

BAIRD SCHOOL

2026-2027 | STUDENT HANDBOOK



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HOWARDCENTER.ORG



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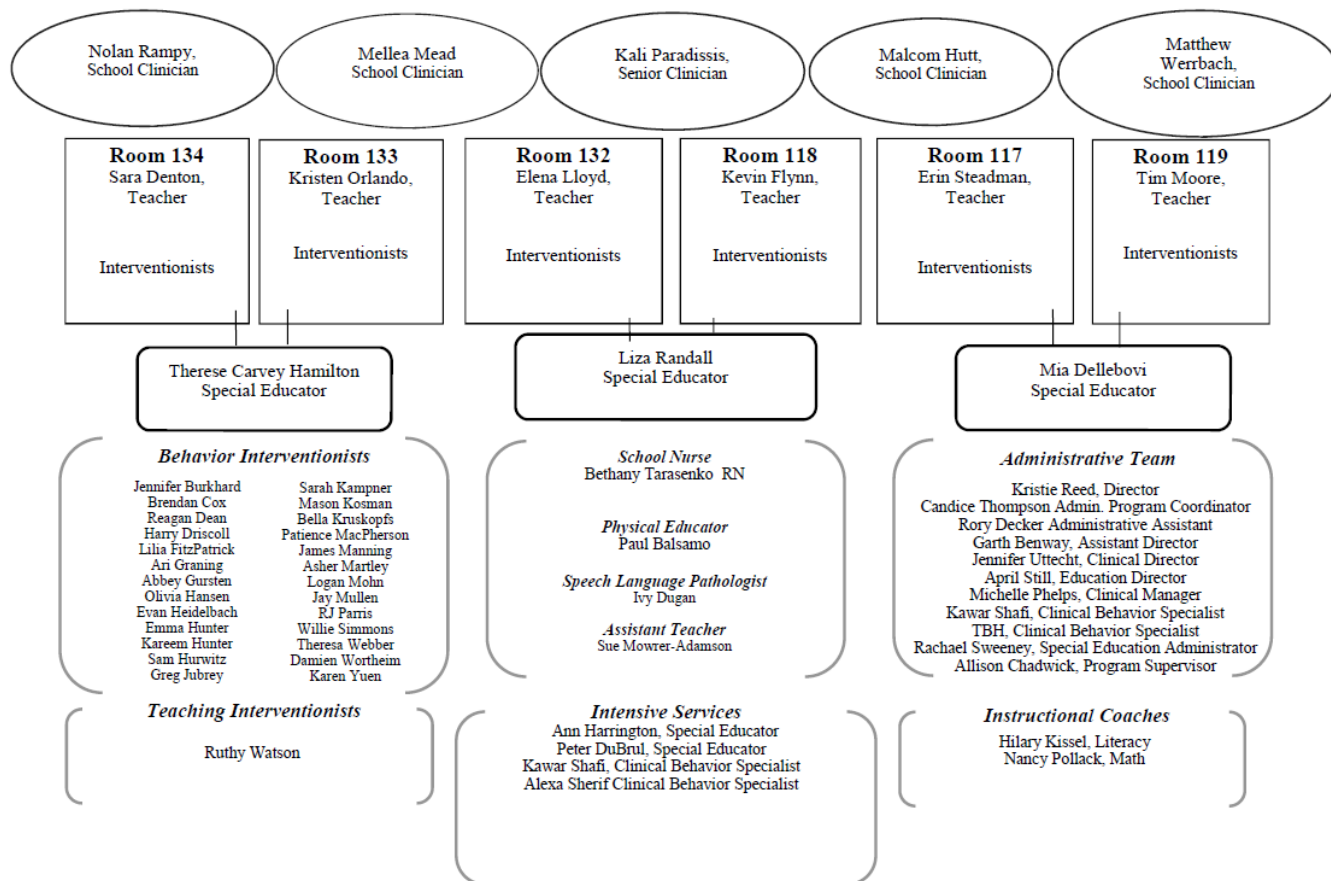
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+ Employee designated by Baird School as Title IX Coordinator to receive Title IX complaints

Baird School Teams



*This chart is updated regularly as positions change

I. BAIRD SCHOOL PHILOSOPHY AND CORE BELIEFS

MISSION STATEMENT

The Baird School's therapeutic milieu is designated to build social, emotional, behavioral, and academic competence.

The mission of the Baird School is to provide multifaceted social, emotional, behavioral, and academic programming for students who pose significant challenges in these areas, equipping them with the skills and strategies that will allow them to function successfully in the least restrictive educational environment available to them.

THE CIRCLE OF COURAGE Circle of Courage, depicted above, shows what we believe to be fundamental, universal human needs. The staff members at the Baird School are committed to nurturing feelings of belonging, mastery, independence, and generosity.

GENEROSITY

- Teaching, valuing, and demonstrating empathy
- Providing opportunities to experience the satisfaction of giving
- Allowing students to show generosity in the form of helping, supporting, and encouraging their classmates

INDEPENDENCE

- Fostering a balance between a sense of autonomy and continuing social controls
- Creating opportunities to have individual influence
- Encouraging the development of self discipline



BELONGING

- Building staff and student relationships
- Supporting peer to peer relationships
- Monthly school wide events

MASTERY

- Non threatening learning environment
- Encouraging active participation
- Engaging, hands-on projects
- Cooperative group learning
- Increasing student's self esteem
- Fostering positive attitudes
- Developing social skills

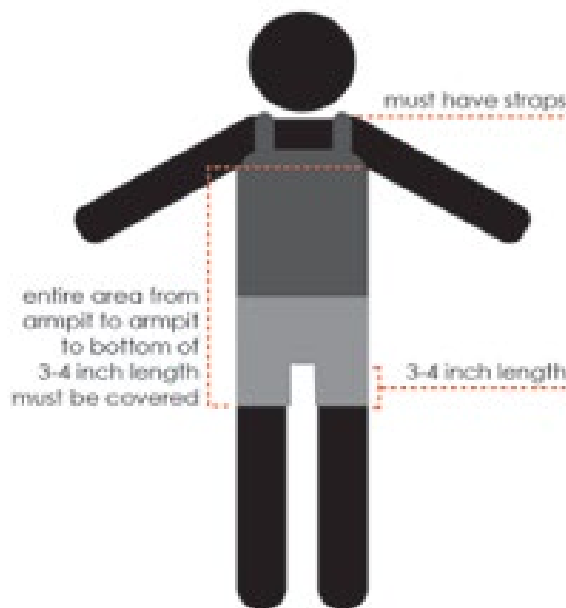
II. STUDENT POLICIES

DRESS CODE

As a school, we recognize that students express themselves in the way they dress. Students are expected to respect the school community by dressing appropriately for a K-8 educational environment. Clothing may not state, imply, or depict hate speech/imagery targeting groups based on race, ethnicity, gender, sexual orientation, gender identity, religious affiliation, or any other protected classification. In addition, clothing that promotes the use of tobacco, drugs, gang insignia, or alcohol through messages, symbols or brand names are not allowed. If a student should wear such clothing to school, they will be asked to cover the article of clothing, put the item in their clinician's office until the end of the day, or change into something that complies with this policy. Should no other clothing be available, parents/caregivers will be informed and asked to bring replacement clothing to school.

Some guidelines for clothing at school include, but are not limited to:

- No showing of undergarments
- Clothing and shoes must be comfortable and allow the student safely to participate in all school activities. Sneakers are required for participation in PE for safety and performance. The school maintains a collection of shoes for students to borrow.
- Clothing must cover the following areas:



SCHOOL SUPPLIES AND WHAT TO BRING TO SCHOOL

Baird School will provide basic school supplies to students. Students may bring their own supplies in, but they are responsible for these items. During colder months, it is important to have students have the appropriate outside gear at school; students go outside at least once a day in most weather conditions. In addition, students have PE every day. Comfortable clothing and sneakers for PE are necessary. Backpacks to keep personal items in are recommended.

DAILY SCHEDULE

Please note this is a sample schedule. Please reach out to your child's clinician for specifics or if you have any questions.

MASTER SCHEDULE (Actual times vary by teams)			
Sample Elementary School		Sample Middle School	
8:15 -8:50	Move it Move it, Breakfast and Morning Meeting	8:15 – 8:50	Move it Move it, Breakfast and Morning Meeting
8:50:9:30	Treatment Group	8:50 – 9:30	Reader's Workshop
9:30 – 9:40	Regulation	9:30 – 10:00	Physical Education
9:40 – 10:20	Math Workshop	10:00 – 10:30	Intervention Block
10:30 – 11:10	Reader's Workshop	10:30 – 10:40	Regulation
11:20 – 11:30	Regulation	10:40 – 11:10	Writer's Workshop
11:35 – 11:50	Lunch	11:10 – 11:40	Math Workshop
11:50 – 12:10	Outdoor Time	11:50 – 12:05	Lunch
12:10 – 12:30	Regulation	12:05 – 12:25	Outdoor Time
12:30 – 1:00	Physical Education	12:25 – 12:50	Intervention Block
1:00 – 1:10	Intervention Block	12:50 – 1:30	Health/Science/Social Studies
1:10 – 1:50	Writer's Workshop	1:35 – 2:15	Treatment Group
1:50 – 2:25	Intervention Block	2:30 -2:45	Dismissals
2:30-2:45	Dismissals		

PERSONAL POSSESSIONS

In general, children are encouraged to leave their personal possessions at home due to the possible distraction and potential for loss or damage. Sometimes, students may be requested to keep their possessions in/on a teacher's desk or in a secure area until an appropriate time. Students that bring their possessions to school should be done at their own risk and the school is not responsible for loss or damage.

SUDENT CELL PHONE AND PERSONAL ELECTRONIC DEVICE

Statement of Policy

Baird School maintains a cell phone–free learning environment to promote focus, student well-being, and social connection. From arrival through dismissal, students may not use or access personal cell phones or other prohibited devices, except as allowed under documented exceptions.

Definitions

A device capable of using cellular technology to facilitate voice service, regardless of internet or email capabilities.

Other prohibited devices- Any non-school-issued personal electronic device that connects to cellular networks or the internet, or has wireless capabilities (e.g., smartwatches, earbuds, smart glasses).

Individualized Health Care Plan (IHCP)- A plan developed by the school nurse, in collaboration with the student and family, to address specific health needs.

Parent - A parent or legal guardian is authorized to make educational decisions for a student.

School - Baird School and its associated programs, activities, field trips, and transportation are under Baird supervision.

Student - An individual is currently enrolled at the Baird School.

Administrative Responsibilities

The administration will establish and maintain routines, staff responsibilities, and communication strategies to uphold this policy, including:

- A **pouch-based system** for secure storage of all students' cell phones and other prohibited devices.
- **Monitoring expectations** for compliance in all school settings, including restrooms and playgrounds.
- Clear communication of procedures to staff, students, and families.

Exceptions

Students who require device use as part of an **IHCP, IEP, or 504 Plan** may be eligible for an exception. Exceptions are granted following team review and determination. Documentation may be required.

Examples of potential exceptions include:

- Health-related needs (e.g., blood sugar monitoring, emergency medication apps).
- IEP-related needs (e.g., assistive technology, visual/hearing impairment supports).
- Students receiving accommodations under the **McKinney-Vento Homeless Assistance Act**.
- Administrator-approved academic or cocurricular uses, limited in scope.
- Administrative permission to support specific learning projects or teaching activities.
- Emergency use when immediate communication is necessary due to a personal or public safety threat, as assessed by relevant staff.

