



Faculty & Staff Handbook **2023.2024 (and beyond)**

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The Expeditionary School at Black River (ESBR) is a learner-centered, connected community school working towards the common goal of educating students to be intellectually curious, resourceful, and confident in themselves for a life of personal fulfillment and civic engagement.

Introduction

This document is not official policy, rather it is a handbook designed to make policy user-friendly as well as applicable to daily routines and interactions. Consistent with the principles of learner-centered education, and as a means to empower students and faculty, this document is the culmination of student’s input and collaboration with the Head of School. If clarification is needed, policy will be reviewed.

Guided by personalized learning and proficiency-based grading, ESBR uses an integrated curriculum design to offer 7th -12th grade students the opportunity to learn anytime, anywhere. ESBR’s philosophy is predicated on the belief that when learning is self-paced and self-directed, all students are more likely to be fully engaged and empowered to develop their skills. A strength-based approach to personalized learning, coupled with a proficiency-based grading system, invites each individual to be at the center of their learning in all aspects of their life.

In a learner-centered school culture, students and their teachers are co-designers in the learning process. With that in mind, this handbook is intentionally a student–faculty handbook. All members of the ESBR community are expected to adhere to and conduct themselves in the manner that is described throughout this handbook.

ESBR’s ethos is straightforward: all members of the community are expected to be kind, polite, and respectful. Having manners, not being rude, is viewed as evidence that students and faculty are proficient communicators, one of the dispositions outlined in the Profile of Graduate. Likewise, being on time and being courteous is a reflection of respect for the learning environment. What follows is a more detailed description, including links to Vermont’s statute.

Statement of Non-Discrimination

ESBR recognizes its obligation to respect the legal rights of all students, parents, employees, applicants for admission and employment. The Board will comply with all applicable federal and state non-discrimination laws. The Board will not unlawfully discriminate against any person or group based on race, religion, national or ethnic origin, place of birth, sex, sexual orientation, gender identification, disability, age, color, creed, or marital status.

Philosophy & Objectives

From its inception, creating a cost-effective financial model for education youth that is more community focused and locally controlled has been a priority of ESBR’s leadership team. ESBR’s leadership team believes schools must be designed so that a student’s community can be their

classroom. By creating cost-efficient schools, ESBR's vision is to revitalize local economies and create opportunities for community engagement.

VT's Act 77 and EQS (2015) share the vision put forth in EL Education's *We Are Crew: A Teamwork Approach to School Culture* by Ron Berger, Anne Vilen, and Libby Woodfin (2020). In 2020, when ESBR opened its doors, the school's philosophy follows the precedence set by EL Education, which states "Schools need to be organized around the principles of social and emotional learning, not just the teaching of skills. (p. 5).

ESBR's mission is to educate students to be intellectually curious, resourceful, and confident in themselves for a life of personal fulfillment and civic engagement. ESBR's culture of learning is built from these educational pillars: a global perspective, civic responsibility, community engagement, and environmental stewardship. Learning opportunities are intentionally aligned with these pillars.

ESBR leverages the outdoors as a setting to help individuals explore their passions and reflect on their personal characteristics to become conscientious global citizens and respectful human beings.

In so doing, the schools' educational objectives are also designed to offer students experiences where they can develop the dispositions outlined in VT-AOE's Portrait of a Graduate, dispositions that have been a key feature of ESBR's educational objectives since opening day. Over the course of a student's experience at ESBR, learner agency, critical thinking & problem solving, wellbeing, global citizenship communication and academic proficiency are the descriptors used to describe student's progress toward these dispositions.

Community Expectations & Positive Learning Agreement

ESBR's community expectations were co-written by the first cohort of students attending the school's inaugural year. All members of the ESBR community are expected to:

- Listen actively
- Be clean
- Put Safety First
- Be Kind
- Respect Personal Space

Upon enrollment, students, parents & guardians, and administrators sign a Positive Learning Environment Agreement (PLA). When there are infractions, if the PLA is not upheld by an individual, an administrator speaks directly with the student. If negative behavior persists, a conference with parents & guardians is scheduled, and a plan for redirecting behavior is crafted. That plan adheres to the Hazing, Harassment, and Bullying policy outlined below, as published by Vermont's Agency of Education.

The PLA outlines what the community expectations look like in real time.



Positive Learning Environment Agreement

Upon enrolling and attending the Expeditionary School at Black River, I, <<insert name>>, will commit to upholding the following principles to the best of my abilities, and to be receptive to feedback and work to effect real change when improvement is deemed necessary.

1. Respect for self, others, the environment, and the learning process: Every word and action of the students should be considerate of people and things. This means polite language, a helpful attitude, and regard for property (your property, the school's property, and others' property.) This also means using your devices when allowed and for the purposes of learning.
2. A positive attitude toward learning: A positive attitude means trying new things, setting high expectations for yourself, and becoming involved in your studies. Being positive also means accepting others for who they are and celebrating their strengths. This may not always come easily. Students must be willing to make the extra effort that this requires. To do this, students must keep an open mind and embrace a growth mindset.
3. Fully engaged in school: Be present in mind, body, and spirit, and ready to collaborate and build community. This begins with active listening.
4. Each day, set the stage for learning and interacting: organize your lists, gather what you need and always be kind.
5. Adhere to our agreed upon community expectations. Do this by:
 - A. Active Listening
 - B. Being Clean
 - C. Putting Safety First
 - D. Being kind
 - E. Respecting Personal Space

When this Positive Learning Agreement is not upheld, students will engage in dialogue with the Head of School, teachers, their parents, and possibly members of the Board of Trustees. The Board will be invited into the process only when redirected behavior has not naturally resulted from the dialogue. Our goal is to create a culture where inclusion and respect for each other maintains a supportive learning environment.

