



**Brookhaven Learning Center
Handbook
2022-2023**

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Learning Center Handbook
School Year 2022--2023

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PROGRAM PROFILE

Brookhaven Treatment and Learning Center was established in 1952, and is located in historic Chelsea, Vermont on 122 acres of beautiful land and woods. At Brookhaven we are committed to providing quality residential, clinical, and educational programming for male youth with severe emotional/behavioral issues and learning difficulties.

Residential Program

As a licensed residential treatment center, Brookhaven specializes in providing therapeutic residential based services for male youth ages 6 - 13. This level of care is intensive and is often the result of chronic difficulty that has created impairment for the child and prevented success within the home, at school, and in the community. Most children who enter Brookhaven present with significant mental health issues and behavioral concerns for which placement into congregate care and clinical services becomes essential.

At Brookhaven, residents are provided with a comprehensive, collaborative, and clinically guided opportunity to heal and correct patterns that have hampered their progress elsewhere. Over an average one year stay, they receive constant supervision, structure, and support within a dormitory milieu. Direct care staff are the front line team members who assist Brookhaven youth with therapeutic programming, individual goals, and daily activities from wake-up to tuck-in. Brookhaven counselors conduct therapy with youth and their families, facilitate group therapy sessions, and closely monitor each child's progress through the program. In addition to regular counseling, Brookhaven youth meet with a child

psychiatrist monthly for ongoing evaluation and pharmacotherapy if needed. The full time case manager helps maintain continuity between all services including providing psychoeducational groups, coordinating visits between youth and families, transporting residents to outside appointments, and overseeing the proper packaging and administering of any medications. Finally, Brookhaven administrators and leadership provide program oversight ensuring compliance with all standards of care, quality of services, staff supervision, and that needs are being met of the children, families, and community partners being served.

Brookhaven Learning Center

The Brookhaven Learning Center is a Vermont Licensed Independent School and provides both general and special education services to attending students. In addition to the youth residing at Brookhaven, students from surrounding school districts also attend classes when identified as needing an alternative education placement. Brookhaven's team of classroom teachers, aides, and behavioral support staff are highly skilled at designing and delivering curriculum to meet the special needs of students who are typically unsuccessful in more conventional settings. Under the guidance of the Special Education Coordinator, teaching staff utilize therapeutic, creative, and highly experiential approaches to individualize instruction and motivate learning. As students progress through the program, plans are coordinated to help them transition back to regular ed classrooms, receive appropriate supports, and achieve long term school success.

Each summer Brookhaven also offers a therapeutic day camp. Camp Haven runs for four weeks and is the Learning Center's Extended School Year (ESY) program. Our team of teachers, counselors, and clinicians create a host of activities to enhance academic achievement and self-esteem in children with a history of failure and conflict.

The Education Team at Brookhaven consists of the Executive Director, Special Education Coordinator, Clinical Coordinator, Residential Coordinator, TCI Coordinator, classroom teachers, and academic/behavioral support staff. Clinicians and Direct Care staff from the residential program are also present each school day to provide essential support to students in and out of the classroom.

Mission

Our mission is to provide educational services to male youth ages 6 – 13 with emotional/behavioral/learning disabilities in a therapeutic environment. Our

program offers our students the opportunity to meet their individual needs and harness their own potential in a safe and nurturing learning community.

We offer a structured academic program that aligns itself with the Common Core State Standards, while providing opportunities to practice social skills and participate in group activities. We collaborate with parents/guardians, families, sending schools, and other agencies to provide support and wraparound services to benefit our students.

Philosophy

Our team philosophy is to encourage learning through experiential activities as well as supported academic learning. We expect students to arrive each day ready to learn and take educational risks. Our staff supports each student in their personal goals, as well as the program structure. We will model and encourage respect, honesty, accountability, and cooperation to encourage positive self-image and peer interactions.

Special Education Accommodations

Our teaching team is overseen by a fully credentialed Special Education Coordinator. Our teachers provide both individual and small group instruction in accordance with each student's IEP or 504 plan. We attend IEP meetings, help arrange any needed assessments, and maintain close communication with sending schools and families to help ensure that educational plans and services are appropriate and up to date.

Psychoeducational Group

Psycho-educational groups are provided daily for all students, led by a member of the clinical team. We design activities and discussions based on developmental level and social/emotional needs for each group. This group is supported by the Direct Care staff and teachers as needed.

The activities and exercises in the psycho-educational group are designed to encourage pro-social skills that enhance well-being and positive self-esteem for our students. All exercises are designed to stimulate the children to think creatively, explore their values and beliefs, and safely consider and practice change where needed for personal growth.

We offer a variety of topics that help to facilitate the development of these skills, including:

Anger Management
Coping Skills

Values
Self Esteem and Self Discovery

Communication
Teamwork
Emotions
Leisure Awareness
Manners
Character Building

Planning/Decision Making
Stress Management
Trust
Friendship/Social Skills
Respect
Divorce, Loss, and Separation

LEARNING CENTER DAILY SCHEDULE

Academic instruction is completed in a small group setting by a teacher with Direct Care staff support when needed. More individualized support is available when necessary or as outlined in a student's IEP or 504 plan. Students work throughout the day with their cohort of multi-age students, starting each day with a morning meeting held in their homeroom; this is a time for taking attendance, making announcements, checking the calendar, and reviewing the schedule for the day. Students have academic blocks spread throughout the morning, and also attend psycho-educational groups. Lunch is midday, leaving the afternoon open for intensive hands-on learning and academic enrichment activities. Throughout the day, teachers keep their teams motivated by offering frequent opportunities for movement with activity breaks, and supporting each student's sensory, emotional, and relational needs. Each day ends with a final assessment of student academic and behavioral performance, including a review of the day and upcoming events for the following day.

BEHAVIORAL INTERVENTION GUIDELINES

Take Space/Time Away

Students have several choices for taking space in and out of the classroom as needed. Within each classroom, there are quiet areas/tables where the student can take his work away from the main group, or simply take a moment to re-focus. This can be self-initiated or prompted by the teacher. There are additional rooms outside of the classroom for a student to use to take some time, whether voluntary, suggested, or mandatory. These include the "Comfort Room (cloud room)," and "Quiet Rooms." These rooms are designated rooms separate from the classroom and used to separate a student from others to help reduce stimuli and provide an opportunity for the student to regain composure and de-escalate behaviors.

The type of room used is based on the individual needs of the student and the behaviors they are presenting. Support staff will monitor time in the room, providing support and encouragement as needed. The amount of time a

student will need to be away from class will vary depending on individual needs and behavior. "Time Away" is used to enhance, not hinder, the student's opportunity to meet educational goals.

Physical Intervention

Brookhaven Learning Center trains and supports staff in using Therapeutic Crisis Intervention (TCI) and other supportive techniques to help de-escalate and manage disruptive and unsafe behaviors. TCI is a safe behavior management system designed to enable staff to ensure the safety and care of youth in emotional crisis. When an individual presents as a danger to himself or to others, and if all verbal de-escalation techniques have been exhausted, hands-on interventions may be employed according to our staff's assessment of risks throughout the crisis. These may include therapeutic physical restraints, escorts, or holds to ensure the safety of the student and others. The chosen interventions are used to enable the youth to regain control of his behavior and calm down at his own pace. We ask that parents/guardians support the specialized approaches and interventions used in our program, including Therapeutic Crisis Intervention when needed, to maintain the safety of students, peers, staff, and the community.

When a student has a need for intervention, they will be asked to discuss their behavior in a Life Space Interview (LSI) with the assistance of a teacher or member or other support staff. The LSI is a powerful tool for teaching problem ownership, self-awareness, and self-control. This process helps the student problem solve the issue at hand, connect their feelings to their actions, identify positive alternatives, and make a plan to implement these more positive options. It is hoped that this process will help the student build insight and the skills necessary to use available supports and prevent further crisis behaviors.

Level System /Daily Assessment Rubric (DAR)

The Level Light Score Chart (LLSC) reflects daily totals recorded on the Daily Assessment Rubrics (DAR) completed on each child. The LLSC is mailed with each student's monthly report to parents/guardians and sending schools, reflecting the behavioral data gathered over the reporting period. Patterns of behaviors are monitored, and data is utilized to modify each student's programming on an as-needed basis. Level Light Score Charts will be displayed in each student's classroom to provide a visual of monthly progress and to aid in identifying strategies needed to be successful within the program.

A daily cumulative score of 0-64= RED, a score of 65-88=YELLOW, a score of 89-100 =GREEN. Students can earn rewards for meeting certain benchmarks. For example, benchmarks may consist of rewards at three greens in a week, ten

greens in a month, or fifteen greens in a month. Student rewards are individualized and group incentives are also developed around student interests and input.

This year, we have implemented a system where teachers are emailing daily scores to the students' email accounts for parents/guardians to access and view. It is hoped that this daily feedback will help increase awareness, promote communication, and reinforce student success.

PROGRAM SUPPORT

In addition to daily reports on student progress, parents/guardians may be called for the following reasons to support their child:

- Physical or verbal aggression
- Threatening to cause harm
- Assault
- Weapon possession or threats
- Possession of illegal materials
- Behavior issues in transportation
- Harassment, including bullying, sexual harassment or hazing
- Running away (AWOL)
- Major property damage
- Physical intervention

STUDENT RELATED POLICIES

Suspensions

Students unable to access successful strategies or support within our therapeutic program creating an unsafe learning environment will be considered for suspension. Parents/guardians will be contacted, and a meeting will be held in person, by Zoom, or by phone to discuss options and next steps. Suspension is only requested after careful consideration by the Educational Team. The student's sending school will be notified of the decision. Suspension type (in school or out of school) and length will be determined by the severity of the individual's offenses.

See the attached policies for more information on suspensions due to weapons, bullying, harassment or other adverse conduct.

Attendance

We encourage daily attendance in order for students to make the most of the educational and therapeutic program. We understand that occasional illness, family emergencies, and appointments do occur. **It is the parent's responsibility to notify the Learning Center when/why their student will be absent.** Student absences are reported in the monthly school reports. For additional information, please call the Learning Center..

If a student misses more than 10 days of school, a formal letter will be sent to the sending school. If a student misses more than 18 days, another letter is sent to the sending school. Staff may schedule a meeting with parent(s)/guardian(s) to discuss continued enrollment in the program if absenteeism becomes chronic and uncorrected.

Snow Days

This year there will be no traditional snow days. Instead, it is the expectation that students will have a remote, virtual learning day at home.

In the event of severe weather, Brookhaven Learning Center may have a remote learning day, implement a delayed opening, or call an early dismissal from school. Brookhaven uses the Vermont Broadcasters Association to broadcast this information. All snow day closings or delays will be announced on the radio and television.

School closings can be found on WCAX-TV, Channel 3, as well as the Vermont Broadcasters radio stations.

Dress Code

We allow students to determine individual patterns of dress and grooming as they deem appropriate, providing their choices of dress and grooming do not interfere with the health and safety of themselves or others. Reasonable expectations have been established concerning student dress and grooming that shall:

- encourage students to dress in good taste and present a general appearance that is commendable
- prohibit clothing or adornment that disrupts the educational process
- prohibit dress that constitutes a potential safety or health hazard

Examples of current fashion items that are not in good taste, or dress that disrupts the educational process may include, but are not limited to:

- Clothing with holes, tears or inappropriate patches are not allowed if considered obscene.
- Sleepwear, pajamas, swimwear or boxer shorts worn as outer garments are not allowed.
- Shoes shall be worn. Cleated shoes, steel toed boots, and bedroom slippers are not allowed. Shoes with wheels are not to be worn.
- Garments and/or jewelry which display or suggest sexual, vulgar, drug, alcohol or tobacco-related wording/graphics or may tend to provoke violence or disruptions in school, are not allowed.
- Gang paraphernalia, jewelry, tattoos or other insignias, including flags that display, suggest, provoke or may tend to provoke violence or disruptions are not allowed. This includes identifying clothing such as bandanas or one pant leg rolled up, identified gang "uniforms," etc. Gang paraphernalia (including bandanas) will be taken and not returned.