Family and Guardian Communication During the School Day

Families may communicate with students during the school day through designated school channels. To reach a student during school hours, families may contact:

- The student's clinician, or
- The Howard Center front desk at 802-488-6600, which will route the call directly to an administrator who will notify the student.

Enforcement Actions

Baird School uses a **progressive, relationship-centered approach**. Staff reteach expectations and use restorative prompts before consequences escalate.

Cell phone pouches are provided for all students at all times. Students may keep the pouch on their person.

- If a student claims they have no phone, but it becomes apparent they do, the school day pauses until the phone is placed in the pouch. The pouch may need to be stored in a separate room.
- **Second offense:** The phone is placed in the pouch and stored in the main office.
- **Third offense:** A parent or guardian must pick up the phone from the school.
- **Fourth offense:** The phone may not come to school. It remains off campus until the team convenes and develops a plan for returning to school with a phone.

Legal Citations

- **16 V.S.A. § 582** – Definitions
- **16 V.S.A. § 583** – Student use of cell phones and personal electronic devices in schools

ATTENDANCE

Attendance Expectations

Regular school attendance is essential to student success. Parents/guardians are expected to notify the student's clinician whenever a student is absent from school or unable to attend for part of the school day.

Attendance is recorded in ALMA. Late arrivals, early dismissals, and absences will be documented in the student's attendance record. Parents/guardians may access attendance records through the ALMA Parent Portal at baird.getalma.com. Please contact your child's clinician for assistance with portal access.

Definitions

For purposes of attendance reporting under Vermont law, an absence is defined as missing at least one-half of the scheduled school day.

In accordance with Vermont Act 122 (2026), the following definitions apply:

- **Excused Absence**

An absence approved by the Baird School for a valid reason, including but not limited to:

- Illness or medical appointment
- Mental health crisis or treatment placement
- Death in the family
- Family emergency
- Religious observance
- Other circumstances approved by the Baird School
- Baird School may request documentation or justification for an absence. Failure to provide requested documentation may result in the absence being classified as unexcused.

- **Unexcused Absence**

- An absence for which no valid reason has been provided or approved by the Head of School or designee.
- **Chronic Absenteeism**
 - A student who is absent for 10% or more of the school's attendance days during a school year, regardless of whether absences are excused or unexcused.
- **Truancy**
 - A student who accumulates 20 or more unexcused absences during a school year or within the school's most recent 175 consecutive attendance days.

Attendance Support Procedures

The school recognizes that chronic absenteeism is often associated with academic, behavioral, family, medical, or mental health concerns. The goal of attendance intervention is to identify barriers and provide supportive, student-centered solutions before attendance problems become severe.

- **Early Support**
 - Attendance expectations and any existing concerns will be reviewed when a student enters the program. If attendance concerns develop, the school team will:
 - Monitor attendance regularly
 - Communicate with parents/guardians
 - Identify barriers to attendance
 - Develop strategies and support to improve attendance
 - Document intervention efforts
- **Unexcused Absences**
 - At 5 unexcused absences:
 - The clinician will contact the family and begin attendance support planning.
 - At 8 unexcused absences:
 - The school team will review attendance concerns and consider additional support or family meetings.
 - At 12 unexcused absences:
 - A formal attendance review will be conducted to assess progress and determine next steps.
 - the effectiveness of interventions and determine additional supports.

Educational Team Review

At approximately 10 total absences, or sooner when attendance significantly impacts educational progress, the educational team may convene an IEP or team meeting to:

- Review attendance patterns
- Identify extenuating circumstances
- Assess educational impact
- Consider implementation of the School Refusal Assessment Scale-Revised or other appropriate assessment tools
- Determine additional support and accommodation

Chronic Absenteeism Review

Students approaching or meeting the definition of chronic absenteeism (10% or more of school days missed) will receive increased monitoring and support. The school team will:

- Review of attendance trends and contributing factors
- Engage families in attendance planning
- Coordinate with sending districts and service providers
- Develop individualized attendance goals and intervention strategies

Truancy Notification Requirements

In accordance with Vermont Act 122 (2026):

When a Vermont resident student accumulates 20 or more unexcused absences, the Head of School or designee shall notify the superintendent of the student's district of residence.

The district superintendent will then follow state-required truancy reporting procedures, including consultation with the district truant officer and other agencies as required by Vermont law.

The school will maintain attendance records and reporting practices consistent with Agency of Education requirements.

Placement Review and Collaborative Attendance Support

When a student has approximately 20 total absences, the school, sending district, family, and other appropriate service providers may review whether the current placement continues to meet the student's educational needs. This review will consider attendance patterns, academic progress, progress toward IEP goals, and the student's response to interventions and supports.

Throughout the attendance intervention process, school personnel, Local Education Agencies (LEAs), families, and community partners will work collaboratively to monitor attendance, implement support strategies, maintain required documentation, and promote student engagement and success.

As needed, the team may develop an attendance improvement plan with specific goals, supports, and follow-up timelines to address ongoing attendance concerns and ensure compliance with Vermont attendance and truancy requirements. The team will also establish a target for future attendance. If that target is not met, the team may discuss whether the current school placement remains appropriate and whether ending the current should be considered.

TRADING OR BUYING

Trading and/or buying toys or personal possessions is not permitted while at school or while being transported to school. Students who wish to do this should do so away from school grounds or school transportation with the consent of their parent/guardian.

MEDIA USE AT SCHOOL

Videos are used at the school primarily for educational purposes, to supplement an academic or social skill lesson. Occasionally, students and teachers may view videos or take students on an outing to a movie theater as reinforcement for positive behavior. In nearly all cases, "G" and "PG" movies are shown during school hours. In rare instances, staff in the older classrooms may plan to show a "PG-13" movie; if that is the case, parents/caregivers will be notified ahead of time, and the movie will be shown only with parental consent.

Students may, at times, listen to music in class as a regulation tool. We rely on [Common Sense Media](#) when selecting music and movies to ensure they are appropriate for school.

Baird School utilizes multiple systems for monitoring student technology use at school including [Go Guardian](#).

SCHOOL LUNCH AND SNACKS

The Baird School provides breakfast and lunch prepared by Burlington School District at Edmunds School. Baird School receives breakfast and lunch items and prepares them for service onsite at no cost to students. Our food program is overseen through the [Burlington School Food Project](#). Students also have the option of bringing their own lunch from home.

TRANSPORTATION

Student transportation (buses, cabs, and individual drivers) is arranged and managed by the student's sending school district.

We encourage parents and caregivers to reach out to their child's Baird School clinician with any questions, updates, or feedback regarding student transportation. Additionally, parents/caregivers will be encouraged to contact the sending school district directly for transportation information or changes.

STUDENT GRIEVANCE / COMPLAINT PROCEDURE

A student has the right to have a staff person assist them with each step of the grievance/complaint procedure. A copy of the Consumer Complaint, Grievance and Appeal Policy can be found in the [Howard Center Handbook](#).

STUDENT RIGHTS

A copy of your client rights can be found in the [Howard Center Handbook](#)

DIVERSITY, EQUITY, AND INCLUSION

Howard Center CEO, Sandy Maguire, has put forth an inspiring vision: "We are committed to becoming a model culture and community leader around issues of diversity, inclusion, and corporate values and responsibility. We want to ensure a welcoming, inclusive, equitable, and diverse environment for our staff, the people we serve, our partners, and community. In doing this, we must face old patterns, and in a respectful and positive way break through barriers and stereotypes and have courageous conversations that will allow us to grow, expand, and more fully live our values and mission."

Baird School echoes this vision and is committed to supporting our students and staff in making all feel welcome. For more information, visit [Howard Center's Diversity, Equity, and Inclusion site](#).

BULLYING

Under Vermont state law, bullying is defined as actions by a student or group of students intended to ridicule, humiliate, or intimidate another student. The behavior must be repeated over time and may include: name-calling and verbal taunts, written comments, including posting comments through social media, by email or text messages, threats of physical harm or actual harm, or disrespectful or insulting images. Because bullying is a form of dangerous behavior, the school offers an immediate educational and therapeutic approach to all instances of bullying. When specific incidences of bullying arise, they are dealt with in accordance with relevant state laws.

HARASSMENT

***Policy Notice:** The provisions outlined in this section are subject to amendment pending the final release of the updated AOE guidelines. Content will be revised accordingly to ensure full compliance.

This policy covers any incident of harassment between students at the school. Incidents of harassment by school employees towards students, between school employees, or between school employees and other agency employees are covered under the harassment policies of Howard Center and will be handled under the guidance of the organization's Human Resource department.

The school seeks to prevent harassment before it happens and extinguish harassment when it does occur. "Harassment" means unwelcome verbal, written, or physical conduct based on a student's actual or perceived race, religion, creed, color, national origin, sex, sexual orientation, or disability, which has the effect of substantially undermining and detracting from, or interfering with, the victim's educational performance or access to the school's resources or activities, or creating a hostile, offensive or intimidating school environment. Such conduct may include derogatory remarks, jokes, demeaning comments or behavior, slurs, mimicking, name calling, graffiti, innuendo, gestures, physical contact, stalking, threatening, bullying, or the display or circulation of written materials or pictures, when such conduct creates a hostile, offensive or intimidating school environment or substantially undermines and detracts from, or interferes with the victim's educational performance or access to the school's resources and activities. Harassment will be dealt with in accordance with relative state laws.

Title IX

Per Title IX of the Education Amendments Act of 1972 ("Title IX") the Howard Center Baird School (hereafter "Baird School") does not discriminate on the basis of sex in its educational programs and activities, including employment and admissions. All forms of sex-based discrimination, including sexual harassment, are prohibited in the Baird School. Please read the full policy in appendix II.

III. FAMILY CONNECTIONS

FAMILY PARTICIPATION AND RESOURCES

At Baird School, we use a team approach for working with all our students. We believe that parents/caregivers are vital members of each student's team. Our staff has expertise in the areas of education, counseling, child development, behavioral support, and communication; but parents/caregivers are the best experts on the child. We know that raising a child with special education needs can bring extra challenges to family life and we offer support in whatever way fits best for you and your family.

Each family of students at the school is assigned to be a school clinician. They provide guidance, support and education to families. They are also able to intervene and provide support in times of crisis, help families find needed resources and assistance, coordinate services when multiple service providers are involved, and work to create consistency and a positive working relationship between the home and school settings. These services are offered by the student's school clinician, clinical coordinator, behavior specialist, and/or clinical director. Please contact your student's school clinician to find out more about types of support available.

MEETINGS

School team meetings will be held at minimum twice per year. Team meetings will coincide with the completion of the trimester reports for each student. These reports will be completed on the following timeline: December, March, and June (with the June reports being mailed home).

Students enrolled in our Intensive Services Program will meet on a 4-6 week basis. These meetings will be used to review a student's school progress.

IEP's will be re-written and updated by IEP team members at an annual meeting or as needed. IEP meetings will be scheduled when possible to coincide with trimester meetings. Comprehensive Special Education Evaluations will be completed by each student's local public school system, with input from Baird School staff.