Student Signature Date

Parent/Guardian Date

Administrator Signature Date

Graduation Requirements

At ESBR projects and courses are used interchangeably. We are culture of personalized learning, utilizing a proficiency-based grading system. Therefore, the skills developed during traditional “middle” school years are a springboard toward the coursework completed when students are the age of high schoolers. Over the course of their 7th – 12th grade experience, students are expected to curate evidence that they are developing the dispositions outlined in the Profile of the Graduate, including the credit hours required demonstrating Academic Proficiency.

Personalized Learning Maps (PLM) are viewed as a tool for communicating when, where, and how students are demonstrating the transferable skills required for graduation. In order to ensure students, develop a solid foundation of academic knowledge and a repertoire of skills, ESBR offers an interdisciplinary 7th through 9th grade program. With decreasing common requirements to follow when students are the chronological age of a 10th, 11th, and 12th grader. During 10th – 12th grade, learning opportunities are designed to invite all students to explore personalized areas of interest in more depth.

While ESBR’s minimum graduation requirement is 20 credits across 9th through 12th grades, the vast majority of ESBR’s students graduate with considerably more exposure to applied learning opportunities and expeditions.

ESBR’s required credits for the Academic Proficiency disposition are as follows:

GRADUATION REQUIREMENTS	
COURSE	CREDITS
English	4 credits
Math	3 credits
Science	4 credits
Social Studies	3 credits
Health	1 credit
Physical Education	1 ½ credits
Electives	9 ½ credits
Senior Capstone	1 credit

Assessment and Evaluation Criteria

ESBR’s grading system occurs on a semester basis. A 4.0 to 1.0 scale is used to communicate where a student is at on their progress report cards and final transcripts. That scale is as follows:

Advanced (4.0)	Proficient (3.0)	Developing (2.0)	Beginning (1.0)	Not Started (NS)
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On all formative and summative assessments, Habits of Work and Academic Proficiency grades are reported as separate grades and weighted equally. This feature is designed to illuminate when a student does well in the Academic Proficiency column but does not necessarily have the Habits of Work needed to be efficient in their post-secondary pursuits. Grading Habits of Work is a key feature of what it means to be a proficiency-based system. Throughout each semester tests and quizzes use a 0 to 100 grade point scale, yet the above 1.0 to 4.0 grading system remains intact.

Grade Numerical Equivalent Points		
A	93 - 100	4.0
A-	90 - 92	3.67
B+	87 - 89	3.33
B	83 - 86	3.0
B-	80 - 82	2.67
C+	77 - 79	2.33
C	73 - 76	2.0
C-	70 - 73	1.67
D+	67 - 70	1.33
D	63 - 66	1.0
D-	60 - 63	1.0

ESBR's grade numerical equivalent points is consistent with how universities and colleges across the U.S. communicate individual grades.

Personalized Learning Map

During a collaborative on-going planning process, students develop their goals, discover what motivates them, and identify relevant learning opportunities. When developing a PLM, a balance between building upon a student's strengths, while also improving the skills in an area of needed growth, are central to the decision-making process. The emphasis being placed on self-direction distinguishes ESBR's pedagogy from other schools. This is because a self-directed planning process enables the maturation of learner agency.

By design the school culture holds students accountable for their attitude and work ethic, key features of learner agency. The outcomes of learner agency are multi-faceted. First, when learner agency is in effect, students take ownership of their actions, both in the classroom and in the community. Students are then more likely to develop their voice as well as possess the confidence to use this voice in a variety of settings. In doing so, these young adults are intrinsically motivated and are on a path to becoming life-long learners. Learner agency is the cornerstone to ensuring ESBR's mission continuously evolves with the changing times. During the Senior Capstone exhibition, and throughout its process, the degree to which students are developing a growth mindset and adaptability is provided through a sequence of formative assessments.

NOTE: the Senior Capstone as well as the formative assessment system plans to be implemented in 2023-2024. An * indicates which learning opportunities are not yet taking place, but will be once student enrollment increases and staff capacity is strengthened.

Senior Capstone

All seniors are required to complete a Senior Capstone investigation. ESBR views the Capstone course as the pinnacle for showcasing a student's capacity for Learner Agency, Communication, Global Citizenship as well as Critical Thinking & Problem Solving. The degree to which these dispositions are evident in the capstone topic is part of the evaluation criteria. By design, capstone projects are the culmination of the student's passion and interests as they moved through their learning trajectory. The Capstone services as an opportunity for students to showcase their mastery of our standards. As students prepare to embark upon their personal and professional lives, capstone projects are presented to the student's peers, faculty members, trustees, family members and select members of the community in December and May of the student's senior year. The support system identified in the Personalized Learning Map works with ESBR's faculty to guide this process.

