

Colchester School Board Meeting Agenda & Packet

December 16, 2025



**Colchester School District
Board of Education Meeting**
December 16, 2025 - 7:15 p.m.
Colchester High School Library

Meeting Agenda

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| I. Call to Order | |
| ○ <i>Please note the small change in start time. This meeting will be called to order at 7:15 p.m.</i> | |
| II. Citizens Participation* | |
| III. Hear School Report: Union Memorial School | Informational |
| IV. Hear FY'27 Budget Presentation | Informational |
| V. First Reading of Health Insurance Portability and Accountability Act Compliance Policy: D7 | Action |
| VI. First Reading of Prevention of Harassment, Hazing and Bullying of Students Policy: H12 | Action |
| VII. First Reading of Prevention of Sexual Harassment as Prohibited by Title IX Policy: F29 | Action |
| VIII. Approval of Consent Agenda | Action |
| IX. Approval of Meeting Minutes | Action |
| ○ November 18, 2025 (General) | |
| X. Board/Administration Communication, Correspondence, Committee Reports | Informational |
| XI. Future Agenda Items | Informational |
| XII. 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.csdvt.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 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.

**COLCHESTER SCHOOL DISTRICT
FISCAL 2027 BUDGET**

ACCOUNT	ACCOUNT TITLE	FY'26	FY'27	PERCENT	DOLLAR
#		BUDGET	BUDGET	CHANGE	CHANGE
5111	TEACHERS	\$21,400,159	\$22,854,430	6.80%	\$1,454,271
5121	PARAEDUCATOR	\$4,792,376	\$4,996,266	4.25%	\$203,890
5131	SUBSTITUTES	\$600,000	\$600,000	0.00%	\$0
5141	ADMINISTRATION	\$2,322,897	\$2,428,460	4.54%	\$105,563
5151	MID-MANAGEMENT/SUPERVISOR	\$602,528	\$619,554	2.83%	\$17,026
5161	SUPPORT STAFF - CLERICAL	\$1,267,664	\$1,347,425	6.29%	\$79,761
5171	TECH & PROF STAFF	\$1,143,300	\$1,316,205	15.12%	\$172,905
5172	PRF STF-OT/PT/BS/CC	\$1,042,189	\$1,045,362	0.30%	\$3,173
5181	NON-CLERICAL GENERALISTS	\$1,209,535	\$1,360,706	12.50%	\$151,171
5191	STIPENDS- BOARD ED	\$8,500	\$8,500	0.00%	\$0
5192	STIPENDS- OTHER	\$785,000	\$800,000	1.91%	\$15,000
	TOTAL SALARIES	\$35,174,148	\$37,376,908	6.26%	\$2,202,760
5211	HEALTH INSURANCE	\$6,779,684	\$7,545,003	11.29%	\$765,319
5212	HEALTH CARE CONTRIBUTION	\$17,000	\$18,000	5.88%	\$1,000
5218	HAS	\$50,848	\$52,815	3.87%	\$1,967
5219	HRA	\$942,376	\$965,760	2.48%	\$23,384
5220	FICA	\$2,590,822	\$2,700,711	4.24%	\$109,889
5221	CHILD CARE CONTRIBUTION	\$95,000	\$135,000	42.11%	\$40,000
5232	VSTRS- OPEB	\$140,000	\$145,000	3.57%	\$5,000
5233	VSTRS- PENSION PAYMENTS	\$45,000	\$30,000	-33.33%	(\$15,000)
5234	VMERS	\$504,703	\$569,309	12.80%	\$64,606
5251	TUITION REIMB- TEACHER	\$182,000	\$185,000	1.65%	\$3,000
5252	TUITION REIMB- SPT STF	\$38,480	\$45,000	16.94%	\$6,520
5253	TUITION REIMBURSEMENT - ADMIN	\$18,720	\$30,000	60.26%	\$11,280
5261	UNEMPLOYMENT COMPENSATION	\$30,000	\$30,000	0.00%	\$0
5271	WORKERS COMPENSATION	\$259,316	\$275,367	6.19%	\$16,051
5281	DENTAL	\$336,178	\$363,154	8.02%	\$26,976
5292	LIFE	\$45,714	\$48,844	6.85%	\$3,130
5294	LTD	\$72,478	\$74,122	2.27%	\$1,644
5295	CASH IN LIEU	\$215,000	\$0	-100.00%	(\$215,000)
	TOTAL BENEFITS	\$12,363,319	\$13,213,084	6.87%	\$849,765
5311	OFFICIAL/ADMIN SERVICES	\$500	\$1,000	100.00%	\$500
5321	PROFESSIONAL EDU SERVICES	\$1,300,000	\$1,500,000	15.38%	\$200,000
5331	EMP TRAINING/DEVELOP	\$30,000	\$31,050	3.50%	\$1,050
5341	OTHER PROFESSNL SERVICES	\$689,757	\$713,898	3.50%	\$24,141
5342	AUDITING SERVICES	\$51,000	\$52,785	3.50%	\$1,785
5411	UTILITY SERVICES	\$85,000	\$87,975	3.50%	\$2,975
5425	TRASH & RECYCLING	\$68,000	\$73,350	7.87%	\$5,350
5431	NONTECHNLGY REPAIR/MAINT	\$1,500,000	\$1,500,000	0.00%	\$0
5432	TECHNOLOGY REPAIR/MAINT	\$21,000	\$50,000	138.10%	\$29,000
5441	RENTALS-LAND/BUILDINGS	\$132,000	\$145,000	9.85%	\$13,000
5442	RENTALS-EQUIPMNT/VEHICLES	\$100,000	\$103,500	3.50%	\$3,500
5490	OTHER PURCH PROPERTY SERV	\$40,000	\$41,400	3.50%	\$1,400
5513	STUDENT TRAN CONTRACT	\$1,761,617	\$1,825,000	3.60%	\$63,383
5519	STUDENT TRAN OTHER EXTRA	\$606,374	\$615,000	1.42%	\$8,626
5521	INSURANCE (NOT EMP BEN)	\$79,477	\$82,259	3.50%	\$2,782
5522	INSURANCE- LIABILITY	\$106,318	\$110,039	3.50%	\$3,721
5531	COMMUNICATIONS	\$39,520	\$35,000	-11.44%	(\$4,520)
5533	POSTAGE	\$29,120	\$30,139	3.50%	\$1,019
5534	TELEPHONE AND VOICE	\$33,000	\$36,500	10.61%	\$3,500
5541	ADVERTISING	\$16,640	\$15,000	-9.86%	(\$1,640)
5551	PRINTING AND BINDING	\$15,215	\$15,748	3.50%	\$533