DISCHARGE PROCESS

IEP meetings will be convened to discuss and make recommendations about significant changes in educational placement. The criteria used to determine a student's readiness for a less restrictive or another alternative school setting is unique to each child. For all students, progress in achieving IEP goals is the basis determining readiness for a change in education placement.

SUSPENSION AND EXPULSION

In accordance Act 35, section (d) to 16 V.S.A. § 1162, students under eight years old, except in cases of imminent harm or danger to others will not be suspended or expelled. [Full text of AOE memorandum](#).

Determining appropriateness of suspension or expulsion for students over eight will be in accordance with [Agency of Education guidance](#). The suspension or expulsion of students will be followed in accordance with the [Vermont State Statues](#).

ALMA PARENT ACCESS

ALMA is our student information system used to track student attendance and other educational information. You will be provided with a log in to access school resources and student information. If you need help accessing ALMA please reach out to your student's clinician.

VISITS BY PARENTS, CAREGIVERS, OR GUARDIANS

Parents, guardians, caregivers, and school team members are always welcome to visit the school, observe in classrooms, talk with staff, and see their child. In order to not disrupt the learning environment, the school asks that those that wish to visit the school notify the staff in advance.

- All visitors must check in with reception staff upon arrival. This includes dropping off or picking up a student outside of normal arrival and dismissal hours.
- Visitors must enter arrival time, contact information, person visiting, and/or reason for visit in the visitor log.
- Visitors will be given a credential to wear while inside the building (usually a sticker or badge)
- If visiting a specific employee, the appropriate employee will be notified by reception staff that their visitor has arrived.

SCHOOL EVENTS

Please view the [Baird School Calendar](#) for events such as Family Night, Student Recognition Day, and other whole school events. Notice will be given regarding the time and date of these events and all are encouraged to attend.

IV. SAFETY POLICIES

[The Vermont Agency of Education Manual of Rules and Practices](#) guides our rules and policies around school safety.

PROHIBITED MATERIALS

Baird School is a smoke- and tobacco-free environment. There is no smoking or use of tobacco products permitted on school property. Alcohol, drugs, weapons of any kind, lighters, vaping paraphernalia, or other fire products are also not permitted on school property. If a student is discovered to be in possession of any of these products, appropriate school personnel will confiscate them. Students are not allowed to bring to school any sharp-edged device or other device known to be capable of use for the purpose of causing serious bodily injury or destruction. Anything brought to school to harm or cause someone to feel threatened is prohibited.

POSSESSION OF WEAPONS AT SCHOOL

It is the policy of the school that students are not allowed to bring weapons of any kind onto school grounds. Weapons are defined as any manufactured or homemade objects which present a risk of harm to others if used in an aggressive or careless manner, that do not otherwise serve an essential school function (e.g., scissors, pens). Examples of weapons include, but are not limited to, guns, knives, and explosive devices. Restrictions may also be placed on other objects (e.g., scissors) with students who have used, or threatened to use, such objects in an unsafe manner. We will call 911 in the instance that a weapon presents an imminent danger. In other instances, a student found to be in possession of a weapon shall be required to forfeit the weapon to school officials. Dependent upon the type of weapon and circumstances involved, refusal to forfeit a weapon may result in one or more of the following actions being taken:

- the student is removed from the class until such time that they forfeit the weapon;
- the student's parent/caregiver is called to the school to resolve the situation;
- if the student doesn't give the weapon to Baird School staff, police will be called to the school to resolve the situation.

Confiscated weapons are not returned to students. They are returned to the student's parents/caregivers or, if involved, given to law enforcement officials. Disciplinary action for weapon possession or use is determined on a case-by-case basis, and may involve one or more of the following consequences:

- removal of the student from the class group for a period of time;
- implementation of a search procedure upon the student's entrance to school for a specific time period;
- filing a complaint with the police department;
- discharge from the program.

Possession of firearms is automatically reported to the police. Possession of other weapons may be reported to the police, at the school's discretion. Parents/guardians are always informed of an instance of weapon possession. Incidents of weapon possession are documented as a client incident, which becomes a part of the student's school record.

SEARCH AND SEIZURE

If a staff member has reasonable cause to believe a student has possession of prohibited or stolen material, the staff reserves the right to immediately request that the student and their belongings go to an alternate space. Once in this alternate space, initially the staff will explain the rationale behind the search and inform the student that they will not be moving on from that alternative space until the search is complete to staff satisfaction. The search procedure will generally involve examining the student's pockets, shoes, jacket or other outer clothing and bags. The student is asked to display these areas, versus staff directly searching through student's clothing. Students will not be asked to remove clothing that would reveal private body areas or underclothing. If nothing is found, the student may move on with their day. If something is found, staff will hold on to it, notify the appropriate adults, process the incident with the student, and move the student on when they are ready. If contraband is found, a client incident report will be completed and put into the student's school file. The police may be involved in any situation in which safety is a serious concern or in which a law has been broken. As a consequence to possession of prohibited materials, students may be asked to demonstrate the absence of prohibited materials at the start of each school day for some period of time.

LEAVING SCHOOL GROUNDS

In the event that a student chooses to leave school grounds without permission, adults overseeing that student will take steps to ensure their safety. Baird staff will check school property for signs of the student or keep them in eyesight when possible. If the student is located, they will be asked to return to school. If they refuse, staff members will use their verbal de-escalation skills to persuade the student to return to the building. Parents/caregivers will be notified at this time. If the situation becomes dangerous, the student continues to refuse to return to school, or if staff is unable to locate the student, police will be called. The student's team will make a decision about whether to have the student returned to school or to another designated location. A client incident report will be written up and put in the student's school file.

USE OF FIRST CALL FOR CHITTENDEN COUNTY (FCCC)

[FCCC](#) provides phone or face-to-face consultation and intervention to anyone in crisis 24 hours a day, 7 days a week. While the school has the capacity to address and manage many crisis situations, it may seek the support of FCCC under certain conditions.

POLICE INVOLVEMENT

If a student exhibits highly threatening or aggressive behavior resulting in either serious risk of or actual injury to others, or physical damage to school property, Baird staff reserve the right to report such situations to the police, file a complaint, and relinquish authority to police when such action is called for. Parents will be notified of such action as soon as possible in the event of such an incident.

PREVENTION, IDENTIFICATION, AND REPORTING OF CHILD ABUSE AND SEXUAL VIOLENCE

The State of Vermont requires schools to share information regarding prevention, identification, and reporting of child abuse and sexual violence. The links and phone numbers provided offer support and resources for families. For any further questions, please reach out to the Clinical Director, Clinical Manager, or your child's clinician.

[Abuse Prevention | Department for Children and Families](#)

[Positive Parenting Tips | Child Development | CDC](#)

[Protective Factors Approaches in Child Welfare | Child Welfare Information Gateway](#)

[A Guide for Parents and Caregivers VT DCF](#)

Child Abuse: 1-800-649-5285

Domestic Violence: 1-800-228-7395

Sexual Violence: 1-800-489-7273

Parent Helpline: 1-800-244-5373

Teen Dating: 1-866-331-9474

SCHOOL NURSE

Baird School employs a registered nurse on a full-time basis. This individual is responsible for oversight of the medical needs of the students, directly administering medications, overseeing the administration of medication by other staff, and consulting with staff about the medical needs and health problems of students.

STUDENT INJURIES

When a student is injured, Baird School staff will administer first aid as needed. In the event of more serious injuries, the school nurse will be contacted, and the parents/caregivers will be notified. If the nurse is unavailable or unreachable or if the injury requires immediate medical attention, staff will either transport the student to the emergency room or call 911.

STUDENT ILLNESS

In the interest of having a safe and healthy school year, please carefully read and adhere to the information below. This information follows the guidelines set forth by the Vermont Department of Health and the Agency of Education. Parents/caregivers of students are expected to keep their children at home if they are ill. Baird School follows the protocol for common illnesses as outlined here. Call your student's clinician to report the absence. If during the day a student presents with symptoms the parent /guardian of that child will be called to pick up their child from school. Please make sure that you have a plan in place for picking up your child from school should the need arise. A plan for returning to school will be made based upon the guidelines set forth by the Vermont Department of Health and the Agency of Education. For general information regarding illness in schools and communicable disease reporting, visit this link. [General Illness in Schools | Vermont Department of Health](#).

OTHER CONTAGIOUS OR COMMUNICABLE CONDITIONS

Students who are suspected of having a communicable condition will be evaluated by the school nurse, who will then contact parents/caregivers with recommendations for further treatment. [Reg-reportable-disease.pdf](#). Below is a list of common communicable conditions:

Head Lice: The school nurse can make this diagnosis by thoroughly inspecting the child's hair. Parents/caregivers will be notified and educated on how to treat their child that evening. Students may re-enter school after treatment has been administered and the lice removal has begun. [Providing Care for Individuals with Head Lice | Lice | CDC](#).

Impetigo: If the school nurse suspects impetigo, parents/caregivers will be notified and asked to have their child seen by their pediatrician. If confirmed, the child may return to school after medicated cream has been applied and the areas affected are covered by a loose bandage.

Scabies: If the school nurse suspects scabies, parents/caregivers will be notified and asked to have their child seen by their pediatrician. If confirmed, the child may return to school after a prescription strength medicated cream or lotion has been applied to the body overnight and then washed off. [Treatment of Scabies | Parasites - Scabies | CDC](#).

Conjunctivitis or Pink Eye: If pink eye is suspected, the parents/caregivers will be contacted and informed that a visit with the pediatrician is strongly encouraged. The pediatrician will confirm the diagnosis and discuss treatment with the family. If confirmed, the child may return to school 24 hours after medication has begun. [Symptoms of Pink Eye | Conjunctivitis \(Pink Eye\) | CDC.](#)

COVID-19: If the school nurse suspects that a child is infected with COVID-19, the parent's/caregivers will be contacted. The nurse will recommend that the child avoid contact with others and that they consider testing for COVID-19. Additional Vermont Department of Health Guidance can be found here: [COVID-19 Symptoms & Treatment | Vermont Department of Health.](#)

Influenza (Flu): If a child is exhibiting flu-like symptoms, the school nurse will complete a comprehensive assessment. If Influenza is suspected, the parents/ caregivers will be contacted and asked to pick the child up from school. The school nurse will encourage them to schedule an appointment with the pediatrician.

Other infectious conditions will be handled on a case-by-case basis between the parent/caregiver, the school nurse, the child's pediatrician, and Baird School administrator.

MEDICATION

All medications either prescribed or over-the-counter, must be delivered to the school nurse by a parent/caregiver. Please plan the time for meds to be counted and signed for at time of delivery. Students should not be transporting to or from school any prescribed or over the counter medications. Medications must be brought to school in a recent prescription bottle or, for over-the-counter medications, in the manufacturer's bottle with instructions for use still clearly legible. Over-the-counter medications need to have the student's name written on the bottle where it does not obscure any label information. All medications, including over the counter medications will be kept in the nurse's office during the school day.

Please inform the school nurse of any of the following changes, as doctor's office don't generally offer this information:

- Discontinuation of a medication
- Starting a new medication
- A change in the dose of a medication
- A change in the time of day that a medication is administered

Once informed by the custodial parent/caregiver, the school nurse will obtain a physician's order directly from the prescriber for any prescribed medications or changes to prescribed medications that will be administered at school. To avoid missed doses, the school nurse will make reminder calls to parents or guardian to refill the medication prescription.