Athletics

ESBR is a member of the Vermont Principals Association. This means students can participate in a member-to-member program with a school that offers a sport that we do not. All student athletes need provide documentation of an updated physical and health insurance in order to participate. A desire to participate in the member-to-member program requires a commitment to one's teammates and coach. One's demeanor on the field becomes evidence of respectful communication and collaborations.

Habits of Work

Plagiarism, cheating and copying work is considered academic misconduct. Acts of plagiarism will be published on the student's transcript. Habits of Work are a component of Learner Agency, and work completion will be monitored in the school's learning management system.

School Closed

When weather conditions are deemed hazardous or other emergencies threaten health and safety, the Head of School will communicate that ESBR will be closed by no later than 9:00 PM the night prior. Due to the complications that early dismissals and delayed openings can create for working parents, ESBR's Head of School will remain on premise until all students can safely be picked up. Parents & guardians can expect that there will be no abrupt announcement of a delayed opening or early dismissal. If a student needs to be picked up early due to inclement weather, this change in schedule will not be reflected in attendance records. Students will be expected to complete all work assigned in the learning management system. Not completing those assignments within one week of the school closing will be reflected in feedback regarding the student's development of the Learner Agency disposition outlined in the Profile of a Graduate.

Attendance

ESBR's doors open at 7:30am each day and learning concludes at 3:00pm. Students are expected to ready to engage in courses and projects by no later than 8:30am Monday – Friday.

Consistent attendance and routine schedule is imperative for ensuring student's growth. When students & faculty commit to attending course and/or completing projects, timeliness and staying through to the end are expected. If a student must leave early, then, written communication from the parent / guardian is required.

When absent, it is requested that phone call/text message be sent from a parent / guardian to the Head of School on or before 8 a.m. upon the day of the student's absence. An illness, family emergency, legal obligation, and religious observance are considered excused absences.

Unexcused absences are absences for which a parent is not informed (i.e., skipping school) or for which a written excuse is not submitted is considered unexcused. The first unexcused absence will result in a phone call to parents from the Head of School. A second unexcused absence will result in an SPT meeting.

Being late and leaving school early result in missed instructional time and are subject to the same guidelines as absences. Written excuses/Text or phone call from a parent or guardian must be presented for arrivals more than 15 minutes after the start of school.

Excessive Absenteeism: Excessive Absenteeism is defined as the accumulation of more than 6 full-day absences in one semester or 10 in any two consecutive semesters. This provision is not intended to give license to the number of absences that may be taken. In all courses the grade and credits earned reflect daily participation as well as the other academic requirements. When a student reaches 3 absences, direct contact with the parent or guardian will be made by the Head of School.

When a student reaches 5 absences in one semester or 9 in two semesters, the student and his/her parent(s) or guardian may be scheduled for an SPT meeting.

If a student is absent more than 6 times in one semester or 10 times in two consecutive semesters, they face possible loss of academic credit in the affected projects or courses. They will receive written notification to that effect and may appeal that decision as indicated in the appeal process. Credit may be restored if compelling circumstances are presented to and approved by the board. Students will be expected to make up this credit for grade promotion by summer independent study or repeating the grade or class.

Dress Code

All students and staff are expected to dress in a respectful manner. That means wearing clothing that demonstrates a readiness for the workforce and maintains a respectful, safe & healthy environment.

- Shoes must be worn at all times on campus.
- Shirts must be worn at all times, including during athletic activities.
- Avoid wearing clothes with political messaging, slogans, images with alcohol, drugs, or disrespectful language.
- Shorts and skirts should fall mid-thigh.
- Undergarments should not be visible. This includes bras, bandeau tops and boxer shorts.
- Pajamas or flannel drawstring pants are not considered workforce ready.

Students are expected to use good judgment, and accept kind reminders to dress appropriately. Staff are expected communicate the need to change one's attire in a private, confidential setting.

Cell Phone Use

Cell phones and other devices are not be seen or used between the hours of 8:30 AM and 2:30PM. Cell phones will be stored in a locked location and shall never been used during classroom. Should a student need to phone a parent or guardian, permission to use cell phone during the school day will be granted by a member of the faculty or Head of School. Misuse or failure to comply with a teacher's request regarding a device may result in temporary confiscation of the device and/or referral to the leadership team, including members of the Board of Trustees.

Hazing, Harassment, and Bullying (HHB)

ESBR's policies recognize that bullying, hazing, harassment, sexual or otherwise towards students or staff is abusive and illegal. Such behavior negatively affects the school culture and creates an environment of intolerance and intimidation resulting in fear and distrust. In addition, the Board understands that prevention and remediation of bullying, hazing and harassment ensures an environment conducive to growth and learning for students and productivity for teachers and staff. In committing to promote a respectful, dignified and equal educational and working and environment the ESBR will not tolerate any bullying, hazing or harassment on school grounds, at school sponsored programs, activities, and events, including those that take place at locations beyond the school day.

- a) No student, teacher, administrator, volunteer, contractor, or other employee of the school shall plan, direct, encourage, aid or engage in bullying, hazing or harassment.
- b) No teacher, administrator, volunteer, contractor or other employee of the school shall permit, condone, or tolerate bullying, hazing or harassment.
- c) Apparent permission or consent by a person being bullied, harassed or hazed does not lessen the prohibition contained in this policy or the enforcement of this policy.

