

Colchester School Board  
Meeting Agenda and Packet  
March 21, 2023

**Colchester School District  
Board of Education Meeting Agenda  
March 21, 2023 - 7:00 P.M.  
Colchester High School Library**

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**Agenda**

- I. Call to Order**
- II. Citizen Participation**
- III. Hear Nominations for School Board Reorganization and Approval of newspaper of Record** Action
- IV. Second and Final Reading of School Board Policy: B1** Action
- V. Second and Final Reading of Code of Ethics for School Board Members: B2** Action
- VI. First Reading of Family/Parental and Medical Leave Policy: D14** Action
- VII. Approval of Recommendation for Administrator Contract Renewals 2023-2024** Action
- VIII. Approval of Recommendation for Teacher Contract Renewals 2023-2024** Action
- IX. Approval of School Calendar for 2023-2024** Action
- X. Approval of Consent Agenda** Action
- XI. Approval of Meeting Minutes: March 7, 2023** Action
- XII. Board/Administration Communication, Correspondence, Committee Reports** Information
- XIII. Future Agenda Items** Information
- XIV. Adjournment**

**\*Meeting Participation and Viewing Options**

Meetings are open to the public unless warned otherwise. Colchester citizens have an opportunity to speak or comment on any items listed on the agenda. For topics not listed on the agenda, public comment can be made during the Citizen's Participation agenda item. Please review the Public Comment Rules listed at [www.csdyt.org/schoolboard](http://www.csdyt.org/schoolboard) prior to the meeting. If not attending in person, citizens may also participate in the meeting by emailing a prerecorded message to [schoolboard@colchesters.org](mailto:schoolboard@colchesters.org) with "Citizens Participation" listed in the subject line. It must be received by noon on the day of the meeting, include your full name and phone number, and follow the Public Comment Rules. LCATV will provide live stream coverage via: [www.lcatv.org/live-stream-3](http://www.lcatv.org/live-stream-3).

## COLCHESTER SCHOOL DISTRICT

### **POLICY: SCHOOL BOARD POLICY**

**DATE ADOPTED:** April 6, 2021

### **POLICY STATEMENT**

VSA Title 16 § 423 stipulates that each town school district shall have a school board. The purpose of this policy is to define the make up and some of the operating procedures that will be used by that legislative body.

#### **I. QUALIFICATIONS (VSA Title 16 § 558)**

- A. A member of the school board (hereafter referred to as "the board") must be a legal voter in the Colchester Town District.
- B. A member of the board shall not be regularly employed by the school district.

#### **II. BOARD MEMBERSHIP**

- A. The board shall be comprised of five members.
- B. The terms of office shall be for three years and two years. One member shall be elected for a three year term and one member elected for a two year term at each annual meeting of the school district. Terms shall end on the third annual and second annual meeting days following their election.
- C. Vacancies shall be refilled in accordance with VSA Title 16 § 424.
- D. Members of the board must be sworn in by the town clerk prior to entering upon the duties of their office. (VSA Title 16 § 561)
- E. The officers of the board shall be a chair, vice-chair, and clerk.
- F. The officers must be nominated annually at the board meeting which next follows the election, and the results of this nomination must be filed at the office of the town clerk and with the Vermont Commissioner of Education. (VSA Title 16 § 561).

*Legal References:*

V.S.A. Title 1 §§ 310 - 314

V.S.A. Title 16 § 423

(1)	V.S.A. Title 16 § 424
(2)	V.S.A. Title 16 § 554b

V.S.A. Title 16 § 558

(3)	V.S.A. Title 16 § 561
(4)	V.S.A. Title 16 § 563

Last Adopted: April 2, 2019

Date Warned: March 12, 2021

First Reading: March 16, 2021

Second Reading: April 6, 2021

**III. DUTIES AND RESPONSIBILITIES**

- A. The powers, duties and responsibilities of the board are defined in VSA Title 16 § 563. The Colchester School Board will comply with these legal requirements.
- B. Roberts Rules of Order as modified for small boards shall govern the conduct of board meetings. (VSA Title 16 § 554b)
- C. All board meetings will be conducted in accordance with Vermont's open meeting law. (VSA Title 1 §§ 310 - 314)

**IV. DUTIES AND RESPONSIBILITIES OF OFFICERS OF THE BOARD**

- A. **Chair**
  - 1. Presides over meetings of the board.
  - 2. Calls special meetings.
  - 3. Performs other duties as directed by the board.
  - 4. In collaboration with the superintendent, establish the agenda for each meeting.
- B. **Vice Chair**
  - 1. Substitute for the chair whenever necessary.
- C. **Clerk**
  - 1. Perform all duties required by statute, VSA Title 16 § 561.

**V. BOARD MEMBER EDUCATION**

- A. Board members will take advantage of training opportunities to learn more about their role, school programs, Vermont Agency of Education functions and legislative activities.
- B. The school district will pay the cost for these training opportunities.

**VI. BOARD GOAL-SETTING AND EVALUATIONS**

- A. The board will participate in goal-setting and self-evaluation activities developed or recommended by the superintendent at least annually.
- B. These goals will address areas such as (not limited to):
  - 1. Policy making,
  - 2. Policy implementation,
  - 3. Community relations,
  - 4. Board interpersonal communication skills,
  - 5. Board-superintendent relations,
  - 6. Fiscal/budget management,
  - 7. The instructional program,
  - 8. Labor relations,
  - 9. Board in-service training and
  - 10. Government relations.