**COLCHESTER SCHOOL DISTRICT
FISCAL 2027 BUDGET**

ACCOUNT	ACCOUNT TITLE	FY'26	FY'27	PERCENT	DOLLAR
#		BUDGET	BUDGET	CHANGE	CHANGE
5561	TUITN TO PUB VT LEAS	\$75,000	\$250,000	233.33%	\$175,000
5562	TUITN TO PRIV VT LEAS	\$2,523,242	\$2,850,000	12.95%	\$326,758
5566	TUITN TO VC-ON BEHALF	\$532,910	\$598,071	12.23%	\$65,161
5567	TUITN TO VC	\$586,141	\$626,254	6.84%	\$40,113
5581	TRAVEL	\$47,280	\$48,935	3.50%	\$1,655
5611	GENERAL SUPPLIES	\$1,150,000	\$1,190,250	3.50%	\$40,250
5621	NATURAL GAS	\$205,000	\$212,175	3.50%	\$7,175
5622	ELECTRICITY	\$502,270	\$519,849	3.50%	\$17,579
5626	GASOLINE	\$31,000	\$32,085	3.50%	\$1,085
5641	BOOKS AND PERIODICALS	\$103,000	\$103,000	0.00%	\$0
5651	SUPPLIES - TECH RELATED	\$20,000	\$25,000	25.00%	\$5,000
5652	SUPPLIES - TECH SOFTWARE	\$375,000	\$525,000	40.00%	\$150,000
5731	MACHINERY	\$17,500	\$18,113	3.50%	\$613
5732	VEHICLES	\$100,000	\$103,500	3.50%	\$3,500
5733	FURNITURE AND FIXTURES	\$105,000	\$108,675	3.50%	\$3,675
5734	TECH-RELATED HARDWARE	\$495,000	\$512,325	3.50%	\$17,325
5811	DUES AND FEES - STAFF	\$64,000	\$85,000	32.81%	\$21,000
5831	REDEMPTION OF PRINCIPLE	\$294,118	\$1,294,118	340.00%	\$1,000,000
5832	INTEREST ON LT DEBT	\$1,320,000	\$2,768,166	109.71%	\$1,448,166
5899	MISC EXPENDITURES - OTHER	\$21,000	\$21,000	0.00%	\$0
5912	FOOD SERVICE PROGRAM	\$650,000	\$250,000	-61.54%	(\$400,000)
	GRANTS, MEDICAID, ETC.	\$1,430,000	\$1,480,050	3.50%	\$50,050
	OTHER TOTAL EXPENSES	\$17,351,999	\$20,686,209	19.22%	\$3,334,210
	TOTALS	\$64,889,466	\$71,276,200	9.84%	\$6,386,734

COLCHESTER SCHOOL DISTRICT

POLICY: HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT COMPLIANCE

DATE ADOPTED: November 1, 2022

POLICY STATEMENT

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

Legal Reference(s):

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

Last Reviewed: September 6, 2016
Date Warned: October 14, 2022
First Reading: October 18, 2022
Second Reading: November 1, 2022

COLCHESTER SCHOOL DISTRICT

POLICY: PREVENTION OF HARASSMENT, HAZING AND BULLYING OF STUDENTS

DATE ADOPTED: August 16, 2016

I. POLICY STATEMENT

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, 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, 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, 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:

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, 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.

Date Warned: July 29, 2016
First Reading: August 2, 2016
Second Reading: August 16, 2016

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, bullying, and/or retaliation.
5. Take action on substantiated complaints. In cases where hazing, harassment, bullying and/or retaliation is substantiated, the District shall take prompt and appropriate remedial action reasonably calculated to stop the hazing, harassment, 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, 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 bullying and/or retaliation, or a student who is the target of alleged hazing, harassment, bullying and/or retaliation.
- D. **“Designated employee”** means an employee who has been designated by the school to receive complaints of hazing, harassment, 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, 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, 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, bullying or retaliation through other means, for example, if information 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; 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, 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 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, bullying and/or retaliation.

**COLCHESTER SCHOOL DISTRICT
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:

- Promptly reduce any oral information to writing, including the time, place, and nature of the conduct, and the identity of the participants and complainant.
- Promptly inform the school administrator(s) of the information;
- 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:

1. Notify in writing both the complainant and accused individual (or if either is a minor inform their respective parent or guardian) that:
2. an investigation has been initiated;
3. retaliation is prohibited;
4. all parties have certain confidentiality rights; and
5. 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).

APPENDIX A**Designated Employees:**

The following employees have been designated by the Colchester School 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: Amy Minor
Title: Superintendent of Schools
Contact Information: Colchester School District
59 Rathe Road, PO Box 27
Colchester, VT 05446
Phone: (802) 264-5999

Name: Jean Shea
Title: Director of Instructional Support Services
Contact Information: Colchester School District
59 Rathe Road, PO Box 27
Colchester, VT 05446
Phone: (802) 264-5999

Name: Andrew Conforti
Title: Principal, Colchester High School
Contact Information: Colchester High School
131 Laker Lane, PO Box 900
Colchester, VT 05446
Phone: (802) 264-5700

Name: Erica LeClair
Title: Assistant Principal, Colchester High School
Contact Information: Colchester High School
131 Laker Lane, PO Box 900
Colchester, VT 05446
Phone: (802) 264-5700

Name: Tara Sharkey
Title: Principal, Colchester Middle School
Contact Information: Colchester Middle School
425 Blakely Road, PO Box 30
Colchester, VT 05446
Phone: (802) 264-5800

Name: Dovid Yagoda
Title: Assistant Principal, Colchester Middle School
Contact Information: Colchester Middle School
425 Blakely Road, PO Box 30
Colchester, VT 05446
Phone: (802) 264-5800

Name: Jordan Burke
Title: Principal, Malletts Bay School

Contact Information: Malletts Bay School
609 Blakely Road, PO Box 28
Colchester, VT 05446
Phone: (802) 264-5900

Name: Chris Shackett
Title: Principal, Malletts Bay School
Contact Information: Malletts Bay School
609 Blakely Road, PO Box 28
Colchester, VT 05446
Phone: (802) 264-5900

Name: Carolyn Millham
Title: Principal, Porters Point School
Contact Information: Porters Point School
490 Porters Point Road, PO Box 32
Colchester, VT 05446
Phone: (802) 264-5920

Name: Kim Thibodeau
Title: School Counselor, Porters Point School
Contact Information: Porters Point School
490 Porters Point Road, PO Box 32
Colchester, VT 05446
Phone: (802) 264-5920

Name: Chris Antonicci
Title: Principal, Union Memorial School
Contact Information: Union Memorial School
253 Main Street, PO Box 48
Colchester, VT 05446
Phone: (802) 264-5959

Name: Carol McCleary
Title: School Counselor, Union Memorial School
Contact Information: Union Memorial School
253 Main Street, PO Box 48
Colchester, VT 05446
Phone: (802) 264-5959

COLCHESTER SCHOOL DISTRICT

**POLICY: PREVENTION OF SEXUAL HARASSMENT AS PROHIBITED
BY TITLE IX POLICY**

DATE ADOPTED: May 18, 2021

I. STATEMENT OF POLICY

- A. Prohibiting Title IX Sexual Harassment:** Per Title IX of the Education Amendments Act of 1972 ("Title IX") the District does not discriminate on the basis of sex in its educational programs and activities, including employment and admissions. All forms of sex-based discrimination, including sexual harassment, are prohibited in the District. A District with actual knowledge of sexual harassment in an educational program or activity of the District against a person in the United States must respond promptly in a manner that is not deliberately indifferent. A District is deliberately indifferent only if its response to sexual harassment is clearly unreasonable in light of the known circumstances. A District may be deemed to have been deliberately indifferent based on its restriction of rights protected under the U.S. Constitution, including the First, Fifth and Fourteenth Amendments.
- B. Retaliation:** Retaliation as defined by this Policy is expressly prohibited. Complaints alleging retaliation may be filed according to the Title IX Grievance Procedures set forth in Section IV.
- C. Concurrent Statutory Obligations:** While all forms of sex-based discrimination are prohibited in the District, the purpose of this policy is to address, and only address, sexual harassment as defined in Title IX and Section II.N. below. For conduct which satisfies that definition, a school's response is governed by this policy, and in those cases for which they have received a filing of a formal complaint of same, as set forth under the Title IX Grievance Process set forth in Section IV below. For other forms of inappropriate conduct, or conduct which may satisfy the definition of harassment on the basis of sex under Vermont law, including student misconduct and employment based statutes prohibiting unlawful harassment and other forms of misconduct, the District may have the separate obligation to address those behaviors as required by other school policies and applicable laws.
- D. Covered Parties:** This Policy shall apply to all students, employees and any third party who contracts with the District to provide services to District students or employees, upon District property or during any school program or activity. A third party under supervision and control of the school system will be subject to termination of contracts/agreements, restricted from access to school property, and/or subject to other consequences, as appropriate.