- d) This policy applies to behavior directly connected to school activities that occur on or off school property and before, during and after school.
- e) A person who engages in an act that violates school policy or law shall be subject to discipline for that act.

Harassment can be implied through words, action or deeds and may occur at various levels; employee to student, student to employee, student to student, male to female, female to male, male to male, female to female or employee to employee. It is a violation of this policy for any student or employee, or third party to harass any student or employee.

Bullying consists of persistent inappropriate behavior which may include threats, badgering, intimidation of others, threatening others cruelly, terrorizing, coercing, or habitual put-downs. Bullying, similar to hazing and harassment are prohibited behaviors.

Bullying has three components:

- 1) Rude and disrespectful behavior
- 2) Repeated harmful acts
- 3) An imbalance of power, real or perceived

It can involve repeated physical, verbal, or psychological attacks, or intimidation directed against a victim who cannot properly defend themselves because of size, strength, or because the victim is outnumbered or less psychologically resilient.

ESBR's policy on bullying, harassment, and hazing is in accordance with Vermont's statute Title 16, chapter 09, subchapter 005. Accessible here:

<https://legislature.vermont.gov/statutes/section/16/009/00570>

Using Your Voice & Reporting

Any student who believes that they have been hazed, harassed and/or bullied, or who witnesses or has knowledge of conduct that they reasonably believe might constitute hazing, harassment and/or bullying, should promptly report the conduct to a designated employee or any other school employee. The Head of School is the designated employee.

Students should feel safe confiding in any staff member and/or adult serving in an instructional capacity. All adults are required to report the student's concerns to the Head of School.

Digital & Social Media Policy

Periodically ESBR will use photographs and videos of students in publications, on Okemo Valley T.V., as well as on social media pages. Students and their guardians will be invited to authorize publication of their work and/or photos. Not signing the release means no photos or videos will be shared online or in the news with them featured in it.

Evacuation & Safety Drills

Monthly drills pertaining to what to do in the event of a fire will be conducted. All students are expected to participate and respect the protocols of the emergency procedure. The map for exiting the building can be found at the door of every classroom in use. In addition, a fog horn is placed in each room. In the event of an emergency, where the electric alarm is not accessible, the sound of this fog horn means exit the building immediately.

Self-Control & Redirecting Behavior

The purpose of the ESBR disciplinary procedures is to ensure a safe and focused learning environment. Disruptions to the learning process or threats to safety will not be tolerated. For consistency in disciplinary procedures across the school, the following protocols will be applied, with the understanding that there may be extraordinary circumstances that warrant exceptions to this protocol:

Examples of violations are the opposite of what is communicated in the PLA above.

1st Breach of Positive Learning Agreement (PLA):

Communication from Head of School/Teacher to Parent and may be sent to an area for timeout. During the timeout period the student reviews the ESBR School Learning Agreement/Policy, complete work assignments and the student must apologize to the aggrieved party/parties before returning to class.

2nd Breach of PLA:

Communication from Head of School/Teacher to Parent, may be sent to time out or be asked to leave school for the remainder of the day. The student is responsible for completing the daily assignments. Before returning to school the student must review the ESBR Admission Agreement and complete a Corrective Action Plan stating the incident that prompted discipline and what action will be taken to correct future occurrence. A personal apology must be made to the aggrieved party/parties.

3rd Breach of PLA:

Review behavior with Head of School, in school or out of school suspension for remainder of day if appropriate. Communicate to parents about next steps and restitution options. Before returning to class a Behavioral Plan must be completed by the Student, Parent and Head of School. Upon completion of a Behavioral Plan and a personal apology to the aggrieved party/parties the student may resume attendance.

Weapons

The possession of weapons, such as pocket knives and guns, are a violation of state law. At no time should a student, parent & guardian, or staff member bring a weapon into the school building Storage or use of a weapon poses an unacceptable risk to the health and safety of the ESBR community. Items prohibited by law or school regulation will be reported to the police and confiscated

Drug and Alcohol Policy

The possession of illegal drugs, vape products, e-cigarettes, inhalants, tobacco, alcohol, and medications not specifically prescribed to the student is not acceptable and is a violation of school policy. Students who are found in violation of this rule while on campus will face disciplinary consequences.

A student who supplies alcohol or drugs to others may be subject to more severe disciplinary consequences, including suspension and/or permanent withdrawal. Students are prohibited from using illegal drugs, vape products, e-cigarettes, inhalants, tobacco, alcohol, and medications not specifically prescribed to the student. When a student's work, behavior, or demeanor suggests the possibility of use, ESBR faculty are expected to inform the Head of School. Parents will be contacted, and appropriate procedures will be recommended for assessment and counseling, which may include

random urinalysis or other drug testing by an outside professional. Parents who do not accept the leadership team's recommendations will be given the option of withdrawing the student.

Violations of the Drug and Alcohol policy will be handled by the Head of School. Possible consequences for a policy violation include awareness education, counseling, community service, suspension and/or dismissal from school. If illegal drugs are found or are being distributed on campus, ESBR reserves the right to notify and involve local police enforcement.

