

THE ST. JOHNSBURY SCHOOL



Behavior Management Plan

“...supporting respectful, caring, lifelong learners...”

Revised August 10, 2010

The St. Johnsbury School Behavior Management Plan

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Part I: The St. Johnsbury School Behavior Management Plan

Introduction

The St. Johnsbury School follows the principles outlined in Responsive Classrooms in order to build a caring school and classroom learning communities, to teach students to be responsible, and to make good choices. Commonly shared values such as honesty, fairness, and respect are implemented through the development and strengthening of social skills; such as cooperation, assertion, responsibility, empathy and self-control. In addition, we utilize a level discipline system that recognizes that consistent adult response to low level challenging behaviors produces a positive school climate in which more serious infractions will be minimized. Our discipline system is built on a foundation of prerequisite adult skills and system supports such as student supports centers, the crisis response team, and an explicit protocol to be used by adults in responding to student misconduct.

The principal and/or the associate principal will inform teachers and other staff of their responsibilities under the school discipline program. When staff members are initially employed, they will receive copies of of the Discipline Plan, the Staff and Student Handbooks, and will be instructed by the principal or associate principal of the protocols to follow when encountering student misconduct. Prior to the beginning of each school year, in-service time will be devoted to reviewing the disciplinary responsibilities of all staff.

The school provides opportunities for all students to learn anger management, conflict resolution, mediation, and social skills. The Healthy Schools Team coordinates instructional and non-instructional activities for the school to ensure that students are provided with these opportunities as part of their school day as well as during after-school activities.

The school's discipline plan is available at the school office during normal business hours by review by any interested community member. Also, each student is given a student handbook at the beginning of the school year that includes a copy of the discipline plan.

STATEMENT OF BELIEFS

Self-Responsibility

We believe that students, staff, parents and friends share responsibility for each child's success.

Dignity

We believe that all actions and interactions should promote dignity and provide opportunities for learning, growth and success.

Right to Learn

We believe that all members of the school community have the right to learn and become lifelong, learners.

Mutual Respect

We believe in nurturing self-respect, in treating all people with kindness and acceptance and in taking care of our school environment.

Safety

We believe that school should be a safe place for all.

Community

We believe that caring for and sharing in our unique community enriches our lives.

Relationships

We value individual diversity and the need to work cooperatively as we achieve our goals.

DISTRICT POLICIES and PROCEDURES

The St. Johnsbury School provides procedures to ensure clear expectations for fair and equitable opportunities for all members of the educational community. Many of these policies speak directly to the rights and responsibilities of students and parents. We believe that these policies can assist parents and the school in effectively meeting the needs of students. Some of these policies are also required by law to be disseminated to all parents.

DISCIPLINE

II. POLICY STATEMENT:

We have a responsibility to create an environment that ensures all members of our school community the right to learn in a safe and orderly environment, and one that fosters respect for themselves, for others, and for property. Our goal is to teach students to make good choices, to be responsible for their actions, to encourage a cooperative attitude, and to develop appropriate social skills. Therefore all approaches to discipline will emphasize student growth and development based on mutual respect, logical consequences, restorative practices, and an understanding of child development theory and practice.

II. RATIONALE:

It is the intent of the school community to provide a safe and orderly environment for all members of our school community in a non-punitive atmosphere of mutual respect and community interdependence.

DATE APPROVED: FEBRUARY 6, 2006

PROCEDURE:

For any disciplinary concern the following process shall be used:

Level 1-TEACHER

At this level, the student and staff member attempt to resolve the behavioral concern. This may include: behavior cues, oral re-directing, oral plan, apologies, curriculum adaptations, in-class time-outs, time away with another staff, use of a 'Buddy Teacher,' parent contact, and loss of privileges.

Level 2-STUDENT SUPPORT CENTER REFERRAL

At this level, the student will be sent to the Student Support Center (SSC). Professional staff members will complete all behavior referrals. Other staff members observing the behavior in concern will report the incident to the sending and/or receiving teacher. The child sent to the SSC with a written referral from the teacher has to complete the time out, process the

incident, develop a written plan which may include a restorative piece, and confer with the behavior team and teacher prior to returning to class. The behavior intervention team/administrator will give a consequence, contact the parent, and provide copies of the behavioral plan to appropriate personnel.

Students whose behavioral needs warrant more time may be assigned to the SSC. A student may be referred to the SSC by the teacher for failure to meet behavioral expectations. An assignment to the SSC will be of short duration, generally less than a full school day. While in the SSC, the student will be given sufficient academic work to allow him/her to successfully return to the classroom at the end of the assignment.

Level 3- CRISIS INTERVENTION

If a student continues to be disruptive, abusive, or disrespectful, it may be necessary to seek the assistance of the behavior intervention team for short-term intervention.

There may be times at “Level 3” that a student will need to be sent home for a short period of time with approval from the administration. Continued disruptive behavior may result in one of the following consequences: out-of-school suspension, in-school suspension, off-site tutoring, alternative school placement, or family group conferencing.

A staff member or parent seeking further assistance may call an Educational Support Team (EST) meeting at any time. The EST, which may include teacher, parent(s), school counselor, Principal, behavioral specialists, and any additional resource personnel, will meet to discuss the student’s needs, determine if any additional support is needed, or to develop or revise an existing plan.