## COLCHESTER SCHOOL DISTRICT

### **POLICY: CODE OF ETHICS FOR SCHOOL BOARD MEMBERS**

**DATE ADOPTED:** April 6, 2021

### **POLICY STATEMENT**

A school board member has no legal powers or authority unless acting at a school board meeting or acting for the school board after it formally grants power to act on its behalf. A school board member should perform the duties of a school board member in a manner consistent with this code of ethics.

#### **I. BOARD GOVERNANCE**

- A. Set goals for the school system and establish policies to direct its administration.
- B. Maintain confidentiality of discussion conducted in executive session and of other privileged information.
- C. Abide by board decisions regardless of how individuals voted.
- D. Act only as a member of the board and do not assume authority as an individual in school matters when the board is not in session.
- E. Be familiar with and observe Vermont education laws.
- F. Listen to legal counsel and constructive criticism to protect the board and the school system from liability.
- G. Attend all regularly scheduled board meetings, insofar as possible, and review study materials about the issues to be considered on each agenda.

#### **II. BOARD/ADMINISTRATOR RELATIONS**

- A. Give school officials authority commensurate with their responsibility, work through the properly appointed school officials according to the school system's organization and policies, and support school officials in the performance of their duties.
- B. Expect the superintendent to keep the board adequately informed through regular written or oral reports and hold the superintendent accountable through an annual job performance evaluation.
- C. Refer complaints, requests, and concerns to the superintendent or other appropriate staff member.

Last Reviewed: April 2, 2019

Date Warned: March 12, 2021

First Reading: March 16, 2021

Second Reading: April 6, 2021

- D. Use the chain of command and avoid making commitments or promises that compromise the board, administration or the school system.
- E. Listen to the recommendations of the superintendent and staff before making decisions and provide advice and counsel to the superintendent.
- F. Recognize that a board member's responsibility is to see that schools are well-run, but not to run them.

### **III. BOARD MEMBER RELATIONS**

- A. Retain independent judgment and refuse to surrender that judgment to individuals or special interest groups.
- B. Voice opinions responsibly, maintain good relations with other board members, respect other board members' rights and opinions, and make no disparaging remarks, in or out of the board meeting, about other board members or school staff. Instead, express opinions in a professional, fair manner.
- C. Accept the responsibility to secure facts before arriving at conclusions.
- D. Expect more time to be spent on educational programs and procedures than on business details at board meetings.

### **IV. PERSONNEL RELATIONS**

- A. Support employment of the best qualified people as school staff and insist on regular, impartial evaluations of all staff.
- B. Hire no superintendent, principal or teacher already under contract with another school unless assurance is first secured from the proper authority that the person can be released from contract.

### **V. COMMUNITY RELATIONS**

- A. Represent the entire community and vote for what seems best for the children and youth of the school system.
- B. Interpret the attitudes, wishes and needs of the community to school staff and communicate the aims, methods and goals of the schools to the community.
- C. Create an environment that fosters community participation and involvement.

### **VI. BOARD PREPARATION AND TRAINING**

- A. Be informed about educational issues by individual study and through participating in programs providing needed information such as those sponsored by the Vermont and National School Boards Associations.

- B. Take advantage of opportunities to improve your knowledge and to build your skills as locally elected members of governing school boards.
- C. Associate with board members from other schools to discuss school problems and cooperate in the improvement of public school conditions.
- D. Provide assistance to new school board members and make sure adequate orientation and training opportunities are offered them.

## **VII. CONFLICT OF INTEREST**

Members of the board recognize the ethical duty of all public officers to avoid conflicts of interest. "Conflict of interest" means a situation when a board member's private interests, as distinguished from the board member's interest as a member of the general public, would benefit from or be harmed by their actions as a member of the board. In the case of school board members, this duty is extended by Vermont statutory law to include a requirement that boards adopt policies and procedures to avoid the appearance of conflicts of interest. In order to comply with the obligations thus imposed, the board and its members will adhere to the following standards.

### **A. RECOMMENDED STANDARDS**

- 1. Board members will be familiar with the NSBA and VSBA Codes of Ethics, and will observe their provisions.
- 2. Board members will be familiar with, and adhere to, those provisions of Vermont education law which define school board powers and govern board member compensation and public bidding processes.
- 3. Board members will do nothing intended to give the false impression that they have the authority to make decisions or take action on behalf of the board or the school administration.
- 4. Board members will not take any action which is intended to give the impression that they would represent special interests or partisan politics for personal gain.
- 5. Board members will not use their position on the board in any manner intended to unfairly promote personal financial interests or the financial interests of family members, friends or supporters.
- 6. Board members will not accept anything of value in return for taking particular positions on matters before the board.
- 7. Board members will do nothing intended to leave the impression that their position on any issue can be influenced by anything other than a fair presentation of all sides of the question.

**B. AVOIDING CONFLICTS**

When a board member becomes aware of involvement in a conflict of interest as defined in state law or this policy, they will declare the nature and extent of the conflict or appearance of conflict for inclusion in the board minutes, and will abstain from voting or participating in the discussion of the issue giving rise to the conflict.

**C. COMPLAINTS OF CONFLICT OF INTEREST**

When a conflict of interest claim against a board member is brought to the board in writing, and is signed by another board member or a member of the public, and the board member against whom the claim is made does not concur that a conflict in fact exists, the following board procedures will be followed.