The following items have potential to cause disruptions or threats to a safe and positive school environment and are not allowed to be worn during the school day:

- Hoods and sunglasses
- Hats worn inside the buildings
- Chains hanging from the neck, belt, pocket, or wallet
- paracord accessories, such as bracelets
- Jewelry that contains any type of sharp objects
- Piercings with spikes, rings, or anything considered unsafe

Steel-toed shoes are not allowed in our program for safety reasons.

If you have any questions about a particular item, please contact Bonnie Pierpont at the Learning Center. If your child arrives wearing inappropriate clothing, they will be asked to cover it or change.

Visitors

All visitors must be pre-approved. In addition, when they arrive on campus, they must register with the receptionist to sign the visitor logs, located in the Main Office. Visitors will also be asked to sign a confidentiality agreement and visitor contract before the appointment. This is for the safety and confidentiality of all

students and staff. Visitors must also sign out prior to their departure from campus.

If a student is being picked up by an individual outside of the designated transportation provider for the academic day, they must sign the student out, and have been given prior permission to take the student off campus. All individuals picking up students will be required to check in with staff to sign the student out, provide photo identification, and be verified by the student's parent/guardian.

Pets

Pets are not allowed on campus without prior permission from the Executive Director. Prior to the pet being on campus, a Rabies Certification and Immunization record showing proof of pet being up to date on all shots must be given to the Clinical Coordinator. If a student's family/visitor arrives with a pet in their vehicle, they must stay with the pet at all times in the vehicle. If the visitor is on campus to attend a meeting, the pet may not be left in the vehicle unattended.

Meals/Snacks

As part of the Brookhaven Learning Center's programming, all students are offered breakfast, snack, and lunch daily.

COMMUNICATION

Homework/Parent Communication

An important piece of the success of our school is involvement with the families and guardians. If a student has missed any work due to refusal or lack of participation, this work may be sent home for completion. Students are encouraged to read or be read to for 20-30 minutes each night to reinforce skills learned during the day. Participation and success in the Brookhaven program are contingent upon a positive and collaborative working relationship between school and home. As such, we ask families to support school expectations consistently in order to successfully educate their child.

We utilize a number of methods to maintain clear and consistent communication between school and home. This may include calling, journaling, emailing, and tele-conferencing. Additionally, if you have any questions, comments or other communication that you need to pass onto the school, you may call or email

the Learning Center Administrative Assistant or reach out directly to anyone on the education team.

Progress Reports/Report Cards

Progress reports are sent each month to a student's parents/guardians, sending school, and other individuals as needed. IEP progress coding is sent on a quarterly basis per a student's IEP to the designated IEP team members. Report cards are sent at the completion of each academic marking period.

Transportation

It is the responsibility of your child's sending school to arrange transportation to and from Brookhaven Learning Center. If you have any concerns about transportation, please contact your local supervisory union.

Students must adhere to their sending school's transportation policies for behavior guidelines. If issues occur during transport, please report them to your child's sending school. If drivers have concerns about behavior or safety of any student in their transport, we will direct them to discuss it with the sending school as well.

It is the parent's/guardian's responsibility to contact the transportation company when their child is sick, suspended, or absent for any reason.

Students are required to travel by authorized transportation and be dropped at their designated drop off point. If other arrangements are necessary, your child must bring a note in advance and have your approval and must be done in collaboration with the transportation provider.

Please be advised that the sending schools may operate on a different calendar than Brookhaven. Accordingly, transportation will be prepared to pick up and drop off your child as usual on days when Brookhaven is holding classes and the sending school might not be in attendance.

Medications

If your student needs to take prescription medication during the school day or summer program, it shall be stored in a locked location and administered by a designated Brookhaven staff member. **Student's may not transport medications to or from Brookhaven.** Please provide medications to the transportation provider directly if the parent/guardian cannot bring the required medications to

Brookhaven. **We require the prescription order from the doctor and written permission from the parent/guardian before administering any medications. Medications must be sent in the original prescription bottle.** If the quantity differs from the amount stated on the bottle, please send a signed note indicating the quantity sent. (Note: Pharmacists will supply an extra labeled container upon request.)

For students that use inhalers, these will be kept in the lockbox or in staff's possession (during exercise). Students will notify staff when they need to use the inhaler prior to each use and they will be administered by staff. **Please notify Brookhaven of any changes in your student's prescription medications, as a new Student Health Form must be completed to reflect the changes.** On occasion, students may need non-prescription medication. Please see the student health form to specify your approval for your student.

Personal Items

No personal items can be brought to the Brookhaven Learning Center, outside of items for medical needs. This includes any games, music playing devices, phones, toys, etc. Students and their families may make arrangements with their drivers for items that are needed during the ride to school. If approved, these items must be handed to Brookhaven staff upon arrival, or they will no longer be allowed. During winter months, students may bring outdoor clothing in a backpack or other bag. If there is a concern about an item a student brings to school, the parent will be called. **If a student is found with a personal item they do not have permission to possess, the item may be locked away until a parent/guardian can pick the item up, or until the end of the school day.**

Soliciting

We have a **no soliciting** rule at Brookhaven. Prior approval is needed for fundraising for a charitable organization. This fundraising, if approved, may be directed to staff only.

Curriculum Overview

To meet the diverse needs of our student population, Brookhaven education staff utilize research-backed assessments and a variety of resources for our Literacy, Science, Vocabulary, and Writing programs. We also utilize the diverse materials offered through the Learning A-Z program, which include audio books, online data tracking for student assessment, as well as a wide range of books and resources available to both teachers and students. With the ability to customize books, assessments, and activities, we are able to meet the diverse needs of our students with one cohesive program.

A thematic unit is the organization of course content around a central theme, and implemented as a series of lessons that integrate subjects across the curriculum. Within the thematic areas, Reading, Writing, Social Studies, and Science, the core content areas are addressed through a variety of media. Within each thematic unit, students are exposed to hands-on, experiential learning activities. For example, activities around the thematic unit of Vermont would include tapping trees and making maple syrup, hatching and raising ducklings, taking field trips to the Vermont Institute for Natural Science and The Echo Center, visiting the Vermont State House, and other learning experiences.

Current Interdisciplinary Thematic Units:

Year 1: Belonging/Interdependence, Cooperation, Imagination, Traditions, Perseverance, Facing Challenges, Change, Differences, Explorations, and Taking Responsibility.

Year 2: Community, Vermont Studies, Biology, Winter Studies, Engineering, History, Government, Self-Expression, and Environmental Studies.

Literacy Curriculum

At Brookhaven, we believe in developing an enjoyment of reading, and exploring the variety of literacy media around us. Working individually and in small groups with students to strengthen weak areas, and develop student strengths, we support each Brookhaven student as he learns at his own pace. Reading, writing, speaking, and listening skills are areas of literacy that our teaching staff work with students on each day. As students grow and mature, so does their use of language; we believe it is our responsibility to challenge each student to reach their potential.

Science

Our science curriculum is part of our thematic units of study. We believe that children have a natural curiosity of the world around them, and it is our responsibility to foster and grow that curiosity into exploration and examination. What we do impacts the world around us, and so does the science—including technology—that our students are exposed to. By integrating science, whether from a skills or theoretical approach, into our thematic units, students can begin to recognize cause and effect, and explore ways to hypothesize, problem-solve, experiment, and communicate scientific findings.

Social Studies

Through the thematic units, students are introduced to the overarching themes of social studies, which include the relationships between people and the world around them, exploring communities and habits of humans everywhere. Within our therapeutic program, students are challenged to reflect upon themselves as a part of the learning community, and the impact they and their behaviors have on those around them. Students learn about government, citizenship, holidays, traditions, and geography. World and United States history are explored with students being encouraged to ask questions, analyze, and think independently as citizens of the world.

Health and Physical Wellness

Students learn about physical and emotional health, bodily systems, and self care. Emotional health is addressed through the daily psychoeducational groups, as well as expanded throughout the entire therapeutic program. Students are encouraged to discuss their feelings, explore with staff what may influence those feelings, and learn how to build coping skills or obtain support to deal with stressors. Healthy eating habits are encouraged and implemented within our food service program. Students are provided a well-rounded snack and a balanced lunch during the school day. The effect of food on one's health and wellbeing is discussed as well as how energy levels—and thus ability to learn—are affected by what we put into our bodies.

Students spend at least 30 minutes outside daily engaged in structured, recreational activities. These activities encourage physical wellness, sportsmanship, teamwork, and personal safety. Cooperative games, leisure activities, personal goal setting, and team building are all addressed within the programming.

Fine Arts

Students participate in a fine arts curriculum where they utilize a variety of media to explore and build understanding of the arts. Areas of study include visual arts, foreign language, and music. Students participate in a direct instruction Art class, and also receive art instruction woven throughout the curriculum and within their thematic projects. Students are given the opportunity to participate in music through exploration and hands-on instruction. Drumming, playing creative instruments, and singing are activities presented to students to explore and develop an individual program based on personal strengths and interests.

Math Curriculum

Students at Brookhaven are assigned to working in small groups based upon their individual academic needs. To focus on sequencing of skills, Brookhaven Learning Center utilizes a hands-on, small group-based Math curriculum, Math-U-See. Math-U-See is ideal for use in one-to-one or small group learning environments, where an involved parent or instructor can work closely with students to make sure that concepts are mastered before moving to the next lesson. The program is designed to teach students specific skills that build as the student progresses within the program. This systematic and cumulative approach uses a definite, logical sequence of concept instruction, allowing our teaching staff to assess students and focus on their areas of weakness.

The Math-U-See system is structured with step-by-step procedures for introducing, reviewing, practicing, and mastering concepts, and students work at their own pace. Each lesson teaches using multi-sensory tools such as videos, manipulatives, and other resources, designed with multiple learning styles of our student population in mind.

For a Cross-Reference of Math-U-See Lessons and CC Math Standards, feel free to visit their website at:
<http://mathusee.com/schools/teacher-resources/state-standards-information/cc-ss-correlation-information/>

POLICIES

Head Lice Policy

If a student is suspected of having head lice or nits, or a visual of lice/nits is confirmed after a staff inspection of the student's head, they will be sent home. Brookhaven is a residential treatment facility. Head lice are a highly transmissible parasite, so precautionary measures are taken at all times for the health, safety, and well-being of all our staff and students.

Prior to students returning to school, they must have been administered the first course of head lice treatment, and show **no signs** of nits or lice. Brookhaven recommends the directions for treatment be followed, which may include a follow up treatment in 7 to 10 days.

Technology Acceptable Use Standard

Brookhaven Treatment and Learning Center recognizes that the Internet provides valuable educational resources. Students are responsible for appropriate behavior on the school computers. Students have been provided their own laptop to use at school and email account. Access to network resources will be provided to students who agree to act in a considerate and

responsible manner. Internet and email use will be monitored and must not be considered confidential unless it relates to school records and/or is covered under the Family Educational Rights and Privacy Act FERPA as well as HIPAA.

- Students are to use network resources for educational purposes only.
- Students will be supervised by an adult at all times.
- Students are to document all work that is taken from the Internet. Staff will help those students who are unsure about documenting these sources. Plagiarism will not be tolerated.
- Students need to have permission from a Brookhaven staff member to be working with Brookhaven technology.
- Students are not to access sites which are pornographic, violent, or obscene.
- Any sites that are accidentally accessed should be reported to Brookhaven staff immediately.
- Students may access personal email accounts for the purposes of: accessing school materials, teacher communication, or classmate to classmate communication, with teacher approval.
- Students are not to access social networking sites including email chats.
- Students are not to use network resources to send or display offensive messages, pictures, or harass others. Students should use appropriate language in all communications on the network.
- Students are not to share their passwords or use another student's password to access the network.
- Students are not to trespass into another network user's work, files, or folders.
- Students are not to download or install software on any computer. All requests for downloads need to go through the Special Education Coordinator.
- Students are responsible for the appropriate use of the school's technology.

Vandalism of equipment, software, or files may require cost reimbursement by the network user.