INTERVENTION PLANNING:

When a student continues to display significant behavioral concerns an IEP/504/EST/Act 264 meeting may be called by a staff member or parent to seek further assistance for that student.

SERIOUS BEHAVIORS MAY RESULT IN SUSPENSION:

Certain behavior may be serious enough to require immediate suspension from school to ensure a safe and orderly environment. Such behaviors that pose a clear and present physical and/or emotional danger to the rest of the school community include, but are not limited to, threats of violence, bomb scares, causing serious physical harm to another person, throwing objects that could hurt others, willfully destroying or defacing school or personal property (restitution must be made to the student), inability to regain self-control, possession or use of illegal or dangerous substance (tobacco, alcoholic beverage, drugs, etc.), possession of a weapon (knives, firearms, fireworks, etc.), hazing, or harassment. For further clarification refer to Weapons, Harassment, and Hazing policies.

Students who have committed one of the above infractions resulting in suspension must participate in a meeting with the parent, Principal, Dean of Students, school counselor, and

/or teacher before returning to school. At this time, a signed written plan will be developed and agreed upon by the parties involved.

Crisis Response Team

Members of the crisis response team have two roles. They work together to prepare advance plans and protocols that are used to create school policies and procedures. The team also is convened during a school emergency to help plan the crisis response.

School Nurses

Louisa Driscoll.....	Ex.	1172
Stephanie Rowe.....	Ex.	1172

Guidance Counselors

Brian O’Farrell.....	Ex.	1164
Nancy Fried.....	Ex.	1165

Home/School Coordinators

Simon Fisher.....	Ex.	1203
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Behavior Data Management Specialist

Jodie Elliot	Ex.	1221
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Administration

Bernice Burroughs- Principal	Ex.	1162
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Police Chief

Richard Leighton.....	748 – 2314
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Fire Chief

Troy Ruggles.....	748 – 8924
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STATEMENT OF CORPORAL PUNISHMENT:

No person employed by the St. Johnsbury School District shall inflict or cause corporal punishment to be inflicted upon a pupil attending school. Corporal punishment means the intentional infliction of pain upon the body of a pupil as a disciplinary measure. However, this does not prohibit a person from using reasonable and necessary force to quell a disturbance or to obtain possession of weapons or other dangerous objects from a student for the purpose of self-defense and protection of persons or property.

PROBATION:

Students who have displayed continuous unsafe or inappropriate behavior may be placed on probation for a specified period of time during which they may lose privileges normally afforded to the student population. Suspended privileges may include attendance at school-sponsored activities, events, and programs. Probation is reserved for behavior-related issues only.

SPECIAL EDUCATION STUDENTS:

For students on an IEP, disciplinary measures that interfere with the implementation of the IEP will be referred to the IEP team for manifestation determination and program consideration.

A staff member or parent seeking further assistance may call an Educational Support Team (EST), Individual Education Plan (IEP) or a 504 meeting at any time. The EST/IEP/504 may include teachers, parents(s), school counselor, principals, behavioral specialists, and any additional resource personnel. They will meet to discuss the student's needs and to determine any additional support needed or to develop or revise an existing plan.

PART II

ESSENTIAL CONSIDERATION FOR BEHAVIOR MANAGEMENT POLICY DEVELOPMENT

The behavior management system is a fluid design that allows staff to determine appropriate interventions and success for children. This system has been designed to provide effective supports for teaching all children. It is not a rigid set of rules or punitive consequences. This model has steps that involve parents early in the process, keeping in mind that preventing problem behaviors is everyone's concern and requires teamwork. Working with their teachers, students can assist in creating a wholesome classroom climate that reflects considerations and modifications for student's age appropriate behavior.

Values and attitudes for effective behavior management

School communities that are successful in managing student behavior and building self-discipline embrace certain values, beliefs, and attitudes, which guide their efforts. These values, beliefs, and attitudes are pervasive throughout the school environment, deemed to be high priorities, drive decision-making, and are constantly reinforced in a wide variety of ways. Constant reinforcement requires that we keep in mind the following:

1. We are all part of the solution. Change takes time, commitment, and courage to reflect on our practices.
2. Almost all behavior communicates certain basic human needs and is purposeful.
3. Meeting needs for belonging, mastery, independence, and generosity define social mental health.
4. Building nurturing relationships is the basis for effective management.
5. Positive behavior management involves learning a set of skills including communicating, effectively, problem solving, and the building of community with students and families.
6. Prevention is the first response to challenging behavior and crisis.
7. There are no easy answers.

RESPONDING TO STUDENTS IN CRISIS

A crisis may be defined as a period of social, emotional, and/or physical distress, which temporarily impairs a person's ability to cope.

A behavioral crisis can be manifested as verbal aggression, physical aggression, or both. Ample evidence exists to show that staff behavior during the early phases of a behavioral crisis can promote escalation to more intensive levels, or de-escalation to a calmer state.

During a crisis, a student is likely to go through several distinct phases beginning with the verbal or non-verbal expression of anxiety through to what is called the tension release or recovery stage. Teacher behavior at the onset of a crisis (i.e., recognizing that a student is experiencing anxiety) through all of the subsequent phases, which lead to eventual tension release and recovery, is critical. Most important is for the adult to fully understand that responding to aggression with aggression will only result in the escalation of the crisis.