1. Upon a majority vote of the remaining board members, or upon order of the chair, the board will hold an informal hearing on the conflict of interest claim, giving both the board member and the person bringing the claim an opportunity to be heard.
2. At the conclusion of the informal hearing, the remaining board members will determine by majority vote to take one of the following actions:
  - a) Issue a public finding that the conflict of interest charge is not supported by the evidence and is therefore dismissed;
  - b) Issue a public finding that the conflict of interest charge is supported by the evidence and that the member should disqualify themselves from voting or otherwise participating in the board deliberations or decision related to that issue, as required by Vermont statute; and/or
  - c) Issue a public finding that the conflict of interest charge is supported by the evidence and, in addition to disqualifying themselves from voting or otherwise participating in the board deliberations or decision, the board member should be formally censured or subjected to such other action as may be allowed by law.

## COLCHESTER SCHOOL DISTRICT

### **POLICY: FAMILY/PARENTAL AND MEDICAL LEAVE**

**DATE ADOPTED:** May 16, 2006

### **POLICY STATEMENT**

The Colchester School District provides employees who meet the applicable service requirements, unpaid leave time to take care of family and medical issues consistent with the federal Family and Medical Leave Act (FMLA) and Vermont's Parental and Family Leave Law (VPFL) to "eligible employees."

Subject to the definitions and requirements provided in the FMLA and VPFL, employees may request up to 12 weeks of unpaid, job protected leave during a 12-month period (defined by the District to be a "rolling year", a rolling 12-month period measured by looking back at the 12 months prior to the start date of the employee's requested FMLA/VPFL leave) for the following reasons:

- during the pregnancy and/or to care for the employee's child after birth; or placement of a child with an employee for adoption or foster care; or
- to care for the employee's spouse/civil union partner, child, stepchild, ward who lives with the employee, foster child, parent or parent of the employee's spouse/civil union partner with a serious health condition; or
- for an employee's serious health condition which renders the employee unable to work.

Note: Leave for birth or placement for adoption or foster care must conclude within twelve months of the birth or placement.

For purposes of this policy, a "serious health condition" means an illness, injury, impairment or physical or mental condition that involves either:

- any period of incapacity or treatment connected with inpatient care (e.g., an overnight stay) in a hospital, hospice, or residential medical-care facility, and any period of incapacity or subsequent treatment in connection with such inpatient care; **or**
- continuing treatment by a health care provider which includes any period of incapacity (e.g., inability to work, attend school or perform other regular daily activities) due to:

#### Legal References:

29 U.S.C. §2601 – Family and Medical Leave Act

21 V.S.A. §470 – Vermont Parental & Family Leave

Last Adopted: April 16, 2002  
Date Warned: April 27, 2006  
First Reading: May 2, 2006  
Second Reading: May 16, 2006

(1) A health condition (including treatment therefor, or recovery therefrom) lasting more than three consecutive days, and any subsequent treatment or period of incapacity relating to the same condition that **also** includes:

- treatment two or more times by or under the supervision of a health care provider; **or**
- one treatment by a health care provider with a continuing regimen of treatment; **or**

(2) Pregnancy or prenatal care. A visit to the health care provider is not necessary for each absence; **or**

(3) A chronic serious health condition which continues over an extended period of time, requires periodic visits to a health care provider, and may involve occasional episodes of incapacity (e.g., asthma, diabetes). A visit to a health care provider is not necessary for each absence; **or**

(4) A permanent or long-term condition for which treatment may not be effective (e.g., Alzheimer's, a severe stroke, terminal cancer). Only supervision by a health care provider is required, rather than active treatment; **or**

(5) Any absences to receive multiple treatments for restorative surgery or for a condition which would likely result in a period of incapacity of more than three days if not treated (e.g., chemotherapy or radiation treatments for cancer).

## **ELIGIBILITY**

To be eligible for a federal FMLA leave an employee must have worked for the District for:

- at least 12 months; and
- at least 1,250 hours during the 12-month period immediately preceding the beginning of the leave.

To be eligible for a VPFL leave an employee must have worked for the District for:

- at least 12 months; and
- at worked an average of 30 hours a week (1,560 hours) during the 12-month period immediately preceding the beginning of the leave.

## **NOTICE REQUIREMENTS**

If the need is foreseeable, the employees must give reasonable notice (at least 30 days) before the leave is to begin, to the Superintendent. If not foreseeable notice must be given as soon as practical.

Notice will include at least the following information to provide the District with sufficient information to determine whether an employee is qualified for family or medical leave:

- description of the reasons for leave;
- the expected date of leave commencement and the expected date of return to work; and

- appropriate medical certification as defined below.

If the employee does not give the thirty days notice for a foreseeable leave with no reasonable excuse, the District may delay the taking of the leave up to thirty days after the time the employee gave notice. Leave may also be denied until the employee submits medical certification of the need for leave.

### **MEDICAL CERTIFICATION**

Employees are required to provide medical certification from an appropriate health care provider to support a request for leave based on the serious health condition of the employee or the employee's spouse/civil union partner, child, stepchild, foster child, ward who lives with the employee, parent or parent of the employee's spouse/civil union partner.

When leave is foreseeable, employees should provide medical certification to support the leave request before the leave begins. If this is not possible, employees are required to provide the certification within fifteen calendar days of district's request, unless it is not practical under the circumstances.

Failure to provide certification may result in delay or denial of the request for leave. Employees are directed to contact the Superintendent's Office to obtain the required medical certification forms. **Medical certification information should be sent to the Human Resources Department to assure confidentiality.**

A second or third medical opinion, at the District's expense, may be required. Periodic reports of an employee's status may be required during the leave period. Recertification of a serious health condition may be requested.