Consequences for violations:

First violation: The student will be denied computer privileges for up to one month at the discretion of administration after a discussion with the student. A violation will result in the student being denied access to the computers and computer rooms, except under direct teacher supervision.

Second violation: The student will be denied computer privileges for up to three months at the discretion of administration after a discussion with the student. A violation will result in the student being denied access to the computers and computer rooms, except under direct teacher supervision.

Third violation: The student will be denied computer privileges for the remainder of the semester at the discretion of administration after a discussion with the student. A violation will result in the student being denied access to the computers and computer rooms, except under direct teacher supervision.

NO OUTSIDE FOOD POLICY

Brookhaven at times provides care for students who have allergies and special dietary needs, and our priority is safety. Due to this, we ask that families do not bring outside food to our campus. This includes special treats, breakfast, or an extra snack. Many foods which do not contain nuts are often times processed through machinery that also handles nuts.

WHAT WE PROVIDE

Brookhaven serves a breakfast, morning snack, and lunch. Snacks and meals are prepared in our program kitchen located in our main building by an Individual with ServSafe Certification.

SPECIAL DIETARY NEEDS

Students who require a special diet must have a letter from a pediatrician. If your student has any food allergies, parents/guardians must send in a written letter about the student's allergies to the Special Education Coordinator. If your student is required to eat a special diet, Brookhaven will accommodate this as much as possible within the guidelines of the program.

Field Trip Policy

Any trip organized or conducted by an employee of Brookhaven Treatment and Learning Center which takes students away from the Brookhaven building and grounds shall be considered a field trip. All field trips shall be governed by this policy.

Field trips should be educational in nature and shall be preceded and followed by appropriate learning experiences related to the trip. Students on field trips are representative of their school and are expected to behave appropriately at all times including time beyond school hours. School rules and regulations apply during all field trips. If students are not displaying safe, appropriate behavior leading up to trip departure, a decision may be made for that student to remain on campus and participate in alternative programming.

Parent/Guardian Permission

Before a student can participate in a school-sponsored trip, Brookhaven shall obtain parent/guardian permission for the trip. Whenever a trip involves water activities, the parent/guardian shall provide specific permission for his/her child to participate in the water activities. Brookhaven shall provide an alternative educational experience for students whose parents/guardians do not wish them to participate in a trip.

Accident Procedures

In the event of an accident or injury during the field trip, the following procedures should be followed:

1. Brookhaven staff shall notify the Special Education Coordinator immediately in the event of an accident or injury.
2. Special Education Coordinator or their designee shall notify the parent or guardian of any injured student.
3. Students should always be accompanied by either a Brookhaven employee to a physician's office or to the hospital, or be accompanied by the student's parents/guardians when transported home, to a physician's office, or to the hospital.
4. A copy of the Student Field Trip Authorization form executed by the injured student's parent or guardian should accompany the student to a physician's office or the hospital.
5. An injury report should be completed by Brookhaven staff for all accidents.
6. All persons supervising field trips shall be informed of these procedures.

Parent/Guardian Involvement

There are many parent/guardian events scheduled throughout the school year. It is important for parents/guardians to be involved in their children's academic and therapeutic treatment program. As such, Brookhaven encourages participation in the designated on-campus events.

Parents as Models

Parents have a tremendous impact on children's behavior. What they observe in adults becomes a standard of behavior.

Behavior: Parents/guardians on campus are expected to model appropriate behavior. It is especially important that parents model the problem-solving

process; that is, concerns are addressed with the classroom teacher and Brookhaven Learning Center administration. At no time will adults on campus interact with children other than their own in matters of behavior and/or discipline.

Parents/guardians are also expected to follow guidelines for picking up students to ensure your child is able to exit in a safe and orderly manner. Please also follow guidelines for dropping off and picking up students when driving in the parking lot, modeling respect, responsibility, and safety awareness for students.

Dress: Parents/guardians on campus are expected to model appropriate dress. Setting positive dress and grooming examples for students that are compatible with an effective learning environment are requested. Clothing must be neat, clean, in good repair, and appropriate for appearances at all times. Visitors, parents/guardians shall not wear on the outside of their clothing any jewelry or similar artifacts that are obscene, distracting, or may cause disruptions to the educational environment.

Language: Parents/guardians on campus are expected to model the use of appropriate language everywhere students are present. This includes slogans, advertising, and sayings on clothing worn on campus.

Tobacco: Tobacco products should not be used or carried onto school property and should remain locked in your vehicle if brought on to campus.

Brookhaven Treatment and Learning Center Health and Wellness Policy

It is the policy of the Brookhaven Treatment and Learning Center to establish guidelines to promote student wellness and healthy behaviors. This policy ensures compliance with the federal Healthy, Hunger Free Kids Act of 2010.

Definitions:

HEALTH – a state of complete physical, mental, and social well-being and not merely the absence of disease or infirmity¹.

WELLNESS - the active process of pursuing information and behaviors that lead to a healthy life.

Health and Nutrition Education

1. Brookhaven Treatment and Learning Center shall provide a health education program for all enrolled students as required by state law and regulations of the State Board of Education. Health education shall include, but not be limited to, information about nutrition, first aid, CPR, alcohol, tobacco, and other drugs, safety, benefits of exercise, bullying, violence, and harassment prevention, human development, sex education, disease and injury prevention², and social and emotional education (psychoeducational group). Students will learn about the importance of good health for both short and long term well-being and will develop health-related skills such as accessing valid information, analyzing influences, assessing risks, setting goals, advocating for ones' self, and communicating clearly³.
2. Nutrition and other health education programs shall be conducted by appropriately trained staff members, including mental health counselors.
3. To the extent practicable, nutrition and other health education shall be integrated into core curricular areas and students shall be exposed to health information that is consistent across disciplines and throughout the entire Brookhaven Treatment and Learning Center.
4. The food service program shall serve as a key partner in nutrition education by working closely with teachers and leading activities that may include taste tests, recipes using food from school gardens, and monthly nutrition themes.
5. Staff members are strongly encouraged to model healthy habits.
6. Please see page 18 of the handbook for the Health and Physical Wellness curriculum.

Physical Education and Activity

1. Brookhaven shall provide physical education classes for enrolled students.
2. In accordance with Vermont's Education Quality Standards, Brookhaven shall offer students at least 30 minutes of physical activity within or outside of the school day.
3. Recess shall not be withheld from a student as a consequence for missed work or poor behavior. In cases where a student's presence at recess is deemed unsafe or detrimental to the child's well-being or the well-being of others, alternative parallel programming will be offered.

Health Services

1. Brookhaven Treatment and Learning Center shall provide a cohesive, integrated approach to the delivery of services to appraise, protect, and promote health.

2. School nurses from the student's sending school (LEA) shall be included in the development of student IHP, IEP and 504 plans as appropriate. Nurses will coordinate closely with food service directors, SAP counselors, and staff throughout the school to ensure student safety and wellness.

Brookhaven staff members are available to address the needs of students when they are feeling ill or are injured. For minor scrapes, staff members keep a supply of band-aids available in the classroom, as well as a first aid backpack.

Every staff member encountering a sick (vomiting) or injured (bleeding) child or adult shall protect themselves with gloves prior to making contact with body fluids. Disposable gloves are located in the first aid bags, in the kitchen, in the residential dorms, and in each classroom. Staff members who use a pair or notice gloves are not available at a stated location, contact their immediate supervisor at once.

Nutrition Services

Brookhaven Treatment and Learning Center will provide nutritious breakfast, snacks, and lunches to all enrolled students. Brookhaven Treatment and Learning Center will provide safe drinking water in all cafeterias, including a backup source of water in the event of a loss of electricity.

Related Objectives to the Food Service Program

1. Brookhaven Treatment and Learning Center will encourage the consumption of water and healthy snacks at outside school events.

2. Brookhaven Treatment and Learning Center shall establish meal periods that are scheduled at appropriate hours and provide at least 20 minutes to eat, excluding the time to walk to the cafeteria and stand in line, as recommended by the American Academy of Pediatrics. To the extent possible, recess should occur prior to the lunch service.

3. Brookhaven Treatment and Learning Center shall comply with Vermont Act 148: Universal Recycling and Composting Law.

4. Brookhaven Treatment and Learning Center shall provide a clean and safe meal environment for students as well as adequate space for serving and eating school meals.

5. Brookhaven Treatment and Learning Center will encourage the use of non-food rewards and incentives for students, such as earning extra recess, time with staff, or other non-material items. When food is used as an occasional reward, staff members are encouraged to include healthy food options. Food or beverages shall not be withheld from students as a punishment.

Counseling, Psychological, and Social Services

Brookhaven Treatment and Learning Center offers daily psychoeducational groups for each student built into the programming. Students are able to access the master's level clinicians for individual counseling when requested by the parent/guardian and approved by the LEA.

Family/Community Involvement

1. Curriculum will afford opportunities for connections with agencies and businesses aligned with the wellness policy, including community-based learning experiences that promote health and wellness.
2. Information about the policy and school wellness activities will be provided to parents in the form of handouts, the school website, or articles and information in school newsletters.
3. Students will be asked for input and feedback on school wellness programs through the use of student surveys and attention will be given to their comments.

Implementation

1. The Executive Director or designee shall monitor programs and curriculum to ensure compliance with all policies and any administrative procedures established to carry out policy requirements.
2. The Executive Director or designee shall report at least annually to the board on Brookhaven Treatment and Learning Center's compliance with law and policies related to student wellness. The report shall include an assurance that district guidelines for reimbursable meals are not less restrictive than regulations and guidelines issued for schools in accordance with federal law.

3. The Brookhaven Treatment and Learning Center Health and Safety Team will meet regularly to monitor implementation of this policy and will review the policy each year.
4. Data from surveys and discussions will be used to identify areas of strength and need and to prioritize specific implementation steps.
5. Students will be asked for input and feedback on school wellness programs through the use of student surveys and attention will be given to their comments.

References

1. Preamble to the Constitution of the World Health Organization as adopted by the International Health Conference, New York, 19-22 June, 1946; sig (Official Records of the World Health Organization, no. 2, p. 100), available at www.who.int
2. Vermont Statute Title 16, Chapter 001, Subchapter 7 § 131
2. National Health Education Standards, available at <http://www.cdc.gov/healthyschools/sher/standards/index.htm>

Health Services

All students are able to access health services (medication administration, PRN administration, first aid, CPR) as needed. At times parents/guardians will be notified of situations that may require a child to be taken to a hospital, medical center, or alternate facility. Parents or guardians with questions may contact Bonnie Pierpont, Special Education Coordinator.

Immunizations: All students are required to be in compliance with Vermont state immunization requirements. It is the parent/guardian's responsibility to insure the Learning Center receives all needed information. (18 V.S.A. 1121-1123)

Medications: For the health and safety of all, student medications must be kept in the locked medication closed unless a specific contract has been created with Brookhaven Treatment and Learning Center Administrative Team. All medicine must be in the original properly labeled container. Paperwork will need to be signed by the parent/guardian and prescribing doctor for any medications to be administered at school.

Illness: Students should not come to school if it is expected that they will not be able to fulfill all the requirements of the day including outdoor programming or physical activities (except in the case of documented physical injury and a developed alternative plan). All students should be fever and nausea/vomiting free for 24 hours prior to returning to school. Students who become seriously ill or injured in school will be sent home as soon as a guardian/ parent or emergency contact can be notified. Please be sure the school has all updated emergency contact information.

Students out of school longer than three (3) consecutive days will need to provide a Health Care Provider note related to the illness or injury. Please contact the school nurse or the principal.

