

Vermont School Administrator Handbook



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Information to be Included in School Reports, Handbooks and Other Notices

The Vermont School Administrator Handbook provides information on requirements for local school districts to publish annual school reports and other information that must or should be included in school handbooks or other documents. Most statutory references to information or notices that must be provided to parents do not specify the format of the information or notice, nor do they specify, for example, that it must be included in the student handbook. The statutory or regulatory source of the requirement and whether a particular format or mailing is mandated in the law are provided. This list is likely under-inclusive. It will be reviewed annually and updated/ supplemented as needed.

Information about omissions from or possible additions to this list is most welcome and should be directed to Emily Simmons, General Counsel, Vermont Agency of Education, at emily.simmons@vermont.gov.

School Reports to Parents and Communities

Annual Student Performance Results

16 V.S.A. §165(a)(2) requires that each school report to its community, on a format selected by the school board on the following:

- Progress of students generally toward meeting academic standards,
- Progress toward meeting the goals of the continuous improvement plan developed for that year,
- Contextual information about student performance,
- Availability of career counseling and technical center program information,
- Information on district students with respect to student attendance, discipline and for secondary schools, drop-out and graduation rates, and
- Data allowing comparison with other schools on cost-effectiveness.

Financial and Other Information

16 V.S.A. §563(10) and (11) requires annual reporting to voters on various financial and other matters. More specifically, subsection (10) requires a report on the conditions and needs of the district school system, including the following, provided at least 10 days before the school district's annual meeting:

1. Superintendent's report,
2. Supervisory union treasurer's report,
3. School district treasurer's annual report for the previous school year, and
4. Balance of any reserve funds.

16 V.S.A. §563, Subsection (11) requires the distribution, at least 10 days in advance of the budget vote, of a proposed budget for the upcoming year that includes:

1. All revenues from all sources and expenses, including as separate items any supervisory union assessment,

2. Any amount of deficit for the most recently closed fiscal year and how it was or will be remedied,
3. Anticipated homestead tax rate and the percentage of household income used to determine the income sensitivity in the district, broken down to include rates attributable to supervisory union assessments,
4. The definition of “education spending,” the number of pupils and equalized pupils, and the amount of spending per equalized pupil in the preceding three years, and
5. If a union school district, the amount of the assessment to the member districts and the amount of the assessments per equalized pupil in the preceding three years.

Information to be included in the Student Handbook or Otherwise Provided to Parents

Most of the items discussed below are required to be provided to parents. The Agency of Education (AOE) suggests the others be provided as a matter of best practice. State items are listed first, followed by Federal items.

State Items

Harassment, Hazing and Bullying

We believe that every student has the right to a safe and healthy school climate where they feel supported. The Secretary emphasizes the school board’s duty under 16 V.S.A. §§ 570a, 570b and 570c to *annually* designate two or more people to receive reports of harassment, hazing and bullying at each school. The names and contact information of employees designated to receive a Harassment, Hazing and Bullying (HHB) incident report, *should be included in the school’s handbook to parents and students.*

16 V.S.A. §570 requires school boards to develop and adopt harassment, hazing and bullying prevention policies that shall be *at least as stringent* as the model policies developed by the Secretary.

16 V.S.A. §570(c) requires that school boards annually, prior to the commencement of curricular and co-curricular activities, provide students and their parents or guardians, notice of the harassment, hazing and bullying policies and procedures. The notice to students should be age appropriate and should include examples. The notice must “appear in any publication of the school district that sets forth the comprehensive rules, procedures and standards of conduct for the school.”

The [Memorandum on the Harassment, Hazing and Bullying Prevention Model Policy](#) as well as a copy of the [HHB Policy](#), are available on the AOE website.

Transgender and Gender Nonconforming Students

All students need a safe and supportive school environment to progress academically and developmentally. Many questions arise for students and school staff when considering the best supports for transgender and gender nonconforming students. The [Continuing Best Practices for Schools Regarding Transgender and Gender Nonconforming Students](#) are designed to

provide direction for schools to address issues that may arise concerning the needs of transgender and gender nonconforming students.