Suspensions & Expulsion

Students may be suspended at the discretion of the Head of School for repeated misbehavior or serious misconduct. The principal may also modify the following policies depending on special circumstances. A student who poses a continuing danger to persons or property or a repeated disruption the academic process of the school may be immediately removed from the school or to a place within the school determined by the Head of School or teachers to be sufficiently secured to permit the academic process of the school to continue. The parent or guardian of a student who is to be removed from school will be notified as soon as practical. If the parent or guardian cannot be located, the student will be detained at school for the remainder of the school day. No student will be removed from school for more than the remainder of a school day unless the student and his or her parents/guardians are given an opportunity for an informal hearing with the Head of School. When immediate removal of a student is necessary prior to a hearing, the hearing shall be held as soon as possible following the removal. ESBR's leadership team reserves the right to contact authorities if necessary.

The Head of School may suspend a student from school for a period of ten days or less. Prior to the informal hearing, the student and his or her parent/guardian must be given notice of the charges, an explanation of the evidence against the student, an opportunity for the student to tell his or her side of the story. A decision in writing will be sent to the parent/guardian informing them of the conclusions of the hearing. Students suspended will be provided with a reasonable opportunity to complete required academic assignments and to benefit from counseling or related activities at their own expense, designed to bring about an improvement in their behavior.

The Head of School may suspend a student for more than ten (10) days but for a fixed period of time for misconduct when the misconduct makes the continued presence of the student harmful to the welfare of the school. The Head of School may recommend for expulsion any student whose misconduct makes the continued presence of the student harmful to the welfare of the school. A student may be expelled only after a majority vote of the Black River Independent School Board supporting the recommendation of the Head of School.

A pupil who has a disability and is eligible of special education services and who poses a danger to persons or property or any ongoing threat of disrupting the academic process of the school will be suspended for no more than ten (10) cumulative days until a manifestation determination is conducted and an evaluation is completed by the student's IEP team as to whether there is a relationship between the student's misconduct and his or her disability. The evaluation will be provided by the Local Education Agency. Expulsion from school may result from the evaluation.

With regard to offenses involving the use and possession of drugs and alcohol, the special disciplinary procedures applicable to disabled students outlined above need not be followed for students who are disabled solely by virtue of their current use of drugs and/or alcohol.

Suspension Procedure

Suspension is a last resort, and it occurs when HHB and/or drugs and alcohol policies have been violated. In the event of suspension, with help and guidance from parents and teachers, a student will develop a formal Performance Agreement to address the student's disrespectful behavior. Interventions may include counseling, in-school modification of the student's program, weekly evaluation of the student's progress, and other measures deemed appropriate by the team. The SPT will meet periodically to modify the program and monitor out of school interventions. If problem behaviors persist, the student will meet with a probation committee.

Final Probation

The probation committee will be created from the following individuals: the student, his or her parent/guardian(s), the Head of School, a representative of the board, and teacher. The probation committee meeting will result in a final contract for the student stipulating expectations and consequences. The committee will prepare a report with recommendations regarding the student's status to present to the Board. The student will be suspended until the student and a parent attend a hearing with members of the Board to discuss the report and the student's commitment to attending the Expeditionary School at Black River.

The Board may ask the student to withdraw as a result of that meeting or may place the student on final probation. Continued violations of the learning community's expectations will result in the student's withdrawal from the Expeditionary School at Black River.

Mandatory Reporting:

All full-time staff at ESBR have been trained in mandatory reporting. In accordance with VT AOE's Administrator Handbook, at ESBR every adult working with students understands that "it is our duty to help protect students from abuse and neglect." Act 60 of 2015 provides that any mandated reporter who reasonably suspects abuse or neglect of a child shall report in accordance with the provisions of Section 4914 of this Title within 24 hours of the time information regarding the suspected abuse or neglect was first received or observed. 33 V.S.A. § 4913(c). ESBR adheres to the content published in this [joint memo from VDH and AOE regarding Mandated Reporting](#) (November 2016). All members of the ESBR community, students, parents & guardians, and faculty are welcome to meet with the Head of School anytime to discuss concerns and/or identify additional supports for ensuring everyone is safe and respected at all times.

Designated Employees:

The Head of School has been designated by the Board of Trustees to receive complaints of bullying and/or harassment pursuant to this policy and 16 V.S.A. § 570a(a)(7) and 16 V.S.A. §570c (7) and under federal anti-discrimination laws.

The remaining pages / sections of this handbook pertain specifically to ESBR faculty & staff, including independent contractors. What has just been shared above is verbatim the content of ESBR's Student - Family Handbook for 2023-2024 and beyond.



To: Mandated Reporters
From: Cindy Walcott, Deputy Commissioner, Family Services Division
Date: July 22, 2015
Subject: Changes to Mandated Reporting and Information Sharing in S.9/Act 60

Act 60 (formerly known as S.9) is in effect as of July 1, 2015. This legislation makes improvements across the child protection system, including changes to mandated reporting procedures and information sharing across the system.