The school nurse can be reached at 488-6825 or 802-343-2264. Please feel free to leave a confidential message in the voicemail if the nurse is unavailable to speak with directly.

SCHOOL CLOSURE

In the event of a school closure due to unsafe weather conditions, Baird School will announce their closing on Channel 3 and WCAX, notify through ALMA notifications. Information will be broadcast by 7:00 am. However, please be aware that our students are from many different school districts and it

is not unusual that 1 or more of these will be closed when our school remains open. Baird School will not expect students to attend if their local public school is closed and transportation cancelled.

SCHOOL SAFETY DRILLS

Each year the school is required by law to hold the following safety drills:

- Annually – Cardiac emergency response plan review (all staff)
- Annually – Cardiac emergency response team practice drill (CERT only)
- Fire drill egress/relocation (AOE suggested schedule below)
- Options Based Drill (AOE suggested schedule below)

Month	Egress Drill	Options Based Drill
September	X	X
October	X	
November		
December	X	
January		X
February	X	
March		
April	X	
May		
June	X	

ASBESTOS MANAGEMENT PLAN

See Appendix I

V. THERAPEUTIC AND BEHAVIORAL INTERVENTIONS

A combination of effective therapeutic and behavioral interventions are used to create classroom environments in which students can learn to change their self-destructive behavior patterns to get their needs met in a pro-social manner. A core belief at Baird School is that students with severe emotional and behavioral disabilities can change their maladaptive patterns of thinking and behaving. To that end, staff at Baird School receive training in UKERU, Therapeutic Crisis Intervention (TCI), Applied Behavioral Analysis (ABA), Life Space Crisis Intervention (LSCI), and trauma-informed practices.

UKERU is a system based on receiving information communicated through someone's actions. It is a restraint-free intervention model that combines verbal de-escalation and specialized equipment

(pads) to manage safely—and diffuse—crises. Ukeru is trauma informed practice that focuses on comforting a person in crisis. Visit www.ukerusystems.com for more information.

Looking at crises as an opportunity for learning, the goal of TCI is to help students recover from crises at a higher level of functioning. TCI-trained staff members at Baird School are adept at decoding, assessing, and understanding acting-out behaviors. For additional information, visit rccp.cornell.edu/TCI_LevelOne.html

Life Space Crisis Intervention (LSCI) takes verbal interventions further by engaging students in a six-stage process of looking deeper into the underlying issues or beliefs that drive their behaviors. LSCI requires an investment of time and is certainly not used every time a student at Baird School struggles. It is, however, used by all staff. For further information, visit <https://www.lsci.org>.

One of the most important goals for all Baird School students is to learn the skills necessary to self-regulate to gain mastery and control over their emotions and behavior. Baird School focuses on building social and emotional skills through research-based effective social-emotional programs. One example is The Zones of Regulation model for teaching regulation skills (<https://zonesofregulation.com/index.html>). The Zones is a systematic, cognitive-behavioral approach used to teach students how to regulate their feelings, energy, and sensory needs to meet the demands of the situation around them and succeed socially. The school provides self-regulation spaces as another therapeutic component. These spaces allow students to interact in a calming environment to learn the skills necessary to manage their behaviors in times of stress.

EFFECTIVE BEHAVIORAL SOCIAL EMOTIONAL LEARNING

Given the needs of the students we serve, effective and therapeutic management of behavioral issues are fundamental to maintaining a safe learning environment. In such a program, effective behavior management practices form the foundation upon which educational and treatment goals are pursued and achieved. Applied behavior analysis is essential and beneficial for all students. ABA strategies are helpful for students to learn new skills and improve their quality of life. Baird School uses a whole-school positive behavioral support program called PAX Leaders. Baird School uses tools, called kernels, of the PAX program to support our school-wide behavior management system. Each classroom has a token economy that reinforces desired social-emotional skills in the school setting. Our students and staff refer to this program as the PAX economy. Baird School uses an electronic data system, PowerSchool Unified Classroom® Behavior Support- Kickboard, to collect and analyze data to further positive behavior support, track the earned dollars for the PAX economy, and measure social and emotional learning (SEL). In addition, we use the DESSA, a nationally standardized, strength-based behavior rating scale that assesses students' social and emotional competence three times a year, with results included in students' trimester reports.

The school also uses Restorative Practices principles (<https://www.iirp.edu>) to build community and respond to challenging behavior. Where possible, natural and logical consequences are used in response to behavioral difficulties. Suppose a student disrupts the learning environment and does not respond to positive preventative strategies. In that case, school staff may implement various interventions, including in-class or out-of-class time-outs. Time-outs are intended to interrupt escalating behaviors and to teach the student to control such behaviors at school. When a student's behavior escalates such that they are unsafe to themselves or others, and other de-escalation supports have not been successful, physical intervention, seclusion, or police intervention may be

necessary. This choice is determined based on understanding the student's needs, motivations, individual qualities, situational factors, and safety.

RESTRAINT AND SECLUSION

The use of Restraint and Seclusion in schools is governed by [Vermont State Board of Education Rule 4500](#). The Baird School is committed to maintaining a positive and safe learning environment for all and ensuring that any use of restraint or seclusion follows all the requirements of State Board Rule 4500 and the Howard Center policy. The Baird School emphasizes the use of positive behavioral interventions and supports, as well as the Ukeru system, with the intention to avoid the use of physical restraint or seclusion. The links to these models are provided in earlier sections of the handbook.

GROUP TREATMENT

School clinicians facilitate treatment groups four days a week, in the classroom, for 40 minutes each day. They work with students on emotional regulation, feeling identification, coping skills, self-identity, and building healthy relationships. Treatment groups are structured to be engaging and fun, while still enabling students to learn lifelong skills.

FAMILY RESOURCES

At Baird School, we use a team approach for working with all our students. We believe that parents/caregivers are vital members of each student's team. Research clearly indicates that students whose families regularly communicate and engage in their students' educational programs show higher student achievement outcomes. Our staff has expertise in the areas of education, counseling, child development, behavioral support, and communication; but parents/caregivers are the best experts on the child. We know that raising a child with special education needs can bring extra challenges to family life and we offer support in whatever way fits best for you and your family.

Our clinicians also offer family support services to help families with issues related to their child's special needs as well as help with typical developmental issues, especially as children grow toward adolescence. We work on developing skills by offering parental support, creating behavioral management strategies, and assisting in seeking community-based treatment resources, as well as enhanced clinical services in emergency situations. These services are offered by the student's school clinician, clinical coordinator, behavior specialist, and/or clinical director. Please contact your student's school clinician to find out more about types of support available.

VI. ACADEMIC PROGRAMS

ACADEMIC PROGRAMS

Baird School is an approved independent school. Teachers at Baird School recognize that many of their students may have significant learning needs, therefore the Multi-Tier System of Support model is implemented school-wide. [Multi-Tier System of Support \(MTSS\)](#) integrates assessment and intervention within a multi-level instructional system to maximize student achievement and reduce behavior problems. Curriculum and instructional practices are research-based, aligned with common core standards, and incorporate differentiated instruction. Student progress is frequently monitored, and when needed instruction is adjusted to meet the needs of the student.

Literacy - Reading and Writing

Reader's and Writer's Workshop model is implemented in all classrooms for approximately 80 minutes daily while utilizing strategies from Lead to Read, a collaboration with Stern Center for Language and Learning. Grades K-5 are utilizing the American Reading Company curriculum as the foundation of literacy instruction. Grades 5-8 utilize a variety of evidenced based curriculums and resources.

Mathematics

Math Workshop is implemented in all classrooms for approximately 40 minutes daily. We utilize a variety of curriculums that are aligned with common core standards with our primary resource being Illustrative Math.

Science

Under the umbrella of STEAM (Science, Technology, Engineering, Art and Math), science is taught three to four times per week, or as a rotation during a trimester. Field trips and hands-on activities are incorporated as much as possible.

Social Studies

Social studies is taught multiple times throughout the week or on a rotational basis. At times, social studies content may be integrated into other content areas.

Physical Education

Physical education classes are taught 4 times per week for 30 minutes. The aim of the physical education program is to help students develop confidence and competence to stay active for life. Our program provides a planned, sequential, K-8 standards-based program of curricula and instruction designed to develop motor skills, knowledge and behaviors for healthy active living, physical fitness, sportsmanship, self-confidence, and emotional intelligence.

Regulation Activities

With the goal of assuring that all students are as alert and prepared for instruction as possible, regulation activities are scheduled throughout the school day.

Technology

With SMART Boards and one to one devices in all the classrooms, the Baird School is highly committed to providing 21st century learning experiences for all students. Go Guardian is installed on all devices to maintain online safety for students.

OUTDOOR CHALLENGE

Outdoor Challenge (ODC) is a Baird School program that allows students to participate in challenging activities outside of school with community partners on Friday from 9:00-11:30. A few of the programs main goals are:

- Introduce students to lifelong activities and potential new hobbies.
- Teach risk taking, decision making, and problem-solving skills.
- Teach personal and social responsibility as individuals and members of a team.
- Foster a sense of community through cooperative group experiences.
- Have fun, set goals, and overcome challenges.

Students have engaged in activities such as mountain biking, swimming lessons, skiing/snowboarding, ice skating, gymnastics, sailing, and rock climbing. Each classroom will participate in a consecutive five-week experience.

VII. APPENDIX I



MEMORANDUM

To: Parents, Teachers, Employees, and other personnel or their guardians

From: Howard Center, Inc.
School Programs
Jeremy Robare, Asbestos Program Manager
75 Ethan Allen Drive
South Burlington, VT 05403
(802) 488-6971

Date: December 16, 2024

Subject: **Notification of Management Plan Availability**

The Asbestos Hazard Emergency Response Act (40 CFR 763.93 [g] [4]) requires that written notice be given that the following schools have Management Plans for the safe control and maintenance of asbestos-containing materials found in their buildings. These management plans are available and accessible to the public for each facility at the addresses listed below and the Facilities Department office (75 Ethan Allen Drive, South Burlington, Vermont):

The Baird School
1138 Pine Street
Burlington, VT 05401
(802) 488-6800

The Garvin School
55 Day Lane
Williston, VT 05495
(802) 488-6767

Fay Honey Knopp School
71, 73 & 77 Park Street
Rutland, VT 05701
(800) 242-9852



Signature of Asbestos Program Manager

Asbestos.doc



Prevention of Sexual Harassment As Prohibited by Title IX

I. Statement of Policy.

- A. **Prohibiting Title IX Sexual Harassment.** Per Title IX of the Education Amendments Act of 1972 (“Title IX”) the Howard Center Baird School (hereafter “Baird School”) does not discriminate on the basis of sex in its educational programs and activities, including employment and admissions. All forms of sex-based discrimination, including sexual harassment, are prohibited in the Baird School. The Baird School with actual knowledge of sexual harassment in an educational program or activity of the Baird School against a person in the United States must respond promptly in a manner that is not deliberately indifferent. The Baird School is deliberately indifferent only if its response to sexual harassment is clearly unreasonable in light of the known circumstances. The Baird School may be deemed to have been deliberately indifferent based on its restriction of rights protected under the U.S. Constitution, including the First, Fifth and Fourteenth Amendments.
- B. **Retaliation.** Retaliation as defined by this Policy is expressly prohibited. Complaints alleging retaliation may be filed according to the Title IX Grievance Procedures set forth in Section IV.
- C. **Concurrent Statutory Obligations.** While all forms of sex-based discrimination are prohibited in the Baird School, the purpose of this policy is to address, and only address, *sexual harassment as defined in Title IX and Section II.M. below*. For conduct which satisfies that definition, a school’s response is governed by this policy, and in those cases for which they have received a filing of a formal complaint of same, as set forth under the Title IX Grievance Process set forth in Section IV below. For other forms of inappropriate conduct, or conduct which may satisfy the definition of harassment on the basis of sex under Vermont law, including student misconduct and employment based statutes prohibiting unlawful harassment and other forms of misconduct, the Baird School may have the separate obligation to address those behaviors as required by other school policies and applicable laws.
- D. **Covered Parties.** This Policy shall apply to all students, employees and any third party who contracts with the Baird School to provide services to Baird School students or employees, upon Baird School property or during any school program or activity. A third party under supervision and control of the school system will be subject to termination of contracts/agreements, restricted from access to school property, and/or subject to other consequences, as appropriate.

