.g. a significant allergy or an anxiety disorder), the District will collect necessary information from the parties and determine how best to address the needs of both individuals with disabilities.
 - (2) The District will provide notice to all parties of the resolution of this situation, along with a copy of the District's ADA/504 grievance procedure and any other applicable notices.
 - G. The District's complaint procedure may be used to resolve disputes arising under this procedure.

IV. Animal Visitors in the Classroom

A. Requests

- (1) All requests to have animal visitors (student or staff "Show and Tell" or for a science lesson, for example) in the classroom or on school

property during school hours must be submitted to the principal or designee in writing.

- (2) Included in the request should be a description of the activity, type of animal, educational purpose/benefit, length of activity, and a plan for the care of the animal. Additionally, if applicable, the request should include verification that the animal is properly and currently licensed with the appropriate inoculations. The principal or designee has the discretion to permit or deny the presence of any animal visitor in the school.
- (3) Prior to approving the request, the principal or designee shall determine whether any child has a health condition (such as allergies) that could be exacerbated by exposure to animals. Parents must be notified of the plans to have an animal in the classroom so that accommodations may be made for their student.
- (4) Length of time animal visitors are allowed in classrooms
 - a) Animals will be permitted in classrooms only for a specified and appropriate educational purpose and for the time necessary to achieve the educational goal.
- (5) Teacher responsibilities for animal visitors in classrooms
 - a) Treatment of animals: Teachers must assume primary responsibility for the humane and proper treatment of any animals in the classroom. If animals are to be kept in the classroom on days when classes are not in session, the teacher must make arrangements for their care and safety.
 - b) Exhibits: Each teacher is responsible for the proper supervision and control of students under his/her direction whenever there is an exhibit or activity involving animals in the school.
 - c) Food storage: All animal food will be stored in metal containers with tight-fitting lids for pest prevention.
 - d) Housekeeping: Teachers are responsible for maintaining the living space for animals in a safe, secure and clean condition. Care must be taken to ensure that an animal does not escape from its cage or container. Spilled food and/or bedding materials must be cleaned up daily. Young children should not be allowed to handle or clean up any form of animal waste (feces, urine, blood, etc.), and older children should be closely monitored and supervised, and provided with appropriate clean-up materials (gloves, etc.)

- (6) Owner responsibility for animal visitors in classrooms
 - a) Owners shall be solely responsible for the care/safety of their animals and for injuries sustained to the animal or to people due to the presence of the animals at the school.
 - b) All animals brought for exhibit must be restrained and controlled by their owner/handler.

V. Owner responsibility for animals on school grounds

- A. Owners bringing animal visitors on school grounds must comply with State and local laws and ordinances regarding leashing, sanitation, immunization and licensing.
- B. Refer to the Colchester Town ordinances for rules regarding leashed and unleashed animals.
- C. Refer to 20 V.S.A. Chapter 193 and related local ordinances for laws related to licensing and immunization.
- D. Principals have the authority to exclude persons and their animal visitors from school grounds.

VI. Limitations

- A. Domesticated animals. No domesticated mammals, including dogs, cats, primates, birds, or livestock shall be allowed in school buildings or grounds unless permitted by the principal and proof that the animal is under the care of a veterinarian and has had appropriate current rabies vaccination and preventive deworming is provided. The Principal/designee should refer to Vermont Department of Health Guidelines with respect to potential risks of other specific types of domesticated animals. Examples: birds, fish, chicks/ducklings, reptiles/amphibians, especially with respect to potential health hazards.
- B. Rabies. Animals that pose a high risk of transmitting rabies, including bats, raccoons, skunks, fox and other carnivores, and stray animals, are prohibited.
- C. Wild Animals. No other wild animals are permitted, unless in a cage or other proper container, and under the control of an individual experienced and trained in wildlife handling (i.e. zookeepers, veterinarians, etc.). Wild animal visitors to the classroom should not be touched by school staff or students.

- D. No poisonous animals are allowed.
- E. No animals will be allowed free range in the facility or grounds.
- F. [Optional][No horseback riding, pony rides and donkey basketball on school grounds or school parking lots is prohibited.]

VII. Injuries

- A. Staff members, students or other visitors who have been bitten or otherwise injured by an animal shall report such incident to the principal and the school nurse immediately. The principal shall notify the parents in the case of student injury. The person most knowledgeable about the incident shall complete an injury report and forward it to _____.