This memo includes updated information and guidance for mandated reporters. Please help us make sure other mandated reporters in your organization, including staff and colleagues, have this information. *Share it!*

A mandated reporter is any:

- Health care provider, including any chiropractor, dentist, emergency medical personnel, hospital administrator, intern, licensed practical nurse, medical examiner, osteopath, pharmacist, physician, physician assistant, psychologist, registered nurse, resident physician, and surgeon;
- Individual who is a) employed by a school district or an approved or recognized independent school or b) contracted and paid by a school district or an approved or recognized independent school to provide student services, including any school superintendent, school principal, headmaster of an approved or recognized independent school, school teacher, student teacher, school librarian, and school guidance counselor;
- Agency of Human Services employee, contractor, or grantee who has contact with clients;
- Camp administrator, counselor, and owner, including any residential and nonresidential camp and recreational program;
- Childcare worker, clergy member, mental health professional, and social worker; and
- Police officer and probation officer.

Mandated Reporter Webpage: Visit mandatedreporters.vt.gov to get the latest information on reporting, a sign-up for email updates, links to relevant information, and a link to online training once it's available.

Mandated Reporter Training: We are working on a web-based training for mandated reporters that should be available in fall 2015. In the meantime, please direct any training requests to your local Family Services District Office. A list of our offices is available at mandatedreporters.vt.gov (*click on the link for FSD District Offices*).

The Family Services Division (FSD) of the Department for Children and Families (DCF) shares an important responsibility with all Vermonters: keeping children safe and ensuring they live in safe, supportive, and healthy environments. Accomplishing these goals requires cooperation between FSD and mandated reporters. We are grateful for your continued collaboration and support, and we believe the changes in Act 60 will make our partnership better.

Please contact Lindsay Barron at Lindsay.Barron@state.vt.us if you have questions about this memo.

Please Note: while the Statute that governs reporting in Vermont is cited throughout this memo (e.g., 33 VSA § 4913), it will not be updated on the "Vermont Statutes Online" website until late fall. In the meantime, please refer to Act 60 if you want more detailed information about the law. You can access it from the mandatedreporters.vt.gov webpage.

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I. Reporting Child Abuse or Neglect

Act 60 resulted in important changes to reporting requirements. Additionally, some definitions of abuse and neglect were revised (see Section II below).

The new reporting standard is:

Any mandated reporter who reasonably suspects abuse or neglect of a child shall report in accordance with the provisions of section 4914 of this title within 24 hours of the time information regarding the suspected abuse or neglect was first received or observed (33 VSA § 4913(c)).

This revised standard includes some important changes:

- ⇒ The previous standard (“have reasonable cause to believe” a child has been abused or neglected) is no longer in effect. A report now must be made when a mandated reporter “reasonably suspects” abuse and neglect.
- ⇒ The individual who suspects abuse or neglect must make a report directly; it is no longer sufficient to “cause a report to be made”.
- ⇒ A report must be made within 24 hours of the time information about suspected abuse or neglect was first received or observed. Calling law enforcement is not the same as reporting suspected abuse or neglect to FSD. You must notify FSD directly.
- ⇒ While organizations may have their own policies related to notifying supervisors or management about suspected child abuse or neglect, individual mandated reporters are legally required to report suspected child abuse and neglect to FSD within 24 hours. Each mandated reporter is responsible for making a report on time and is liable if one is not made. No one, including supervisors and managers, may prevent a mandated reporter from making a report within the required timeframe.

Liability: A person who files a report in good faith has immunity from any criminal or civil liability. Failure of a mandated reporter to report can result in criminal prosecution and a fine of up to \$500. If a mandated reporter failed to report with the intent to conceal the abuse or neglect, the penalty increases to up to six months in prison and a fine of up to \$1,000 (33 VSA §4913).

Group Reporting: If more than one individual within an organization needs to make a report about the same information or incident, FSD strongly recommends they report as a group — by phone or in writing. *The same 24-hour time limit applies.*

- I. The best way to ensure a staff or team has met their legal responsibility is by having everyone with direct knowledge of the information in the room together when the report is made. The names of everyone who is in the room making the report should be clearly communicated to FSD.
- II. Another option is for one person to draft a written report and have everyone involved sign it.

When In Doubt:

Please call us for advice if you:

- Are not sure a report is warranted; or
- Are considering telling the parents about your report. In some cases, this could endanger the child and hinder the response.

“Reasonably suspects abuse or neglect of a child” means that you need only suspect that abuse or neglect might have taken place to make a report. *When in doubt, report!*

To report child abuse or neglect, call 1-800-649-5285 or fax a written report to (802) 241-3301 — 24 hours a day, 7 days a week. If a child is in immediate danger, dial 911 or your local police first. Then, call FSD to make a report.

II. Definitions of Abuse and Neglect

Act 60 made some changes to child abuse definitions. This will impact how FSD screens intakes, conducts child safety interventions and makes substantiation decisions. While many of the new terms also have definitions in the criminal code, FSD definitions are not the same as those in the criminal code.