II. Definitions

As used in this Policy and during the Title IX Grievance Process, the terms below shall have the meaning ascribed.

- A. **“Actual Knowledge”** means “notice” of “sexual harassment” or allegations of “sexual harassment” to either (a) a recipient’s Title IX Coordinator; or (b) any official of the recipient who has the authority to institute corrective measures on behalf of the recipient; or (c) to any employee of an elementary and secondary school.
- For purposes of this paragraph “sexual harassment” refers to the definition as contained *within this policy*. For other forms of inappropriate conduct, or conduct which may satisfy the definition of harassment on the basis of sex as recognized under Vermont law, schools retain the option and in some cases the obligation, to address those behaviors as required by policy and law.
 - Actual knowledge shall not be deemed to exist when the only official of the recipient with actual knowledge is the respondent.
 - “Notice” as used in this paragraph includes, but is not limited to, a Report of Sexual Harassment to the Title IX Coordinator as described Section IV.B.
 - Notice sufficient to trigger an obligation under this policy only shall exist where any employee has sufficient personal knowledge of alleged facts to be aware that if such facts were found to be true it would constitute a violation of this policy.
 - Imputation of knowledge based solely on vicarious liability OR constructive notice shall be insufficient to establish or constitute actual knowledge.
- B. **“Complainant”** is an individual who is alleged to be the victim of conduct that could constitute “sexual harassment” under this Policy. In order for an individual to be considered to be a Complainant they need not file Report of Sexual Harassment, nor a Formal Complaint of Sexual Harassment. Where the Title IX Coordinator signs a Formal Complaint of Sexual Harassment, the Title IX Coordinator is not considered a “Complainant.”
- C. **“Days”** shall mean calendar days, but shall exclude non-weekend days on which the District office is closed (e.g. holidays, office-wide vacations), or any weekday during the school year on which school is closed (e.g. snow days).
- D. **“Decision-Maker”** means persons tasked with either the responsibility of making determinations of responsibility (referred to as “Initial Decision-Maker”); or the responsibility to decide any appeal (referred to as “Appellate Decision-Maker”) with respect to Formal Complaints of Sexual Harassment in accordance with the Title IX Grievance Process.
- E. **“Determination of Responsibility”** is the formal finding by the decision-maker on each allegation of Sexual Harassment contained in a Formal complaint that the Respondent did or did not engage in conduct constituting Sexual Harassment under Title IX.
- F. **“Disciplinary sanctions”** are consequences imposed on a Respondent when s/he is determined responsible for sexual harassment prohibited under this Policy.
- F. **“Emergency Removal”** for purposes of this Policy shall mean removing a respondent from the Baird School’s education program or activity on an emergency basis, provided that the Baird School undertakes an individualized safety and risk analysis, determines that an immediate threat to the physical health or safety of any student or other individual arising

from the allegations of sexual harassment justifies removal, and provides the respondent with notice and an opportunity to challenge the decision immediately following the removal. Emergency Removals as permitted by this Policy shall not be construed to modify any rights under the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act.

- G. **“Formal Complaint of Sexual Harassment”** means a document filed by either (a) a complainant (or complainant’s parent/guardian); or (b) the Title IX Coordinator, alleging sexual harassment against a respondent AND requesting that the Baird School investigate the allegation of sexual harassment. The issuance or receipt of a Formal Complaint of Sexual Harassment formally triggers the Title IX Grievance Process set forth in Section IV. of this Policy.
- H. **“Investigation of Title IX Sexual Harassment”** Before the Baird School can conduct an Investigation of Sexual Harassment under this Policy, against a Respondent, a Formal Complaint of Sexual Harassment that contains an allegation of sexual harassment and a request that the Baird School investigate the allegations is required. Such investigation is a part of the Title IX Grievance Process, as set forth in Section IV.E.
- I. **“Remedial actions”** are actions intended to restore or preserve a complainant’s equal access to the educational programs and activities of the Baird School.
- J. **“Report of Sexual Harassment”** is any report which provides the Baird School with actual knowledge of sexual harassment or allegations of sexual harassment. Such a report may or may not be accompanied by a Formal Complaint of Sexual Harassment. Without such a Complaint, the Title IX Grievance Process is not triggered. See Section IV.A and IV.B. regarding the process for initiating that process.
- K. **“Respondent”** means an individual who has been reported to be the individual accused (i.e. perpetrator) of conduct that could constitute sexual harassment as defined under this policy.
- L. **“Retaliation”** means intimidation, threats, coercion, or discrimination by either the Baird School or any other person, against any individual for the purpose of interfering with any right or privilege secured by Title IX and/or this Policy, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing in connection with this Policy. Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sexual discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX or this policy, constitutes retaliation.
 - Limitation in Scope.**
 - i. **Material False Statements.** Actions taken in response to **materially** false statements made in bad faith, or to submitting **materially** false information in bad faith, as part of a report or during the Title IX Grievance Process do not constitute retaliation. A determination of responsibility alone is insufficient to conclude that a person made a materially false statement in bad faith.

- ii. 1st Amendment Protections. The exercise of rights protected under the First Amendment does not constitute retaliation prohibited by this Policy.

M. **“Sexual harassment”** prohibited under Title IX and by this Policy is conduct on the basis of sex, occurring in an education program or activity of the Baird School, against a person in the United States, that satisfies one or more of the following:

1. A school Baird School employee conditioning the provision of an aid, benefit, or service of the Baird School on an individual's participation in unwelcome sexual conduct; **OR**
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, **AND** objectively offensive that it effectively denies a person equal access to the Baird School’s education program or activity; **OR**
3. Or any conduct which would satisfies one or more of the following definitions:
 - a. Sexual assault: Any sexual act(s) directed at another person without consent of the victim, including instances where the victim is unable to lawfully give consent because of age or cognitive ability. Consent to a sexual act exists where words, actions or other non-verbal conduct objectively communicates a desire to participate in the sexual act(s). Consent to some sexual act(s) does not indicate consent to all sexual acts. Consent may be withdrawn at any time by objectively communicating through words, actions or other non-verbal conduct **AND/OR**
 - b. Dating Violence: Violence committed by a person who is or has been in a social relationship of a romantic or an intimate nature with the victim. The existence of the relationship shall be considered with reference to the length of the relationship, the type of relationship and the frequency of the interactions between the persons involved in the relationship. **AND/OR**
 - c. Domestic violence: Felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner or any other persons protected under 15 V.S.A. section 1101 from domestic abuse. **AND/OR**
 - d. Stalking: A course of conduct by a person directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others or suffer substantial emotional distress.

Limitation in Scope. For purposes of this policy conduct shall not be deemed to satisfy Title IX’s definition of “sexual harassment” if the conduct occurred either (1) outside of the United States and/or (2) includes locations, events or circumstances over which the Baird School did not exercise substantial control over both the respondent and the context in which the harassment occurred.

N. **“Supportive Measures”** are non-disciplinary, non-punitive, individualized services, offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the Baird School’s education program or activity without unreasonably burdening the other party including measures designed to protect the safety of all parties or the Baird School’s educational environment, or deter sexual harassment. These measures may include, but are not limited to, the following:

- 1.counseling;
- 2.extensions of deadlines or other course-related adjustments;

- 3.modifications of work or class schedules;
- 4.campus escort services;
- 5.mutual restrictions on contact between the parties;
- 6.changes in work or housing locations;
- 7.leaves of absence;
- 8.increased security and monitoring of certain areas of the Baird School campus;
- 9.and other similar measures.

III. **Duties**

A. **Reports of Sexual Harassment**

1. **Any Person May Make a 'Report of Sexual Harassment'.** Any person may report sexual harassment whether relating to her/himself or another person. A Report of Sexual Harassment may be made at any time, in person, by mail, by telephone, electronic mail, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report.
 - a. **Any Staff Member May Receive Reports.** Additionally, while the Baird School strongly encourages Reports of Sexual Harassment to be made directly to the Title IX Coordinator, the report may be made to **any** Baird School staff member, including, for instance, a counselor, teacher or principal.
 - b. **In Cases where Title IX Coordinator is Alleged Respondent.** If the Title IX Coordinator is the alleged respondent, in such cases either the Report of Sexual Harassment or Formal Complaint of Sexual Harassment may be made directly to the Superintendent, who shall thereafter fulfill the functions of the Title IX Coordinator regarding that Report/Complaint, or delegate the function to another person.

B. **Baird School Response to Report of Sexual Harassment.**

1. **Duty to respond.** The Baird School will promptly respond when there is Actual Knowledge of sexual harassment, even if a Formal Complaint of Sexual Harassment has not been filed.
 - a. **Baird School Response Must Be Equitable.** In its response the Baird School shall treat Complainants and Respondents equitably by providing supportive measures to the Complainant and by following the Title IX Grievance Process prior to imposing any disciplinary sanctions or other actions that are not supportive measures against a Respondent.
 - b. **Reports of Harassment Received by Baird School Employees Shall Be Referred to Title IX Coordinator.** Where any Baird School employee – other than the employee harasser, or the Title IX Coordinator – receives information of conduct which may constitute sexual harassment under this Policy, s/he shall, without delay, inform the Title IX Coordinator of the alleged sexual harassment. Failure to report will subject the employee to discipline up to and including dismissal.
 - c. **Complainant Contact.** As soon as reasonably possible after receiving a Report of Sexual Harassment from another Baird School employee or after receiving a report directly through any means, the Title IX Coordinator shall contact the Complainant [and parent/guardian in cases where the complainant is a student under the age of 18] to:
 - i. discuss the availability of and offer supportive measures;
 - ii. consider the complainant's wishes with respect to supportive measures;
 - iii. inform the complainant of the availability of supportive measures with or without the filing of a formal complaint; and
 - iv. explain to the complainant the process for filing a Formal Complaint of Sexual Harassment.

2. Formal Investigation of Sexual Harassment. Before the Baird School may conduct a formal investigation of sexual harassment or take any action (other than supportive measures) against a Respondent, a Formal Complaint that contains an allegation of sexual harassment and a request that the Baird School investigate the allegations is required and must be filed by either the Complainant, the Complainant's Parent/Guardian, or the Title IX Coordinator, as set forth under Section IV.B. below.
3. Initiating the Title IX Grievance Process. A Report of Sexual Harassment alone does **not** initiate a Title IX Grievance Process. Before the Baird School may initiate that process, a Formal Complaint of Sexual Harassment must be filed under the procedures set out in IV.A. ("Title IX Grievance Process").