VIII. Distribution and Publication.

- A. It is important that these rules and procedures be circulated to all school staff, including the school nurse and to parents.
- B. Copies of these rules and procedures shall be included in the District [and Supervisory Union] websites, and in parent/student handbooks. Posting on bulletin boards at locations likely to be seen by parents and the general public is also recommended.

PERSONNEL CONSENT AGENDA

Board Date: August 2, 2016 - Revised

Contract Type	First Name	Last Name	Category	Position	FTE/Hours	Building	Agenda Information	Person Replacing	Rationale	Admin Support
Support Staff	Justin	Chamberlin	End of Employment	Paraeducator - Special Education	32.5 hr	CMS	Notice of End of Employment			Yes
Support Staff	Keri	Comi	End of Employment	Food Service Worker	30.0 hr	MBS	Notice of End of Employment			Yes
Support Staff	Margaret	Martin	End of Employment	Autism Interventionist	35.0 hr	PPS	Notice of End of Employment			Yes
Support Staff	Dana	Brooks	New Hire	Paraeducator - Special Education	32.5 hr	CMS	Notice of Hire	New		Yes
Support Staff	Michael	Brown	New Hire	Behavior Interventionist	32.5 hr	CMS	Notice of Hire	Megan Jarominski		Yes
Support Staff	Bonnie	Domachowski	New Hire	Paraeducator - Math Center	15.0 hr	CHS	Notice of Hire	Michael Opperman		Yes
Support Staff	Jessy	Lamphere	New Hire	Paraeducator - Special Education	32.5 hr	UMS	Notice of Hire	Robin Hart		Yes
Support Staff	Laurie	Ose	New Hire	Paraeducator	32.5 hr	UMS	Notice of Hire	Hannah Trieb		Yes
Support Staff	Lacey	Potter	New Hire	Paraeducator	32.5 hr	PPS	Notice of Hire	Kay Shutt		Yes
Support Staff	Janet	Previti	New Hire	Paraeducator - Special Education	32.5 hr	CHS	Notice of Hire	Sean Clarke		Yes
Support Staff	Kingsley	Sdankus	New Hire	Autism Interventionist	35.0 hr	UMS	Notice of Hire	New		Yes
Support Staff	Kathryn	Stankiewicz	New Hire	Paraeducator - Special Education	32.5 hr	CMS	Notice of Hire	Sarah Taylor		Yes
Support Staff	Rachel	Hutchinson	Transfer	Intensive Needs Interventionist	37.5 hr	CHS	Notice of Transfer	Joanne Rice		Yes
Support Staff	Melanie	Moore	Transfer	Food Service Worker	30.0 hr	MBS	Notice of Transfer	Keri Comi		Yes
Teacher	Lynn	Spencer	Additional FTE	Speech & Language Pathologist	0.4 FTE	MBS	Request FTE increase to 1.0 (current 0.6 FTE)			Yes
Teacher	Megan	Rupert	End of Employment	Speech & Language Pathologist	0.4 FTE	MBS	Request to End Employment			Yes
Teacher	Brian	Hunt	Leave of Absence	Physical Education Teacher	1.0 FTE	MBS	Leave of Absence Request for the 2016-2017 SY			
Teacher	Debra	DeMulder	New Hire	Special Education Teacher, Long-Term Substitute	1.0 FTE	CHS	Request to Hire	Helen-Marie Jurnak		Yes
Teacher	Joanne	Kalisz	New Hire	Art Teacher, Long-Term Substitute, One-Year Only	1.0 FTE	MBS	Request to Hire	Katherine Decoff		Yes
Teacher	Ryan	Kluk	New Hire	Physical Education Teacher, Long-Term Substitute, One-Year Only	0.8 FTE	MBS	Request to Hire	Brian Hunt		Yes
Teacher	Ryan	Kluk	New Hire	Paraeducator	6.5 hr	MBS	Notice of Hire	Brian Hunt		Yes
Teacher	Elliot	Lafferty	New Hire	Spanish Teacher, Long-Term Substitute	1.0 FTE	CMS	Request to Hire	Meghan Tiernan Fisher		Yes

COLCHESTER SCHOOL DISTRICT

Board of Education Meeting
Colchester High School Media Center

Tuesday, July 19, 2016
7:00 p.m. (General Session)

MINUTES (General Session)

The Colchester Board of Education held a regular board meeting on Tuesday, July 19, 2016, in the Colchester High School Media Center. Those in attendance were: Board Chair Mike Rogers; Directors: Curt Taylor and Lincoln White; Superintendent Amy Minor and Business & Operations Manager George Trieb. Absent: Directors Lindsey Cox and Craig Kieny; Director of Curriculum & Instruction Gwen Carmolli; Director of Special Education Carrie Lutz; Principals Chris Antonicci, Heather Baron, Julie Benay, Michele Coté, and Carolyn Millham. There were no members of the community in attendance.