When a student explodes following a reasonable request (e.g., handing in an assignment), challenges a staff member's authority, is non-compliant, engages in cussing expletives, or threatens harm, **it should be an immediate to us that something is very wrong**. Although it may be difficult to believe, a student who behaves in these ways is extremely vulnerable. Responding to these circumstances with anger, threats, ultimatums, etc. is insensitive to the student and will only serve to escalate the crisis to higher levels of intensity and danger. Such responses are called counter-aggression or righteous rage. Over time, such responses cause the student's crisis behavior to increase in frequency, duration, intensity, danger, and become generalized to other environments.

The above does not imply that the adult isn't feeling tense, upset, and angry when experiencing a student's crisis behavior. It is critical to learn how to depersonalize crisis behavior, know the appropriate interventions at each stage of crisis, and remain calm.

Suggestions for an adult responding to a student in crisis;

1. Lower your voice. Encourage the students to look at you. Thank him/her for doing so.
2. Slow your rate of speech. Speak calmly.
3. Give the student space – stand 1 ½ to 3 feet from a student who is acting out.
4. Be aware of your body language and tone of voice.
5. Allow a student verbal warning. In doing so, you acknowledge the student's feelings.
6. Ignore irrelevant comments; redirect the student back to the concern at hand.
7. Provide limited and appropriate choices/ Acknowledge rule-following behavior.
8. Use supportive physical intervention (restraint) as a last resort.
9. Once a student is calm, use the incident to teach alternative, appropriate ways to deal with aggression.
10. Acknowledge the worth of the student while expressing your concern about the choice(s) he/she has made.
11. Following a crisis, it is important to process with a member of the Crisis Team.

PART III – Additional Behavior Policies

ALCOHOL AND DRUG ABUSE

I. POLICY STATEMENT:

It is the policy of this School District that no person may possess, use, produce, sell, or distribute alcohol or other substances, nor use or possess paraphernalia for the purpose of drug use, at any time, in school buildings, on school property and grounds, in school sponsored vehicles, or at school sponsored events at other sites. Neither may any person be under the influence of any substance at any school sponsored activity. The terms “alcohol, drugs, and other substances” shall be construed to refer to all substances in all forms, including but not limited to alcohol and alcohol containing beverages, all forms of tobacco, inhalable substances (such as gases, solvents, butane, propane, adhesives), marijuana or its derivatives, opiates, cocaine/crack, LSD or other hallucinogenic drugs, OCP, amphetamines, scheduled narcotics, steroids, herbal “natural” stimulants, herbal “natural” euphoriant, look-alike products, and any substances commonly referred to as “designer drugs.” The inappropriate and/or illegal use of prescription and over-the-counter preparations is prohibited. Prescription medication for personal use shall be allowed only under the supervision of school personnel, with written orders from a physician. The school nurse shall dispense over-the-counter medication after securing written permission from parent/guardian. Federal, state, and local laws shall apply to students and employees alike.

Educational Program

The District will conduct an alcohol and drug abuse educational program on a sequential basis from early childhood through grade 8 in accordance with the mandates of 16 V.S.A. @909, the Vermont Alcohol and Drug Education Curriculum Plan and the federal Drug Free Schools and Communities Act (P.L. 101-226).

Cooperative Agreements

In dealing with substance abuse cases, every effort will be made to promote responsible decision-making by the student involved. Our focus will be to encourage appropriate medical and/or psychological intervention by trained professionals. Students and parents or guardians will be given information about outside agencies and will be encouraged to take advantage of their services and programs.

The St. Johnsbury School District, under a cooperative agreement with the Agency of Human Services, has established a Student Assistance Program (SAP). Students under the age of 18, who have been referred or who refer themselves to the SAP counselor, may be seen individually by the counselor for purposes of substance abuse screening and consultation. It will be the goal of the Student Assistance Program to encourage the student to involve his/her parents or guardians at the earliest point in time.

No student under the age of 18 will be referred to an outside agency for substance abuse treatment without parental consent unless, in accordance with 18 V.S.A. @4226, the student is over the age of 12 and found by a licensed physician to be dependent on regulated drugs or on alcohol. Parental consent is not required for student participation in programs conducted within the school, which are educational in nature and designed to impart information and/or assist students in improving their sense of self-esteem. Such groups will be conducted only by trained professionals contracted by the school to perform such service or by trained school staff who have been approved by the school administration to conduct such groups. Parental notification is required for students participating in on-going small group sessions. Small group sessions are defined as any group numbering less than a full class size.

As the student who lives in a substance abuse environment can experience the same poor academic performance, anti-social behaviors, and emotional problems that affect the student who is abusing substances, it is important that we also address their needs in these groups.

II. RATIONALE:

All students have a right to receive an appropriate education in an alcohol and drug-free environment. The board supports educational programs that provide every student with an understanding of the physical, psychological, social, and legal dangers associated with drug abuse.

Chemical abuse and dependency are treatable health problems that are primarily the responsibility of the home and the community. The school shares this responsibility in the areas of prevention (education) and intervention (identification and referral).