C. Formal Complaints of Sexual Harassment.

1. Process for Filing a Formal Complaint of Sexual Harassment. The process for filing a Formal Complaint of Sexual Harassment is set forth in Section IV.A. ("Title IX Grievance Process").
2. Baird School Response to Receipt of Formal Complaint.
 - a. Investigation of Sexual Harassment. The Baird School must investigate the allegations of a Formal Complaint unless both parties voluntarily consent to engage in Informal Resolution, or Dismissal otherwise occurs under Section IV. G. below.
2. Baird School Written Notification to Parties in Response to Receipt of Formal Complaint. Upon receipt of a Formal Complaint, the Baird School must provide written notice as set forth in Section IV.C. below of the Title IX Grievance Process. In response to a Formal Complaint of Sexual Harassment, the Baird School must follow the Title IX Grievance Process set forth in Section IV.

D. Baird School Duty to Respond When Determination of Responsibility For Sexual Harassment Has Been Made Against a Respondent. The Baird School must provide remedies to a Complainant where a determination of responsibility for sexual harassment has been made against a Respondent designed to restore or preserve equal access to the Baird School's education program or activity. Such remedies may include "supportive measures" but also need not be non-disciplinary or non-punitive and need not avoid burdening the Respondent.

E. Reporting to Other Agencies.

1. Reports to Department of Children and Families. When a report made pursuant to this policy includes allegations of child abuse, any person responsible for reporting suspected child abuse under 33 V.S.A. § 4491, et seq. must report the allegation to the Commission or 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.
2. Reports to Vermont Agency of Education. If a report of sexual harassment is made to the Baird 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 Secretary. [If a report of sexual harassment 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.]
3. 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 sexual harassment 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.

- b. 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.
4. Continuing Obligation to Investigate. Reports made to DCF, AOE or law enforcement shall not be considered to absolve the school administrators of their obligations under this policy, or other school policies where appropriate, to respond, and when appropriate to investigate and follow the Title IX Grievance Process.

F. Disseminating Information and Notice.

1. Notice of Title IX Policy. The Baird School will make this Policy publicly available on the Baird School's website (OR if the Baird School does not maintain a website, available upon request for inspection by members of the public).
2. Notice of Title IX Obligations and Coordinator Information. The Baird School shall include in all student and employee handbooks, and shall make publicly available on the Baird School's website (OR if the Baird School does not maintain a website, available for inspection to members of the public upon request) the following information:
 - a. The Baird School's policy of non-discrimination on the basis of sex, that it is required by Title IX not to discriminate in such a manner, and that such requirement not to discriminate in the education program or activity of the Baird School extends to admission and employment (all to be prominently displayed on both the website and in publications);
 - b. The title, name, office address, email address, and telephone number of the Baird School's Title IX Coordinator (all to be prominently displayed on both the website and in publications);
 - c. A statement that Title IX inquiries may be referred to either the Baird School's Title IX Coordinator or to the Assistant Secretary for Civil Rights.

The same information shall be otherwise provided to students, employees, unions or professional organizations holding collective bargaining or professional agreements with the Baird School, and all persons seeking employment with the Baird School, or seeking to enroll or participate in the Baird School's educational programs or activities. Those persons shall also be informed of the grievance procedures and process provided for under Section IV. of this Policy, including how to file either a Report of Sexual Harassment or Formal Complaint of Harassment, and the response the Baird School will take in response to such filings.
3. Training Materials. Additionally, the Baird School will make any materials used to train personnel as required under Sec. V.F. publicly available on the Baird School's website (OR if the Baird School does not maintain a website, available upon request for inspection by members of the public).

G. Record Keeping

The Baird School shall maintain for a period of seven years records of

1. Sexual Harassment Investigations. The Baird School shall maintain records of any:
 - a) determination regarding responsibility;
 - b) any disciplinary sanctions imposed on the respondent;
 - c) any remedies provided to the complainant designed to restore or preserve equal access to the recipient's education program or activity; and

d) any appeal and result therefrom.

2. Any informal resolution and the result therefrom.
3. All materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process.
4. For each response required of the Baird School by this Policy to Actual Knowledge of Sexual Harassment, the Baird School must create and maintain for a period of seven years the following:
 - A) Records of any actions, including any supportive measures, taken in response to a Report of Sexual Harassment or Formal Complaint of Harassment. In each instance the Baird School must document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the Baird School's educational program or activity. Where a Baird School does not provide a Complainant with supportive measures, then the Baird School must document the reasons why such a response was not clearly unreasonable in light of the known circumstances. The documentation of certain bases or measures does not limit the Baird School in the future from providing additional explanations or detailing additional measures taken.

H. Confidentiality

1. Duty to Maintain Confidentiality.

The Baird School must keep confidential the identity of any individual who has made a Report of Sexual Harassment or Formal Complaint of Sexual Harassment under this Policy, any Complainant, Respondent, and any witness, except either:

1. As may be permitted by the FERPA statute, 20 U.S.C. 1232g, or FERPA regulations, 34 C.F.R. part 99;
2. or as required by law, such as reports to DCF, law enforcement or the Agency of Education as set forth in Section III.E above;
3. or to carry out the purposes of 34 C.F.R. part 106, including the conduct of any investigation, hearing or judicial proceeding arising thereunder, as set forth in this policy (Section IV.C.2, IV.E.7,8, and 10, IV.F.5., IV.G.3., and IV.H.7.);
4. where maintaining confidentiality with respect to supportive measures offered to the Complainant or Respondent would impair the ability of the school Baird School to provide the supportive measures;

IV. TITLE IX GRIEVANCE PROCESS.

A. General Provisions.

1. Triggers for Implementation. The Title IX Grievance Process is used only upon the filing of a **Formal Complaint** of sexual harassment as described below. This process must be followed before any discipline of a Respondent to allegations of Sexual Harassment may be imposed by the Baird School.
2. Protections for Equitable Treatment in The Handling of Formal Complaints by Baird School. The Baird School response to a Formal Complaint of Sexual Harassment shall treat Complainant and Respondents equitably. In particular, this Title IX Grievance Process shall require:
 - a) **"Presumption of Non Responsibility"** presumption that the Respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the Title IX Grievance Process;

- b) **“Objectivity”** an objective evaluation of all relevant evidence - including both inculpatory and exculpatory evidence - and provide that credibility determinations may not be based on a person’s status as a Complainant, Respondent, or Witness;
- c) **“Conflict and Bias Free Personnel”** that individuals designated by the Baird School to act as Title IX Coordinator, investigator, decision-makers, or to facilitate an informal resolution process, shall have no conflict of interest nor bias for or against a Complainant or Respondent individually, or complainants or respondents generally;
- d) **“No Interference with Legal Privileges”** such that at no point in the grievance process will the Title IX Coordinator, the investigator, any decision maker, or any other person participating on behalf of the Baird School, require, allow, rely upon, or otherwise use questions or evidence that constitutes, or seeks disclosure of, information protected under a legally recognized privilege (e.g., doctor/patient, attorney/client, clergy, etc.), unless the person holding such privilege (parent/guardian for minor student) has waived the privilege in writing to use the information with respect to the Title IX Grievance Process;
- e) **“Proof of Responsibility for Sexual Harassment by a Preponderance of the Evidence,”** which is only met when the party with the burden convinces the fact finder (the Initial Decision- Maker) that there is a greater than 50% chance that the claim is true (i.e., more likely than not). This standard shall be applied to all Formal Complaints of Sexual Harassment, whether they involve students or faculty; and
- f) **“Reasonably Prompt Time Frames for Conclusion of the Title IX Grievance Process.”** The Baird School shall make a good faith effort to conduct a fair, impartial grievance process in a reasonably prompt manner designed to provide all parties with a prompt and equitable resolution. It is expected that in most cases, the grievance process will be concluded - through at least the determination of responsibility decision - within 80 days after filing the Formal Complaint of Sexual Harassment. However, more complex cases or other case specific circumstances, may require additional time beyond that timeframe. In such cases, good cause must be shown and written notice provided.
 - 1. Grievance Process Timeline.
 - a. Investigation 20 +/- days (as the complexity of the case demands);
 - b.10 days for reviewing information prior to conclusion of investigation;
 - c.10 days after receiving investigative report -by either- party to respond;
 - d.10 days for decision maker to allow initial questions;
 - e.10 days for responses to questions;
 - f.10 days for questions and responses to follow-up questions;
 - f.10 days for determination of responsibility decision;
 - g.10 days for appeal (6 additional days for administrative steps);
 - h.10 days for argument/statement challenging or supporting determination;
 - i.10 days for decision on appeal.
 - 2. Delays and Extensions of Time. At any stage of the grievance process, the Baird School (through the Superintendent, or if the Superintendent is the respondent, the Title IX Coordinator or designee) may for good cause allow for temporary delays or extensions of time upon request of either party, or on his/her own initiative. Examples of good cause may include such things as availability of parties, party advisors, witnesses, school or school administrative office holidays or vacations, referral back to an earlier stage of the grievance process, concurrent law enforcement or other agency activity, or need to obtain language interpreters or accommodation of disabilities. For any such delay or extension of time, the

Superintendent or the Title IX Coordinator will provide simultaneous written notice to the parties of the delay/extension and the reason(s).

3. Delivery of Copies and Notices. Except as specifically stated elsewhere in this Policy, for any document, information or material required to be delivered to a party or to a person assigned with responsibility under the Title IX Grievance Process, the manner of transmittal may be by electronic mail, regular mail or such other manner reasonably calculated to assure prompt delivery with evidence thereof (such as a commercial carrier or other receipted delivery). Hand delivery will only be permitted if made to the Baird School official charged with the specific function under this Policy (e.g., Title IX Coordinator, Superintendent, investigator, decision maker(s), etc.). Any document required to be delivered to a minor or other non-eligible student, must also be delivered to the minor's parent/guardian. Copies should also be sent to a party's advisor if the information for the advisor has been previously communicated to the sending party. Under federal regulations, copies of the investigative evidence, as well as the investigative report, must be forwarded to a party's advisor.
4. Notice of Range of Disciplinary Sanctions and Remedial Actions Upon Final Determination of Responsibility.
 - a. Employee Respondents. "Disciplinary sanctions" against an employee respondent may include any available sanction available for the discipline of employees, up to and including dismissal or non-renewal for any other violation of Board policy,, applicable individual or collective bargaining contract, or state or federal laws or regulations.
 - b. Student Respondents. "Disciplinary sanctions" against a student may include any available discipline or sanction, up to and including expulsion, permitted by Baird School policies, and any other Baird School rules and procedures or student code of conduct.
 - c. Remedial Actions. Remedial actions as to a Respondent after a Title IX Sexual Harassment Final Decision, whether employee or student, may include the imposition upon a responsible respondent of any additional non-disciplinary measures appropriate to effecting a remedy for sexual harassment, and may include such measures as no-contact requirements, scheduling adjustments, removal or exclusion from extracurricular activities, class reassignments, limits on future class registrations, restrictions on access to various spaces in the school buildings, reassignment of attendance, and similar measures fine-tuned to respond appropriately to the circumstances surrounding a successful complainant's right to access the Baird School's program and activity. Additional remedial actions may include recommendations that a school-wide or system-wide response is needed in order to respond to the sexual harassment in a way that is not clearly unreasonable under the circumstances. In such cases, the Superintendent shall provide additional staff training, harassment prevention programs, or such other measures as determined appropriate to protect the safety of the educational environment and/or to deter sexual harassment.
5. Emergency Removal. Nothing in this Policy, or Title IX Grievance Process, precludes a Baird School from removing a Respondent from the Baird School's education program or activity on an emergency basis, provided that the Baird School undertakes an individualized safety and risk analysis, determines that an immediate threat to the physical health or safety of any student or other individual arising from

the allegations of sexual harassment justifies removal, and provides the Respondent with notice and an opportunity to challenge the decision immediately following the removal. This provision may not be construed to modify any rights under the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act. Such removal shall not be disciplinary.