### **PAID LEAVE**

FMLA and VPFL are unpaid leaves. However, you may be eligible to utilize accrued paid leave time as determined by the FMLA or VPFL laws and governing union agreements, person contract, or handbook, as applicable.

Time off for work related injuries that meet the criteria for a serious health condition will also be treated as family/medical leave time, including times where the employee is receiving Worker's Compensation benefits. FMLA will run concurrently with any lost time covered by Worker's Compensation.

Use of paid leave does not extend the overall unpaid leave time to which the employee is entitled. Such paid leave will be used concurrently with unpaid FMLA/VPFL leave.

### **BENEFITS CONTINUATION**

During an approved FMLA/VPFL all employee insurance benefits will be continued under the same conditions (including employee contributions, if applicable) as if the employee was still at

work. Employees are required to make arrangements to continue to pay their share of premiums while on leave. Failure to make such premium payments may result in cancellation of coverage.

### **JOB RESTORATION**

After the leave ends, the employee will return to their original job, or to an equivalent position, upon completion of the leave with equivalent pay, benefits and other terms and conditions of employment existing on the day the leave began. The district may require a medical certification of fitness prior to returning to work when the absence is caused by the employee's serious health condition. Restoration may be delayed if the employee fails to provide such certification.

An employee on leave does not have greater job protection than if the employee had been continuously employed. For example, employees will not be restored to their original or an equivalent job if their position would have been eliminated for reasons unrelated to the leave, or if the employee had been informed prior to requesting leave that employment would terminate.

Under specified and limited circumstances where restoration to employment will cause substantial and grievous economic injury to its operations, an employer may refuse to reinstate certain highly paid "key" employees, after using FMLA leave. Employees who are in this category will be notified of his or her status as a "key employee" in response to the employee's notice of intent to take leave or when leave commences and the employee will be notified of the potential consequences with respect to reinstatement and maintenance of health benefits.

### **INTERMITTENT LEAVE UNDER FMLA**

Under some circumstances, employees may take FMLA leave "intermittently", which means taking leave in separate blocks of time or by reducing the usual number of work hours per work week or hours per work day. Family leave may be taken intermittently or on a reduced schedule only with the approval of the Superintendent. Medical leave may, when medically necessary, be taken intermittently to care for a seriously ill family member, or because the employee is seriously ill and unable to work. If intermittent or reduced schedule leave is used, the employee must give due consideration to potential disruption to his or her department due to his/her absence and the employee may be required to temporarily transfer to an available alternative position of equivalent pay and benefits which better accommodates recurring periods of leave.

### **SPECIAL RULES FOR INSTRUCTIONAL EMPLOYEES UNDER FMLA**

The following special rules have been established in order to alleviate disrupting the classroom at a critical point in the academic year. Specifically the rules concern taking leave near the conclusion of an academic term. In the event that a teacher or other instructional employee (e.g. driving instructors, interpreters) leave is:

**More than five (5) weeks before the term's end.** If an eligible teacher or instructional employee begins family or medical leave more than five (5) weeks prior to the end of the

academic term, the school may require the employee to continue taking leave until the end of such term if:

- the leave is of at least three (3) weeks' duration and
- the return to employment would occur during the three-week period during the end of the term.

**Five (5) or fewer weeks before term's end.** If an eligible teacher or instructional employee begins leave during the five (5) weeks before the end of the academic term, the school may require the employee to continue taking leave until the end of such term if:

- the leave is of greater than two (2) weeks duration and
- the return to employment would occur within two (2) weeks of the end of the term.

**Three (3) or fewer weeks before term's end.** If an eligible teacher or instructional employee begins leave under this policy for a purpose other than the teacher's own serious health condition, during the three (3) weeks of the end of the academic term, and the leave will last longer than five (5) days, the school may require the employee to continue taking leave until the end of such term.

## **SHORT TERM FAMILY LEAVE**

The District provides eligible employees with unpaid leave each year to participate in school activities and to attend medical appointments in accordance with Vermont's Parental and Family Leave Law.

Employees may request and may take up to 24 hours of unpaid time off each year during the 12-month period measured from July 1 to June 30. (no more than four (4) hours may be taken during any thirty-day (30) period) under the following circumstances:

- to participate in preschool or school activities directly related to the academic educational advancement of an employee's child, stepchild, foster child or ward who lives with the employee. A parent-teacher conference is an example;
- to attend or to accompany an employee's child, stepchild, foster child or ward who lives with the employee, or to accompany a spouse, or partner in a civil union, parent, parent-in-law or parent of a partner in a civil union to routine medical or dental appointments;
- to accompany the employee's partner in a civil union, spouse, parent, parent of a partner in a civil union, parent-in-law or parent of a partner in a civil union to other appointments for other professional services related to their care and well-being; or
- to respond to a medical emergency involving the employee's or partner in a civil union's child, stepchild, foster child or ward who lives with the employee, or involving a partner in a civil union, spouse, parent, parent-in-law or parent of a partner in a civil union.

Whenever possible, school employees should try to schedule such appointments outside of working hours. Leave must be taken in a minimum of two-hour segments.

**Eligibility:** See above eligibility requirements above for Vermont Parental Family Leave.

**Unpaid or Paid Leave:** Leave is unpaid unless the employee chooses to use accrued vacation or other accrued paid leave available to him/her under District policy.