Date Warned: April 30, 2021
First Reading: May 4, 2021
Second Reading: May 18, 2021

II. DEFINITIONS

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

- A. **“Actual Knowledge”** means “notice” of “sexual harassment” or allegations of “sexual harassment” to either (a) a recipient’s Title IX Coordinator; or (b) any official of the recipient who has the authority to institute corrective measures on behalf of the recipient; or (c) to any employee of an elementary and secondary school.
1. For purposes of this paragraph “sexual harassment” refers to the definition as contained *within this policy*. For other forms of inappropriate conduct, or conduct which may satisfy the definition of harassment on the basis of sex as recognized under Vermont law, schools retain the option and in some cases the obligation, to address those behaviors as required by policy and law.
 2. Actual knowledge shall not be deemed to exist when the only official of the recipient with actual knowledge is the respondent.
 3. “Notice” as used in this paragraph includes, but is not limited to, a Report of Sexual Harassment to the Title IX Coordinator as described Section IV.B.
 4. Notice sufficient to trigger an obligation under this policy only shall exist where any employee has sufficient personal knowledge of alleged facts to be aware that if such facts were found to be true it would constitute a violation of this policy.
 5. Imputation of knowledge based solely on vicarious liability OR constructive notice shall be insufficient to establish or constitute actual knowledge.
- B. **“Complainant”** is an individual who is alleged to be the victim of conduct that could constitute “sexual harassment” under this Policy. In order for an individual to be considered to be a Complainant they need not file Report of Sexual Harassment, nor a Formal Complaint of Sexual Harassment. Where the Title IX Coordinator signs a Formal Complaint of Sexual Harassment, the Title IX Coordinator is not considered a “Complainant.”
- C. **“Days”** shall mean calendar days, but shall exclude non-weekend days on which the District office is closed (e.g. holidays, office-wide vacations), or any weekday during the school year on which school is closed (e.g. snow days).
- D. **“Decision-Maker”** means persons tasked with either the responsibility of making determinations of responsibility (referred to as “Initial Decision-Maker”); or the responsibility to decide any appeal (referred to as “Appellate Decision-Maker”) with respect to Formal Complaints of Sexual Harassment in accordance with the Title IX Grievance Process.

- E. **“Determination of Responsibility”** is the formal finding by the decision-maker on each allegation of Sexual Harassment contained in a Formal Complaint that the Respondent did or did not engage in conduct constituting Sexual Harassment under Title IX.
- F. **“Disciplinary Sanctions”** are consequences imposed on a Respondent when they are determined responsible for sexual harassment prohibited under this Policy.
- G. **“Emergency Removal”** for purposes of this Policy shall mean removing a respondent from the District’s education program or activity on an emergency basis, provided that the District undertakes an individualized safety and risk analysis, determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal, and provides the respondent with notice and an opportunity to challenge the decision immediately following the removal. Emergency Removals as permitted by this Policy shall not be construed to modify any rights under the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act.
- H. **“Formal Complaint of Sexual Harassment”** means a document filed by either (a) a complainant (or complainant’s parent/guardian); or (b) the Title IX Coordinator, alleging sexual harassment against a respondent AND requesting that the District investigate the allegation of sexual harassment. The issuance or receipt of a Formal Complaint of Sexual Harassment formally triggers the Title IX Grievance Process set forth in Section IV. of this Policy.
- I. **“Investigation of Title IX Sexual Harassment”** Before the District can conduct an Investigation of Sexual Harassment under this Policy, against a Respondent, a Formal Complaint of Sexual Harassment that contains an allegation of sexual harassment and a request that the District investigate the allegations is required. Such investigation is a part of the Title IX Grievance Process, as set forth in Section IV.E.
- J. **“Remedial Actions”** are actions intended to restore or preserve a complainant’s equal access to the educational programs and activities of the District.
- K. **“Report of Sexual Harassment”** is any report which provides the District with actual knowledge of sexual harassment or allegations of sexual harassment. Such a report may or may not be accompanied by a Formal Complaint of Sexual Harassment. Without such a Complaint, the Title IX Grievance Process is not triggered. See Section IV.A and IV.B. regarding the process for initiating that process.
- L. **“Respondent”** means an individual who has been reported to be the individual accused (i.e. perpetrator) of conduct that could constitute sexual harassment as defined under this policy.
- M. **“Retaliation”** means intimidation, threats, coercion, or discrimination by either the District or any other person, against any individual for the purpose of interfering with any right or privilege secured by Title IX and/or this Policy, or because the individual has

made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing in connection with this Policy. Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sexual discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX or this policy, constitutes retaliation.

Limitation in Scope

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

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

Limitation in Scope: For purposes of this policy conduct shall not be deemed to satisfy Title IX's definition of "sexual harassment" if the conduct occurred either (1) outside of the United States and/or (2) includes locations, events or circumstances over which the District did not exercise substantial control over both the respondent and the context in which the harassment occurred.

- O. **"Supportive Measures"** are non-disciplinary, non-punitive, individualized services, offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the District's education program or activity without unreasonably burdening the other party including measures designed to protect the safety of all parties or the District's educational environment, or deter sexual harassment. These measures may include, but are not limited to, the following:

1. Counseling;
2. Extensions of deadlines or other course-related adjustments;
3. Modifications of work or class schedules;
4. Campus escort services;
5. Mutual restrictions on contact between the parties;
6. Changes in work or housing locations;
7. Leaves of absence;
8. Increased security and monitoring of certain areas of the district campus;
9. And other similar measures.

III. DUTIES

A. **Reports of Sexual Harassment**

1. Any Person May Make a 'Report of Sexual Harassment': Any person may report sexual harassment whether relating to themselves or another person. A Report of Sexual Harassment may be made at any time, in person, by mail, by telephone,

electronic mail, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report.

2. Any Staff Member May Receive Reports: Additionally, while the District strongly encourages Reports of Sexual Harassment to be made directly to the Title IX Coordinator, the report may be made to **any** District staff member, including, for instance, a counselor, teacher or principal.
3. In Cases where Title IX Coordinator is Alleged Respondent: If the Title IX Coordinator is the alleged respondent, in such cases either the Report of Sexual Harassment or Formal Complaint of Sexual Harassment may be made directly to the Superintendent, who shall thereafter fulfill the functions of the Title IX Coordinator regarding that Report/Complaint, or delegate the function to another person.

B. District Response to Report of Sexual Harassment

1. Duty to respond: The District will promptly respond when there is actual knowledge of sexual harassment, even if a Formal Complaint of Sexual Harassment has not been filed.
 - a. District Response Must Be Equitable: In its response the District shall treat Complainants and Respondents equitably by providing supportive measures to the Complainant and by following the Title IX Grievance Process prior to imposing any disciplinary sanctions or other actions that are not supportive measures against a Respondent.
 - b. Reports of Harassment Received by District Employees Shall Be Referred to Title IX Coordinator: Where any District employee – other than the employee harasser, or the Title IX Coordinator – receives information of conduct which may constitute sexual harassment under this Policy, they shall, without delay, inform the Title IX Coordinator of the alleged sexual harassment. Failure to report will subject the employee to discipline up to and including dismissal.
 - c. Complainant Contact: As soon as reasonably possible after receiving a Report of Sexual Harassment from another District employee or after receiving a report directly through any means, the Title IX Coordinator shall contact the Complainant [and parent/guardian in cases where the complainant is a student under the age of 18] to:
 - i. Discuss the availability of and offer supportive measures;
 - ii. Consider the complainant's wishes with respect to supportive measures;
 - iii. Inform the complainant of the availability of supportive measures with or without the filing of a formal complaint; and
 - iv. Explain to the complainant the process for filing a Formal Complaint of Sexual Harassment.

