

Orange East Supervisory Union

CODE C3 Transportation
(REQUIRED)

Date Warned: October 1, 2019

Date Adopted:

TRANSPORTATION

Policy

Where it is reasonable and necessary to enable a student entitled or required to attend an elementary or a secondary school within the Orange East Supervisory Union, the district/supervisory union may furnish transportation on public roads to students who reside within the district. The district/supervisory union may also provide transportation to non-resident students as authorized by the board. Accordingly, the Orange East Supervisory Union has decided to furnish transportation under this policy.

(For districts furnishing transportation ONLY:)

The superintendent will establish routes and designate stops after considering both the safety of children and efficiency of operation. The superintendent will consider the following factors when determining routes and stops.

1. The age and health of pupils,
2. Distance to be traveled,
3. Condition of the road, and
4. Type of highway.

The superintendent may consider any other factors he or she deems appropriate when establishing routes and designated stops.

The superintendent shall submit to the school board for approval any contracts, leases or purchases necessary to maintain and operate transportation equipment, and shall include in his or her annual report to the board information as to all pupils transported by the school district and the expense thereof.

Orange East Supervisory Union

CODE C5 Firearms
(REQUIRED)

Date Warned: October 1, 2019

Date Adopted:

FIREARMS

Policy

It is the policy of the Orange East Supervisory Union to comply with the federal Gun Free Schools Act of 1994 and state law requiring school districts to provide for the possible expulsion of students who bring firearms to or possess firearms at school. It is further the intent of the 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.

Definitions

For the purposes of this policy, the terms "firearm" "school" and "expelled" shall be defined consistent with the definitions required by state and federal law.

Sanctions

Any student who brings a firearm to school, or who possesses a firearm at school shall be brought by the superintendent to the school board for an expulsion hearing.

A student found by the school board after a hearing to have brought a firearm to school shall be expelled for at least one calendar year. However, the school board may modify the expulsion on a case-by-case basis when it finds circumstances such as, but not limited to:

1. The student was unaware that he or she had brought a firearm to school.
2. The student did not intend to use the firearm to threaten or endanger others.
3. The student is disabled and the misconduct is related to the disability.
4. The student does not present an ongoing threat to others and a lengthy expulsion would not serve the best interests of the pupil.

At the discretion of the school board and administration, an expelled student may be afforded limited educational services at a site other than the school during the period of expulsion under this policy.

Aiding Other Students

A student who in any way encourages another student to bring weapons to school also endangers the safety of others. The Supervisory Union/District expressly prohibits any such action. No student shall knowingly or willfully cause, encourage, or aid any other student to possess, handle, or transmit any weapons or facsimiles of weapons. No student shall knowingly or willingly cause, encourage or aid any other student to make, issue, or otherwise communicate by any means, a threat that a dangerous or deadly weapon has been or will be placed or used on school grounds or property. A student found to have violated this provision may be subject to the same sanctions as a student who brings a weapon to school, or who possesses a weapon at school.

Policy Implementation

An expulsion hearing conducted under this policy shall afford due process as required by law and as developed by the superintendent or his or her designee.

The superintendent shall refer to appropriate law enforcement agency any student who brings a firearm to a school under the control and supervision of the school district. The superintendent may also report any incident subject to this policy to the Department of Social and Rehabilitative Services. The superintendent shall annually provide the Secretary of Education with descriptions of the circumstances surrounding expulsions imposed under this policy, the number of students expelled and the type of firearms involved.

Orange East Supervisory Union

CODE C20 Student Conduct and Discipline (Recommended)

Date Warned: October 1, 2019

Date Adopted:

STUDENT CONDUCT AND DISCIPLINE

Policy

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

Definitions

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

Relation to Other Policies:

Any and all student conduct covered by the prohibitions outlined under Code C5 Firearms Policy, shall be addressed solely by its terms, and shall not be handled by any other policy related to "weapons" generally.

Student Responsibilities

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

Administrative Responsibilities

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

Any student conduct or student statement (oral or written) giving rise to a reasonable fear of an imminent threat at school or at a school sponsored activity, shall be a violation of this policy. A reasonable fear of an imminent threat shall be determined based on the totality of the known relevant circumstances at the time and will be deemed to exist in any case resulting in administrative and/or law enforcement response taken to secure the safety and security of the students and/or the campus.

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

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

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

Orange East Supervisory Union

CODE D1 Proficiency-Based Graduation Requirements (PBGRs) (REQUIRED)

Date Warned: October 1, 2019

Date Adopted:

Date Revised:

Proficiency-Based Graduation Requirements (PBGRs)

POLICY

It is the policy of the Orange East Supervisory Union to ensure students can engage in rigorous, relevant and comprehensive learning opportunities that allow them to demonstrate proficiency in literacy, mathematics, scientific inquiry, global citizenship, physical education, artistic expression, and transferable skills. A student meets the requirements for graduation when the student demonstrates evidence of proficiency in these curriculum content areas, and when they meet any additional graduation requirements described by this Board (Insert additional requirements here).