Community and schools share in this responsibility because chemical problems often interfere with behavior, learning, and the fullest possible development of each student.

III. SUBSTANCE ABUSE TEAM:

The Principal will form a substance abuse team, which will screen students who refer themselves and students who are referred by staff for suspected drug and/or alcohol abuse problems. The membership of the team and the procedures to be used by the team will be developed by the Principal and announced in writing to the faculty and staff.

IV. NOTIFICATION:

Parents and students will be given a copy of the standards of conduct and disciplinary sanctions contained in this policy and will be notified that compliance with the standards of conduct is mandatory.

Legal References: 16 V.S.A. @909
16 V.S.A. @1165
16 V.S.A. @4226
VT State Board of Education Manual of Rules and Practices @4200

DATE WARNED: NOVEMBER 22, 2002
DATE APPROVED: DECEMBER 2, 2002

FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT

The Family Educational Rights and Privacy Act (FERPA) affords parents and students over 18 years of age (“eligible students”) certain rights with respect to the student’s education records.

These rights are:

- (1) The right to inspect and review the student’s educational records within 45 days of the day the school receives a request for access. Parents or eligible students should submit to the school Principal (or appropriate school official) a written request that identifies the record(s) they wish to inspect. The school official will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected.
- (2) The right to request the amendment of the student’s education records that the parent or eligible student believes are inaccurate. Parents or eligible students may ask the school to amend a record that they believe is inaccurate. They should write the school Principal (or appropriate school official), and clearly identify the part of the record as requested by the parent or eligible student. The school will notify the parent or eligible student of the decision and advise them of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing.
- (3) The right to consent to disclosure of personally identifiable information contained in the student’s education records, except to the extent that FERPA authorizes disclosure without consent.

One exception, which permits disclosure without consent, is disclosure to school officials with legitimate educational interests. A school official is a person employed by the school as an administrator, supervisor, instructor, or support staff member (including health or medial staff and law enforcement unit personnel), a person serving on the school board, a person or company with whom the school has contracted to perform a special task (such as an attorney, auditor, medical consultant, therapist), a parent or student serving on an official committee, or assisting another school official in performing his or her tasks. A school official has a legitimate educational interest if he/she needs to review an education record in order to fulfill his or her professional responsibility.

- (4) The right to file a complaint with the U.S. Department of Education concerning alleged failures by the School District to comply with the requirements of FERPA.

The name and address of the office that administers FERPA is:

Family Policy Compliance Office

U.S. Department of Education

400 Maryland Avenue, SW

Washington, DC 20202-4605

PREVENTION OF HARASSMENT OF STUDENTS

I. Purposes:

The St. Johnsbury School 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. This policy addresses incident(s) and/or conduct that occur on school property, on a school bus or at a school sponsored activity or incident(s) and/or conduct that does not occur on school property, on a school bus or at a school-sponsored activity but where direct harm to the welfare of the school can be demonstrated.

Harassment is a form of unlawful discrimination that will not be tolerated. It is the policy of the St. Johnsbury School District to **prohibit** the unlawful harassment of students based on race, creed, color, national origin, marital status, disability, sex, sexual orientation, and gender identity, to the extent required by law. In addition, retaliation is a form of unlawful discrimination that will not be tolerated. Consistent with these purposes, annually, we shall select two or more designated employees to receive complaints and shall publicize their availability in our student and staff handbooks and our website.

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 harassment policy is to prohibit conduct or communication that is directed at a person's protected characteristics as defined below and that is likely to substantially disrupt the educational learning process and/or access to educational resources, or create a hostile learning environment. The District shall promptly and effectively address all complaints of harassment in accordance with the procedures established by this policy. In cases where harassment is substantiated, the school shall take prompt and appropriate remedial action reasonably calculated to stop the harassment. Such action may include a wide range of responses from education to serious discipline. Such

serious discipline may include termination for employees and, for students, expulsion or removal from school property. Nothing herein shall be construed to prohibit punishment of a person for conduct which, although it does not rise to the level of harassment as defined herein, otherwise violates one or more of the school's other disciplinary policies or codes of conduct.

II. Definitions:

A. "Harassment" means an incident or incidents of verbal, written, visual, or physical conduct 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 conduct that includes unwelcome sexual advances, requests for sexual favors and other verbal, written, visual or physical conduct of a sexual nature 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

(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.

B. “Bullying” as defined under Sec. 1. 16 V.S.A. § 11(a)(32) reads:

The St. Johnsbury School considers bullying a subset of harassment and means any overt act or combination of acts 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) 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.

It shall be the policy of the Johnsbury School District to consider any behavior intended to ridicule, humiliate, or intimidate as an act of bullying on the first report and/or observation.

C. “Complaint” means an oral or written report 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 harassment.

D. “Complainant” means a student who has filed an oral or written complaint with a school employee or a student who is the target of alleged harassment in a report made by another person.

E. “Designated employee” means an employee who has been designated by the school to receive complaints of harassment pursuant to subdivision 16 V.S.A. §565(c)(1).