Mandated Reporting

As educators and mandated reporters, it is our duty to help protect students from abuse and neglect. Any mandated reporter who reasonably suspects abuse or neglect of a child shall report to DCF within 24 hours of the time information regarding the suspected abuse or neglect was first received or observed. 33 V.S.A. § 4913(c). Review the [joint memo from VDH and AOE regarding Mandated Reporting](#).

New Americans

We have a responsibility to ensure that all of our students feel safe and supported. This occurs when we create school cultures that are responsive to the needs of the children in our care, and our families. Under Federal law, undocumented children and young adults have the same right to attend public primary and secondary schools as do U.S. citizens and permanent residents (*Plyler vs. Doe*, 457 U.S. 202 (1982.)). And, under state law, all Vermont children, including undocumented children are required to attend school until the mandated age of 16. Meeting this obligation means going beyond telling families to enroll their student(s). It includes working proactively to ensure they feel safe, supported and welcomed.

Public schools may not:

1. Deny or terminate a student's enrollment on the basis of actual or perceived immigration status.
2. Treat a student differently to verify legal residency in the United States.
3. Engage in any practices that have the effect of discouraging students from enrolling or attending school based on their immigration status.
4. Require students or their parents to disclose their immigration status or inquire of students or parents in ways that may expose their undocumented status.
5. Deny or terminate a student's enrollment due to the student's or parent's failure to provide a social security number.

School Comprehensive Plan for Responding to Student Misbehavior

16 V.S.A. §1161a(a) requires schools to adopt a comprehensive discipline plan. Among the requirements is that the plan must include "procedures for informing parents of the school's discipline policies, for notifying parents of student misconduct, and for working with parents to improve student behavior." 16 V.S.A. §1161a(a)(3).

Prohibition Against Suspension or Expulsion of Students Younger Than Eight

Act 35 of 2021 prohibits suspension and expulsion of students under eight years old, except in cases of imminent harm or danger to others.

16 V.S.A. § 1162 SUSPENSION OR EXPULSION OF STUDENTS

(d) Notwithstanding anything to the contrary in this chapter, a student enrolled in a

public school who is under eight years of age shall not be suspended or expelled from the school; provided, however, that the school may suspend or expel the student if the student poses an imminent threat of harm or danger to others in the school.

In the 2022 legislative session, this prohibition was extended to approved independent schools and prequalified prekindergarten programs. For more information see the recently issued memo [Determining the Appropriateness of Suspension or Expulsion for Under Age Eight](#).

Technical Center Offerings

16 V.S.A. §1541a(b) provides that high schools are to give technical centers the names and addresses of students and their parents so that they may be contacted and notified of technical center offerings.

Wellness Programs

16 V.S.A. §216 requires the Secretary of Education to prepare and update a list of school and community programs which have the potential to improve childhood wellness and the list is to be made available to all school districts and community organizations that request it. Current information about [Vermont wellness programs](#) is available online.

Periodic Release Time Courses

16 V.S.A. §1053 requires schools, at the request of a religious group, to publish “periodic release time religious education courses” to be “included in public school catalogs and listings of course offerings.” It is not clear whether such a provision would be constitutional under current First Amendment analysis.

Periodic Hearing and Vision Screening

16 V.S.A. §1422 requires schools to test the hearing and vision of students pursuant to research-based guidelines. Review the [joint memo from AOE and VDH on School Health Screenings](#).

School Choice

Under 16 V.S.A. § 563(28), school boards must annually inform students and their parents or guardians of their options for school choice under applicable laws or policy. This includes the board of a high school district announcing its capacity to accept students under 16 V.S.A. § 822a(c) on or before February 1 each year.

Concussions and Other Head Injuries

Under 16 V.S.A. § 1431 the principal or headmaster of each public and approved independent school must ensure that [statewide concussion and other head injury guidelines](#) are provided annually to each youth athlete and the athlete’s parents or guardians and that each youth athlete and a parent or guardian annually signs a form acknowledging receipt of the concussion and other head injury guidelines. There are training requirements for all coaches and referees of contest on how to recognize the symptoms of a concussion or other head injury. Please familiarize yourself with these requirements under [V.S.A. § 1431\(c\)](#) and more details regarding the required notice described above.