The following definitions were either added or revised by Act 60 (33 VSA § 4912):

- ⇒ **An abused or neglected child** (revised definition): One whose physical health, psychological growth and development or welfare is harmed or is at substantial risk of harm by the acts or omissions of his or her parent or other person responsible for the child's welfare. It also means a child who is sexually abused or at substantial risk of sexual abuse by any person and a child who has died as a result of abuse or neglect.
- ⇒ **Serious physical injury** (new statutory definition): means, by other than accidental means:
 - A. Physical injury that creates any of the following:
 - i. A substantial risk of death;
 - ii. A substantial loss or impairment of the function of any bodily member or organ;
 - iii. A substantial impairment of health; or
 - iv. Substantial disfigurement; or
 - B. Strangulation by intentionally impeding normal breathing or circulation of the blood by applying pressure on the throat or neck or by blocking the nose or mouth of another person (33 VSA § 4912(17)).
- ⇒ **Risk of harm** (revised definition): A significant danger that a child will suffer serious harm by other than accidental means, which harm would be likely to cause physical injury or sexual abuse, including as the result of:
 - A. A single, egregious act that has caused the child to be at significant risk of serious physical injury;
 - B. The production or preproduction of methamphetamines when a child is actually present;
 - C. Failing to provide supervision or care appropriate for the child's age or development and, as a result, the child is at significant risk of serious physical injury;
 - D. Failing to provide supervision or care appropriate for the child's age or development due to use of illegal substances, or misuse of prescription drugs or alcohol;
 - E. Failing to supervise appropriately a child in a situation in which drugs, alcohol, or drug paraphernalia are accessible to the child; and
 - F. A registered sex offender or person substantiated for sexually abusing a child residing with or spending unsupervised time with a child (33 VSA § 4912(14)).
- ⇒ **Sexual abuse** (revised definition): Consists of any act or acts by any person involving sexual molestation or exploitation of a child, including:
 - A. Incest;
 - B. Prostitution;
 - C. Rape;
 - D. Sodomy;
 - E. Lewd and lascivious conduct involving a child;
 - F. Aiding, abetting, counseling, hiring, or procuring of a child to perform or participate in any photograph, motion picture, exhibition, show, representation, or other presentation which, in whole or in part, depicts sexual conduct, sexual excitement, or sadomasochistic abuse involving a child;
 - G. Viewing, possessing, or transmitting child pornography, with the exclusion of the exchange of images between mutually consenting minors, including the minor whose image is exchanged;
 - H. Human trafficking;
 - I. Sexual assault;
 - J. Voyeurism;
 - K. Luring a child; or
 - L. Obscenity (33 VSA § 4912(15)).

Refer to FSD Policy 50 for child abuse and neglect definitions. It is available online at mandatedreporters.vt.gov. Click on the link for FSD policies.

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III. Information Sharing

Act 60 encourages information sharing across the child protection system. FSD is committed to sharing information with mandated reporters whenever possible to support child safety and facilitate collaboration. We endeavor to make sure individuals who need information can receive it, whether through verbal communication or sharing documents. Unless otherwise noted below, records or information should be provided as soon as reasonably possible following a request.

Any confidential information received cannot be disclosed to a person who is not authorized to receive that information.

FSD is obligated to provide certain records and information to various people and entities. The table below provides an overview of what information may be shared. For more information, refer to Policy 157: Records and Information Sharing. It is available online at mandatedreporters.vt.gov (click on the link for FSD policies).

Type of information	To whom?	By whom, how, when?
Acceptance of a report and track assignment	Mandated reporters	The assigned social worker, promptly as part of child safety intervention
Non-acceptance of a report	Mandated reporters	Centralized Intake, by letter
Whether investigation was substantiated; whether assessment resulted in need for services	Mandated reporters	District Office or Residential Licensing, by letter at the conclusion of a child safety intervention
Records, upon request	The Court, parties to the juvenile proceeding, and the child's guardian ad litem if there is a pending juvenile proceeding or if the child is in the custody of the Commissioner	District Office
	Law enforcement officers engaged in a joint investigation with the Department, Assistant Attorney General, or a State's Attorney	District Office or Residential Licensing, as part of child safety intervention
	Other State agencies conducting related inquiries or proceedings	Central Office
Relevant records or information, upon request <i>Information may be provided verbally, or in writing. Determinations of relevancy shall be made by the Department.</i>	A person, agency, or organization, including empaneled multidisciplinary team authorized to diagnose, care for, treat, or supervise the child or who is responsible for the child's health or welfare	District Office
	Health and mental health care providers working directly with the child or family who is the subject of the report or record	District Office
	Educators working directly with the child or family	District Office
	Licensed or approved foster caregivers for the child	District Office
	Mandated reporters engaged in an ongoing working relationship with the child or family who is the subject of the report	District Office
	A Family Division of the Superior Court involved in any proceeding in which custody of a child or parent-child contact is at issue	District Office
	A Probate Division of the Superior Court involved in guardianship proceedings	District Office
	Other governmental entities for purposes of child protection	Central Office

Criminal Records & Fingerprints:

Every adult who works with students during the school day is fingerprinted and a criminal record check is conducted prior to their entry into the learning environment.


Immunization Records:

Per the requirements of the VT Agency of Education and Department of Health, ESBR must report data pertaining to student's immunization records. As stated on HealthVermont.gov,

“Under the Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule, institutions reporting or releasing data are required to protect personally identifiable health information in their reports being shared with the public. Thus, various data suppression rules are applied in the Vermont Department of Health Vaccine Data to limit public sharing health information about individuals.”