I. Call Meeting to Order

Chair Mike Rogers called the meeting to order at 7:00 p.m.

II. Pledge of Allegiance

Chair Mike Rogers led in the Pledge of Allegiance.

III. Citizen Participation

None.

IV. Colchester Community Center

Dawn Francis, Town Manager; Herb Downing, Selectboard; and Kathi Walker O'Reilly, Economic Development Director were present to discuss the Colchester Community Center.

Dawn Francis presented an overview of the current need for a Community Center. A consultation group was hired to explore the needs of a community center and five possible sights were determined.

Director Curt Taylor moved, seconded by Director Lincoln White, to move Agenda Item: School Calendar. Motion passed unanimously, 3-0.

V. School Calendar

Superintendent Minor presented the revised school calendar to the school board and community. The decision was made to close school at Colchester High School only on November 8, 2016 (Presidential Election Day). As the only polling location for a presidential election, closing school will ensure safety of the students and alleviate parking concerns.

VI. Website

Superintendent Minor reviewed a DRAFT of the district website with the school board. Superintendent Minor discussed the reasons for a new website and future plans. The new district

website will launch before the end of August and the five schools will launch their new website over the course of the school year.

VII. Update on Food Service Programs

At the school board's request, George Trieb, Business & Operations Manager, provided the board with a financial update on the Food Service Program.

VIII. Vigilant Guard Training

Superintendent Minor informed the school board that local and state emergency responders will team with the VT National Guard and federal agencies in a full-scale emergency exercise on July 29, 2016. Colchester High School will be used during the exercise as a potential shelter. District personnel will partake in the exercise.

IX. Personnel Consent Agenda

Superintendent Amy Minor presented the following Personnel Consent Agenda for July 19, 2016.

PERSONNEL CONSENT AGENDA**Board Date: July 19, 2016**

Contract Type	First Name	Last Name	Category	Position	FTE/Hours	Building	Agenda Information	Person Replacing	Rationale	Admin Support
Support Staff	Zachary	Whitcomb	New Hire	Paraeducator - Special Education	32.5 hr	PPS	Notice of Hire	Corinne Cote		Yes
Support Staff	Melanie	Moore	New Hire	Food Service Worker	12.0 hr	CHS	Notice of Hire	Lubica Hajrovic		Yes
Support Staff	Thelma	Sanville	New Hire	Food Service Worker	3.0 hr	CHS	Notice of Hire	Lubica Hajrovic		Yes
Support Staff	John	Gordon	Transfer	Lead Custodian	40.0 hr	CMS	Notice of Transfer	Paul Morin		Yes
Support Staff	Jessica	Delibac	End of Employment	Autism Interventionist	35.0 hr	PPS	Notice of End of Employment			Yes
Support Staff	Maureen	Gillard	End of Employment	Paraeducator - Special Education	16.25 hr	CHS	Notice of End of Employment			Yes
Support Staff	Nathan	Hull	End of Employment	Behavior Interventionist	35.0 hr	UMS	Notice of End of Employment			Yes

Director Lincoln White moved, seconded by Director Curt Taylor, to approve the personnel consent agenda for July 19, 2016, as provided. Motion passed unanimously, 3-0.

X. Approval of Minutes: June 21, 2016

Director Lincoln White moved to approve the minutes of June 21, 2016, seconded by Director Curt Taylor. Motion passed unanimously, 3-0.

XI. Board/Administration Communication, Correspondence, Committee Reports

- Negotiations Update
- Administrative Retreat
- School Board Meeting for the 2016-2017 Calendar
- School Board Retreat Finalization – Date to be determined

XII. Possible Future Agenda Items

- InfoSnap Presentation
- Hazing, Harassment and Bullying Policy Review
- Out-of-District Placement Presentation (Executive Session)

XIII. Adjournment

Director Curt Taylor moved, seconded by Director Lincoln White, to adjourn at 8:50 p.m. Motion passed unanimously, 3-0.

Recorder:

Board Clerk:

Erin Dye
Reporting Secretary

Craig Kieny
Board Clerk