6. Administrative Leave. Nothing in this Policy precludes a recipient from placing a non-student employee respondent on administrative leave during the pendency of the Title IX Grievance Process. This provision may not be construed to modify any rights under Section 504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act.

B. Formal Complaints of Sexual Harassment. The Title IX Grievance Process is initiated by way of a Formal Complaint (“complaint” or “formal complaint”) filed by the Complainant, the Complainant’s parent/guardian, or the Title IX Coordinator.

1. Complainant Options. In cases of Actual Knowledge (and/OR) Reports of Sexual Harassment, the Complainant retains the option to either file a Complaint of Sexual Harassment or choose not to and instead simply receive the supportive measures, except as set forth below.
 - a. Filings by Title IX Coordinator. In cases where the Complainant does not file a Formal Complaint of Sexual Harassment, the Title IX Coordinator may nevertheless choose to sign and thus initiate a Formal Complaint of Harassment, but only if:
 - i. initiating the grievance process against the respondent is not clearly unreasonable in light of the known circumstances;
 - ii. in other cases where, in the exercise of good judgment and in consultation with the Baird School’s attorney as appropriate, the Title IX Coordinator determines that a grievance process is necessary to comply with the obligation not to be deliberately indifferent to Actual Knowledge of sexual harassment.
 - iii. If the Complaint is filed by the Title IX Coordinator, he/she is not a party to the action, and the Baird School must comply with all of the provisions of the Title IX Grievance Process relative to respondents and complainants.
 - b. Supportive Measures. The Title IX Coordinator will contact the Complainant to discuss and offer supportive measures.
2. Respondent Rights. In cases where no Formal Complaint of Sexual Harassment is either filed by the Complainant or the Title IX Coordinator **no disciplinary action may be taken** against the Respondent based upon conduct that would constitute sexual harassment under this policy. Nevertheless, the Title IX Coordinator may contact the respondent to discuss, and or impose, non-disciplinary supportive measures.
3. Timeliness of Formal Complaints of Sexual Harassment. Although the Baird School will initiate the Title IX Grievance Process regardless of when the Formal Complaint of Sexual Harassment is submitted, delays in reporting may significantly impair the ability of school officials to investigate and respond to the allegations.
4. Jurisdiction Over Parties. Although there is no time limit per se to filing a Formal Complaint of Sexual Harassment, Complaints may be dismissed if either the Complainant or Respondent is no longer enrolled or employed by the Baird School.
5. Manner of Filing and Content of Formal Complaints of Sexual Harassment. Formal Complaints of Sexual Harassment may be filed with the Title IX coordinator in person, by mail, or by email and must be in writing. While forms may be obtained from the Title IX Coordinator or on the Baird School or school website, at a minimum, a Formal Complaint of Sexual Harassment must:

- a. contain the name and address of the Complainant and the student's parent or guardian if the complainant is a minor student;
 - b. describe the alleged sexual harassment;
 - c. request an investigation of the matter;
 - d. when filed by the Complainant be signed by the Complainant or otherwise indicate that the complainant is the person filing the complaint, or if not filed by the Complainant be signed by the Title IX Coordinator.
6. Consolidation of Complaints. The Baird School may consolidate formal complaints of allegations of sexual harassment where the allegations of sexual harassment arise out of the same facts or circumstances and the formal complaints are against more than one respondent; or by more than one complainant against one or more respondents; or by one party against the other party. When the Baird School has consolidated formal complaints so that the grievance process involves more than one complainant or more than one respondent, references to the singular "party", "complainant", or "respondent" include the plural, as applicable.

C. Notification of Formal Complaint to Parties ("Notification"). Upon receipt of a Formal Complaint of Sexual Harassment, the Baird School must provide the following written notice to the parties who are known:

1. Notice of the Baird School's Title IX Grievance Process (Section IV), including any informal resolution process.
2. Notice of the allegations potentially constituting sexual harassment as defined by Section II.M., including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting sexual harassment as defined by Section II.M., and the date and location of the alleged conduct, if known.
 - a. Supplemental Notice Required Upon Change in Investigative Scope. If, in the course of an investigation the Baird School decides to investigate allegations about the Complainant or Respondent that are not included in the original Notification, the Baird School must provide simultaneous notice of the additional allegations to the parties whose identities are known.
3. The written notice must include a statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the Title IX Grievance Process set forth in Section IV. of the Policy.
4. The written notice must inform the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney (who may be present during any Grievance proceeding, including any related meeting or proceeding). The Baird School may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties.
5. The written notice must inform the parties of any provision in the Baird School's code of conduct that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

D. Informal Resolution. At any time prior to reaching a determination regarding responsibility (but only after the filing of a formal complaint), the Baird School may offer an optional informal resolution process (e.g., mediation, arbitration), provided that the Baird School:

1. May not require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, waiver of the right to a Sexual

Harassment Investigation of a Formal Complaint of Sexual Harassment, such as may occur through Informal Resolution;

2. May not offer an informal resolution process unless a Formal Complaint of Sexual Harassment is filed;
3. Provides written notice to the parties disclosing:
 - a) The allegations of the Formal Complaint of Sexual Harassment;
 - b) The requirements of the information resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations, provided, however, that at any time prior to agreeing to an informal final resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint; and
 - c) Any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.
4. Obtains the parties' voluntary written consent to the informal resolution process; and
5. Does not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.

E. Sexual Harassment Investigation.

The Title IX Coordinator shall designate a qualified, trained, person to investigate. The investigation must:

1. Include objective evaluation of all relevant evidence, including inculpatory and exculpatory evidence. (Evidence about the complainant's sexual predisposition or prior sexual behavior are **not** relevant, unless such evidence about the complainant's prior sexual behavior is offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the evidence concerns specific incidents of the complainant's prior sexual behavior with respect to the respondent and is offered to prove consent.)
2. Ensure that the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rests on the Baird School and not on either of the parties;
3. Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence;
4. Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence;
5. Provide the parties with the same opportunities to have others present during any interview or other part of the investigation, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice. The Baird School may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties;
6. Provide, to a party (e.g., Respondent or Complainant – and parent/guardian as appropriate) whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all investigative interviews, or other meetings, with sufficient time for the party to prepare to participate;
7. Provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, including the evidence upon which the recipient does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to the conclusion of the investigation;

8. PRIOR to completion of the Sexual Harassment Investigative Report, the Baird School, through the Title IX Coordinator, must send to each party and party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties must have at least 10 days to submit a written response, which the investigator will consider prior to completion of the investigative report;
9. Prepare a written Sexual Harassment Investigative Report that fairly summarizes relevant evidence, including, without limitation, witness credibility, discrepancies, inculpatory and exculpatory information, and relevant Baird School policies, rules and regulations, and the manner in which the same were made known to the pertinent school populations or specific parties. The investigative report shall include a description of the procedural steps taken, starting with the receipt of the formal complaint, and continuing through the preparation of the investigative report, including any notifications to the parties, interview with parties and witnesses, site visit, and methods used to gather evidence.
10. The investigator shall provide the Investigative Report in hard copy or electronic format to the Title IX Coordinator, to each party and each party's advisor, if any. Each party will have 10 days from receipt to provide the Title IX Coordinator a written response to the Investigative Report.

F. **Initial Determination of Responsibility.** The initial determination of responsibility of the respondent shall be made by the Initial Decision-Maker.

1. **Initial Decision-Maker.** The Initial Decision-Maker cannot be the same person(s) as the IX Coordinator or the Investigator(s).
2. **Opportunity for Relevant Party Questions.** After the Investigator Report has been sent to the parties pursuant to Section IV. E.10 (above), and PRIOR to making a determination of responsibility, the Initial Decision-Maker will afford each party 10 days to submit written, relevant questions to the Initial Decision-Maker that the party wants asked of any party or witness. Only relevant questions may be posed. The Initial Decision-Maker shall explain to the party proposing the questions any decision to exclude a question as deemed "not relevant."
 - a. **Irrelevant Questions and Evidence.** Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are **not** relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the Complainant, or if the question and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.
 - b. **Written Responses to Questions.** The Initial Decision-Maker will provide the questions to the party/witness, with copies to each party, and provide no less than 10 days for written responses, likewise to be provided to each party.
 - c. **Opportunity for Limited Supplemental Questions.** The Initial Decision-Maker will provide 5 days each for supplementary, limited follow-up questions and 5 days for answers, and may provide for additional rounds of follow-up questions, as long as the provision is extended to both parties equally.
3. **Prohibition on Negative Inferences.** The Initial Decision-Maker may not make any credibility determinations based on the person's status as a complainant, respondent or witness.
4. **Presumption of Non-Responsibility.** The Respondent must be deemed to be not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the Title IX Grievance Process.
5. **Written Initial Determination Regarding Responsibility.** Within 10 days following the close of the period set for responses to the last round of follow-up questions, the Initial Decision-Maker

must issue a Written Initial Determination to the Title IX Coordinator, the Superintendent and the parties simultaneously, which, while applying the preponderance of the evidence standard, must include:

- a. Identification of the allegations potentially constituting Sexual Harassment as defined in this Policy, section II.M.;
 - b. A description of the procedural steps taken from the receipt of the formal complaint through the Initial Determination Regarding Responsibility, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather evidence, and hearings held;
 - c. Findings of fact supporting the Written Initial Determination Regarding Responsibility;
 - d. Conclusions regarding the application of the Baird School's applicable codes of conduct, policies, administrative regulations or rules to the facts;
 - e. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility (i.e., whether or not the respondent is responsible for sexual harassment), any disciplinary sanctions the Baird School imposes on the Respondent, and whether remedies designed to restore or preserve equal access to the Baird School's education program or activity will be provided by the Baird School to the Complainant; and
 - f. The Baird School's procedures and permissible bases for the Complainant and Respondent to appeal (as set forth in Section IV.H, below).
6. Finality of Decision. The Initial Determination Regarding Responsibility becomes final, and identified as the **Title IX Sexual Harassment Final Decision** either:
- a. On the date that Baird School provides the parties with Written Determination of the Appeal, if an appeal is taken as set forth in Section IV.H. (below); OR
 - b. Where no appeal is taken, the date on which an appeal would no longer be considered timely.
7. Duty to Effectuate Title IX Sexual Harassment Final Decision.
- a. Baird School Response to Sexual Harassment. Once a **Title IX Sexual Harassment Final Decision** is issued, the Baird School may implement remedies as set forth in Section III.D. above, and action as necessary to respond in a manner not deliberately indifferent in light of the known circumstances in cases of a Determination of Title IX Sexual Harassment Final Decision concluding responsibility for Sexual Harassment. The issue of responsibility for the conduct at issue shall not be subject to further review or appeal within the Baird School (except as provided by Baird School policy or collective bargaining agreement or applicable law). Appeals of disciplinary sanctions may be made pursuant to the Baird School's ordinary review process for discipline, or to the extent applicable through any statutory or other processes provided under collective bargaining agreements or individual contracts.
 - b. Responsibility for Response. The Title IX Coordinator is responsible for effective implementation of remedies.
 - c. Other Actions Pursuant to Applicable Code of Conduct, Policies, Agreements, Contracts. The Baird School may also proceed against the Respondent or Complainant pursuant to the Baird School's applicable code of conduct or other Board policies, collective bargaining agreement, individual contract or administrative rules/regulations/procedures.