Emergency Care Plans: In compliance with ACT 158, any student who has a potentially life-threatening allergy or illness should have a yearly updated emergency plan in place on file at Brookhaven Treatment and Learning Center and or be evaluated for a Section 504 Plan. Parents/Guardians should contact Bonnie Pierpont, Special Education Coordinator for details and questions. (*16 V.S.A. 1387, VT Act 158 – An Act Relating to Life-Threatening Allergies & Chronic Illnesses in Schools, Section 504 of the Rehabilitation Act of 1973*)

Weapons

Weapons Policy

It is the policy of the Brookhaven Learning Center to comply with the federal Gun Free Schools Act of 1994, and 16 V.S.A. §1166 requiring school Brookhaven Learning Centers to provide for the possible expulsion of students who bring weapons to 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

1. For the purposes of this policy, the terms “weapon” and “school”, and “expelled” shall have the following meanings:
 - o **Weapon** means a firearm as defined in Section 921 of Title 18 of the United States Code and 13 V.S.A. §4016, including:
 - any weapon whether loaded or unloaded which will or is designed to or may readily be converted to expel a projectile by the action of an explosive
 - the frame or receiver of any weapon described above
 - any firearm muffler or firearm silencer

- any explosive, incendiary or poison gas
 - bomb
 - grenade
 - rocket having a propellant charge of more than four ounces
 - missile having an explosive or incendiary charge of more than one quarter ounce
 - mine, or
 - similar device
- any weapon which will, or which may be readily converted to expel a projectile by the action of an explosive or other propellant, and which has any barrel with a bore of more than one-half inch in diameter
- any combination of parts either designed or intended for use in converting any device into any destructive device described in the two immediately preceding examples and from which a destructive device may be readily assembled.
- Any other weapon, device, instrument, material or substance whether animate or inanimate, which in the manner it is used or is intended to be used, is known to be capable of producing death or serious bodily injury.
- **School** means any setting which is under the control and supervision of the School Brookhaven Learning Center. It includes Brookhaven Learning Center's 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.
- **Expelled** means the termination for at least a calendar year of educational services to a student. At the discretion of the 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.

Sanctions

Any student who brings a weapon to school shall be brought by the Education Team for an expulsion hearing. A student found by the Education Team after a hearing to have brought a weapon to school shall be expelled for at least one calendar year. However, they 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 weapon to school.
2. The student did not intend to use the weapon 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.

An expulsion hearing conducted under this policy shall afford due process as required by law. In addition, any student who brings a weapon to school shall be referred to a law enforcement agency.

As required by state law, the Education Team shall annually provide the Commissioner of Education with descriptions of the circumstances surrounding expulsions imposed under this policy, the number of students expelled, and the type of weapons involved.

Legal Reference(s):	16 V.S.A. §1166 (State law pursuant to Federal law)
	13 V.S.A. §§4004, 4016 (Criminal offenses)
	20 U.S.C. §8921 (Gun Free Schools Act of 1994)
	18 U.S.C. §921 (Federal definition of firearms)
	20 U.S.C. §§1400 et seq.(IDEA)
	29 U.S.C. §794 (Section 504, Rehabilitation Act of 1973)
	Vt. State Board of Education Manual of Rules & Practices, §§4311, 4312
Cross Reference:	Interrogations or Searches of Students (F5)
	Search and Seizure (F3)
	Student Conduct and Discipline (F1)

Policy on the Prevention of Harassment, Hazing and Bullying of Students

I. Statement of Policy

The Brookhaven Learning Center is committed to providing all of its students with a safe and supportive school environment in which all members of the school community are treated with respect.

It is the policy of the Brookhaven Learning Center to prohibit the unlawful harassment of students based on race, color, religion, creed, national origin, marital status, sex, sexual orientation, gender identity or disability. Harassment may also constitute a violation of Vermont's Public Accommodations Act, Title VI

of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act of 1990, the Age Discrimination Act of 1975, and/or Title IX of the federal Education Amendments Act of 1972.

It is also the policy of the Brookhaven Learning Center to prohibit the unlawful hazing and bullying of students. Conduct which constitutes hazing may be subject to civil penalties.

The Brookhaven Learning Center shall address all complaints of harassment, hazing and bullying according to the procedures accompanying this policy, and shall take appropriate action against any person - subject to the jurisdiction of the board - who violates this policy. Nothing herein shall be construed to prohibit punishment of a student for conduct which, although it does not rise to the level of harassment, bullying, or hazing as defined herein, otherwise violates one or more of the board's disciplinary policies or the school's code of conduct.

II. Implementation

The Head of School or his/her designee shall:

1. Adopt a procedure directing staff, parents and guardians how to report violations of this policy and file complaints under this policy.
2. Annually, select two or more designated employees to receive complaints of hazing, bullying and/or harassment at each school campus and publicize their availability in any publication of the Brookhaven Learning Center that sets forth the comprehensive rules, procedures, and standards of conduct for the school.
3. Designate an Equity Coordinator to oversee all aspects of the implementation of this policy as it relates to obligations imposed by federal law regarding discrimination. This role may also be assigned to one or both of the Designated Employees.
4. Respond to notifications of possible violations of this policy in order to promptly and effectively address all complaints of hazing, harassment, and/or bullying.
5. Take action on substantiated complaints. In cases where hazing, harassment and/or bullying is substantiated, the Brookhaven Learning Center shall take prompt and appropriate remedial action reasonably calculated to stop the hazing, harassment and/or bullying, prevent its recurrence, and remedy the impact of the offending conduct on the victim(s), where appropriate. Such action may include a wide range of responses from education to serious discipline.

Serious discipline may include termination for employees and, for students, expulsion or removal from school property. It may also involve penalties or sanctions for both organizations and individuals who engage in hazing. Revocation or suspension of an organization's permission to operate or exist within the Brookhaven Learning Center's purview may also be considered if that organization knowingly permits, authorizes, or condones hazing.

III. Constitutionally Protected Speech

It is the intent of the Brookhaven Learning Center to apply and enforce this policy in a manner that is consistent with student rights to free expression under the First Amendment of the U.S. Constitution. The purpose of this policy is to (1) prohibit conduct or communication that is directed at a person's protected characteristics as defined below and that has the purpose or effect of substantially disrupting the educational learning process and/or access to educational resources or creates a hostile learning environment; (2) prohibit conduct intended to ridicule, humiliate or intimidate students in a manner as defined under this policy.

IV. Definitions. For the purposes of this policy and the accompanying procedures, the following definitions apply:

- A. **“Bullying”** means any overt act or combination of acts, including an act conducted by electronic means, directed against a student by another student or group of students and which:
 - a. Is repeated over time;
 - b. Is intended to ridicule, humiliate, or intimidate the student;
and
 - c. (i) occurs during the school day on school property, on a school bus, or at a school-sponsored activity, or before or after the school day on a school bus or at a school sponsored activity; or
(ii) does not occur during the school day on school property, on a school bus or at a school sponsored activity and can be shown to pose a clear and substantial interference with another student's right to access educational programs.

- B. **“Complaint”** means an oral or written report or information provided by a student or any person to an employee alleging that a student has been

subjected to conduct that may rise to the level of hazing, harassment or bullying.

- C. **“Complainant”** means a student who has provided oral or written information about conduct that may rise to the level of hazing, harassment or bullying, or a student who is the target of alleged hazing, harassment or bullying.
- D. **“Designated employee”** means an employee who has been designated by the school to receive complaints of hazing, harassment and bullying pursuant to subdivision 16 V.S.A. 570a(a)(7). The designated employees for each school building are identified in Appendix A of this policy.
- E. **“Employee”** includes any person employed directly by or retained through a contract with the Brookhaven Learning Center, an agent of the school, a school board member, a student teacher, an intern, or a school volunteer. For purposes of this policy, “agent of the school” includes supervisory union staff.
- F. **“Equity Coordinator”** is the person responsible for implementation of Title IX (regarding sex-based discrimination) and Title VI (regarding race-based discrimination) for the Brookhaven Learning Center and for coordinating the Brookhaven Learning Center’s compliance with Title IX and Title VI in all areas covered by the implementing regulations. The Equity Coordinator is also responsible for overseeing implementation of the Brookhaven Learning Center’s Preventing and Responding to Harassment of Students and Harassment of Employees policies. This role may also be assigned to Designated Employees.
- G. **“Harassment”** means an incident or incidents of verbal, written, visual, or physical conduct, including any incident conducted by electronic means, based on or motivated by a student’s or a student’s family member’s actual or perceived race, creed, color, national origin, marital status disability, sex, sexual orientation, or gender identity, that has the purpose or effect of objectively and substantially undermining and detracting from or interfering with a student’s educational performance or access to school resources or creating an objectively intimidating hostile, or offensive environment.

Harassment includes conduct as defined above and may also constitute one or more of the following:

(1) Sexual harassment, which means unwelcome conduct of a sexual nature, that includes sexual violence/sexual assault, sexual advances, requests for sexual favors, and other verbal, written, visual or physical conduct of a sexual nature, and includes situations when one or both of the following occur:

- (i) Submission to that conduct is made either explicitly or implicitly a term or condition of a student's education, academic status, or progress; or
- (ii) Submission to or rejection of such conduct by a student is used as a component of the basis for decisions affecting that student.

Sexual harassment may also include student-on-student conduct or conduct of a non-employee third party that creates a hostile environment. A hostile environment exists where the harassing conduct is severe, persistent or pervasive so as to deny or limit the student's ability to participate in or benefit from the educational program on the basis of sex.

(2) Racial harassment, which means conduct directed at the characteristics of a student's or a student's family member's actual or perceived race or color, and includes the use of epithets, stereotypes, racial slurs, comments, insults, derogatory remarks, gestures, threats, graffiti, display, or circulation of written or visual material, and taunts on manner of speech and negative references to cultural customs.

(3) Harassment of members of other protected categories, means conduct directed at the characteristics of a student's or a student's family member's actual or perceived creed, national origin, marital status, disability, sex, sexual orientation, or gender identity and includes the use of epithets, stereotypes, slurs, comments, insults, derogatory remarks, gestures, threats, graffiti, display, or circulation of written or visual material, taunts on manner of speech, and negative references to customs related to any of these protected categories.

H. **“Hazing”** means any intentional, knowing or reckless act committed by a student, whether individually or in concert with others, against another student: In connection with pledging, being initiated into, affiliating with, holding office in, or maintaining membership in any organization which is affiliated with the educational institution; and

(1) Which is intended to have the effect of, or should reasonably be expected to have the effect of, endangering the mental or physical health of the student.

Hazing shall not include any activity or conduct that furthers legitimate curricular, extra-curricular, or military training program goals, provided that:

- (1) The goals are approved by the educational institution; and
- (2) The activity or conduct furthers the goals in a manner that is appropriate, contemplated by the educational institution, and normal and customary for similar programs at other educational institutions.

With respect to Hazing, **"Student"** means any person who:

- (A) is registered in or in attendance at an educational institution;
- (B) has been accepted for admission at the educational institution where the hazing incident occurs; or
- (C) intends to attend an educational institution during any of its regular sessions after an official academic break.

I. **"Notice"** means a written complaint or oral information that hazing, harassment or bullying may have occurred which has been provided to a designated employee from another employee, the student allegedly subjected to the hazing, harassment or bullying, another student, a parent or guardian, or any other individual who has reasonable cause to believe the alleged conduct may have occurred. If the school learns of possible hazing, harassment or bullying through other means, for example, if information about hazing, harassment or bullying is received from a third party (such as from a witness to an incident or an anonymous letter or telephone call), different factors will affect the school's response. These factors include the source and nature of the information; the seriousness of the alleged incident; the specificity of the information; the objectivity and credibility of the source of the report; whether any individuals can be identified who were subjected to the alleged harassment; and whether those individuals want to pursue the matter. In addition, for purposes of violations of federal anti-discrimination laws, notice may occur when an employee of the Brookhaven Learning Center, including any individual who a student could reasonably believe has this authority or responsibility, knows or in the exercise of reasonable care should have known about potential unlawful harassment or bullying.

J. **"Organization"** means a fraternity, sorority, athletic team, association, corporation, order, society, corps, cooperative, club, or other similar group,

whose members primarily are students at an educational institution, and which is affiliated with the educational institution.

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

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

M. **“School administrator”** means a Head of School, principal or his/her designee assistant principal//technical center director or his/her designee and/or the Brookhaven Learning Center’s Equity Coordinator.

N. **“Student Conduct Form”** is a form used by students, staff, or parents, to provide, in written form, information about inappropriate student behaviors that may constitute hazing, harassment and/or bullying.