**Notice Requirements:** Employees must provide the Superintendent with the earliest possible notice, but no later than 24 hours before the leave is to begin, except in the case of an emergency. In the case of an emergency, notice must be given as soon as practicable. An “emergency” means circumstances where the required 7-day notice could have a significant adverse impact on the employee’s family member.

## COLCHESTER SCHOOL DISTRICT

### **POLICY: FAMILY/PARENTAL AND MEDICAL LEAVE**

### **DATE ADOPTED:** DRAFT

### **POLICY STATEMENT**

The Colchester School District provides employees who meet the applicable service requirements, unpaid leave time to take care of family and medical issues consistent with the federal Family and Medical Leave Act (FMLA) and Vermont's Parental and Family Leave Law (VPFL) to "eligible employees."

### **QUALIFYING REASONS FOR LEAVE**

Subject to the definitions and requirements provided in the FMLA and VPFL, employees may request up to 12 weeks of unpaid, job protected leave during a 12-month period (defined by the District to be a "rolling year", a rolling 12-month period measured by looking back at the 12 months prior to the start date of the employee's requested FMLA/VPFL leave) for the following reasons:

- A. During the pregnancy and/or to care for the employee's child after birth; or placement of a child with an employee for adoption or foster care. *Note: Leave for birth or placement for adoption or foster care must conclude within twelve months of the birth or placement; or*
- B. For any qualifying exigency arising out of the fact that a spouse, son, daughter, or parent is a military member on covered active duty or called to covered active duty status ("Qualified Exigency Leave"); **or**
- C. For an employee's serious health condition which renders the employee unable to work; **or**
- D. To care for the employee's spouse/civil union partner, child, stepchild, ward who lives with the employee, foster child, parent or parent of the employee's spouse/civil union partner with a serious health condition.

### *Legal References:*

29 U.S.C. §2601 – Family and Medical Leave Act  
21 V.S.A. §470 – Vermont Parental & Family Leave

Last Adopted: May 16, 2006

Date Warned:

First Reading:

Second Reading:

For purposes of this policy, a “serious health condition” means an illness, injury, impairment or physical or mental condition that involves either:

- Any period of incapacity or treatment connected with inpatient care (e.g., an overnight stay) in a hospital, hospice, or residential medical-care facility, and any period of incapacity or subsequent treatment in connection with such inpatient care; **or**
- Continuing treatment by a health care provider which includes any period of incapacity (e.g., inability to work, attend school or perform other regular daily activities) due to:
  1. A health condition (including treatment therefor, or recovery therefrom) lasting more than three consecutive days, and any subsequent treatment or period of incapacity relating to the same condition that **also** includes:
    - Treatment two or more times by or under the supervision of a health care provider; **or**
    - One treatment by a health care provider with a continuing regimen of treatment; **or**
  2. Pregnancy or prenatal care. A visit to the health care provider is not necessary for each absence; **or**
  3. A chronic serious health condition which continues over an extended period of time, requires periodic visits to a health care provider, and may involve occasional episodes of incapacity (e.g., asthma, diabetes). A visit to a health care provider is not necessary for each absence; **or**
  4. A permanent or long-term condition for which treatment may not be effective (e.g., Alzheimer's, a severe stroke, terminal cancer). Only supervision by a health care provider is required, rather than active treatment; **or**
  5. Any absences to receive multiple treatments for restorative surgery or for a condition which would likely result in a period of incapacity of more than three days if not treated (e.g., chemotherapy or radiation treatments for cancer).

### **MILITARY-RELATED LEAVE**

Subject to the definitions and requirements provided in the FMLA, employees may request up to 26 weeks of unpaid, job protected leave during “a single 12-month period” (which begins on the first day the employee takes leave for this reason and ends 12 months later, regardless of the 12-month period established by the District for other types of FMLA leave), for the following reason:

- To permit an eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered servicemember with a serious injury or illness incurred in the line of duty on active duty to care for the covered servicemember (“Military Caregiver Leave”).

For purposes of this policy, “a covered servicemember” is either:

- A Current Servicemember: A covered servicemember means a current member of the Armed Forces, including a member of the U. S. National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or
- A Veteran: A covered servicemember means a veteran who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness, and who was discharged within the previous five years before the employee takes military caregiver leave to care for the veteran.

For purposes of this portion of this policy, “a serious injury or illness” for a current servicemember is an injury or illness that was incurred by the servicemember in the line of duty on active duty that may render the servicemember medically unfit to perform the duties of his or her office, grade, rank, or rating. A serious injury or illness may also result from the aggravation of a pre-existing condition in the line of duty on active duty.

A serious injury or illness for a veteran is an injury or illness that was incurred in the line of duty when the veteran was on active duty in the Armed Forces, including any injury or illness that resulted from the aggravation of a preexisting condition in the line of duty on active duty. The injury or illness may manifest itself during active duty or may develop after the servicemember becomes a veteran.

A serious injury or illness of a veteran must be either:

- A continuation of a serious injury or illness that was incurred or aggravated when the covered veteran was a member of the Armed Forces and rendered the servicemember unable to perform the duties of the servicemember’s office, grade, rank, or rating;
- A physical or mental condition for which the veteran has received a United States Department of Veterans Affairs Service Related Disability Rating (VASRD) of 50% or more and the need for care is related to that condition;
- A physical or mental condition because of a disability or disabilities related to military service that substantially impairs the veteran’s ability to work, or would do so absent treatment; or
- An injury for which the veteran is enrolled in the Department of Veterans’ Affairs Program of Comprehensive Assistance for Family Caregivers.