F. “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 both School and District level staff.

G. “Notice” means a written complaint or oral information that harassment may have occurred which has been provided to a designated employee from another employee, the student allegedly subjected to the harassment, another student, a parent or guardian, or

any other individual who has reasonable cause to believe the alleged conduct may have occurred.⁵

H. “Retaliation” is any adverse action by any person against a person who has filed a complaint of harassment or against a person who assists or participates in an investigation, proceeding or hearing related to the harassment complaint. Such adverse action may include conduct by a school employee directed at a student in the form of intimidation or reprisal such as diminishment of grades, suspension, expulsion, change in educational conditions, loss of privileges or benefits, or other unwarranted disciplinary action. Retaliation may also include conduct by a student directed at another student in the form of further harassment, intimidation, and reprisal.

I. “School administrator” means superintendent and/or principal or their designee.

III. Reporting Student Harassment:

A. Student reporting: Any student who believes that s/he has been harassed under this policy, or who witnesses or has knowledge of conduct that s/he reasonably believes might constitute harassment, 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 harassment shall take reasonable action to stop the conduct and to prevent its recurrence and immediately report it to a designated employee. Any school employee who overhears or directly receives information about conduct that might constitute harassment shall immediately report the information to a designated employee. If one of the designated employees is the person alleged to be engaged in the conduct complained of, the complaint shall be immediately filed with the other designated employee or the school administrator.

C. Other reporting: Any other person who witnesses conduct that s/he reasonably believes might constitute student harassment 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 harassment complaint form, including the time, place, and nature of the alleged conduct, and the identity of the complainant, alleged perpetrator, and any witnesses.

E. False Complaint: Any person who knowingly makes a false accusation regarding harassment 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 harassment when the person has a good faith belief that harassment occurred or is occurring.

IV. Procedures Following a Report:

A. Notification: Upon receipt of a complaint of harassment the designated employee shall immediately inform the school administrator of the complaint. In addition, the designated employee shall immediately provide a copy of this harassment policy to the complainant and accused individual. If either the complainant or the accused individual is under the age of 18, his or her parent(s) or guardian(s) shall be: 1.) promptly notified that a complaint of harassment has been filed and provided with a copy of this policy; 2.) notified if an alternative dispute resolution method will be offered and, if it occurs, of the outcome of any such attempt; and 3.) notified in writing of the results of the complaint investigation. All notification letters shall be subject to state and/or federal laws protecting the confidentiality of personally identifiable student information. A school administrator may seek waiver of confidentiality rights of the accused in order to inform the complainant of any disciplinary action taken in cases where the school determined that harassment or other misconduct occurred.

B. Investigation: 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 the filing of a complaint with a designated employee, initiate or cause to be initiated, an investigation of the allegations. 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. ***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. The report shall 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 harassment. When the initial determination concludes that an accused student has engaged in harassment, the school administrator shall use his or her discretion to decide the appropriate disciplinary and/or remedial action. 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.

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 the review is requested.

C. Action on a substantiated complaint: If, after investigation, the school finds that the alleged conduct occurred and that it constitutes harassment, the school shall take prompt and appropriate disciplinary and/or remedial action reasonably calculated to stop the harassment and prevent any recurrence of harassment. Such action may include 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.

D. 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. The following should be considered before pursuing alternative dispute resolution methods: (1) the nature of the accusations, (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 between the target and accused individual, or any history of repeated misconduct/harassment by the accused individual. If an alternative dispute resolution is either not appropriate or is unsuccessful, the school administrator shall initiate or cause to be initiated an investigation of the allegations in accordance with the timelines established in this policy.

E. Appeal: A person determined to be in violation of this policy and subjected to disciplinary action under it may appeal the determination and/or the disciplinary action(s) taken in the same manner as other disciplinary actions, in accordance with the District's discipline policy, applicable statutes, or collective bargaining agreements.

F. Independent Review: A complainant may request an independent review if s/he: 1.) believes that the school did not correctly analyze the complaint and failed to conduct an investigation of the incident because the school believed the alleged conduct did not constitute possible harassment, 2.) is dissatisfied with the final determination following an investigation as to whether harassment occurred, or 3.) 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. Upon such request, the Superintendent shall promptly initiate an independent review by a neutral person as described under 16 V.S.A. § 565(f), 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 Commissioner. 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.

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

V. Confidentiality and Record Keeping:

A. 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. Any personnel involved in the investigation will be informed prior to any communication to other parties involved.

B. The Superintendent 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, including but not limited to, the complaint form, interview notes, additional evidence, and the investigative report, shall be kept for at least six years after the investigation is completed.

VI. Reporting to Other Agencies:

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. ***If a harassment complaint is made in a public school about conduct by a licensed educator that might be grounds under the State Board of Education Rules for licensing action, the principal shall report the alleged conduct to the Superintendent and the Superintendent shall report the alleged conduct to the Commissioner.***

Nothing in this policy shall preclude anyone from reporting any incidents and/or conduct that may be considered a criminal act to law enforcement officials.

VII. Dissemination of Information, Training, and Data Reporting:

A. Dissemination of 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 employees. Notice to students shall be in age-appropriate language and include examples of harassment. 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. Training. The Superintendent shall insure that the Principal or designee develops or provides age appropriate methods of discussing the meaning and substance of this policy with students to help prevent harassment. The Superintendent shall insure that the Principal or designee implements or provides training for school staff within the context of professional development to enable staff to recognize, prevent and respond to harassment.