APPENDIX A

Designated Employees

The following employees of the Brookhaven Learning Center have been designated by the school to receive complaints of bullying and/or harassment pursuant to this policy and 16 V.S.A. § 570a(a)(7) and 16 V.S.A. §570c(7) and under federal anti-discrimination laws;

Name: Special Education Coordinator

Contact information: PO Box 127 Chelsea VT 05038/802-685-4458 x 111

Name: Executive Director

Contact information: PO Box 127 Chelsea, VT 05038 /802-685-4458 x 101

Procedures on the Prevention of Harassment, Hazing and Bullying of Students

I. Reporting Complaints of Hazing, Harassment and/or Bullying

A. Student Reporting: Any student who believes that s/he has been hazed, harassed and/or bullied under this policy, or who witnesses or has knowledge of

conduct that s/he reasonably believes might constitute hazing, harassment and or/bullying, should promptly report the conduct to a designated employee or any other school employee.

B. School employee reporting: Any school employee who witnesses conduct that s/he reasonably believes might constitute hazing, harassment and/or bullying shall take reasonable action to stop the conduct and to prevent its recurrence and immediately report it to a designated employee and immediately complete a Student Conduct Form.

Any school employee who overhears or directly receives information about conduct that might constitute hazing, harassment and/or bullying shall immediately report the information to a designated employee and immediately complete a Student Conduct Form. If one of the designated employees is a person alleged to be engaged in the conduct complained of, the incident shall be immediately reported to the other designated employee or the school administrator.

C. Other reporting: Any other person who witnesses conduct that s/he reasonably believes might constitute hazing, harassment and/or bullying under this policy should promptly report the conduct to a designated employee.

D. Documentation of the report: If the complaint is oral, the designated employee shall promptly reduce the complaint to writing in a Student Conduct Form, including the time, place, and nature of the alleged conduct, the identity of the complainant, alleged perpetrator, and any witnesses. Both the complainant and the alleged perpetrator will have the right to present witnesses and other evidence in support of their position.

E. False complaint: Any person who knowingly makes a false accusation regarding hazing, harassment and/or bullying may be subject to disciplinary action up to and including suspension and expulsion with regard to students, or up to and including discharge with regard to employees. There shall be no adverse action taken against a person for reporting a complaint of hazing, harassment and/or bullying when the person has a good faith belief that hazing, harassment and/or bullying occurred or is occurring.

F. Rights to Alternative Complaint Process: In addition to, or as an alternative to filing a harassment complaint pursuant to this policy, a person may file a harassment complaint with the Vermont Human Rights Commission or the Office for Civil Rights of the U.S. Department of Education at the addresses noted below:

Vermont Human Rights Commission 14-16 Baldwin Street
Montpelier, VT 05633-6301
(800) 416-2010 or (802) 828-2480 (voice)
(877) 294-9200 (tty)
(802) 828-2481 (fax)
Email: human.rights@state.vt.us

Office for Civil Rights, Boston Office
U.S. Department of Education
8th Floor
5 Post Office Square
Boston, MA 02109-3921 617-289-0111 (voice)
877-521-2172 (tdd) 617-289-0150 (fax)
Email: OCR.Boston@ed.gov

II. Responding to Notice of Possible Policy Violation(s)

A. Upon **notice of information** that hazing, harassment and/or bullying may have occurred the designated employee shall:

- i. Promptly reduce any oral information to writing, including the time, place, and nature of the conduct, and the identity of the participants and complainant.
- ii. Promptly inform the school administrator(s) of the information;
- iii. If in the judgment of the school administrator, the information alleges conduct which may constitute harassment, hazing or bullying, the school administrator shall, as soon as reasonably possible, provide a copy of the policy on hazing, harassment and bullying and these procedures to the complainant and accused individual, or if either is a minor, cause a copy to be provided or delivered to their respective parent or guardian.

B. Upon **initiation of an investigation**, the designated employee shall:

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

C. All notifications shall be subject to state and/or federal laws protecting the confidentiality of personally identifiable student information. Pursuant to 34 CFR Part 99.30, a school administrator may seek the consent of the parent/guardian of the accused student, or the accused eligible student (if 18 or older, the accused student has the ability to consent), in order to inform the complainant of any disciplinary action taken in cases where the school determined that an act(s) of harassment, hazing, and/or bullying, or other misconduct occurred. The parent/guardian or eligible student shall provide a signed and dated written consent before an educational agency or institution discloses personally identifiable information from the student's education records.

III. Investigating Hazing, Harassment and/or Bullying Complaints

- A. Initiation of Investigation - Timing. Unless special circumstances are present and documented, such as reports to the Department for Children and Families ("DCF") or the police, the school administrator shall, no later than one school day after Notice to a designated employee, initiate or cause to be initiated, an investigation of the allegations, which the school administrator reasonably believes may constitute harassment, hazing or bullying.
- B. Investigator Assignment. The school administrator shall assign a person to conduct the investigation; nothing herein shall be construed to preclude the school administrator from assigning him/herself or a designated employee as the investigator. No person who is the subject of a complaint shall conduct such an investigation.
- C. Interim Measures. It may be appropriate for the school to take interim measures during the investigation of a complaint. For instance, if a student alleges that he or she has been sexually assaulted by another student, the school may decide to place the students immediately in separate classes and/or transportation pending the results of the school's investigation. Similarly, if the alleged harasser is a teacher, allowing the student to transfer to a different class may be appropriate. In all cases, the school will make every effort to prevent disclosure of the names of all parties involved – the complainant, the witnesses, and the accused -- except to the extent necessary to carry out the investigation. In all cases where physical harm has resulted and/or where the targeted student is known to be expressing suicidal ideation, or experiencing serious emotional harm, a safety plan will be put in place. Safety plans must also be considered in cases where the targeted student is known to have difficulty accessing the educational programs at the school as

a result of the inappropriate behavior. No contact orders, or their enforcement, may also be appropriate interim measures.

D. Due Process. The United States Constitution guarantees due process to students and District employees who are accused of certain types of infractions, including but not limited to sexual harassment under Federal Title IX. The rights established under Title IX must be interpreted consistent with any federally guaranteed due process rights involved in a complaint proceeding, including but not limited to the ability of the complainant and the accused to present witnesses and other evidence during an investigation. The District will ensure that steps to accord due process rights do not restrict or unnecessarily delay the protections provided by Title IX to the complainant.

E. Standard Used to Assess Conduct. In determining whether the conduct constitutes a violation of this policy, the investigator shall consider the surrounding circumstances, the nature of the behavior, past incidents or past or continuing patterns of behavior, the relationships between the parties involved and the context in which the alleged incidents occurred. The complainant and accused will be provided the opportunity to present witnesses and other evidence during an investigation. The school will also consider the impact of relevant off-campus conduct on the school environment where direct harm to the welfare of the school can be demonstrated or the conduct can be shown to pose a clear and substantial interference with another student's equal access to educational programs. Whether a particular action constitutes a violation of this policy requires determination based on all the facts and surrounding circumstances.

F. Completion of Investigation – Timing. No later than five school days from the filing of the complaint with the designated employee, unless special circumstances are present and documented, the investigator shall submit a written initial determination to the school administrator.

G. Investigation Report. The investigator shall prepare a written report to include a statement of the findings of the investigator as to whether the allegations have been substantiated, and as to whether the alleged conduct constitutes hazing, harassment and/or bullying. The report, when referencing student conduct, is a student record and therefore confidential. It will be made available to investigators in the context of a review conducted by either Vermont AOE, or investigations of harassment conducted by the Vermont Human Rights Commission or U.S. Department of Education Office of Civil Rights.

- H. **Notice to Students/Parents/Guardians.** Within five school days of the conclusion of the investigation, the designated employee shall:
- I. Notify in writing both the complainant and accused individual (or if either is a minor inform their respective parent or guardian) that:
 - 1) the investigation has been completed;
 - 2) whether or not the investigation concluded that a policy violation occurred (and which policy term was violated, i.e. harassment, hazing and/or bullying);
 - 3) that federal privacy law prevents disclosure of any discipline imposed as a result of the investigation unless the parent/guardian of the accused student and/or the accused eligible student consents to such disclosure, pursuant to 34 CFR Part 99.30, as set forth in Section II, Part C, above.
 - ii. Notify the Complainant Student - or if a minor, their parent(s) or guardian - in writing of their rights to:
 - iii.
 1. an internal review by the school of its initial determination as a result of its investigation as to whether harassment occurred;
 2. request an Independent Review of the school's "final" determination as to whether harassment occurred within thirty (30) days of the final determination or although a "final" determination was made that harassment indeed occurred the school's response to that harassment was inadequate to correct the problem; and that the review will be conducted by an investigator to be selected by the superintendent from a list developed by the Agency of Education;
 3. file complaints of harassment with either the Vermont Human Rights Commission and/or the federal Department of Education's Office of Civil Rights.
 - iv. Notify the Accused Student – or if a minor, their parent(s) or guardian - in writing of their right to appeal as set forth in Section V of these procedures.

I. Violations of Other Policies. In cases where the investigation has identified other conduct that may constitute a violation of other school disciplinary policies or codes of conduct, the designated employee shall report such conduct to the school administrator for action in accordance with relevant school policies or codes of conduct.

IV. Responding to Substantiated Claims

A. Scope of Response. After a final determination that an act(s) of hazing, harassment and/or bullying has been committed, the school shall take prompt and appropriate disciplinary and/or remedial action reasonably calculated to stop the hazing, harassment and/or bullying and prevent any recurrence of harassment, hazing and/or bullying, and remedy its effects on the victim(s). In so doing, the following should be considered:

(i) Potential Remedial Actions. Remedial action may include but not be limited to an age appropriate warning, reprimand, education, training and counseling, transfer, suspension, and/or expulsion of a student, and warning, reprimand, education, training and counseling, transfer, suspension and/or termination of an employee. A series of escalating consequences may be necessary if the initial steps are ineffective in stopping the hazing, harassment and/or bullying. To prevent recurrences counseling for the offender may be appropriate to ensure that he or she understands what constitutes hazing/harassment and/or bullying and the effects it can have. Depending on how widespread the hazing/harassment/bullying was and whether there have been any prior incidents, the school may need to provide training for the larger school community to ensure that students, parents and teachers can recognize hazing/harassment/bullying if it recurs and know how to respond.

(ii) School Access/Environment Considerations. The District will also take efforts to support victims' access to the District's programs, services and activities and consider and implement school-wide remedies, where appropriate. Accordingly, steps will be taken to eliminate any hostile and/or threatening environment that has been created. For example, if a female student has been subjected to harassment/bullying by a group of other students in a class, the school may need to deliver special training or other interventions for that class to repair the educational environment. If the school offers the student the option of withdrawing from a class in which a hostile environment/bullying occurred, the District will assist the student in making program or schedule changes and ensure that none of the changes adversely affect the student's academic record. Other measures may include, if appropriate, directing a bully/harasser to apologize to the affected student. If a hostile environment has affected the entire school or campus, an effective response may need to include dissemination of information, the issuance of new policy statements or other steps that are designed to clearly communicate the message that the school does not tolerate harassment and/or bullying and will be responsive to any student who reports that conduct.

(iii) Hazing Case Considerations. Appropriate penalties or sanctions or both for organizations that or individuals who engage in hazing and revocation or suspension of an organization's permission to operate or exist within the institution's purview if that organization knowingly permits, authorizes, or condones hazing.

(iv) Other Remedies: Other remedies may include providing counseling to the victim(s) and/or the perpetrator(s), and additional safety planning measures for the victim(s).

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

The District will take reasonable steps to prevent any retaliation against the student who made the complaint (or was the subject of the harassment), against the person who filed a complaint on behalf of a student, or against those who provided information as witnesses. At a minimum, this includes making sure that the students and their parents, and those witnesses involved in the school's investigation, know how to report any subsequent problems and making follow-up inquiries to see if there have been any new incidents or any retaliation.