## **ELIGIBILITY**

To be eligible for a federal FMLA leave an employee must have worked for the District for:

- at least 12 months; and

- at least 1,250 hours during the 12-month period immediately preceding the beginning of the leave.

To be eligible for a VPFL leave an employee must have worked for the District for:

- at least 12 months; and
- at worked an average of 30 hours a week (1,560 hours) during the 12-month period immediately preceding the beginning of the leave.

### **NOTICE REQUIREMENTS**

If the need is foreseeable, the employees must give reasonable notice (at least 30 days) before the leave is to begin, to the Superintendent. If not foreseeable notice must be given as soon as practical.

Notice will include at least the following information to provide the District with sufficient information to determine whether an employee is qualified for family or medical leave:

- description of the reasons for leave;
- the expected date of leave commencement and the expected date of return to work; and
- appropriate medical certification as defined below.

If the employee does not give the thirty days notice for a foreseeable leave with no reasonable excuse, the District may delay the taking of the leave up to thirty days after the time the employee gave notice. Leave may also be denied until the employee submits medical certification of the need for leave.

### **MEDICAL CERTIFICATION**

Employees are required to provide medical certification from an appropriate health care provider to support a request for leave based on the serious health condition of the employee or the employee's spouse/civil union partner, child, stepchild, foster child, ward who lives with the employee, parent or parent of the employee's spouse/civil union partner.

When leave is foreseeable, employees should provide medical certification to support the leave request before the leave begins. If this is not possible, employees are required to provide the certification within fifteen calendar days of district's request, unless it is not practical under the circumstances.

Failure to provide certification may result in delay or denial of the request for leave. Employees are directed to contact the Superintendent's Office to obtain the required medical certification forms. **Medical certification information should be sent to the Human Resources Department to assure confidentiality.**

A second or third medical opinion, at the District's expense, may be required. Periodic reports of an employee's status may be required during the leave period. Recertification of a serious health condition may be requested.

### **MILITARY CERTIFICATION**

Employees requesting Qualified Exigency Leave are required to provide:

- A copy of the military member's active duty orders (or other official documentation issued by the military) which indicates the military member is on covered active duty or call to covered active duty status;
- A statement or description of the appropriate facts regarding the qualifying exigency; and
- The approximate date on which the leave began (or will begin), and how long and/or how often leave will be needed.

Employees requesting Military Caregiver Leave are required to provide a medical certification from the Department of Defense (DOD), Veterans Affairs (VA), or TRICARE health care provider, or by a private health care provider. If the certification is provided by a private health care provider, a second or third medical opinion, at the District's expense, may be required.

### **PAID LEAVE**

FMLA and VPFL are unpaid leaves. However, you may be eligible to utilize accrued paid leave time as determined by the FMLA or VPFL laws and governing union agreements, person contract, or handbook, as applicable.

Time off for work related injuries that meet the criteria for a serious health condition will also be treated as family/medical leave time, including times where the employee is receiving Worker's Compensation benefits. FMLA will run concurrently with any lost time covered by Worker's Compensation.

Use of paid leave does not extend the overall unpaid leave time to which the employee is entitled. Such paid leave will be used concurrently with unpaid FMLA/VPFL leave.

### **BENEFITS CONTINUATION**

During an approved FMLA/VPFL all employee insurance benefits will be continued under the same conditions (including employee contributions, if applicable) as if the employee was still at work. Employees are required to make arrangements to continue to pay their share of premiums while on leave. Failure to make such premium payments may result in cancellation of coverage.

## **JOB RESTORATION**

After the leave ends, the employee will return to their original job, or to an equivalent position, upon completion of the leave with equivalent pay, benefits and other terms and conditions of employment existing on the day the leave began. The district may require a medical certification of fitness prior to returning to work when the absence is caused by the employee's serious health condition. Restoration may be delayed if the employee fails to provide such certification.

An employee on leave does not have greater job protection than if the employee had been continuously employed. For example, employees will not be restored to their original or an equivalent job if their position would have been eliminated for reasons unrelated to the leave, or if the employee had been informed prior to requesting leave that employment would terminate.

Under specified and limited circumstances where restoration to employment will cause substantial and grievous economic injury to its operations, an employer may refuse to reinstate certain highly paid "key" employees, after using FMLA leave. Employees who are in this category will be notified of his or her status as a "key employee" in response to the employee's notice of intent to take leave or when leave commences and the employee will be notified of the potential consequences with respect to reinstatement and maintenance of health benefits.

## **INTERMITTENT LEAVE UNDER FMLA**

Under some circumstances, employees may take FMLA leave "intermittently", which means taking leave in separate blocks of time or by reducing the usual number of work hours per work week or hours per work day. Family leave may be taken intermittently or on a reduced schedule only with the approval of the Superintendent. Medical leave may, when medically necessary, be taken intermittently to care for a seriously ill family member, because the employee is seriously ill and unable to work, for Military Caregiver Leave, or for Qualified Exigency Leave. If intermittent or reduced schedule leave is used, the employee must give due consideration to potential disruption to his or her department due to his/her absence. If an employee needs intermittent or reduced schedule leave that is foreseeable based on planned medical treatment, the employee may be required to temporarily transfer to an available alternative position of equivalent pay and benefits which better accommodates recurring periods of leave.