2. Formal Investigation of Sexual Harassment: Before the District may conduct a formal investigation of sexual harassment or take any action (other than supportive measures) against a Respondent, a Formal Complaint that contains an allegation of sexual harassment and a request that the District investigate the allegations is required and must be filed by either the Complainant, the Complainant's Parent/Guardian, or the Title IX Coordinator, as set forth under Section IV.B. below.
3. Initiating the Title IX Grievance Process: A Report of Sexual Harassment alone does **not** initiate a Title IX Grievance Process. Before the District may initiate that process, a Formal Complaint of Sexual Harassment must be filed under the procedures set out in Section IV.A.

C. Formal Complaints of Sexual Harassment

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

D. District Duty to Respond When Determination of Responsibility For Sexual Harassment Has Been Made Against a Respondent

The District must provide remedies to a Complainant where a determination of responsibility for sexual harassment has been made against a Respondent designed to restore or preserve equal access to the District's education program or activity. Such remedies may include "supportive measures" but also need not be non-disciplinary or non-punitive and need not avoid burdening the Respondent.

E. Reporting to Other Agencies

1. Reports to Department of Children and Families (DCF): When a report made pursuant to this policy includes allegations of child abuse, any person responsible for reporting suspected child abuse under 33 V.S.A. § 4491, et seq. must report the allegation to the Commission or DCF. If the victim is over the age of 18 and a report of abuse is warranted, the report shall be made to Adult Protective Services in accordance with 33 V.S.A. § 6901 et seq.
2. Reports to Vermont Agency of Education (AOE): If a report of sexual harassment is made to the District about conduct by a licensed educator that might be grounds under Vermont law for licensing action, the principal shall report the alleged conduct to the

Superintendent and the Superintendent shall report the alleged conduct to the Secretary of Education. [If a report of sexual harassment is made in an independent school about conduct by a licensed educator that might be grounds under Vermont law for licensing action, the head of school is encouraged to report the alleged conduct to the Secretary of Education.]

3. Reporting Incidents to Police

- a. Family Education Rights and Privacy Act (FERPA): Information obtained and documented by school administration regarding the school's response to notice of student conduct that may constitute sexual harassment may constitute an "educational record" regarding the student or student(s) involved as defined by the FERPA. Accordingly, such information may not be disclosed without prior parent approval to local law enforcement except in response to a lawfully issued subpoena, or in connection with an emergency if disclosure is necessary to protect the health or safety of the student or other individuals.
 - b. First Hand Reports: Nothing in this policy shall preclude persons from reporting incidents and/or conduct witnessed first-hand that may be considered to be a criminal act to law enforcement officials.
4. Continuing Obligation to Investigate: Reports made to DCF, AOE or law enforcement shall not be considered to absolve the school administrators of their obligations under this policy, or other school policies where appropriate, to respond, and when appropriate to investigate and follow the Title IX Grievance Process set forth in Section IV.

F. Disseminating Information and Notice

- 1. Notice of Title IX Policy: The District will make this Policy publicly available on the District's website (OR if the District does not maintain a website, available upon request for inspection by members of the public).
- 2. Notice of Title IX Obligations and Coordinator Information: The District shall include in all student and employee handbooks, and shall make publicly available on the district's website (OR if the District does not maintain a website, available for inspection to members of the public upon request) the following information:
 - a. The District's policy of non-discrimination on the basis of sex, that it is required by Title IX not to discriminate in such a manner, and that such requirement not to discriminate in the education program or activity of the District extends to admission and employment (all to be prominently displayed on both the website and in publications);
 - b. The title, name, office address, email address, and telephone number of the District's Title IX Coordinator (all to be prominently displayed on both the website and in publications);

- c. A statement that Title IX inquiries may be referred to either the District's Title IX Coordinator or to the Assistant Secretary for Civil Rights.

The same information shall be otherwise provided to students, employees, unions or professional organizations holding collective bargaining or professional agreements with the District, and all persons seeking employment with the District, or seeking to enroll or participate in the District's educational programs or activities. Those persons shall also be informed of the grievance procedures and process provided for under Section IV. of this Policy, including how to file either a Report of Sexual Harassment or Formal Complaint of Harassment, and the response the District will take in response to such filings.

- 3. Training Materials: Additionally, the District will make any materials used to train personnel as required under Section V.F. publicly available on the District's website (OR if the District does not maintain a website, available upon request for inspection by members of the public).

G. Record Keeping

The District shall maintain for a period of seven years records of:

1. Sexual Harassment Investigations

The District shall maintain records of any:

- a. Determination regarding responsibility;
- b. Any disciplinary sanctions imposed on the respondent;
- c. Any remedies provided to the complainant designed to restore or preserve equal access to the recipient's education program or activity; and
- d. Any appeal and result therefrom.

2. Any informal resolution and the result therefrom.

3. All materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process.

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

- a. Records of any actions, including any supportive measures, taken in response to a Report of Sexual Harassment or Formal Complaint of Harassment. In each instance the District must document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the District's educational program or

activity. Where a District does not provide a Complainant with supportive measures, then the District must document the reasons why such a response was not clearly unreasonable in light of the known circumstances. The documentation of certain bases or measures does not limit the District in the future from providing additional explanations or detailing additional measures taken.

H. Confidentiality

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

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

IV. TITLE IX GRIEVANCE PROCESS

A. General Provisions

1. Triggers for Implementation: The Title IX Grievance Process is used only upon the filing of a **Formal Complaint** of sexual harassment as described below. This process must be followed before any discipline of a Respondent to allegations of Sexual Harassment may be imposed by the District.
2. Protections for Equitable Treatment in the Handling of Formal Complaints by District: The District response to a Formal Complaint of Sexual Harassment shall treat Complainant and Respondents equitably. In particular, this Title IX Grievance Process shall require:
 - a. Presumption of Non-Responsibility: Presumption that the Respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the Title IX Grievance Process;
 - b. Objectivity: An objective evaluation of all relevant evidence - including both inculpatory and exculpatory evidence - and provide that credibility determinations may not be based on a person's status as a Complainant, Respondent, or Witness;

- c. Conflict and Bias Free Personnel: That individuals designated by the District to act as Title IX Coordinator, investigator, decision-makers, or to facilitate an informal resolution process, shall have no conflict of interest nor bias for or against a Complainant or Respondent individually, or complainants or respondents generally;
- d. No Interference with Legal Privileges: Such that at no point in the grievance process will the Title IX Coordinator, the investigator, any decision maker, or any other person participating on behalf of the District, require, allow, rely upon, or otherwise use questions or evidence that constitutes, or seeks disclosure of, information protected under a legally recognized privilege (e.g., doctor/patient, attorney/client, clergy, etc.), unless the person holding such privilege (parent/guardian for minor student) has waived the privilege in writing to use the information with respect to the Title IX Grievance Process;
- e. Proof of Responsibility for Sexual Harassment by a Preponderance of the Evidence, which is only met when the party with the burden convinces the fact finder (the Initial Decision-Maker) that there is a greater than 50% chance that the claim is true (i.e., more likely than not). This standard shall be applied to all Formal Complaints of Sexual Harassment, whether they involve students or faculty; and
- f. Reasonably Prompt Time Frames for Conclusion of the Title IX Grievance Process: The District shall make a good faith effort to conduct a fair, impartial grievance process in a reasonably prompt manner designed to provide all parties with a prompt and equitable resolution. It is expected that in most cases, the grievance process will be concluded - through at least the determination of responsibility decision - within 80 days after filing the Formal Complaint of Sexual Harassment. However, more complex cases or other case specific circumstances, may require additional time beyond that timeframe. In such cases, good cause must be shown and written notice provided,
 - i. Grievance Process Timeline
 - Investigation 20 +/- days (as the complexity of the case demands);
 - 10 days for reviewing information prior to conclusion of investigation;
 - 10 days after receiving investigative report -by either- party to respond;
 - 10 days for decision maker to allow initial questions;
 - 10 days for responses to questions;
 - 10 days for questions and responses to follow-up questions;
 - 10 days for determination of responsibility decision;

10 days for appeal (6 additional days for administrative steps);

10 days for argument/statement challenging or supporting determination;

10 days for decision on appeal.