The Orange East Supervisory Union will use credits for the purpose of demonstrating that a student has met the graduation requirements. Credits will specify the proficiencies demonstrated in order to attain a credit and shall not be based on time spent in learning (use only if the District will continue to use credits to demonstrate progress towards meeting the graduation requirements). Students in the Orange East Supervisory Union will receive credit for learning that takes places outside of the school, school day, or the classroom, provided that any credits earned occur under the supervision of an appropriately licensed educator.

Responsibilities of the Superintendent

The superintendent shall develop procedures to ensure:

1. The PBGRs described in this policy reflect the learning standards adopted by the State Board of Education.
2. Students are being assessed as proficient against the comprehensive set of board-adopted PBGRs set forth in this policy prior to their receipt of a high school diploma.
3. Course credits will specify the proficiencies demonstrated to attain that credit, and that those proficiencies will align with the PBGRs set forth in this policy.
4. Student learning outcomes attained through Flexible Pathways opportunities—including career and technical education, virtual learning, work-based learning, service learning, dual enrollment, and early college—are linked clearly to expectations of proficiency identified in this policy.
5. Learning opportunities identified in students' Personalized Learning Plans (PLPs) support expectations of proficiency identified in this policy.

6. All students will meet the same set of PBGRs set forth in this policy, with accommodations or modifications being provided for students who require them under an IEP or 504 plan.
7. Information regarding PBGR implementation and assessment is provided to students and parents at least annually.

Monitoring of PBGR Implementation

The responsibilities described above will be monitored at a frequency and by a method chosen by the board. The board can monitor any policy at any time by any method, but will ordinarily depend on the following schedule:

Administrative Procedure	Frequency	Month
1. Student proficiency assessment reflects PBGRs	Biannually	Jan., July
2. Course descriptions specify proficiencies to be attained	Annually	August
3. Flexible Pathways and PBGRs are aligned	Annually	August
4. PLPs and PBGRs are aligned	Annually	August
5. PBGR accommodations and modifications	Biannually	Jan., July

Orange East Supervisory Union

CODE C34
(Policy to Consider)

Date Warned: October 1, 2019
Date Adopted:
Date Revised:

Use of Restraint and Seclusion

Section 1. Statement of Purpose

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

Section 2. Definitions. The following terms, as defined in State Board Rule 4500.3, shall apply to this policy.

2.1 **Behavioral Intervention Plan** means a plan that details strategies to address behaviors that impede learning, or are ongoing, and do not readily respond to general intervention or classroom management techniques, by teaching pro-social skills and other positive replacement behaviors. The plan may include positive strategies, program or curricular modifications, and supplementary aids and supports required to address problem behaviors.

2.2 **Chemical Restraint** means a drug, medication or chemical used on a student to control behavior or restrict movement that is not:
a. Prescribed by a student's licensed physician for the standard treatment of a student's medical or psychiatric condition; and
b. Administered as prescribed by the licensed physician.

2.3 **Functional Behavioral Assessment** means the analysis of a student's behavior patterns before, during, and after rule-breaking or other inappropriate behavior for the purpose of guiding the development of a behavioral intervention plan.

2.4 **Mechanical Restraint** means the use of any device or object that restricts a student's movement or limits a student's sensory or motor functions unless under the direction of a healthcare professional for medical or therapeutic purposes. The term does not include devices implemented by trained school personnel, or utilized by a

student for the specific and approved therapeutic and safety purposes for which such devices were designed including:

- a. Restraints for medical immobilization,
- b. Adaptive devices or mechanical supports used to achieve proper body position, balance or alignment;
- c. Vehicle safety restraints including a seat belt or harness used for balance or safety on a car or bus; or
- d. Seat belts in wheelchairs or on toilets.

2.5 Parent means:

- a. A biological or adoptive parent of the child;
- b. A legal guardian of the child;
- c. A person acting in place of a biological or adoptive parent, including a grandparent, stepparent or other relative with whom the child lives, or a person legally responsible for the child's welfare;
- d. A foster parent or developmental home provider who has been appointed the educational surrogate parent by the Educational surrogate Parent Program; or
- e. An educational surrogate parent.

2.6 Physical Escort means the temporary touching or holding, without the use of force, of the hand, wrist, arm, or back of a student who is exhibiting minimal resistance for the purpose of directing movement from one place to another.