C. Data Gathering. Public school districts shall provide the Vermont Department of Education with data requested by the Commissioner.

VIII. 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

33 Arch Street, Suite 900

Boston, MA 02110-1491

(617) 289-0111 (voice)

(877) 521-2172 (tdd)

(617) 289-0150 (fax)

Email: OCR.Boston@ed.gov

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, 9 V.S.A. §§4500 et seq. ;

Education, Classifications and Definitions, 16 V.S.A. §11a (26);

Education, Harassment, Notice and Response, 16 V.S.A. §14;

Education, 16 V.S.A. §140(a)(1);

Education, 16 V.S.A. §166(e);

Education, Harassment and Hazing Prevention Policy, 16 V.S.A. §565;

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)

DATE WARNED: MARCH 27, 2008

DATE ADOPTED: APRIL 7, 2008

APPENDIX A

Designated Employees: The following employees of The St. Johnsbury School have been designated to receive harassment complaints pursuant to this policy and 16 V.S.A. §565(c)(1):

Name: Brian O'Farrell

Title: Guidance Counselor

Contact information: 802-748-8912 ext.1164

Name: Nancy Fried

Title: Guidance Counselor

Contact information: 802-748-8912 ext.1165

Name: Bernice Burroughs

Title: Principal

Contact information: 802-748-8912 ext. 1162

Name: Jodie Elliott

Title: Behavior and Data Specialist

Contact Information: 802-748-8912 ext. 1221

Name: Nicole Saginor

Title: Superintendent

Contact Information: 802-748-4744 ext. 2315

DATE WARNED: MARCH 27, 2008

DATE ADOPTED: APRIL 7, 2008

(INFORMATION UPDATED: AUGUST 9, 2010)

HAZING

I. POLICY STATEMENT:

It is the policy of the St. Johnsbury School District (hereinafter "District") to provide a safe, orderly, civil, and positive learning environment. Hazing has no place in the District and will not be tolerated. Accordingly, the District adopts the following policy and procedures to prohibit hazing and will ensure the enforcement thereof.

II. DEFINITIONS:

"Hazing" means any act committed by a person, whether individually or in concert with others, against a person in connection with pledging, being initiated into, affiliating with, holding office in, or maintaining membership in any organization which is affiliated with the District; and which is intended to have the effect of, or should reasonably be expected to have the effect of, humiliating, intimidating, or demeaning the person or endangering the mental or physical health of the person. "Hazing" also includes soliciting, directing, aiding, or otherwise participating actively or passively in the above acts. Hazing may occur on or off school grounds.

Examples of hazing include:

1. Any type of physical brutality such as whipping, beating, striking, branding, electrical shocks, placing a harmful substance on or in the body, or other similar activity.
2. Any type of physical activity such as sleep deprivation, exposure to the elements, confinement in a small place, or other activity that creates or results in an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the person.
3. Any activity involving consumption of food, liquid, alcoholic beverage, drug, or other substance that subjects a person to an unreasonable risk of harm.
4. Any activity that induces, causes, or requires a person to perform a duty or task, which involves the commission of a crime or an act of hazing.

Hazing shall not include any activity or conduct that furthers the legitimate curricular or extracurricular goals, provided that the goals are approved by the school board of the District and provided that the activity or conduct furthers those goals in a manner that is appropriate, contemplated by the school board and normal and customary for similar public school programs. An example of this exception might be reasonable athletic training exercises.

“Organization” means an athletic team, association, order, cooperative, club, or other similar group, whose members primarily are persons of the District, and which is affiliated with the District.

“Pledging,” means any action or activity related to becoming a member of an organization.

“Principal” means the Principal of a school or any person designated by him/her to carry out a particular function.

This policy refers to any person who: (1) is enrolled in school or any program operated by the District, (2) has been accepted for admission into any school or program operated by the District, or (3) intends to enroll in any school or program operated by the District during any of its regular sessions after an official academic break; (4) is employed by the District.

III. NOTIFICATION OF HAZING POLICY:

Annually, the student handbook, which shall be presented to persons prior to the commencement of any academic courses, shall contain: (1) a description of this Hazing Policy in age-appropriate language, (2) examples of hazing, and (3) a listing of those persons whom the board has designated to receive reports of hazing. The District also shall effectively inform persons about the substance of this Hazing Policy and its procedures by printing it each fall in the Student Handbook/Calendar.

Each person who participates in a co- or extra-curricular activity that begins prior to the commencement of any academic courses shall be provided by the coach or supervisor of the activity a copy of the excerpt from the student handbook regarding the hazing policy prior to the first practice session. Each coach or supervisor of a co- or extra-curricular activity shall orally explain to participants the prohibition against hazing, the reasons for the prohibition, and the potential consequences to participants and, in the case of a club or an athletic team, to the club or team itself.

Annually, custodial parents and guardians of students shall be provided a copy of this Hazing Policy prior to the commencement of co- or extra-curricular activities.

Annually, staff members shall be provided with a copy of this Hazing Policy prior to the opening of school. Coaches or supervisors of co- or extra-curricular activities shall be provided a copy of this Hazing Policy upon employment by the District.