G. Dismissal of a Formal Complaint.

1. The Baird School must dismiss a formal complaint with regard to Title IX sexual harassment if the alleged conduct:
 - a. Would not constitute sexual harassment, even if proved;
 - b. Did not occur in the Baird School's education program or activity; or
 - c. Did not occur against a person in the United States.

2. The Baird School may dismiss a formal complaint with regard to Title IX sexual harassment if at any time during the investigation or determination of responsibility stage(s):
 - a. A complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein;
 - b. The respondent is no longer enrolled or employed by the Baird School; or
 - c. Specific circumstances prevent the recipient from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.
3. Upon dismissal of a formal complaint, the Baird School must promptly send written notice of the dismissal and the reason(s) therefore simultaneously to the parties.
4. The dismissal of a formal complaint under Title IX does not preclude the Baird School from continuing any investigation or taking action under other Baird School policies, code of conduct or administrative rules/regulations. In some cases, the Baird School may have an obligation to continue an investigation and proceed under a different policy or mandated process.

H. **Appeals.** The Baird School must offer both parties an appeal from a Initial Determination Regarding Responsibility, and from a Dismissal of a Formal Complaint, or any allegations therein.

1. **Method of Filing.** Either party may appeal the Initial Determination of Responsibility or the dismissal of a Formal Complaint of Sexual Harassment (or any allegations therein) by notifying the Superintendent in writing (“written appeal”), with a copy to the Title IX Coordinator. If there are multiple determinations of responsibility, the written appeal shall specify which ones are included in the appeal.
2. **Deadline for Notice of Appeal.** The Notice of Appeal must be in writing and received by the Superintendent, with a copy to the Title IX Coordinator, within 10 days of either the Initial Determination of Responsibility or the written Notice of Dismissal being communicated to the parties, as appropriate.
3. **Grounds For Appeal.** Either party may only appeal the Initial Determination of Responsibility or the Dismissal of a Formal Complaint of Sexual Harassment (or any allegations therein) based upon one or more of the following grounds, which must be stated specifically in the party’s written appeal:
 - a. Procedural irregularity that affected the outcome of the matter;
 - b. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; or
 - c. The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.
4. **Appellate Decision-Maker.** The Appellate Decision-Maker shall not be the same person as the Initial Decision-Maker that reached the determination regarding responsibility or the Dismissal of a Formal Complaint of Sexual Harassment, the Investigator(s) or the Title IX Coordinator. The Appellate Decision-Maker shall not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. The Appellate Decision-Maker shall be trained as set forth in section V.F.2. and 3.
5. **Baird School Notification of Appeal and Duty to Equitable Treatment of Parties During Appeal.** The Baird School must notify the both parties in writing when an appeal is filed and implement appeal procedures equally for both parties.
6. **Opportunity to Brief Appellate Decision-Maker.**

- a. Deadline In Cases Other than Newly Available Evidence. Except in cases of newly available evidence, each party shall have 10 days “reasonable and equal opportunity” from the date of the Notification of Appeal under section H.5. above, to submit to the Appellate Decision-Maker a written statement in support of, or challenging, the Initial Determination Regarding Responsibility.
- b. Deadline in Cases of Newly Available Evidence. In cases where the basis of the appeal is newly available evidence affecting the outcome, the party relying upon such evidence shall submit to the Appellate Decision-Maker such evidence or a summary of such evidence along with the party’s appeal statement first and within 7 days from the date of the Notification of the Appeal. In such instances the Appellate Decision-Maker shall then forward such documentation on to the opposing party, whereupon the opposing party shall thereafter have 7 days to review and submit their Brief to the Appellate Decision-Maker.

7. Written Determination of the Appeal

- a. The Appellate Decision-Maker shall provide a Written Determination of the Appeal after considering the record and the parties’ appeal statements, describing the result of the appeal and the rationale of the result. The appeals decision maker will only overturn the Initial Determination of Responsibility upon a conclusion that it was clearly erroneous (i.e., either made on unreasonable grounds, or without any proper consideration of the circumstances). If the basis or one of the bases for the appeal was new evidence, the appeals decision maker may either make a determination of responsibility regarding that evidence or refer it back to the appropriate stage of the Title IX Grievance Process. The Appellate Decision shall be provided simultaneously to both parties, with a copy to the Title IX Coordinator and the Superintendent of Schools.
- b. Upon issuance of the Written Determination of the Appeal, it becomes a **Title IX Sexual Harassment Final Decision**, as set forth in Section IV.F.6, with commensurate Title IX obligations for the Baird School to act as set forth in Section IV.F.7.

V. Responsible Personnel.

A. Bias or Conflicts of Interest.

No person designated as a Title IX Coordinator, investigator, decision-maker, nor any person designated by the Baird School to facilitate an informal resolution process, may have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.

B. Title IX Coordinator.

The Baird School must designate and authorize at least one employee to coordinate its efforts to comply with its responsibilities under this Policy, which employee must be referred to as the “Title IX Coordinator.” Any individual designated by the Baird School as a Title IX Coordinator shall be free of conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.

1. Notice of Title IX Coordinator Contact Information. The name or title, office address, electronic mail address, and telephone number of the employee(s) designated as the Title IX Coordinator shall be provided to the following:
 - a. all applicants for admission and employment;
 - b. parents or legal guardians of elementary and secondary school students;
 - c. employees; and
 - d. all unions or professional organizations holding collective bargaining or professional agreements with the recipient.

2. Duties of Title IX Coordinator In addition to coordinating the Baird School's efforts to comply with its responsibilities under this Policy, and any other duties assigned, the Title IX Coordinator shall be responsible for:
 - a. Receipt of Reports of Sexual Harassment. Any person may report sex discrimination, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), in person, by mail, by telephone, or by electronic mail, using contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. Such a report may be made at any time (including during non-business hours) by using the telephone number or electronic mail address, or by mail to the office address, listed for the Title IX Coordinator.
 - i. Responding to general reports and formal complaints of sexual harassment.
 - (a). The Title IX Coordinator shall promptly contact the Complainant (or where Complainant is a minor their parent/guardian) (regardless to whether a formal complaint has been received) to discuss:
 - i. Supportive Measures: the availability of supportive measures (as defined in section II.N. above); to consider Complainant's wishes with respect to supportive measures; to inform of the availability of supportive measures with or without the filing of a Formal Complaint of Sexual Harassment;
 - ii. Formal Complaint and explain the process for filing a Formal Complaint of Sexual Harassment.
 - ii. Signing and/or receiving Formal Complaints of Sexual Harassment and in such cases commencing the Title IX Grievance Process set out in Section IV. above;
 - iii. Coordinating the effective implementation of supportive measures; and
 - iv. Coordinating the Baird School's efforts to comply with its responsibilities related to the Title IX Grievance Process set forth in Section IV of this policy, including any other specific duties as assigned by the Superintendent to fulfill the Baird School's obligations under this policy.
3. Conflict of Interest or Bias/Unavailability. In cases where the Title IX Coordinator is unavailable, including unavailability due to a conflict of interest or other disqualifying reason, the Superintendent shall assure that another person with the appropriate training and qualifications is appointed as acting Title IX Coordinator for that case, in such instances "Title IX Coordinator" shall include the acting Title IX Coordinators.

C. Investigators.

1. Conflict of Interest or Bias. Any individual assigned to investigate a Formal Complaint of Sexual Harassment shall not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.
2. Responsibilities. Investigators shall be responsible for conducting Sexual Harassment Investigations as set forth in Section IV.E. above.

D. Decision-Makers.

1. Conflict of Interest or Bias. Any individual assigned as a Decision-Maker in the case of a Sexual Harassment under this Policy shall not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.
2. Responsibilities.

- a. **Initial Decision-Makers** shall be responsible for issuing an Initial Determination Regarding Responsibility following a Sexual Harassment Investigation and other duties set forth in Section IV.F. above.
 - b. **Appellate Decision-Makers** shall be responsible for issuing a Written Determination of the Appeal, and other duties set forth in Section IV.H. above.
- E. **Informal Resolution Process Facilitators (“Facilitators”).**
1. **Conflict of Interest or Bias.** Any individual assigned to facilitate an informal resolution process shall not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.
 2. **Responsibilities.** Facilitators shall be responsible for facilitating a process of informal resolution as permitted in section IV. D. above.
- F. **Training.** The Baird School shall ensure that training of the following personnel occur:
1. **All Baird School Employees.** Training of Baird School Employees shall occur relative to mandatory reporting obligations, and any other responsibilities they may have relative to this Policy.
 2. **Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process.** These individuals must be trained on the following topics:
 - a. the definition of sexual harassment as contained within this Policy;
 - b. the scope of the recipient’s education program or activity;
 - c. how to conduct an investigation, appeals, and informal resolution process;
 - d. how to serve impartially, including by avoiding prejudgment of the facts at issue; and
 - e. conflicts of interest and bias.
 3. **Decision-makers.** In addition to the topics set forth in II.D.2. above, decision-makers shall be trained on the following topics:
 - a. issues of relevance of questions and evidence, including when questions and evidence about the complainant’s sexual predisposition or prior sexual behavior are not relevant as set forth in Section IV.E.1. and IV.F.2.a.
 4. **Investigators.** In addition to the topics set forth in II.D.2. above, investigators shall be trained on issues of relevance to create an investigative report that fairly summarizes relevant evidence, as set forth in Section IV.E.9 above.
 5. **Training Materials.** Any materials used for trainings of Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, must:
 - a. Not rely on sex stereotypes; and
 - b. Promote impartial investigations and adjudications of formal complaints of sexual harassment.
 - c. Be made available to the public either on its website, or if the Baird School does not maintain a website, must make those materials available upon request for inspection by members of the public.

Legal References:

1. Title IX of the Education Amendments of 1972, 20 U.S.C 1681, et seq 20 U.S.C. §1232g, Family Educational Rights and Privacy Act
2. 34 CFR. Part 99, Family Educational Rights and Privacy Act Regulations
3. 34 CFR 106.8, Designation of responsible employee and adoption of grievance procedures.
4. 34 CFR 106.30, Definitions

5. 34 CFR 106.44, Recipient's response to sexual harassment
6. 34 CFR 106.4, Grievance process for formal complaints of sexual harassment
7. 34 CFR 106.71, Retaliation

Legal References Disclaimer. These references are not intended to be considered part of this policy, nor should they be taken as a comprehensive statement of the legal basis for the Board to enact this policy, nor as a complete recitation of related legal authority. Instead, they are provided as additional resources for those interested in the subject matter of the policy.