C. Alternative Dispute Resolution. At all stages of the investigation and determination process, school officials are encouraged to make available to complainants alternative dispute resolution methods, such as mediation, for resolving complaints. Certain considerations should be made before pursuing alternative dispute resolution methods, including, but not limited to: (1) the nature of the accusations (for example, face-to-face mediation is not appropriate for sexual violence cases), (2) the age of the complainant and the accused individual, (3) the agreement of the complainant, and (4) other relevant factors such as any disability of the target or accused individual, safety issues, the relationship and relative power differential between the target and accused individual, or any history of repeated misconduct/harassment by the accused individual.

V. Post Investigative Reviews

Rights of Complainants

A. Internal Review of Initial Harassment Determinations By Complainant.

A complainant or parent of a complainant may request internal review by the

District of a designee's initial determination (following investigation) that harassment has not occurred via written request submitted to the District superintendent. All levels of internal review of the investigator's initial determination, and the issuance of a final decision, shall, unless special circumstances are present and documented by the District, be completed within 30 calendar days after review is requested.

B. Independent Reviews of Final Harassment Determinations By Complainant.

A complainant may request an independent review within thirty (30) days of a final determination if s/he: (1) is dissatisfied with the final determination as to whether harassment occurred, or (2) believes that although a final determination was made that harassment occurred, the school's response was inadequate to correct the problem.

The complainant shall make such a request in writing to the superintendent of schools within thirty (30) days of a final determination. Upon such request, the superintendent shall promptly initiate an independent review by a neutral person as described under 16 V.S.A. § 570a.(b)(1) and shall cooperate with the independent reviewer so that s/he may proceed expeditiously. The review shall consist of an interview of the complainant and relevant school officials and a review of the written materials from the school's investigation.

Upon completion of the independent review, the reviewer shall advise the complainant and school officials in writing: (1) as to the sufficiency of the school's investigation, its determination, and/or the steps taken by the school to correct any harassment found to have occurred, and (2) of recommendations of any steps the school might take to prevent further harassment from occurring. A copy of the independent review report shall be sent to the Secretary of Education. The reviewer shall advise the student of other remedies that may be available if the student remains dissatisfied and, if appropriate, may recommend mediation or other alternative dispute resolution. The independent reviewer shall be considered an agent of the school for the purpose of being able to review confidential student records. The costs of the independent review shall be borne by the District. The District may request an independent review at any stage of the process.

C. Rights to Alternative Harassment Complaint Process. In addition to, or as an alternative to filing a harassment complaint pursuant to this policy, a person may file a harassment complaint with the Vermont Human Rights Commission or the Office for Civil Rights of the U.S. Department of Education at the addresses noted below:

Vermont Human Rights Commission 14-16 Baldwin Street
Montpelier, VT 05633-6301
(800) 416-2010 or (802) 828-2480 (voice)
(877) 294-9200 (tty)
(802) 828-2481 (fax)
Email: human.rights@state.vt.us

Office for Civil Rights, Boston Office
U.S. Department of Education
8th Floor
5 Post Office Square
Boston, MA 02109-3921
617-289-0111 (voice)
877-521-2172 (tdd)
617-289-0150 (fax)
Email: OCR.Boston@ed.gov

Rights of Accused Students

A. Appeal. Any person determined to have engaged in an act(s) of hazing, harassment and/or bullying may appeal the determination and/or any related disciplinary action(s) taken directly to the school board of the school district. The school board shall conduct a review on the record. The standard of review by the school board shall be whether the finding that an act(s) of hazing, harassment, and/or bullying has been committed constitutes an abuse of discretion by the school level fact finder. Appeals should be made to the school board within ten (10) calendar days of receiving the determination that an act(s) of hazing, harassment and/or bullying has occurred and/or any announced discipline. The school board shall set the matter for a review hearing at the next scheduled school board meeting to the extent practicable, but not later than 30 days from receipt of the appeal filing.

B. Accused Student/Appellant Access to Investigative Reports/Findings. The school district shall make available upon request of the Accused Student/Appellant, any relevant information, documents, materials, etc. related to the investigation and related finding on appeal that can be redacted and de-identified in compliance with the requirements set forth at 34 CFR Part 99. For those documents that cannot be provided due to the requirements set forth at 34 CFR Part 99, when an Accused Student/Appellant seeks a review on the record before the school board of the school district, a school administrator may seek the consent of the parent/guardian of the targeted student, or the

accused eligible targeted student (if 18 or older, the targeted student has the ability to consent), in order to inform the accused student of the findings which gave rise to the school's determination that an act(s) of harassment, hazing, and/or bullying occurred. The parent/guardian or eligible student shall provide a signed and dated written consent before an educational agency or institution discloses personally identifiable information from the student's education records.

VI. Confidentiality and Record Keeping

A. Privacy Concerns. The privacy of the complainant, the accused individual, and the witnesses shall be maintained consistent with the District's obligations to investigate, to take appropriate action, and to comply with laws governing the disclosure of student records or other applicable discovery or disclosure obligations.

i. Concerns Related to Harassment Complaints. The scope of appropriate response to a harassment complaint may depend upon whether a student or parent of a minor student reporting the harassment asks that the student's name not be disclosed to the harasser or that nothing be done about the alleged harassment. In all cases, school officials will discuss confidentiality standards and concerns with the complainant initially. The school will inform the student that a confidentiality request may limit the school's ability to respond. The school will remind the student that both federal Title IX and Vermont Title 9 prevent retaliation and that if he or she is afraid of reprisals from the alleged harasser, the school will take steps to prevent retaliation and will take strong action if retaliation occurs. If the student continues to ask that his or her name not be revealed, the school should take all reasonable steps to investigate and respond to the complaint consistent with the student's request as long as doing so does not prevent the school from responding effectively to the harassment and preventing harassment of other students.

The school will evaluate the confidentiality request in the context of its responsibility to provide a safe and nondiscriminatory environment for all students. The factors the school might consider in this regard include the seriousness of the alleged harassment, the age of the student harassed, whether there have been other complaints or reports of harassment against the alleged harasser, and the rights of the accused individual to receive information about the accuser and the allegations if a formal proceeding with sanctions may result. If information about the incident is contained in an "education record" of the student alleging the harassment, as defined by the Family Educational Rights and Privacy Act

(FERPA), 20 U.S.C. 1232g, the school will consider whether FERPA prohibits it from disclosing information without the student's consent.

B. Document Maintenance. The Superintendent or school administrator shall assure that a record of any complaint, its investigation and disposition, as well as any disciplinary or remedial action taken following the completion of the investigation, is maintained by the District in a confidential file accessible only to authorized persons. All investigation records created in conformance with this model policy and model procedures, including but not limited to, the complaint form, interview notes, additional evidence, and the investigative report, shall be kept by the Equity Coordinator, Designated Employees and District/Supervisory Union Central Office for at least six years after the investigation is completed.

VII. Reporting to Other Agencies

A. Reports to Department of Children and Families. When a complaint made pursuant to this policy includes allegations of child abuse, any person responsible for reporting suspected child abuse under 33 V.S.A. § 4911, et seq. must report the allegation to the Commissioner of DCF. If the victim is over the age of 18 and a report of abuse is warranted, the report shall be made to Adult Protective Services in accordance with 33 V.S.A. § 6901 et seq.

B. Reports to Vermont Agency of Education. If a harassment complaint is made in a public school about conduct by a licensed educator that might be grounds under Vermont law for licensing action, the principal shall report the alleged conduct to the Superintendent and the Superintendent shall report the alleged conduct to the Commissioner. If a harassment complaint is made in an independent school about conduct by a licensed educator that might be grounds under Vermont law for licensing action, the head of school is encouraged to report the alleged conduct to the Secretary of Education.

Reporting Incidents to Police

a. FERPA Rights. Information obtained and documented by school administration regarding the school's response to notice of student conduct that may constitute hazing, harassment and/or bullying may constitute an "educational record" regarding the student or student(s) involved as defined by the Family Education Rights and Privacy Act. Accordingly, such information may not be disclosed without prior parent approval to local law enforcement except in response to a lawfully issued subpoena, or in connection with an emergency if disclosure is necessary to protect the health or safety of the student or other individuals.

1. First Hand Reports. Nothing in this policy shall preclude persons from reporting incidents and/or conduct witnessed first-hand that may be considered to be a criminal act to law enforcement officials.
2. Hazing Incidents. It is unlawful to (1) engage in hazing; (2) solicit direct, aid, or attempt to aid, or abet another person engaged in hazing; or (3) knowingly fail to take reasonable measures within the scope of the person's authority to prevent hazing. It is not a defense in an action under this section that the person against whom the hazing was directed consented to or acquiesced in the hazing activity. Hazing incidents will be reported to the police in a manner consistent with the confidentiality rights set forth above in this section.

D. Continuing Obligation to Investigate. Reports made to either DCF or law enforcement shall not be considered to absolve the school administrators of their obligations under this policy to pursue and complete an investigation upon receipt of notice of conduct which may constitute hazing, harassment and/or bullying.

VIII. Disseminating Information, Training, and Data Reporting

- A. Disseminating Information. Annually, prior to the commencement of curricular and co-curricular activities, the District shall provide notice of this policy and procedures to students, custodial parents or guardians of students, and staff members, including references to the consequences of misbehavior contained in the plan required by 16 V.S.A. 1161a. Notice to students shall be in age-appropriate language and include examples of hazing, harassment and bullying. At a minimum, this notice shall appear in any publication of the District that sets forth the comprehensive rules, procedures and standards of conduct for the District.
- B. Student Training. The school administrator shall use his/her discretion in developing age-appropriate methods of discussing the meaning and substance of this policy with students to help prevent hazing, harassment and bullying.
- C. Staff Training. The board or its designee shall ensure that teachers and other staff receive training in preventing, recognizing and responding to hazing, harassment and bullying.

D. Data Gathering. Public school districts shall provide the Vermont Agency of Education with data requested by the Secretary of Education.

Legal References:

Title V, Section B, 504 of the Rehabilitation Act of 1973, 29 U.S.C. §794 et seq.; Title VI of the Civil Rights Act of 1964, 42 U.S.C. §2000d;
Title IX of the Educational Amendments Act of 1972, 20 U.S.C. §§ 1681 et seq.;
Family Education Rights Privacy Act; 20 U.S.C. §1232g;
Public Accommodations Act, 9 V.S.A. §§4500 et seq.;
Education, Classifications and Definitions, 16 V.S.A. §11(26);(30)(A);(32);
Education, 16 V.S.A. §140(a)(1); Education, 16 V.S.A. §166(e);
Education, Bullying, 16 V.S.A. §570c;
Education, Harassment, Hazing and Bullying, 16 V.S.A. § 570;
Education, Harassment, 16 V.S.A. §570a;
Education, Harassment, 16 V.S.A. §570c;
Education, Harassment, 16 V.S.A. §570f;
Education, Hazing, 16 V.S.A. §570b;
Education, Hazing, 16 V.S.A. §570f
Education, Discipline, 16 V.S.A. §1161a;
Education, Suspension or Expulsion of Pupils; 16 V.S.A. §1162;
Child Abuse, 33 V.S.A. §§4911 et seq.;
Adult Protective Services, 33 V.S.A. §6901 et seq., all as they may be amended from time to time.
Washington v. Pierce, 179 VT 318 (2005).

**Brookhaven Learning Center
Student Conduct and Discipline Policy**

Policy

It is the policy of the Brookhaven Learning Center to maintain a safe, orderly, civil and positive learning environment. In order to ensure that the school is free from hazing, harassment, bullying and other disruptive misconduct, a system of classroom and school management practices, supported by consistent, clear and fair disciplinary procedures, will be utilized. 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.

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 Brookhaven Learning Center and individual classrooms.

Administrative Responsibilities

The Executive Director, or designee, in consultation with the Education Team will develop an overall discipline plan pursuant to 16 V.S.A. §1161a. The plan will include clear guidelines for student behavior. Behavioral expectations, and the consequences of misconduct, will be stated in the student handbook and other publications distributed to students and parents/guardians. The rules of conduct will be distributed to, and discussed with, all students at the beginning of each school year in accord with procedures stated in the school discipline plan. Students will be instructed to share the student handbook with their parents. Copies of the handbook will be provided to parents or guardians in a manner determined by the Executive Director, or designee. The Executive Director, or designee may ask that parents sign a form indicating that they have reviewed the rules of conduct with their children. When new students enroll during the school year, they and their parent(s)/guardians will be given copies of the rules of conduct as part of the pre-enrollment process.