IV. REPORTING OF HAZING:

Persons who have reason to believe that an incident of hazing might or did occur shall report such belief to any coach of an extracurricular team, teacher, school nurse, guidance counselor, or school administrator. Staff members who have received such a report from a person or who otherwise have reason to believe that an incident of hazing might or did occur shall report such belief to the Principal, or, in the event of the unavailability of the Principal, his/her designee. The report may be in writing or orally. If the report is made orally, the receiver shall make a written record of the report.

It shall be a violation of this policy for a person to retaliate against a student or other person for reporting a suspected incident of hazing or cooperating in any investigation or disciplinary proceeding regarding an incident of hazing.

It is possible that an incident of hazing might also fall within the definition of abuse, neglect, or exploitation as those terms are defined in 33 V.S.A. 4912(2) and 33 V.S.A. 6902(1), (7), and (9). To the extent a staff member is a mandatory reporter of suspected child abuse or neglect or abuse of disabled adults, reporting a suspected incident of hazing to the Principal does not relieve the reporter of any obligations additionally to report such suspicions to the Commissioner of the Vermont Department of Social and Rehabilitation Services as set forth in 33 V.S.A. 4914 or to the Commissioner of the Department of Aging and Disabilities as set forth in 33 V.S.A. 6904.

V. INVESTIGATION OF REPORTS OF HAZING:

The Principal, or in the event of the unavailability of the Principal, his/her designee, upon receipt of a report of hazing, promptly shall cause an investigation to commence. The investigation shall be timely and thorough and the findings and conclusions of the investigation shall be reduced to writing. Unless there are exceptional circumstances, the investigation shall be concluded within 10 school days.

VI. DISCIPLINARY ACTION:

If the investigation concludes a person committed an act of hazing or otherwise violated this policy, that student shall be subject to appropriate disciplinary action, including but not limited to suspension or expulsion from co- or extra-curricular activities or from school.

If the investigation concludes that two or more persons from the same athletic team or other co- or extra-curricular activity directed, engaged in, aided, or otherwise participated in actively or passively an incident of hazing, disciplinary action may be imposed against the team or activity, including cancellation of one or more athletic contest or the entire athletic season.

It is not a defense in a disciplinary proceeding under this policy that the person against whom the hazing was directed consented to or acquiesced in the hazing activity.

Nothing in this policy shall limit or preclude the District from disciplining a student or other person affiliated with the District under any other District policy as well as under the terms of this policy.

VII. TRAINING OF STAFF:

The Principal shall ensure that each staff member, with particular emphasis on staff members who are coaches or supervisors of co- or extra-curricular activities, receive training in preventing, recognizing, and responding to hazing.

VIII. REPORTING INCIDENTS OF HAZING TO LAW ENFORCEMENT OFFICIALS:

All staff members are subject to the confidentiality requirements of the Family Education Rights and Privacy Act (20 U.S.C. 1232g and 34 C.F.R. Part 99). Accordingly, information derived from student records (if the information is obtained through other means, the restrictions of FERPA do not apply), which is personally identifiable, may not be disclosed without parental consent unless it meets one or more of the exceptions specified in 34 C.F.R. Part 99. Certain of these exceptions, depending upon whether the circumstances meet the conditions set forth in those exceptions, may permit the reporting of hazing to law enforcement officials. Those relevant exceptions are:

- (1) Where there is a health or safety emergency;
- (2) Where the information has been subpoenaed;
- (3) Where the records in question are created and maintained by a law enforcement unit established by the school.

DATE WARNED: MARCH 21, 2002
DATE ADOPTED: APRIL 1, 2002

TOBACCO POLICY

I. POLICY STATEMENT:

The St. Johnsbury School District recognizes that tobacco use is unhealthy and undesirable, not only for participants, but also for non-users.

II. RATIONALE:

- III. The use of tobacco products on school grounds is a violation of state law and is hereby prohibited. This ban extends to any student, employee, or visitor to the school and applies at all times, whether or not school is in session.

APPROVED: SEPTEMBER 15, 2003

NON-FIREARMS WEAPONS POLICY

I. POLICY STATEMENT:

It is the policy of the St. Johnsbury School District to provide a safe learning environment for all students and workplace for all employees. It is further the intent of the School Board to maintain a student discipline system consistent with the requirements of the federal Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act and the Vermont State Board of Education rules.¹

II. DEFINITIONS:

Weapon means any device, instrument, material, or substance, whether animate or inanimate, which in the manner it is used or is intended to be used, is known to be capable of producing death or serious bodily injury, including knives or other sharp implements.

School means any setting which is under the control and supervision of the School District, including school grounds, facilities, school-sponsored events whether held on or off school grounds, non-school activities if the sanctioned behavior impacts the safety of the school, or vehicles used to transport students to and from school or school activities.

III. POLICY IMPLEMENTATION:

The Superintendent shall develop procedures to accompany this policy and the administration will make available to all parents and students the policy and procedures on

an annual basis. The procedures will be designed to ensure safety to all students and staff members as their first priority.