- ii. Delays and Extensions of Time: At any stage of the grievance process, the District (through the Superintendent, or if the Superintendent is the respondent, the Title IX Coordinator or designee) may for good cause allow for temporary delays or extensions of time upon request of either party, or on their own initiative. Examples of good cause may include such things as availability of parties, party advisors, witnesses, school or school administrative office holidays or vacations, referral back to an earlier stage of the grievance process, concurrent law enforcement or other agency activity, or need to obtain language interpreters or accommodation of disabilities. For any such delay or extension of time, the Superintendent or the Title IX Coordinator will provide simultaneous written notice to the parties of the delay/extension and the reason(s).
- iii. Delivery of Copies and Notices: Except as specifically stated elsewhere in this Policy, for any document, information or material required to be delivered to a party or to a person assigned with responsibility under the Title IX Grievance Process, the manner of transmittal may be by electronic mail, regular mail or such other manner reasonably calculated to assure prompt delivery with evidence thereof (such as a commercial carrier or other receipted delivery). Hand delivery will only be permitted if made to the District official charged with the specific function under this Policy (e.g., Title IX Coordinator, Superintendent, investigator, decision maker(s), etc.). Any document required to be delivered to a minor or other non-eligible student, must also be delivered to the minor's parent/guardian. Copies should also be sent to a party's advisor if the information for the advisor has been previously communicated to the sending party. Under federal regulations, copies of the investigative evidence, as well as the investigative report, must be forwarded to a party's advisor.
- iv. Notice of Range of Disciplinary Sanctions and Remedial Actions Upon Final Determination of Responsibility
 - a. Employee Respondents: "Disciplinary sanctions" against an employee respondent may include any available sanction available for the discipline of employees, up to and including dismissal or non-renewal for any other violation of Board policy, applicable individual or collective bargaining contract, or state or federal laws or regulations.
 - b. Student Respondent: "Disciplinary sanctions" against a student may include any available discipline or sanction, up to and including expulsion, permitted by District policies, and any other District rules and procedures or student code of conduct.

- c. Remedial Actions: Remedial actions as to a Respondent after a Title IX Sexual Harassment Final Decision, whether employee or student, may include the imposition upon a responsible respondent of any additional non-disciplinary measures appropriate to effecting a remedy for sexual harassment, and may include such measures as no-contact requirements, scheduling adjustments, removal or exclusion from extracurricular activities, class reassignments, limits on future class registrations, restrictions on access to various spaces in the school buildings, reassignment of attendance, and similar measures fine-tuned to respond appropriately to the circumstances surrounding a successful complainant's right to access the district's program and activity. Additional remedial actions may include recommendations that a school-wide or system-wide response is needed in order to respond to the sexual harassment in a way that is not clearly unreasonable under the circumstances. In such cases, the Superintendent shall provide additional staff training, harassment prevention programs, or such other measures as determined appropriate to protect the safety of the educational environment and/or to deter sexual harassment.
- v. Emergency Removal: Nothing in this Policy, or Title IX Grievance Process, precludes a District from removing a Respondent from the District's education program or activity on an emergency basis, provided that the District undertakes an individualized safety and risk analysis, determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal, and provides the Respondent with notice and an opportunity to challenge the decision immediately following the removal. This provision may not be construed to modify any rights under the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act. Such removal shall not be disciplinary.
- vi. Administrative Leave: Nothing in this Policy precludes a recipient from placing a non-student employee respondent on administrative leave during the pendency of the Title IX Grievance Process. This provision may not be construed to modify any rights under Section 504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act.

B. Formal Complaints of Sexual Harassment

The Title IX Grievance Process is initiated by way of a Formal Complaint ("complaint" or "formal complaint") filed by the Complainant, the Complainant's parent/guardian, or the Title IX Coordinator.

1. Complainant Options: In cases of Actual Knowledge (and/or) Reports of Sexual Harassment, the Complainant retains the option to either file a Complaint of Sexual Harassment or choose not to and instead simply receive the supportive measures, except as set forth below.

- a. Filings by Title IX Coordinator: In cases where the Complainant does not file a Formal Complaint of Sexual Harassment, the Title IX Coordinator may nevertheless choose to sign and thus initiate a Formal Complaint of Harassment, but only if:
 - i. Initiating the grievance process against the respondent is not clearly unreasonable in light of the known circumstances;
 - ii. In other cases where, in the exercise of good judgment and in consultation with the District's attorney as appropriate, the Title IX Coordinator determines that a grievance process is necessary to comply with the obligation not to be deliberately indifferent to Actual Knowledge of sexual harassment;
 - iii. If the Complaint is filed by the Title IX Coordinator, they are not a party to the action, and the District must comply with all of the provisions of the Title IX Grievance Process relative to respondents and complainants.
 - b. Supportive Measures: The Title IX Coordinator will contact the Complainant to discuss and offer supportive measures.
2. Respondent Rights: In cases where no Formal Complaint of Sexual Harassment is either filed by the Complainant or the Title IX Coordinator **no disciplinary action may be taken** against the Respondent based upon conduct that would constitute sexual harassment under this policy. Nevertheless, the Title IX Coordinator may contact the respondent to discuss, and or impose, non-disciplinary supportive measures.
3. Timeliness of Formal Complaints of Sexual Harassment: Although the District will initiate the Title IX Grievance Process regardless of when the Formal Complaint of Sexual Harassment is submitted, delays in reporting may significantly impair the ability of school officials to investigate and respond to the allegations.
4. Jurisdiction Over Parties: Although there is no time limit per se to filing a Formal Complaint of Sexual Harassment, Complaints may be dismissed if either the Complainant or Respondent is no longer enrolled or employed by the District.
5. Manner of Filing and Content of Formal Complaints of Sexual Harassment: Formal Complaints of Sexual Harassment may be filed with the Title IX coordinator in person, by mail, or by email and must be in writing. While forms may be obtained from the Title IX Coordinator or on the District or school website, at a minimum, a Formal Complaint of Sexual Harassment must:
 - a. Contain the name and address of the Complainant and the student's parent or guardian if the complainant is a minor student;
 - b. Describe the alleged sexual harassment;
 - c. Request an investigation of the matter;

- d. When filed by the Complainant be signed by the Complainant or otherwise indicate that the complainant is the person filing the complaint, or if not filed by the Complainant be signed by the Title IX Coordinator.
- 6. Consolidation of Complaints: The District may consolidate formal complaints of allegations of sexual harassment where the allegations of sexual harassment arise out of the same facts or circumstances and the formal complaints are against more than one respondent; or by more than one complainant against one or more respondents; or by one party against the other party. When the District has consolidated formal complaints so that the grievance process involves more than one complainant or more than one respondent, references to the singular “party”, “complainant”, or “respondent” include the plural, as applicable.

C. Notification of Formal Complaint to Parties (“Notification”)

Upon receipt of a Formal Complaint of Sexual Harassment, the District must provide the following written notice to the parties who are known:

1. Notice of the District’s Title IX Grievance Process (Section IV), including any informal resolution process.
2. Notice of the allegations potentially constituting sexual harassment as defined by Section II.N., including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting sexual harassment as defined by Section II.N., and the date and location of the alleged conduct, if known.
 - a. Supplemental Notice Required Upon Change in Investigative Scope: If, in the course of an investigation the District decides to investigate allegations about the Complainant or Respondent that are not included in the original Notification, the District must provide simultaneous notice of the additional allegations to the parties whose identities are known.
3. The written notice must include a statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the Title IX Grievance Process set forth in Section IV of the Policy.
4. The written notice must inform the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney (who may be present during any Grievance proceeding, including any related meeting or proceeding). The District may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties.