## **SPECIAL RULES FOR INSTRUCTIONAL EMPLOYEES UNDER FMLA**

The following special rules have been established in order to alleviate disrupting the classroom at a critical point in the academic year. Specifically the rules concern taking leave near the conclusion of an academic term. In the event that a teacher or other instructional employee (e.g. driving instructors, interpreters) leave is:

**More than five (5) weeks before the term's end.** If an eligible teacher or instructional employee begins family or medical leave more than five (5) weeks prior to the end of the academic term, the school may require the employee to continue taking leave until the end of such term if:

- the leave is of at least three (3) weeks' duration and

- the return to employment would occur during the three-week period during the end of the term.

**Five (5) or fewer weeks before term's end.** If an eligible teacher or instructional employee begins leave during the five (5) weeks before the end of the academic term, the school may require the employee to continue taking leave until the end of such term if:

- the leave is of greater than two (2) weeks duration and
- the return to employment would occur within two (2) weeks of the end of the term.

**Three (3) or fewer weeks before term's end.** If an eligible teacher or instructional employee begins leave under this policy for a purpose other than the teacher's own serious health condition, during the three (3) weeks of the end of the academic term, and the leave will last longer than five (5) days, the school may require the employee to continue taking leave until the end of such term.

### **SHORT TERM FAMILY LEAVE**

The District provides eligible employees with unpaid leave each year to participate in school activities and to attend medical appointments in accordance with Vermont's Parental and Family Leave Law.

Employees may request and may take up to 24 hours of unpaid time off each year during the 12-month period measured from July 1 to June 30. (no more than four (4) hours may be taken during any thirty-day (30) period) under the following circumstances:

- to participate in preschool or school activities directly related to the academic educational advancement of an employee's child, stepchild, foster child or ward who lives with the employee. A parent-teacher conference is an example;
- to attend or to accompany an employee's child, stepchild, foster child or ward who lives with the employee, or to accompany a spouse, or partner in a civil union, parent, parent-in-law or parent of a partner in a civil union to routine medical or dental appointments;
- to accompany the employee's partner in a civil union, spouse, parent, parent of a partner in a civil union, parent-in-law or parent of a partner in a civil union to other appointments for other professional services related to their care and well-being; or
- to respond to a medical emergency involving the employee's or partner in a civil union's child, stepchild, foster child or ward who lives with the employee, or involving a partner in a civil union, spouse, parent, parent-in-law or parent of a partner in a civil union.

Whenever possible, school employees should try to schedule such appointments outside of working hours. Leave must be taken in a minimum of two-hour segments.

**Eligibility:** See above eligibility requirements above for Vermont Parental Family Leave.

**Unpaid or Paid Leave:** Leave is unpaid unless the employee chooses to use accrued vacation or other accrued paid leave available to him/her under District policy.

**Notice Requirements:** Employees must provide the Superintendent with the earliest possible notice, but no later than 24 hours before the leave is to begin, except in the case of an emergency. In the case of an emergency, notice must be given as soon as practicable. An “emergency” means circumstances where the required 7-day notice could have a significant adverse impact on the employee’s family member.

**CONSENT AGENDA**

**Board Meeting Date: March 21, 2023**

**Licensed Employees (Teacher/Administrator)**

Contract Type	First Name	Last Name	Category	Position	FTE/Hours	Building	Agenda Information	Person Replacing	Budgeted	Admin Support
Teacher	Hannah	Mavin	New Hire	SLP	1.0	PPS, MBS	Request to Hire	Open Position	Yes	Yes
Teacher	Courtney	Thomas	New Hire	Math Interventionist	0.5	UMS	Request to Hire	New Position	Yes	Yes
Teacher	Courtney	Thomas	Resignation	Elementary Teacher	1.0	UMS	Request to end employment 06/30/23			
Teacher	Brooke	Morse	New Hire	Elementary Teacher	1.0	UMS	Request to Hire	Courtney Thomas	Yes	Yes
Teacher	James	Bean	Resignation	Elementary Teacher	1.0	MBS	Request to end employment 06/30/23			
Teacher	Kelly	Ryan	New Hire	Reading Teacher	1.0	PPS	Request to Hire	Open Position	Yes	Yes
Teacher	Kelly	Ryan	Resignation	Elementary Teacher	1.0	PPS	Request to end employment 06/30/23			
Teacher	Courtney	Boetsma	New Hire	Drivers Education Teacher	0.1	CHS	Request to Hire	Open Position	Yes	Yes
Teacher	Emily	Desautels	Resignation	Music Teacher	1.0	CMS	Request to end employment 06/30/23			
Teacher	Tessa	MacNeil	Leave of Absense	Special Education Teacher	1.0	PPS	Request for unpaid leave of absense (mid-Nov through June 2024)			

**Non-Licensed Employees (Support Staff), Board Approval Required**

Contract Type	First Name	Last Name	Category	Position	FTE/Hours	Building	Agenda Informa	Person Repla	Budgeted	Admin Support

**Non-Licensed Employees (Support Staff), Informational**

Contract Type	First Name	Last Name	Category	Position	FTE/Hours	Building	Agenda Information	Person Replacing	Budgeted	Admin Support
Handbook	Kim	Newton	Resignation	Accounts Payable Bookkeeper	40	CO	Request to end employment 06/30/23			
Handbook	Pam	Barclay	Resignation	Technology Directory	1.0	DW	Request to end employment 07/31/23			
Co-Curricular	Angie	Boyer	New Hire	Head Varsity Softball Coach		CHS	Notice of Hire	Connie Sheets	Yes	Yes
Co-Curricular	John	Luter	New Hire	JV Baseball Coach (split)		CHS	Notice of Hire	Ryan O'Hara	Yes	Yes
Co-Curricular	Jason	Lefebvre	New Hire	JV Baseball Coach (split)		CHS	Notice of Hire	Ryan O'Hara	Yes	Yes
Support Staff	Mary	Nolan	New Hire	Long-Term Sub: Food Service Worker	25	PPS	Notice of Hire	Barbara Iaria	Yes	Yes

## COLCHESTER SCHOOL DISTRICT

Board of Education Meeting  
Colchester High School Library

Tuesday, March 7, 2023  
7:00 p.m.