Vermont's Immunization Rule is explained here:

SCHOOL YEAR 2022-23 IMMUNIZATION ENTRY REQUIREMENTS



VERMONT
DEPARTMENT OF HEALTH

Vermont's Immunization Rule requires vaccination of all children enrolled in center based or family child care, public or independent kindergarten, elementary and secondary schools. Immunizations protect both individuals and the community.

An official immunization record must be presented to the school upon admission. If a student doesn't meet the vaccine requirements, or have a current school year exemption on file, they may be temporarily admitted only after the approval of a school nurse or administrator. Failure to meet requirements may result in exclusion from child care or school.

Students entering kindergarten must provide documentation of the following:

- 5 doses of DTaP (diphtheria, tetanus, and pertussis) vaccine
- 4 doses of polio vaccine
- 2 doses of MMR (measles, mumps, and rubella) vaccine
- 3 doses of hepatitis B vaccine
- 2 doses of chickenpox (varicella) vaccine. If the student has previously had chickenpox disease no vaccine or exemption is needed. Parents must submit documentation of disease or sign the [Health Department form](#)

Students entering the seventh grade must provide documentation of the following:

- All the immunizations listed above and
- One dose of Tdap (tetanus, diphtheria, and pertussis) vaccine.
- For residential students, one or two (age appropriate) doses of meningococcal (MenACWY) vaccine

These requirements also apply to students in any grade entering a new school from outside of their previous supervisory union or district.

Students not meeting the vaccine requirements must be vaccinated as outlined in the Center for Disease Control and Prevention's catch up schedule.

Medical or religious exemption to one or more vaccines is allowed under the rule. An unaltered form must be submitted to the school. Religious exemptions require annual renewal. Students with an exemption may be excluded from school during a disease outbreak.

Additional information about immunizations and required forms may be found at:
<http://www.healthvermont.gov/disease-control/immunization/child-care-k-12-and-college-immunization-information-parents>

Faculty & Staff Meetings

Staff will be responsible for attending regular scheduled meetings on a monthly basis, typically the first Monday of each month of the school year. The meeting will be held after school and members may attend either via zoom or in person. These meetings are for disseminating information and training and to gather data from staff about school issues. Other meetings may be scheduled by the Head of School for special needs.

Professional Development & Evaluation Policy

It is the policy of ESBR to support the important connection between educator professional development and improved student achievement and assure that professional and para-professional staff members acquire and maintain the knowledge and skills needed to contribute effectively to the achievement of the goals and strategies articulated by the school action plan.

Guiding Principles

ESBR provides, or arranges for the provision of professional development programs, or both, for teachers, administrators, and staff. Professional development programs provided by ESBR will be directly linked to student performance goals identified in the annual action plan.

The Head of School will oversee a professional development system that is characterized by the following:

1. primary focus is improved student learning and achievement
2. based on current, documented research findings
3. provides structure and substance that allow continuity
4. focuses on content and curricular needs as well as teaching methodology
5. includes the needs of all who contribute to the education system
6. developed and directed by professional educators

The Head of School or his or her designee will develop a process to analyze student performance data, best-practices research, state and local standards compliance, and the action plan priorities, all of which provide input to the creation of annual and multi-year professional development programs.

A professional development committee may be composed of teachers, instructional assistants, support staff and administrators. The committee will recommend a professional development plan that will contribute to the accomplishment of the district's priorities.

After consultation with the professional development and action planning committees, the Head of School will recommend a needs-based development plan and yearly calendar. The Head of School makes recommendations to ensure adequate financial resources and time for educators to participate in appropriate PD opportunities is available to educators and that outcomes are relevant to ESBR's continuous improvement plan.

The Head of School, in collaboration with faculty:

1. Coordinates professional development activities with district standards and goals, to ensure that professional development activities are, to the fullest extent practicable, aligned with the school and district plans and professional development needs;

2. Provides adequate opportunities to prepare educators to utilize assessment data for the purpose of increasing student achievement and to improve the overall effectiveness of the curriculum; and
3. Ensures appropriate training for new teachers in standards-based instruction and implement a system of mentoring for professional staff during the first two years of employment.

The Head of School reports annually to the board on the effectiveness of staff professional development and the relationship to the student achievement goals identified within the annual action plan.

[i] See 16 V.S.A. § 261a(a)(5)

[ii] See Vermont State Board of Education Manual of Rules and Practices § 2121.3

It is expected that all faculty/staff will have on file with the Head of School a Professional Plan. Individuals will record and update their continued training and development on said plan. The Head of School will evaluate each faculty/staff meeting regularly. This evaluation will include formal and informal observations, and review of the professional development plan.

Internet Use

The Expeditionary School at Black River recognizes that information technology (IT) is integral to learning and educating today's children for success in the global community and fully supports the access of these electronic resources by students and staff. Faculty and Staff should follow the guidelines outlined in the School's Policy Handbook for safe and responsible computer and network use. See policy instruction code D3.

Student Confidentiality

All Faculty/Staff will observe and respect the privacy of all students. Keep in mind that all school matters are not for public discussion or knowledge. When faculty/staff or independent contractors complete working at ESBR, they will relinquish student information to the school.

Redirecting Behavior & Discipline

Faculty/staff will follow the policies and procedures in the School Policy Manual and the Student/Parent handbook.

Under no circumstances should the faculty/staff use restraint & seclusion and/or corporal punishment.