The Education Team shall be responsible for carrying out discipline procedures conforming with the following guidelines.

1. A student may request a meeting with the Education Team, or Education Team Representative, to review any disciplinary action, other than a suspension or expulsion, affecting the student. If requested, Education Team or Education Team Representative shall hold an informal meeting to review the incident and to hear the views of the student and any other persons who may have information that the Education Team or Education Team Representative believes to be relevant in the circumstances. The Education Team or Education Team Representative shall issue a prompt decision to the student, which may be oral or written. Except as otherwise provided in this policy, the decision of the Education Team or Education Team Representative will be final.
2. Suspension or expulsion of students shall be imposed in accordance with state and federal law and regulations, due process requirements, and the following rules and procedures:
 - A. The Education Team or Education Team Representative may assign a student to in-school detention for up to 10 consecutive school days for any infraction of school rules. As provided in the school's

overall discipline plan, students assigned to in-school detention will be provided with reasonable opportunities to complete academic assignments and to benefit from counseling or other activities designed to bring about improvements in their behavior.

- B. A student who poses an immediate danger to persons or property or a significant threat of disrupting the academic process of the school shall be removed from the school or to a place within the school determined by the Executive Director or designee to be sufficiently secure to ensure the safety of students and school personnel and the continuation of the academic process. The Executive Director or designee shall notify a parent or guardian of a student who is removed from school without undue delay. If the parent, guardian or other responsible person designated as an emergency contact by the parent or guardian cannot be notified, the student will be detained at school or at another safe and secure setting for the remainder of the school day.
- C. No student will be removed from school for more than the remainder of a school day unless the student and his or her parents are given an opportunity for an informal hearing pursuant to paragraph "D" of this policy. When immediate removal of a student is necessary prior to a hearing, the hearing shall be held as soon as possible following the removal.
- D. The Executive Director or designee may suspend a student from school for a period of 10 days or less for misconduct occurring on or off school grounds. Except as provided in paragraph b above, prior to such a suspension, the student and his or her parent or guardian shall be given an opportunity for an informal hearing with the Executive Director or designee. The student and his or her parent or 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, and a decision in writing to the parent or guardian.
- E. The Executive Director or designee may, with the approval of the Board and in accordance with 16 V.S.A. §1162(a), impose a long-term suspension or expulsion of a student (for longer than ten days and up to 90 school days or the remainder of the school year, whichever is longer) for 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.

- F. In accord with the overall discipline plan developed under 16 V.S.A. § 1161a, short-term (ten days or less) or long-term suspension or expulsion may be imposed for misconduct not on school property, on a school bus or at a school-sponsored activity where direct harm to the welfare of the school can be demonstrated.
- G. Long-term suspension or expulsion must be preceded by notice and formal due process procedures, including the opportunity for a hearing before the School Board. The Executive Director or designee shall notify the student and his or her parents in writing of the nature of the charges, the date, time and place of the hearing, the right to legal representation, and the disciplinary action to be recommended to the Executive Director. This notice shall be provided in sufficient time to allow the student and his or her parents to prepare for the hearing. At the hearing, the student and parent/guardian shall be given an opportunity to present evidence and to cross-examine witnesses. The Executive Director shall issue a written decision within ten days of the conclusion of the hearing.

3. Notwithstanding the above provisions, a legal pupil who has a disability or is suspected of having a disability, and is eligible for special education services or Section 504 services, may be removed from his or her current educational placement for disciplinary reasons for more than 10 consecutive days, or for more than 10 cumulative days in a school year, only in accordance with Vermont State Board of Education Rules 4313 or 4312. The Executive Director or designee, with the agreement of a special education administrator, may impose short-term disciplinary sanctions on special education students as provided in Vermont State Board of Education Rule 4313. The Head of School and coordinator of special education will develop additional procedures as needed to govern the discipline of students with disabilities.

4. In the event a student brings a weapon to school, the procedures set forth in the Brookhaven Learning Center's Weapons policy (F21) shall apply.

Legal Reference(s):	16 V.S.A. §1161a (discipline)
	16 V.S.A. §1162 (suspension and expulsion)
	20 U.S.C. §§1400 et seq.(IDEA)

	29 U.S.C. §794 (Section 504, Rehabilitation Act of 1973)
	VT State Board of Education Manual of Rules & Practices §4311, 4312, 4313
Cross Reference:	Board Commitment to Non-Discrimination (C6)
	Public Complaints About Personnel (D10)
	Interrogations or Searches of Students by Law Enforcement)
	Officers or Other Non-School Personnel (F4)
	Search and Seizure (F3)
	Alcohol and Drug Abuse (F7)
	Weapons (F21)

Concussion Guidelines

As copied from the State of Vermont document dated June 2011, located at <http://education.vermont.gov/sites/aoe/files/documents/edu-healthy-safe-schools-concussion-guidelines.pdf>

Act No. 58, § 40 of 2011, Act No. 171, § 39a of 2011, and Act No. 68, § 2 of 2013 which are codified in 16 V.S.A. § 1431, direct the AOE to develop guidelines to assist schools in taking reasonable steps to prevent, and to minimize the effects of, school athletic team-related concussions. In the creation of these guidelines, the AOE has consulted with the Vermont Department of Health, the Vermont Principals' Association, and the Vermont School Boards Insurance Trust; we gratefully acknowledge their assistance.

The law requires that schools educate their coaches, their youth athletes, and the youth athletes' parents and guardians regarding the prevention and mitigation of concussion-related injuries.

Under 16 V.S.A. § 1431, responsibility to ensure compliance with these guidelines falls on principals of public schools, and on heads of approved independent schools.

Section 1431 is set forth below, along with the rest of the relevant portions of S.100:

§ 1431. Concussions and other head injuries

(a) Definitions. As used in this subchapter:

- (1) "Coach" means a person who instructs or trains students on a school athletic team.
- (2) "Collision sport" means football, hockey, lacrosse, or wrestling.
- (3) "Contact sport" means a sport, other than football, hockey, lacrosse, or wrestling, defined as a contact sport by the American Academy of Pediatrics.
- (4) "Health care provider" means an athletic trainer, or other health care provider, licensed pursuant to Title 26, who has within the preceding five years been specifically trained in the evaluation and management of concussions and other head injuries. Training pursuant to this subdivision shall include training materials and guidelines for practicing physicians provided by the Centers for Disease Control and Prevention, if available.
- (5) "School athletic team" means an interscholastic athletic team or club sponsored by a public or approved independent school for elementary or secondary students.
- (6) "Youth athlete" means an elementary or secondary student who is a member of a school athletic team.

(b) Guidelines and other information. The Secretary of Education or designee, assisted by members of the Vermont Principals' Association selected by that association, members of the Vermont School Boards Insurance Trust, and others as the Secretary deems appropriate, shall develop statewide guidelines, forms, and other materials, and update them when necessary, that are designed to educate coaches, youth athletes, and the parents and guardians of youth athletes regarding:

- (1) the nature and risks of concussions and other head injuries;
- (2) the risks of premature participation in athletic activities after receiving a concussion or other head injury;
- (3) the importance of obtaining a medical evaluation of a suspected concussion or other head injury and receiving treatment when necessary;
- (4) effective methods to reduce the risk of concussions occurring during athletic activities; and
- (5) protocols and standards for clearing a youth athlete to return to play following a concussion or other head injury, including treatment plans for such athletes.

(c) Notice and training. The principal or headmaster of each public and approved independent school in the State, or a designee, shall ensure that:

- (1) the information developed pursuant to subsection (b) of this section is provided annually to each youth athlete and the athlete's parents or guardians;

(2) each youth athlete and a parent or guardian of the athlete annually sign a form acknowledging receipt of the information provided pursuant to subdivision (1) of this subsection and return it to the school prior to the athlete's participation in training or competition associated with a school athletic team;

(3) (A) each coach of a school athletic team receive training no less frequently than every two years on how to recognize the symptoms of a concussion or other head injury, how to reduce the risk of concussions during athletic activities, and how to teach athletes the proper techniques for avoiding concussions; and

(B) each coach who is new to coaching at the school receive training prior to beginning his or her first coaching assignment for the school; and

(4) each referee of a contest involving a high school athletic team participating in a collision sport receive training not less than every two years on how to recognize concussions when they occur during athletic activities.

(d) Participation in athletic activity.

(1) Neither a coach nor a health care provider shall permit a youth athlete to continue to participate in any training session or competition associated with a school athletic team if the coach or health care provider knows or should know that the athlete has sustained a concussion or other head injury during the training session or competition.

(2) Neither a coach nor a health care provider shall permit a youth athlete who has been prohibited from training or competing pursuant to subdivision (1) of this subsection to train or compete with a school athletic team until the athlete has been examined by and received written permission to participate in athletic activities from a health care provider.

(e) Action plan.

(1) The principal or headmaster of each public and approved independent school in the State or a designee shall ensure that each school has a concussion management action plan that describes the procedures the school shall take when a student athlete suffers a concussion. The action plan shall include policies on:

(A) who makes the initial decision to remove a student athlete from play when it is suspected that the athlete has suffered a concussion;

(B) what steps the student athlete must take in order to return to any athletic or learning activity;

(C) who makes the final decision that a student athlete may return to athletic activity; and

(D) who has the responsibility to inform a parent or guardian when a student on that school's athletic team suffers a concussion.

(2) The action plan required by subdivision (1) of this subsection shall be provided annually to each youth athlete and the athlete's parents or guardians.

(3) Each youth athlete and a parent or guardian of the athlete shall annually sign a form acknowledging receipt of the information provided pursuant to subdivision (2) of this subsection and return it to the school prior to the athlete's participation in training or competition associated with a school athletic team.

Subsection (f) effective July 1, 2015.

(f) Health care providers; presence at athletic events.

(1) The home team shall ensure that a health care provider is present at any athletic event in which a high school athletic team participates in a collision sport. If an athlete on the visiting team suffers a concussion during the athletic event, the health care provider shall notify the visiting team's athletic director within 48 hours after the injury occurs.¹

(2) Home teams are strongly encouraged to ensure that a health care provider is present at any athletic event in which a high school athletic team participates in a contact sport.

(3) A school shall notify a parent or guardian within 24 hours of when a student participating on that school's athletic team suffers a concussion.

(Added 2011, No. 58, § 40, eff. May 31, 2011; amended 2011, No. 171 (Adj. Sess.), § 39a; 2013, No. 68, § 2.)

For the purpose of carrying out the mandates of 16 V.S.A. § 1431, it is recommended that schools require their coaches to follow the U. S. Department of Health and Human Services Center for Disease Control and Prevention (CDC) guidance and training materials regarding concussions. Those resources, which include resources for coaches, student athletes and parents, are available online at: <http://www.cdc.gov/headsup/youthsports/index.html>. In addition, hard copies of those resources are included at the end of these guidelines.

Each new coach shall complete the concussion education course (offered by the CDC or NFHS) before their first date of practice and should thoroughly review 16 V.S.A. § 1431 and all of the CDC's concussion-related materials prior to the commencement of coaching activities, and all coaches should thoroughly

review 16 V.S.A. § 1431 and all of the CDC's concussion-related materials no less frequently than every year, prior to the commencement of coaching activities. It is also recommended that all coaches complete the CDC's online coaches' concussion training which can be found at:

<https://www.cdc.gov/headsup/youthsports/training/index.html>. This on-line training is intended to augment, and not to substitute for, a thorough review of the other coach- focused CDC training materials which are recommended herein and attached hereto.

It is the duty of all coaches to ensure that the student athlete materials and the parent/guardian materials are distributed in accordance with the statute, and that the signed forms that are required by the statute are collected before the student athlete may participate in training or competition.

Copies of the recommended coach, athlete and parent materials are attached to these guidelines, but all coaches, student athletes and parents are encouraged to go to the CDC website and to delve in greater depth into its broad array of resources. See Appendix C -E.