### MINUTES (General Session)

The Colchester Board of Education held a regular board meeting on Tuesday, March 7, 2023, in the Colchester High School Library. Board members in attendance were Board Chair Lindsey Cox, Directors Nic Longo, Ben Yousey-Hindes, Felix Anderson, Laurie Kigonya, and Student Board Representative Olivia Dallamura. District administrators in attendance included Superintendent Amy Minor, Business and Operations Manager George Trieb, Director of Curriculum Gwendolyn Carmolli, and Director of Student Support Services Carrie Lutz. District employees in attendance included Director of Technology Pam Barclay and District Network Engineer Peter Keenan. There were no audience members.

#### I. Call to Order

Board Chair Lindsey Cox called the meeting to order at 7:00 p.m. and led in the Pledge of Allegiance.

#### II. Citizen Participation

None.

#### III. Second and Final Reading of Acceptable and Responsible Computer, Network and Internet Use Policy: G10

Action

Since the first reading, the policy was reformatted, and a line noting the new Cybersecurity Policy was included. It was recommended to recategorize this policy to the Business and Non-Instructional Operations section with the new Cybersecurity Policy. The board agreed and this policy will be moved from G10 to E12 in the policy manual.

*Director Anderson moved to approve the second and final reading of the Acceptable and Responsible Computer, Network and Internet Use Policy: E12. The motion passed unanimously.*

#### IV. Second and Final Reading of Cybersecurity Policy: E13

Action

Since the first reading, the wording was updated to show that “users” means everyone, including students. Subsequently, the risk mitigation strategies were reorganized to more clearly show which ones applied to all users and which were specific to employees.

*Director Yousey-Hindes moved to approve the second and final reading of the Cybersecurity Policy: E13. The motion passed unanimously.*

#### V. First Reading of School Board Policy: B1

Action

This policy is reviewed annually to renew the board’s commitment to their service and the district. There were no recommended changes or updates.

*Director Anderson moved to approve the first reading of the School Board Policy: B1. The motion passed unanimously.*

VI. Hear and Discuss FY'24 Budget Results (moved from VIII)	Information
Unofficial results show that the school article regarding the FY'24 school budget passed with 2,256 votes in favor and 820 votes against. The board and Superintendent Amy Minor thanked the community for their continued support. Lindsey Cox and Ben Yousey-Hindes were both reelected to 3 and 2-year terms respectively.	
VII. First Reading of Code of Ethics for School Board Members: B2	Action
This policy is reviewed annually to renew the board's commitment to their service and the district. There were no recommended changes or updates.	
<i>Director Longo moved to approve the first reading of the Code of Ethics for School Members Policy: B2. The motion passed unanimously.</i>	
VIII. Second and Final Reading of Public Complaints About Personnel Policy: D10	Action
Since the first reading, there was one change made to the policy. It now states that the preference is for complaints to be in writing, but it is not required.	
<i>Director Yousey-Hindes moved to approve the second and final reading of the Public Complaints About Personnel Policy: D10. The motion passed unanimously.</i>	
IX. Approval of Recommendation for Administrator Contract Renewals 2023-2024	Action
Superintendent Amy Minor provided the board with a memo outlining the contracts that she recommends renewing for the FY'24 school year.	
<i>Director Anderson moved to approve the recommended administrator contracts for the 2023-2024 school year. The motion passed unanimously.</i>	
X. Approval of Consent Agenda	Action
There was no Consent Agenda to review.	
XI. Approval of Meeting Minutes: February 21, 2023	Action
<i>Director Longo moved to approve the minutes from the meeting held on February 21, 2023. The motion passed unanimously.</i>	
XII. Board/Administration Communication, Correspondence, Committee Reports	Information
<ul style="list-style-type: none"><li>• Superintendent Minor is providing information about student enrollment at the upcoming Colchester Planning Commission meeting.</li></ul>	

- The school board should anticipate an easement request from the Town to install a light at the intersection of Blakely Road and Laker Lane.

<b>XIII. Future Agenda Items</b>	<b>Information</b>
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- Board reorganization
- 2023-2024 School Calendar
- Auditors Report
- Policy Review Cycle

<b>XIV. Executive Session to Discuss Support Staff Negotiations</b>	<b>Action</b>
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*Director Yousey-Hindes moved to enter executive session at 7:27 p.m. to discuss support staff negotiations. The motion passed unanimously.*

<b>XV. Adjournment</b>
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*Director Anderson moved to exit executive session and adjourn at 8:36 p.m. The motion passed unanimously.*

Recorder:

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Meghan Baule  
Recording Secretary

Board Clerk:

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Ben Yousey-Hindes  
Board Clerk

DRAFT