Seclusion and Restraint

State Board Rule 4500 defines the appropriate use of seclusion and restraint. Rule 4500 also sets forth the reporting requirements relative to any use of seclusion or restraint in school (e.g. – teacher to administrator, administrator to superintendent, and school to parent/guardian of affected student).

[Frequently asked questions about Rule 4500](#) are available online. Supervisory unions and districts can view the [Rule 4500: Restraint/Seclusion Documentation Report](#) online.

Federal Items

FERPA Policies

34 C.F.R. Part 99 (the federal regulations promulgated pursuant to the Family Educational Rights and Privacy Act, 20 U.S.C. 1232g *et seq.*) requires an annual notification to parents of their rights under the Act. Such notice must include that parents have the right to:

1. Inspect and review their children’s records;
2. Seek amendment of the record if it is inaccurate or misleading;
3. Consent to disclosure of personally identifiable student information except as provided in 34 C.F.R. §99.31; and
4. If they believe the Act has been violated, file a complaint with the Family Policy Compliance Office of the United States Department of Education, 400 Maryland Avenue, S.W., Washington D.C., 20202.

In addition, the annual notice must include:

1. The procedure for exercising the right to inspect and review education records,
2. The procedure for requesting amendment of the records, and
3. The criteria the school uses for disclosing student records to persons within the school who have legitimate educational interests in reviewing the records.

Finally, if the school does disclose “directory information” (e.g. names and addresses of students, date of birth, field of study, academic or other honors attained, participation on sports teams, etc.), and most schools do in some form or another, the school must notify parents of:

1. The types of directory information that will be released;
2. The right to refuse to let the school release particular or all directory information on their own children; and
3. The period of time within which the parent has to notify the school that he or she does not wish to have the school designate some or all of the information about the parent’s child designated as directory information.

Protection of Pupil Rights Act

The Protection of Pupil Rights Act, 20 U.S.C. §1232h (hereinafter “PPRA”), requires parental notification in a number of respects:

a. 20 U.S.C. §1232h(c)(2)(A)(i) requires local education agencies to notify parents annually, at the beginning of the school year and within a reasonable time after any amendment thereof, of the adoption or continued use of PPRA policies. These local policies must include the following:

- i. The rights of parents to inspect surveys created by a “third party” (meaning not federally funded) before it is administered,
- ii. Procedures for such inspection of surveys,
- iii. Arrangements to protect student privacy with respect to surveys on sensitive matters,
- iv. The right to inspect any instructional materials used as part of the educational curriculum,
- v. Procedures for inspecting the instructional materials,
- vi. The administration of any physical examinations or screenings,
- vii. The collection or disclosure of student information for marketing purposes,
- viii. The right of a parent to inspect any instrument used in the collection of personal information for marketing purposes before such information is collected or disclosed, and
- ix. Procedures for obtaining access to such instruments in a timely fashion.

b. 20 U.S.C. §1232h(c)(2)(A)(ii) requires an annual notice to parents of the right to opt out of certain activities including collection of personal student information for marketing purposes, administration of certain surveys, and non-emergency invasive physical examinations or screenings.

c. 20 U.S.C. §1232h(c)(2)(B) provides that schools notify parents, at least annually at the beginning of the school year, of the specific or approximate dates when any of the following will occur: collection of information for marketing purposes, administration of surveys containing sensitive questions, and any non-emergency, invasive physical examinations or screenings.

d. 20 U.S.C. §1232h(d) provides that schools must “give parents and students effective notice of their rights under this section [PPRA].”

Military/Postsecondary Recruiters

20 U.S.C. §7908(a)(2) requires schools to notify parents, presumably each year although the time period is not specified, that they may request that their child’s name, address and telephone listing not be released to military or postsecondary recruiters without prior written parental consent.

Section 504 Grievance Procedures

34 C.F.R. §§104.7 and 104.8 require schools to notify parents and others that the school does not discriminate on the basis of handicap; the school’s notice shall identify the responsible employee designated to coordinate compliance with Section 504 and of the availability of a grievance procedure to address complaints regarding Section 504 of the Rehabilitation Act.