Principals and Heads of School shall ensure that parents receive the concussion-related information required by the statute, that all students receive meaningful age- appropriate exposure to concussion-related information, and that students suspected of having suffered concussions are disqualified from engaging in school-related athletic activity until they have been cleared to return to such activity by a properly qualified individual.

Health Care Provider Requirement, Presence at Athletic Events

Pursuant to Act 68 of 2013, as codified at Section 1431 (f) of Title 16, the home team at any athletic event in which a high school athletic team participates in a collision sport (as defined by Section 1431 (a)(2) of Title 16), shall ensure that a health care provider (as defined by Section 1431(a)(4) of Title 16) is present. A home team can rely on a signed assurance that the health care provider meets all of the statutory qualifications to serve in this capacity. A suggested form shall be prepared by the Secretary of Education and made available on the website of the Agency of Education.

FERPA Disclosure

FERPA Information for Parents/Guardians

The Family Educational Rights and Privacy Act (FERPA) affords parents and students who are 18 years of age or older ("eligible students") certain rights with respect to the student's education records. These rights are:

1. The right to inspect and review the student's education records within 45 days after the day Brookhaven receives a request for access.

Parents or eligible students who wish to inspect their child's or their education records should submit to the school principal, or appropriate school official, a written request that identifies the records they wish to inspect. The school official will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected.

2. The right to request the amendment of the student's education records that the parent or eligible student believes are inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA.

Parents or eligible students who wish to ask the [School] to amend their child's or their education record should write the school principal, or appropriate school official, clearly identify the part of the record they want changed, and specify why it should be changed. If the school decides not to amend the record as requested by the parent or eligible student, the school will notify the parent or eligible student of the decision and of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing.

3. The right to provide written consent before the school discloses personally identifiable information (PII) from the student's education records, except to the extent that FERPA authorizes disclosure without consent.

One exception, which permits disclosure without consent, is disclosure to school officials with legitimate educational interests. The criteria for determining who constitutes a school official and what constitutes a legitimate educational interest must be set forth in the school's or school district's annual notification for FERPA rights. A school official typically includes a person employed by the school or school district as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel)

or a person serving on the school board. A school official also may include a volunteer, contractor, or consultant who, while not employed by the school, performs an institutional service or function for which the school would otherwise use its own employees and who is under the direct control of the school with respect to the use and maintenance of PII from education records, such as an attorney, auditor, medical consultant, or therapist; a parent or student volunteering to serve on an official committee, such as a disciplinary or grievance committee; or a parent, student, or other volunteer assisting another school official in performing his or her tasks. A school official typically has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.

4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the [School] to comply with the requirements of FERPA. The name and address of the Office that administers FERPA are:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202

See the list below of the disclosures that elementary and secondary schools may make without consent.

FERPA permits the disclosure of PII from students' education records, without consent of the parent or eligible student, if the disclosure meets certain conditions found in § 99.31 of the FERPA regulations. Except for disclosures to school officials, disclosures related to some judicial orders or lawfully issued subpoenas, disclosures of directory information, and disclosures to the parent or eligible student, § 99.32 of the FERPA regulations requires the school to record the disclosure. Parents and eligible students have a right to inspect and review the record of disclosures. A school may disclose PII from the education records of a student without obtaining prior written consent of the parents or the eligible student –

- To other school officials, including teachers, within the educational agency or institution whom the school has determined to have legitimate educational interests. This includes contractors, consultants, volunteers, or other parties to whom the school has outsourced

institutional services or functions, provided that the conditions listed in § 99.31(a)(1)(i)(B)(1) - (a)(1)(i)(B)(3) are met. (§ 99.31(a)(1))

- To officials of another school, school system, or institution of postsecondary education where the student seeks or intends to enroll, or where the student is already enrolled if the disclosure is for purposes related to the student's enrollment or transfer, subject to the requirements of § 99.34. (§ 99.31(a)(2))
- To authorized representatives of the U. S. Comptroller General, the U. S. Attorney General, the U.S. Secretary of Education, or State and local educational authorities, such as the State educational agency (SEA) in the parent or eligible student's State. Disclosures under this provision may be made, subject to the requirements of § 99.35, in connection with an audit or evaluation of Federal- or State-supported education programs, or for the enforcement of or compliance with Federal legal requirements that relate to those programs. These entities may make further disclosures of PII to outside entities that are designated by them as their authorized representatives to conduct any audit, evaluation, or enforcement or compliance activity on their behalf, if applicable requirements are met. (§§ 99.31(a)(3) and 99.35)
- In connection with financial aid for which the student has applied or which the student has received, if the information is necessary for such purposes as to determine eligibility for the aid, determine the amount of the aid, determine the conditions of the aid, or enforce the terms and conditions of the aid. (§ 99.31(a)(4))
- To State and local officials or authorities to whom information is specifically allowed to be reported or disclosed by a State statute that concerns the juvenile justice system and the system's ability to effectively serve, prior to adjudication, the student whose records were released, subject to § 99.38. (§ 99.31(a)(5))
- To organizations conducting studies for, or on behalf of, the school, in order to: (a) develop, validate, or administer predictive tests; (b) administer student aid programs; or (c) improve instruction, if applicable requirements are met. (§ 99.31(a)(6))
- To accrediting organizations to carry out their accrediting functions. (§ 99.31(a)(7))
- To parents of an eligible student if the student is a dependent for IRS tax purposes. (§ 99.31(a)(8))

- To comply with a judicial order or lawfully issued subpoena if applicable requirements are met. (§ 99.31(a)(9))
- To appropriate officials in connection with a health or safety emergency, subject to § 99.36. (§ 99.31(a)(10))
- Information the school has designated as "directory information" if applicable requirements under § 99.37 are met. (§ 99.31(a)(11))
- To an agency caseworker or other representative of a State or local child welfare agency or tribal organization who is authorized to access a student's case plan when such agency or organization is legally responsible, in accordance with State or tribal law, for the care and protection of the student in foster care placement. (20 U.S.C. § 1232g(b)(1)(L))
- To the Secretary of Agriculture or authorized representatives of the Food and Nutrition Service for purposes of conducting program monitoring, evaluations, and performance measurements of programs authorized under the Richard B. Russell National School Lunch Act or the Child Nutrition Act of 1966, under certain conditions. (20 U.S.C. § 1232g(b)(1)(K))

Attendance Regulations

Attendance in class is an essential part of the learning process. State law requires that each child between the ages of 6 and 16 years who are residents of the sending district and non-resident students who enroll in the sending school's district must attend school for the full number of days for which they are enrolled, unless they are mentally or physically unable to continue or are excused by the Superintendent in writing (*VT Education Law T.16 1121-1129*). Students need to be present in order to participate as well as to complete assignments. When students are absent, there is an academic consequence and impact to the therapeutic programming and progress of the student. We urge all students and parents to strive for excellent attendance as that will ensure minimal disruption to the learning of the student. It is recommended whenever possible to schedule routine medical appointments during scheduled school breaks and early release days. Accordingly, the following policy and procedures will be enacted:

1. **Excused absences** are limited to the following: illness (phone or parent note/email), family emergencies (phone or parent note), medical appointments (copies of doctor's documentation for medical absences), visits to high schools (prior approval), religious holidays (parent note), absence from town (prior

approval with a minimum of a two week advance notice), court appointments (court documentation), bereavement (parent note), or school sponsored field or athletic trips (advisor/coach must verify attendance).

2. **Absences:** Parents/guardians who know their student is going to be absent from school should call the school at 685-4458 prior to 7:30 AM. Notification is required to the school and bussing company.

3. **Documentation:** All excused absence documentation must be submitted to the Special Education Coordinator upon the student's return to school. Documentation may be submitted by hardcopy or electronically.

4. **Late Arrival:** Students arriving to school after 8:00 AM will be considered late for school.

5. **Tardy to School/Late to Class:** Being on time and remaining for the entire school day is an essential part of being a good student. Part of our commitment as a school community is to promote and foster good students who work to the best of their ability on their educational assignments and are prepared and on time for each class and school day. If there are extenuating circumstances that lead to excess tardiness or leaving early, please notify the Special Education Coordinator. The official start of the school day is 8:00 AM and students are dismissed at 2:00 PM. Being tardy ten times is considered the equivalent of one day absence according to Orange County – Windsor County Truancy Protocols. At any point when a student has developed a pattern of absences or is excessively tardy, the school reserves the right to discuss accessing outside agency resources such as the Vermont Department of Children and Families and the Orange County Sheriff Department with the student's sending school district.

6. **Planned and Extended Absence:** Parents are urged to plan family trips during school vacations/early release days so as not to interfere with education and therapeutic programming of the student.

7. **Early Dismissal:** Parents/guardians requesting to have a student excused early must request in writing or by phone no later than 8:30 AM that day.

8. **Bus/After-School Plans:** Parents/guardians requesting changes to after school plans must request in writing no later than 8:00 AM of the day of bus/after-school plans.

9. Notification of Absenteeism: Parents/guardians will receive notification of accumulated absences after ten days and thereafter at 18 days of absences.

Search and Seizure Procedure

To maintain order and discipline in the school and to protect the safety and welfare of students and school personnel, school authorities may search a student, student use areas, and student cubbies under the circumstances outlined below and may seize any illegal, unauthorized, or contraband materials discovered in the search. A student's failure to permit searches and seizures as provided in this procedure will be considered grounds for disciplinary action.

Personal Searches

A student's person and/or personal effects (e.g. purse, book bag, etc.) may be searched whenever a school authority has reasonable suspicion to believe that the student is in possession of illegal or unauthorized materials. If a pat down search of a student's person is conducted it will be conducted in private by a school official of the same sex and with an adult witness present, unless there are immediate safety concerns. In addition, parents/guardians will be notified. If extreme emergency conditions require a more intrusive search of a student's person, such a search may only be conducted in private by a school official of the same sex, with an adult witness of the same sex present, and only upon prior approval of the Principal or Superintendent of Schools, unless the health or safety of students will be endangered by the delay which might be caused by following these procedures.

Student Use Areas

Instructional rooms and areas of student use are school property and remain at all times under the control of the school; however, students are expected to assume full responsibility for the security of their lockers. Periodic general inspections of rooms and other areas of the school may be conducted by school authorities for any reason at any time without notice, without student consent, and without a search warrant.

Seizure of Illegal Materials

If a properly conducted search yields illegal or contraband materials, such findings shall be turned over to proper legal authorities for ultimate disposition.

FIRE DRILLS/EVACUATION (EGRESS) AND LOCKDOWN PROCEDURES

The Residential Coordinator and Learning Center Coordinator will ensure

regular fire drills occur in adherence to licensing regulations. All staff, day students, residents, and any visitors are expected to immediately leave the building during a fire drill (evacuation drill). Individuals in our Learning Center are expected to meet at the identified location outside of the Learning Center building at the cedar tree.

Lockdown drills will be completed in accordance to the Vermont Fire and Safety Code regulations. At the beginning of the year, both the lockdown and egress drills must be performed. After that, the drills will alternate each month, beginning with the egress drill in October.

MANDATED REPORTING

All staff members at Brookhaven Treatment and Learning Center are Mandated Reporters. This means they are required to report any instances of suspected abuse reported to us by the clients we serve and/or witnessing abuse to a student/resident. If a student/resident discloses any form of abuse, we are mandated to report the suspected abuse, regardless of our opinion (we are not investigators).

CRISIS SCREENERS

Our local mental health facility is Clara Martin Center in Randolph, Vermont. There are times we may need to call a mental health screener to provide a risk assessment if a student presents as at risk of serious injury to himself or others. If there is a particular child that threatens consistently, the situation will be addressed by the larger team and plans will be developed to assist the student with utilizing existing support and other preventive strategies. If a Clinician feels a situation rises to the level of a crisis in need of an emergency response, then the child will need to be screened (per statute, we cannot screen, and it has to be a designated agency). We will contact parent(s)/guardian(s) to report any such incidents. We may also request you pick your child up to transport to a screening if deemed necessary.