2.7 Physical Restraint means the use of physical force to prevent an imminent and substantial risk of bodily harm to the student or others. Physical restraint does not include:

- a. Momentary periods of physical restriction by direct person-to-person contact, accomplished with limited force and designed either
 - i. to prevent a student from completing an act that would result in potential physical harm to himself/herself or another person; or
 - ii. to remove a disruptive student who is unwilling to leave the area voluntarily;
- b. The minimum contact necessary to physically escort a student from one place to another;
- c. Hand-over-hand assistance with feeding or task completion; or
- d. Techniques prescribed by a qualified medical professional for reason of safety or for therapeutic or medical treatment.

2.8 Positive Behavioral Interventions and Supports means an approach to preventing and responding to targeted behavior that:

- a. Is based on evidence-based practices;
- b. Is proactive and instructional, rather than reactive;
- c. Can operate on individual, group, classroom, or school wide levels;
- d. Includes a system of continual data collection; and
- e. Relies on data-driven decisions.

2.9 Prone Physical Restraint means holding a student face down on his or her stomach using physical force for the purpose of controlling the student's movement.

2.10 School means a learning environment receiving public funds or over which the Vermont Department of Education has regulatory authority.

2.11 **School Personnel** means individuals working in schools as defined in 4500.3(10) who are employed by the school or who perform services for the school on a contractual basis, and school resource officers, while acting in that capacity.

2.12. **Seclusion** means the confinement of a student alone in a room or area from which the student is prevented or reasonably believes he or she will be prevented from leaving. Seclusion does not include time-out where a student is not left alone and is under adult supervision.

2.13 **Substantial Risk** means an imminent threat of bodily harm where there is an ability to enact such harm. Substantial risk shall exist only if all other less restrictive alternatives to defuse the situation have been exhausted or failed or the level of risk prohibits exhausting other means.

2.14 **Supine Physical Restraint** means holding a student on his or her back using physical force for the purpose of controlling the student's movement.

2.15 **Student** means a student enrolled in a school as defined in paragraph 10.

Section 3. Policy

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

3.2 Prohibitions against the imposition on students of mechanical or chemical restraints by school personnel and contract service providers.

3.3 Prohibitions against the imposition on students of physical restraint in circumstances designated as impermissible by State Board of Education rules.

3.4 Restrictions on the use of physical restraint and seclusion to circumstances allowed by State Board of Education rules, including provisions that allow the inclusion of restraint or seclusion as part of a student's individual safety plan only when that plan meets the conditions set forth in State Board of Education rules, and provisions that require the termination of restraint or seclusion, and the monitoring of students subjected to restraint or seclusion, as established by State Board of Education rules.

3.5 Procedures to ensure that only school personnel or contract service providers who are trained in the use of restraint and seclusion are authorized to impose restraint or seclusion unless, due to the unforeseeable nature of the danger of a particular circumstance, trained personnel are not immediately available.

3.6 Processes to ensure that impositions of restraint or seclusion are reported to school administrators, parents, superintendents and the Commissioner of the Vermont Department of Education under circumstances and within the time limitations required by State Board of Education rules.

3.7 Processes to ensure that each school in the district/supervisory union maintains written records of each use of restraint and seclusion in accordance with the requirements of State Board of Education rules.

3.8 Procedures to ensure that each school in the district/supervisory union implements follow-up procedures that are consistent with the requirements of State Board of Education rules.

3.9 Annual notification procedures to ensure that each school in the district/supervisory union informs school personnel and parents of students enrolled in the school of the policies and procedures pertaining to the use of physical restraint and seclusion, and the intent of the school to emphasize the use of positive behavioral interventions as well as supports and its intention to avoid the use of physical restraint or seclusion to address targeted student behavior.

3.10 Processes for the filing, investigation and resolution of complaints by school personnel or parents regarding the use of restraint or seclusion, including the designation of school officials who are authorized to receive complaints. The procedures for resolving complaints shall require that any complaint regarding the use of restraint or seclusion is investigated and written findings are issued within thirty (30) days of the complaint's receipt. If a complaint regarding the use of restraint or seclusion is unresolved at the school building level, it shall be directed to the superintendent in accordance with the complaint processes established by the Board in Policy (insert reference to board policy on complaints).

Section 4. Implementation

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

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



Sherry Hoyt <sherry.hoyt@oesu.org>

Fwd: Property Transfer Work for OESU

1 message

Emilie Knisley <emilie.knisley@oesu.org>

Wed, Sep 4, 2019 at 4:42 PM

To: Sherry Hoyt <shoyt@oesu.org>, Danielle Corti <danielle.corti@ouusd.org>, Bruce Williams <bwilliams@oesu.org>

For the next meeting agenda.