Legal Reference(s): 16 V.S.A. §1166 (State law pursuant to Federal law)
 13 V.S.A. §§4004, 4016 (Criminal offenses)
 20 U.S.C. §7151(Gun Free Schools Act)
 18 U.S.C. §921 (Gun Free School Zones Act of 1990)
 20 U.S.C. §§1400 et seq.(IDEA)
 29 U.S.C. §794 (Section 504, Rehabilitation Act of 1973)

 Vt. State Board of Education Manual of Rules & Practices, §§4311,
 4312

Cross Reference: Interrogations or Searches of Students (F5)

 Search and Seizure (F3)

 Student Conduct and Discipline (F1)

DATE WARNED: JULY 10, 2008
DATE ADOPTED: JULY 21, 2008

PROCEDURES - NON-FIREARMS WEAPONS:

If a student is found to have brought a weapon to school:

- The item will be confiscated and only returned if picked up by the parent or guardian. (This step pertains to any weapon or sharp implement brought to school, knowingly or unknowingly, for any reason);
- The student will be interviewed by appropriate personnel (ie: administration, guidance);
- Other students who may have information will be interviewed;
- The parent will be notified as soon as is practicable.

If it is determined after an investigation that a student has brought a weapon to school with the intent of threatening or harming anyone, the following steps will be taken:

- The student will receive an automatic 10-day suspension until further action may be taken (see section below regarding students with disabilities);
- Law enforcement will be notified;
- Mental health will be notified and a screening may be requested;
- DCF may be notified;
- Parents of all children involved in the incident (those having knowledge of the weapon, those reporting the weapon, and those having been threatened either directly or indirectly) will be notified as soon as is practicable;
- The Crisis Team will be assembled to consider the student's situation and to make further plans for action;
- A debriefing with administration and/or guidance will be considered for appropriate groups of students, as will notification of parents of the incident;
- A lockdown procedure will be initiated ONLY if it is determined that there is a continued threat to student safety.

Possession of Objects That May or May Not be Considered Weapons: While the Non-Firearms Weapons policy represents a “zero tolerance” position on weapons and/or look-alike weapons, there are several objects that are questionable regarding whether they are considered weapons and whether the presence of these objects requires activation and enforcement of this policy. The administrator may use his or her discretion when interpreting use and intent with such objects. In any case, these objects will be confiscated and returned only to the parent. Such potentially dangerous objects may include, but are not limited to:

- Small pocket knives or implements;
- Throwing darts;
- Nuisance items and toys;
- Unauthorized tools.

Expulsion Hearing: A student found by the administration after an investigation to have intentionally brought a weapon to school with intent to harm or threaten, or to have actually threatened an act of violence with a weapon may, in addition to the above sanctions, be brought to the Board for an expulsion hearing and may face expulsion for up to a calendar year. However, the superintendent may waive the expulsion hearing on a case by case basis when circumstances are found, such as, but not limited to:

- The pupil is disabled, and the misconduct is related to the disability;
- The pupil does not present an ongoing threat to others, and a lengthy expulsion would not serve the best interests of the pupil **or the best interests of other students involved.**

In consideration of all provisions of this policy, the administrator will assess whether it is necessary to continue with the procedures listed below.

- Immediate police involvement ;

- Employees will also be subject to district investigation and application of relevant district policies and disciplinary procedures.

While this policy represents a “zero tolerance” position to weapons possession on school property and on or at those places or vehicles listed above, and is intended to prohibit all weapons for any reason, there could be a very rare occasion when a weapon is inadvertently brought onto school property or is in one’s possession. If such an occasion is clearly the case, the principal, after a thorough investigation, may use discretion in demanding the appropriate discipline and removal of the weapon from school property. A student who finds a weapon on the way to school, on school property, or in the school building and takes the weapon immediately to the principal’s office shall not be considered in possession of a weapon.

Authorized Instructional and Work-Related Equipment and Tools: While this policy represents a “zero tolerance” position on weapons and/or look-alike weapons, it is not meant to interfere with instruction or use of appropriate equipment and tools by employees and students. Such equipment, when properly used and stored, shall not be considered a weapon for purposes of this policy. However, when authorized instructional and work equipment and tools are used in a potentially dangerous or threatening manner, the guidelines and consequences of this policy will take effect.

Exceptions:

- Licensed police officers, military personnel, or students participating in military training, who are performing official duties;
- School district-approved possession and use of dangerous weapons by a ceremonial color guard;
- School district-approved gun or knife show held on school property;
- School district-approved possession and use of starter guns for athletic contests;
- Possession of dangerous weapons with prior written permission of the principal; such as historical or antique weapons, weapons used in hunter safety course, etc.

Students with Disabilities: If the alleged violator is a “student with a disability,” special due process procedures are required. Within 10 cumulative days of a suspension, an Individual Education Plan (IEP) meeting shall occur. The team shall determine whether the Weapons policy violation is related to the disability. If the team determines that the misconduct is unrelated to the student’s disability, the student may be disciplined in the same manner as students without disabilities. The disabled student who violates this Weapons policy shall not be expelled if the assessment team determines that the misconduct is related to the student’s disability. If the misconduct is related to the student’s disability, and if following suspension and readmission to school the student continues to violate this policy, and if the parent or guardian will not agree to an appropriate placement, school officials may file due process or seek an order from a hearing officer or court to

provide services to the student in another setting due to dangerousness. Educational services must continue for any disabled student who is suspended for more than 10 days.