Civil Rights Act Provisions

34 C.F.R. §100.6(d) requires “recipients” of federal funding to provide information to “beneficiaries” regarding the nondiscrimination requirements of the Civil Rights Act as applied to the recipient’s operations.

Title IX Grievance Procedures and Dissemination of Policy

34 C.F.R. §§106.9(b) and 106.9(a)(1) provide that recipients of federal funding publish their grievance procedures with respect to discrimination on the basis of sex and that each recipient “implement specific and continuing steps to notify.... students and parents of elementary and secondary school students....that it does not discriminate on the basis of sex in the educational program or activity which it operates, and that it is required by Title IX....not to discriminate in such a manner.” 34 C.F.R. § 106.9(b) requires publication of this notice in a variety of ways, including in bulletins, catalogs, or application forms.

Notices to Parents Under Elementary and Secondary Education Act

Local education agencies are required to communicate with parents in a variety of circumstances. Here are a few of the more significant ones:

1. 20 U.S.C. §6311(h)(2)(A)(i) requires local education agencies receiving Title I assistance to prepare and disseminate to all parents an annual “report card.” At minimum, it must contain information reported to the LEA by the state, disaggregated by student group, as well as how the student achieved on state assessments compared to students in the state as a whole, and to students in other schools in the same LEA. With the passage of ESSA and the retraction of regulations, LEAs should continue to provide parents with information about school performance. New accountability measures will go into effect under the new Vermont ESSA State Plan.
2. 20 U.S.C. §6311(h)(6) requires notice by a school district receiving Title I funds at the beginning of the school year to the parents of each student regarding the qualifications of the school’s teachers. The notice is to include the rights of parents, upon request, to obtain information as to whether the child’s teacher has met state qualifications and licensing criteria, whether the teacher is teaching under a waiver or provisional license, and what the major of the teacher was in his or her baccalaureate degree. If the child receives services from a paraprofessional, the paraprofessional’s qualifications must also be furnished. The notice must also contain a statement as to whether the student will be taught by a teacher for four or more consecutive weeks who is not licensed, as that term is defined under state and federal law. Finally, this notice must also alert parents to their right to obtain information as to the level of achievement of their child in each of the state’s academic assessments.
3. 20 U.S.C. §6312(g)(1) provides that parents of students who are of limited English proficiency are to be notified not later than 30 days after the beginning of the school year that their child has been identified as in need of services. The statute contemplates very specific and detailed information to be provided in an understandable manner to the parents of the child.

4. 20 U.S.C. §6318(a)(2) requires each local education agency with Title I schools to “develop jointly with, agree on with, and distribute to, parents of participating children a written parental involvement policy.” The required content of the policy is spelled out in great detail in the statute.

A [memo about parental notification regarding teacher qualifications](#) is available online.

Notices Under the Individuals with Disabilities Education Act

The Federal Special Education Law, 20 U.S.C. §§1400, *et seq.*, requires notice to parents in a variety of ways. However, the most prominent requirements are found in 34 C.F.R. §§300.111, 300.503 and 300.504.

1. 34 C.F.R. §300.111 relates to “child find” activities. As interpreted in Vermont regulations, child find includes, among other activities, notifying the public of the availability of special education services for children with disabilities aged 3-21. Similar provisions address child find for students aged birth-3. *See* Rule 2360.3 and Rule 2360.5.2 of the Vermont State Board of Education Manual of Rules and Practices.
2. The provisions of §300.503 require written notice to a parent of a student with a disability within a reasonable period of time before the school district proposes to initiate or change the identification (eligibility), evaluation or educational placement of the student or the provision of a free, appropriate, public education to the student, or whenever it refuses to do the same. The content of the required notice is very detailed. *See* Rule 2365.1.1 of the Vermont State Board of Education Manual of Rules and Practices.
3. §300.504 requires notice of “procedural safeguards” whenever a child is initially referred for a special education evaluation, whenever an Individual Education Plan meeting is called, whenever a reevaluation is sought, and whenever a due process complaint has been filed.