Emilie B. Knisley, M.Ed., CAGS, CAEL

Superintendent

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Change is the law of life. And those who look only to the past or present are certain to miss the future. —John Fitzgerald Kennedy

----- Forwarded message -----

From: **Emilie Knisley** <emilie.knisley@oesu.org>

Date: Wed, Sep 4, 2019 at 4:20 PM

Subject: Re: Property Transfer Work for OESU

To: Paul Giuliani <pgiuliani@primmer.com>

Cc: Bruce Williams <bwilliams@oesu.org>

Paul,

I certainly support option three outlined in the email and would be happy to take that route. Due to the rushed nature of this merger, we wanted to get the property questions scratched off the list and completed. The new district is operational, but we can certainly convene a meeting of the dissolved districts if required—we also plan to hold a final meeting of those districts in November or December to accept the final audit.

The new district has a meeting on the 16th of this month, and I would be happy to bring the details of Plan C to them for consideration.

Emilie B. Knisley, M.Ed., CAGS, CAEL

Superintendent

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On Wed, Sep 4, 2019 at 1:03 PM Paul Giuliani <pgiuliani@primmer.com> wrote:

Hi Emilie –

Glad to help. Thanks for thinking of us.

I question whether you need formal conveyances of forming district properties to the new unified union district. The enabling statute is quite clear. By operation of law, on the effective date of the consolidation, the unified union district succeeds to all of the assets of the forming districts. The statute provides for no exceptions. The forming

districts no longer possess any legal or beneficial interests in the property because the forming districts cease to exist on the date the unified union district goes live.

I have seen some unification situations in which the unified union district and the forming districts are content to rely on the statutory transfer and assumption. They do nothing to memorialize or evidence the transfer of forming district property. In other situations, the parties have, at some expense, gone through the exercise of formally deeding real estate from the forming districts to the unified union district.

There is a third alternative, one which I commend to you. In some unifications (e.g., Montpelier-Roxbury, Harwood), the involved districts enter into a transition agreement which addresses administrative and ministerial matters not dealt with clearly in the statutes. I'm attaching the Harwood agreement because it is quite comprehensive. Take a look at Section (3). It establishes a record chain of title to the property being acquired by the unified union district without the bother and expense of multiple title searches, multiple deed preparation, and everything else that goes with a formal conveyance.

The mission is to confirm title to real estate in the name of the unified union district. That goal is achieved by recording a transition agreement in the Town Land Records. The language in Section (3) has the same legal effect as a formal deed.

Anyhow, in the interest of efficiency and economy, please consider the approach which I call Plan C. Glad to visit whenever it's convenient.

Regatrds,

P

J. Paul Giuliani | Attorney at Law

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**PRIMMER PIPER
EGGLESTON &
CRAMER PC**

From: Emilie Knisley <emilie.knisley@oesu.org>
Sent: Wednesday, September 4, 2019 11:38 AM
To: Paul Giuliani <pgiuliani@primmer.com>
Cc: Bruce Williams <bwilliams@oesu.org>
Subject: Property Transfer Work for OESU

Paul,

We are looking for an attorney to take on the property transfer work for the new Oxbow Unified Union School District transfers required by the forced merger under Act 46. Is that work that you would be willing to discuss? We have a number of properties that need to be transferred, and some are a bit more complex.

Emilie B. Knisley, M.Ed., CAGS, CAEL

Superintendent

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Sherry Hoyt <sherry.hoyt@oesu.org>

Information to share with OESU school boards

1 message

Judy Murray <judy.murray@bmschool.org>

Wed, Sep 11, 2019 at 11:11 AM

To: Angeline Alley <angeline.alley@bmschool.org>, Sherry Hoyt <sherry.hoyt@oesu.org>

FYI - in the VSBA Newsletter they lay out the proposed changes to OESU's region (*emphasis added*). My notes from the August VSBA meeting had OESU moving into Kingdom North, but I see that it is Kingdom South for our region in the Newsletter.

"The proposed new regions for consideration by the membership is as follows:

1. Grand Isle would join with Franklin to become Franklin/Grand Isle
2. Western Chittenden: Milton, Colchester, Winooski, Burlington, S. Burlington
3. Eastern Chittenden: Champlain Valley, Essex-Westford, Mount Mansfield
4. Central Vermont Region: Lamoille North, Lamoille South, Washington Central, Harwood, Barre, Montpelier-Roxbury, Central Vermont SU, Orange Southwest
5. Kingdom North: North Country, Orleans Central, Essex North
6. **Kingdom South: Kingdom East, Caledonia Central, Orleans SW, St. Johnsbury, Orange East, Rivendell**

Making any changes to the VSBA regions will require a change to our bylaws, which 60% of the membership must approve at the annual business meeting on November 7. This proposal is intended to respond to a membership resolution, and we look forward to a robust discussion with each of our regions about the proposed changes. **Please be sure to register for your regional meeting to participate in the discussion, and don't forget to appoint your SU/SD delegate to vote at the annual meeting.**"

Thanks,
Judy

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