5. The written notice must inform the parties of any provision in the District's code of conduct that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

D. Informal Resolution

At any time prior to reaching a determination regarding responsibility (but only after the filing of a formal complaint), the District may offer an optional informal resolution process (e.g., mediation, arbitration), provided that the District:

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

E. Sexual Harassment Investigation

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

1. Include objective evaluation of all relevant evidence, including inculpatory and exculpatory evidence. (Evidence about the complainant's sexual predisposition or prior sexual behavior are **not** relevant, unless such evidence about the complainant's prior sexual behavior is offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the evidence concerns

specific incidents of the complainant's prior sexual behavior with respect to the respondent and is offered to prove consent.)

2. Ensure that the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rests on the District and not on either of the parties;
3. Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence;
4. Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence;
5. Provide the parties with the same opportunities to have others present during any interview or other part of the investigation, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice. The District may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties;
6. Provide, to a party (e.g., Respondent or Complainant – and parent/guardian as appropriate) whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all investigative interviews, or other meetings, with sufficient time for the party to prepare to participate;
7. Provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, including the evidence upon which the recipient does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to the conclusion of the investigation;
8. PRIOR to completion of the Sexual Harassment Investigative Report, the District, through the Title IX Coordinator, must send to each party and party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties must have at least 10 days to submit a written response, which the investigator will consider prior to completion of the investigative report;
9. Prepare a written Sexual Harassment Investigative Report that fairly summarizes relevant evidence, including, without limitation, witness credibility, discrepancies, inculpatory and exculpatory information, and relevant District policies, rules and regulations, and the manner in which the same were made known to the pertinent school populations or specific parties. The investigative report shall include a description of the procedural steps taken, starting with the receipt of the formal complaint, and continuing through the preparation of the investigative report,

including any notifications to the parties, interview with parties and witnesses, site visit, and methods used to gather evidence.

10. The investigator shall provide the Investigative Report in hard copy or electronic format to the Title IX Coordinator, to each party and each party's advisor, if any. Each party will have 10 days from receipt to provide the Title IX Coordinator a written response to the Investigative Report.

F. Initial Determination of Responsibility

The initial determination of responsibility of the respondent shall be made by the Initial Decision-Maker.

1. Initial Decision-Maker: The Initial Decision-Maker cannot be the same person(s) as the Title IX Coordinator or the Investigator(s).
2. Opportunity for Relevant Party Questions: After the Investigator Report has been sent to the parties pursuant to Section IV.E.10 (above), and PRIOR to making a determination of responsibility, the Initial Decision-Maker will afford each party 10 days to submit written, relevant questions to the Initial Decision-Maker that the party wants asked of any party or witness. Only relevant questions may be posed. The Initial Decision-Maker shall explain to the party proposing the questions any decision to exclude a question as deemed "not relevant."
 - a. Irrelevant Questions and Evidence: Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are **not** relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the Complainant, or if the question and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.
 - b. Written Responses to Questions: The Initial Decision-Maker will provide the questions to the party/witness, with copies to each party, and provide no less than 10 days for written responses, likewise to be provided to each party.
 - c. Opportunity for Limited Supplemental Question: The Initial Decision-Maker will provide 5 days each for supplementary, limited follow-up questions and 5 days for answers, and may provide for additional rounds of follow-up questions, as long as the provision is extended to both parties equally.
3. Prohibition on Negative Inferences: The Initial Decision-Maker may not make any credibility determinations based on the person's status as a complainant, respondent or witness.

4. Presumption of Non-Responsibility: The Respondent must be deemed to be not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the Title IX Grievance Process.
5. Written Initial Determination Regarding Responsibility: Within 10 days following the close of the period set for responses to the last round of follow-up questions, the Initial Decision-Maker must issue a Written Initial Determination to the Title IX Coordinator, the Superintendent and the parties simultaneously, which, while applying the preponderance of the evidence standard, must include:
 - a. Identification of the allegations potentially constituting Sexual Harassment as defined in this Policy, Section II.N.;
 - b. A description of the procedural steps taken from the receipt of the formal complaint through the Initial Determination Regarding Responsibility, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather evidence, and hearings held;
 - c. Findings of fact supporting the Written Initial Determination Regarding Responsibility;
 - d. Conclusions regarding the application of the District's applicable codes of conduct, policies, administrative regulations or rules to the facts;
 - e. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility (i.e., whether or not the respondent is responsible for sexual harassment), any disciplinary sanctions the District imposes on the Respondent, and whether remedies designed to restore or preserve equal access to the District's education program or activity will be provided by the District to the Complainant; and
 - f. The District's procedures and permissible bases for the Complainant and Respondent to appeal (as set forth in Section IV.H, below).
6. Finality of Decision: The Initial Determination Regarding Responsibility becomes final, and identified as the **Title IX Sexual Harassment Final Decision** either:
 - a. On the date that District provides the parties with Written Determination of the Appeal, if an appeal is taken as set forth in Section IV.H. (below); OR
 - b. Where no appeal is taken, the date on which an appeal would no longer be considered timely.
7. Duty to Effectuate Title IX Sexual Harassment Final Decision

- a. District Response to Sexual Harassment: Once a **Title IX Sexual Harassment Final Decision** is issued, the District may implement remedies as set forth in Section III.D. above, and action as necessary to respond in a manner not deliberately indifferent in light of the known circumstances in cases of a Determination of Title IX Sexual Harassment Final Decision concluding responsibility for Sexual Harassment. The issue of responsibility for the conduct at issue shall not be subject to further review or appeal within the District (except as provided by District policy or collective bargaining agreement or applicable law). Appeals of disciplinary sanctions may be made pursuant to the District's ordinary review process for discipline, or to the extent applicable through any statutory or other processes provided under collective bargaining agreements or individual contracts.
- b. Responsibility for Response: The Title IX Coordinator is responsible for effective implementation of remedies.
- c. Other Actions Pursuant to Applicable Code of Conduct, Policies, Agreements, Contracts: The District may also proceed against the Respondent or Complainant pursuant to the District's applicable code of conduct or other Board policies, collective bargaining agreement, individual contract or administrative rules/regulations/procedures.

G. Dismissal of a Formal Complaint

- 1. The District must dismiss a formal complaint with regard to Title IX sexual harassment if the alleged conduct:
 - a. Would not constitute sexual harassment, even if proved;
 - b. Did not occur in the District's education program or activity; or
 - c. Did not occur against a person in the United States.
- 2. The District may dismiss a formal complaint with regard to Title IX sexual harassment if at any time during the investigation or determination of responsibility stage(s):
 - a. A complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein;
 - b. The respondent is no longer enrolled or employed by the District; or
 - c. Specific circumstances prevent the recipient from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

3. Upon dismissal of a formal complaint, the District must promptly send written notice of the dismissal and the reason(s) therefore simultaneously to the parties.
4. The dismissal of a formal complaint under Title IX does not preclude the District from continuing any investigation or taking action under other District policies, code of conduct or administrative rules/regulations. In some cases, the District may have an obligation to continue an investigation and proceed under a different policy or mandated process.

H. Appeals

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

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

- or an individual complainant or respondent. The Appellate Decision-Maker shall be trained as set forth in Section V.F.2. and 3.
5. District Notification of Appeal and Duty to Equitable Treatment of Parties During Appeal: The District must notify the both parties in writing when an appeal is filed and implement appeal procedures equally for both parties.
 6. Opportunity to Brief Appellate Decision-Maker
 - a. Deadline in Cases Other Than Newly Available Evidence: Except in cases of newly available evidence, each party shall have 10 days “reasonable and equal opportunity] from the date of the Notification of Appeal under Section IV.H.5. above, to submit to the Appellate Decision-Maker a written statement in support of, or challenging, the Initial Determination Regarding Responsibility.
 - b. Deadline in Cases of Newly Available Evidence: In cases where the basis of the appeal is newly available evidence affecting the outcome, the party relying upon such evidence shall submit to the Appellate Decision-Maker such evidence or a summary of such evidence along with the party’s appeal statement first and within 7 days from the date of the Notification of the Appeal. In such instances the Appellate Decision-Maker shall then forward such documentation on to the opposing party, whereupon the opposing party shall thereafter have 7 days to review and submit their Brief to the Appellate Decision-Maker.
 7. Written Determination of the Appeal
 - a. The Appellate Decision-Maker shall provide a Written Determination of the Appeal after considering the record and the parties’ appeal statements, describing the result of the appeal and the rationale of the result. The appeals decision maker will only overturn the Initial Determination of Responsibility upon a conclusion that it was clearly erroneous (i.e., either made on unreasonable grounds, or without any proper consideration of the circumstances). If the basis or one of the bases for the appeal was new evidence, the appeals decision maker may either make a determination of responsibility regarding that evidence or refer it back to the appropriate stage of the Title IX Grievance Process. The Appellate Decision shall be provided simultaneously to both parties, with a copy to the Title IX Coordinator and the Superintendent of Schools.
 - b. Upon issuance of the Written Determination of the Appeal, it becomes a **Title IX Sexual Harassment Final Decision**, as set forth in Section IV.F.6, with commensurate Title IX obligations for the District to act as set forth in Section IV.F.7.

V. RESPONSIBLE PERSONNEL

A. Bias or Conflicts of Interest

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

B. Title IX Coordinator

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

1. Notice of Title IX Coordinator Contact Information: The name or title, office address, electronic mail address, and telephone number of the employee(s) designated as the Title IX Coordinator shall be provided to the following:
 - a. All applicants for admission and employment;
 - b. Parents or legal guardians of elementary and secondary school students;
 - c. Employees; and
 - d. All unions or professional organizations holding collective bargaining or professional agreements with the recipient.
2. Duties of Title IX Coordinator: In addition to coordinating the District’s efforts to comply with its responsibilities under this Policy, and any other duties assigned, the Title IX Coordinator shall be responsible for:
 - a. Receipt of Reports of Sexual Harassment: Any person may report sex discrimination, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), in person, by mail, by telephone, or by electronic mail, using contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person’s verbal or written report. Such a report may be made at any time (including during non-business hours) by using the telephone number or electronic mail address, or by mail to the office address, listed for the Title IX Coordinator.
 - i. Responding to general reports and formal complaints of sexual harassment: The Title IX Coordinator shall promptly contact the Complainant (or where

Complainant is a minor their parent/guardian) (regardless to whether a formal complaint has been received) to discuss:

- a. Supportive Measures: The availability of supportive measures, as defined in Section II.O., to consider Complainant's wishes with respect to supportive measures; to inform of the availability of supportive measures with or without the filing of a Formal Complaint of Sexual Harassment;
- b. Formal Complaint: Explain the process for filing a Formal Complaint of Sexual Harassment.
- ii. Signing and/or receiving Formal Complaints of Sexual Harassment and in such cases commencing the Title IX Grievance Process set out in Section IV. above;
- iii. Coordinating the effective implementation of supportive measures; and
- iv. Coordinating the District's efforts to comply with its responsibilities related to the Title IX Grievance Process set forth in Section IV of this policy, including any other specific duties as assigned by the Superintendent to fulfill the District's obligations under this policy.
- 3. Conflict of Interest or Bias/Unavailability: In cases where the Title IX Coordinator is unavailable, including unavailability due to a conflict of interest or other disqualifying reason, the Superintendent shall assure that another person with the appropriate training and qualifications is appointed as acting Title IX Coordinator for that case, in such instances "Title IX Coordinator" shall include the acting Title IX Coordinators.

C. Investigators

- 1. Conflict of Interest or Bias: Any individual assigned to investigate a Formal Complaint of Sexual Harassment shall not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.
- 2. Responsibilities: Investigators shall be responsible for conducting Sexual Harassment Investigations as set forth in Section IV.E. above.

D. Decision-Makers

- 1. Conflict of Interest or Bias: Any individual assigned as a Decision-Maker in the case of a Sexual Harassment under this Policy shall not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.

2. Responsibilities

- a. Initial Decision-Makers: shall be responsible for issuing an Initial Determination Regarding Responsibility following a Sexual Harassment Investigation and other duties set forth in Section IV.F. above.
- b. Appellate Decision-Makers: shall be responsible for issuing a Written Determination of the Appeal, and other duties set forth in Section IV.H. above.

E. Informal Resolution Process Facilitators (“Facilitators”)

- 1. Conflict of Interest or Bias Any individual assigned to facilitate an informal resolution process shall not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.
- 2. Responsibilities. Facilitators shall be responsible for facilitating a process of informal resolution as permitted in Section IV.D. above.

F. Training

The District shall ensure that training of the following personnel occur:

- 1. All District Employees: Training of District Employees shall occur relative to mandatory reporting obligations, and any other responsibilities they may have relative to this Policy.
- 2. Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process: These individuals must be trained on the following topics:
 - a. The definition of sexual harassment as contained within this Policy;
 - b. The scope of the recipient’s education program or activity;
 - c. How to conduct an investigation, appeals, and informal resolution process;
 - d. How to serve impartially, including by avoiding prejudgment of the facts at issue; and
 - e. Conflicts of interest and bias.
- 3. Decision-Makers: In addition to the topics set forth in Section V.D.2. above, decision-makers shall be trained on the following topics:

- a. Issues of relevance of questions and evidence, including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant as set forth in Section IV.E.1. and IV.F.2.a.
- 4. Investigators: In addition to the topics set forth in Section V.C.2. above, investigators shall be trained on issues of relevance to create an investigative report that fairly summarizes relevant evidence, as set forth in Section IV.E.9 above.
- 5. Training Materials: Any materials used for trainings of Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, must:
 - a. Not rely on sex stereotypes; and
 - b. Promote impartial investigations and adjudications of formal complaints of sexual harassment.
 - c. Be made available to the public either on its website, or if the District does not maintain a website, must make those materials available upon request for inspection by members of the public.

<i>Legal Reference(s):</i>	<i>Title IX of the Education Amendments of 1972, 20 U.S.C 1681, et seq 20 U.S.C. §1232g, Family Educational Rights and Privacy Act</i>
	<i>34 CFR. Part 99, Family Educational Rights and Privacy Act Regulations</i>
	<i>34 CFR 106.8, Designation of responsible employee and adoption of grievance procedures.</i>
	<i>34 CFR 106.30, Definitions</i>
	<i>34 CFR 106.44, Recipient's response to sexual harassment</i>
	<i>34 CFR 106.4, Grievance process for formal complaints of sexual harassment</i>
	<i>34 CFR 106.71, Retaliation</i>

Legal References Disclaimer: *These references are not intended to be considered part of this policy, nor should they be taken as a comprehensive statement of the legal basis for the Board to enact this policy, nor as a complete recitation of related legal authority. Instead, they are provided as additional resources for those interested in the subject matter of the policy.*

CONSENT AGENDA										
Board Meeting Date: 12/16/2025										
<i>Licensed Employees (Teacher/Administrator)</i>										
Contract Type	First Name	Last Name	Category	Position	Hours/Wk	Building	Agenda Information	Person Replacing	Budgeted	Admin Support
Teacher	Aurina	Hartz	New Hire	Elementary Teacher LTS	1.0 FTE	PPS	Notice of Hire	Brittany Wildermuth	Yes	Yes
<i>Non-Licensed Employees (Support Staff), Board Approval Required</i>										
Contract Type	First Name	Last Name	Category	Position	Hours/Wk	Building	Agenda Information	Person Replacing	Budgeted	Admin Support
Support Staff	DonCarlos	Davis	Leave of Absence	Food Service	30	CMS	Request for LOA 1/16/26 - 1/29/26			
<i>Non-Licensed Employees (Support Staff), Informational</i>										
Contract Type	First Name	Last Name	Category	Position	Hours/Wk	Building	Agenda Information	Person Replacing	Budgeted	Admin Support
Support Staff	Jordan	Soutiere	New Hire	Paraeducator	32.5	MBS	Notice of Hire	N/A	Yes	Yes
Co-Curricular	Marissa	Fortin	New Hire	"C" Basketball Coach	Coach	CMS	Notice of Hire	N/A	Yes	Yes
Support Staff	Nancy	Japhet	Resignation	Food Service Worker	31.5	CMS	Notice of Resignation			
Support Staff	Jessica	Randall	Resignation	Paraeducator	14.0	MBS	Notice of Resignation			
Support Staff	Makayla	Beauty	New Hire	Paraeducator	32.5	CMS	Notice of Hire	N/A	Yes	Yes
Co-Curricular	Nikhil	Blasius	New Hire	JV "B" Basketball Coach	Coach	CHS	Notice of Hire	N/A	Yes	Yes
Support Staff	Autumn	Buerkett	New Hire	ML Paraeducator	32.5	CMS	Notice of Hire	Maeve Cohen	Yes	Yes

Colchester School District

Board of Education Meeting
Colchester High School Library

Tuesday, November 18, 2025
7:00 p.m.

Meeting Minutes

The Colchester Board of Education held a regular board meeting on Tuesday, November 18, 2025, in the Colchester High School Library Media Center. Board directors in attendance were Lindsey Cox, Ben Yousey-Hindes, Laurie Kigonya, and Jennifer Fath. Administrators and employees in attendance were Superintendent Amy Minor, Chief Financial and Operations Manager George Trieb, Director of Curriculum and Instruction Gwen Carmolli, Director of Student Support Services Carrie Lutz, PPS Principal Carolyn Millham, Director of Food Service Steve Davis, and Food Service Administrative Assistant Sara Collins. There was one audience member present.

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. Citizens Participation*

None.

III. Hear School Report: Porters Point School

Informational

Porters Point School Principal Carolyn Millham provided an overview of the school, including enrollment, attendance, assessment, and discipline data from the 2024-25 school year, as well as current schoolwide goals aligned with their action plan. She highlighted faculty successes, specifically mentioning how staff uses student work study to inform adjustments to both reading and math instruction, and the school's effort to teach students self-regulation strategies. Principal Millham provided data illustrating kindergarten reading growth and compared various text levels to show progress. Similarly, math data was presented, detailing how the school uses these figures to implement targeted action plan strategies. She shared survey results indicating that families and staff overwhelmingly believe students receive a high-quality education at PPS. Principal Millham praised the strong partnership with the broader school community, including organizations like the PTA. Lastly, she shared some photos and a video related to the ongoing facility construction project.

IV. Hear Districtwide Food Service Department Report

Informational

Director of Food and Nutritional Services Steve Davis and Administrative Assistant Sara Collins provided a detailed report on the operation required to feed the district's nearly 2,200 students. They emphasized the challenging balance between adhering to the strict requirements of the USDA Nutrition Standards and accommodating student preferences, cost considerations, seasonality, and availability, while also ensuring culinary variety. The department maintains strong partnerships with local vendors, including Tucker Maple Farm, Sam Mazza's, and Champlain Orchard. Last school year, the department served 182,592 breakfasts (over 1,000 a day) and 252,815 lunches (just under 1,500 a day). Davis reported an average cost increase of 4.8% and provided the board with a comparison of the FY'25 budget estimate versus actual spending figures.

V. Hear FY'27 Budget Presentation

Informational

Superintendent Amy Minor began the presentation with an overview of district enrollment by grade level, noting that overall **enrollment is stable** and projected variations in the coming years are expected to keep the count steady. She then explained the class-size requirements mandated by the **Vermont Education Quality Standards (EQS)**, confirming that most classes currently align with EQS, though a few are slightly above the required limits. She also reported that the district currently enrolls 110 students who tuition into the middle and high schools from surrounding towns without these facilities. Chief Financial and Operations Officer George Trieb followed by sharing initial budget assumptions with the board. He informed the board that more detailed budget information will be available at the second December meeting, following the release of critical data from the State.

VI. Second and Final Reading of Facility Usage and Rental Policy: H11

Action

No changes were requested.

Director Kigonya moved to approve the second and final reading of the Facility Usage and Rental Policy: H11. The motion passed unanimously.

VII. Second and Final Reading of Naming of Facilities Policy: H12

Action

No changes were requested.

Director Yousey-Hindes moved to approve the second and final reading of the Naming of Facilities Policy: H12. The motion passed unanimously.

VIII. Second and Final Reading of Special Education Policy: F29

Action

No changes were requested.

Director Fath moved to approve the second and final reading of the Special Education Policy: F29. The motion passed unanimously.

IX. Approval of Consent Agenda

Action

CONSENT AGENDA										
Board Meeting Date: 11/18/25 REVISED										
<i>Licensed Employees (Teacher/Administrator)</i>										
Contract Type	First Name	Last Name	Category	Position	Hours/Wk	Building	Agenda Information	Person Replacing	Budgeted	Admin Support
<i>Non-Licensed Employees (Support Staff), Board Approval Required</i>										
Contract Type	First Name	Last Name	Category	Position	Hours/Wk	Building	Agenda Information	Person Replacing	Budgeted	Admin Support
<i>Non-Licensed Employees (Support Staff), Informational</i>										
Contract Type	First Name	Last Name	Category	Position	Hours/Wk	Building	Agenda Information	Person Replacing	Budgeted	Admin Support
Support Staff	Lasah	McMurray	New Hire	Paraeducator	32.5	UMS	Notice of Hire	Heather Coughlin	Yes	Yes
Support Staff	Joseph	Duprey	New Hire	Behavior Interventionist	35.0	CMS	Notice of Hire	Levi Harris	Yes	Yes
Support Staff	Wendy	Blanchette	New Hire	Paraeducator	32.5	MBS	Notice of Hire	Kati Sanford	Yes	Yes
Support Staff	Courtney	Thibault	Resignation	Behavior Interventionist	35.0	UMS	Notice of Resignation			

There were no items on the agenda that required board approval.

X. Approval of Meeting Minutes

Action

Director Kigonya moved to approve the minutes from the meeting held on November 4, 2025. The motion passed unanimously.

XI. Board/Administration Communication, Correspondence, Committee Reports

Informational

- There will be no public school board meeting on December 2. The meeting will instead be used as a training session with the district's attorney.
- CHS Football Team won the DII State Championship.
- PPS Renovation Update: Work is continuing, and concrete is being poured for the foundation. A community update will be posted on the csdbond.org website.

XII. Future Agenda Items

Informational

- School Reports
- Policy Work
- Facility Renovation Updates
- FY27 Budget Development

XIII. Added Executive Session for the Purpose of Discussing Contract Negotiations

Action

Director Kigonya moved to enter executive session at 8:26 p.m. to discuss contract negotiations.

XIV. Adjournment

Director Yousey-Hindes moved to adjourn at 8:08 p.m. The motion passed unanimously.

Meghan Baule
Recording Secretary

Ben Yousey-Hindes
Board Clerk