

**SCHOOL DISTRICT OF MANAWA  
POLICY & HUMAN RESOURCES COMMITTEE MEETING  
AGENDA**

**Join with Google Meet**

meet.google.com/ghq-oxwt-mdk

**Join by phone**

(US) +1 443-892-2859 PIN: 991 388 486#

**Date: August 3, 2021**

**Time: 6:00 p.m.**

**Hybrid Meeting Format (In-person Meeting for Board of Education at MES Board Room, 800 Beech Street & Virtual Components)**

**Board Committee Members: J. Johnson (C), Pethke, Reiersen**

**In Attendance:**

**Timer:** \_\_\_\_\_ **Recorder:** \_\_\_\_\_

1. Consider Endorsement of School District of Manawa COVID-19 Back to School Plan as Presented (Information / Action)
2. Acknowledge WIAA Guidelines for Return to 2021 Fall Sport Seasons as Presented (Information / Action)
3. Discuss and Revise Policies and Administrative Guidelines per Handbook Review as Needed (Information /Action)
  - a. PO2260 - Nondiscrimination and Access to Equal Educational Opportunity
  - b. PO5516 - Student Hazing
  - c. PO5517.01 - Bullying
  - d. PO5410 - Promotion, Placement, and Retention (New; posted July 26, 2021)
  - e. AG5421A - Grading (Update grading scales; most districts list this only in the handbook)
  - f. PO7540.03 - Student Technology Acceptable Use And Safety (When students receive a school email/Google account)
  - g. School Nurse References - Nurse/Paramedical
  - h. Assistant Principal replaced with Dean of Students where applicable
  - i. PO5513 - Care of Property (Fees or fines defined)
  - j. Other Policies Identified of Concern During the Handbook Review
  - k. Other Administrative Guidelines Identified of Concern During the Handbook Review

4. Consider Revision to Handbook Medical Emergency Acknowledgement Page per Legal Advice (Information / Action)
5. Consider Legal Advice Regarding Student Proof of Driving Permit for ATVs or Snowmobiles (Information / Action)
6. Consider Endorsement of the Special Education Handbook as Presented (Information / Action)
7. Consider Endorsement of the Mentor Handbook as Presented (Information / Action)
8. Consider Endorsement of ES Health/Special Education Paraprofessional Position as Presented (Information / Action)
9. Consider Endorsement of ES Health/Special Education Paraprofessional Job Description as Presented (Information / Action)
10. Begin Review of Key Performance Indicators (Information / Action)
  - a. IV. Engagement & Satisfaction
    - i. A - Staff Retention
    - ii. E - Staff Survey
    - iii. F - Parent Survey
    - iv. G - Student Survey
11. Policy & Human Resources Committee Planning Guide (Information)
12. Set Next Meeting Date: \_\_\_\_\_
13. Next Meeting Items:
  - a. NEOLA Updates - Steve LaVallee (Information / Action)
  - b. Continue Review of Key Performance Indicators (Information / Action)
  - c.
14. Adjourn



## School District of Manawa COVID-19 Back to School Plan

[CDC Guidelines for K-12 Schools](#)  
[WI- DHS Guidelines for K-12 School](#)

Adopted from considerations for returning to school 2021-2022 regional health department recommendations, collaboration with Waupaca County districts, CDC guidelines for schools, and Wisconsin DHS recommendations.

- Parent/Guardian monitor symptoms of child and keep them home if sick.
- Promote handwashing and covering your cough/sneeze.
- Routine cleaning and disinfection of common spaces and surfaces (cafeteria, library, etc.).
- Follow excursion criteria per Wisconsin Communicable Diseases requirements.

What is an “outbreak” of COVID-19?

*“Definitions for COVID-19 outbreaks are relative to the local context. A working definition of “outbreak” is recommended for planning investigations. A recommended definition is a situation that is consistent with either of two sets of criteria:*

- *During (and because of) a case investigation and contact tracing, two or more contacts are identified as having active COVID-19, regardless of their assigned priority.*

OR

- *Two or more patients with COVID-19 are discovered to be linked, and the linkage is established outside of a case investigation and contact tracing (e.g., two patients who received a diagnosis of COVID-19 are found to work in the same office, and only one or neither of the them was listed as a contact to the other).”*

<https://www.cdc.gov/coronavirus/2019-ncov/php/contact-tracing/contact-tracing-plan/outbreaks.html>

Considerations	Fall Reopening Plan	Outbreak Response Options
Instructional Options	<p>In-person for all 4K-12 students.</p> <p>Virtual Instruction only with principal approved signed parent agreement.</p>	<p>Virtual Instruction options may be expanded to larger groups of students as needed.</p> <p>and/or</p> <p>HS A/B Cohorts.</p>
Masking (School and School Sponsored Events)	Optional for students, staff, and guests. (Strongly recommended for all unvaccinated individuals while indoors.)	Recommended if not vaccinated or Required for all based on the size of the outbreak.
Distancing	<p>Avoid large crowds if possible.</p> <p>Avoid sharing of objects/equipment if possible</p>	<p>6 feet minimum if possible.</p> <p>No sharing of objects/equipment.</p>
Indoor Cohorting	<p>MS/HS - No Cohorting.</p> <p>ES - Classroom groups stay together as much as possible.</p>	<p>HS - A/B Cohorts.</p> <p>MS/ES - Classroom Cohorting; Specials come to classrooms.</p>
Contact Tracing	<p>All potentially exposed staff and students per CDC guidelines.</p> <ul style="list-style-type: none"> <li>● Contacts from household - stay home and follow WI-DHS guidelines unless vaccinated.</li> <li>● Non-household close contact (symptomatic) - stay home and follow WI-DHS guidelines; recommend testing; return to school 24 hours after symptom-free.</li> <li>● Non-household close contact (asymptomatic) - stay home and follow WI-DHS guidelines unless vaccinated; notify parents and ask</li> </ul>	<p>All potentially exposed staff and students per CDC guidelines.</p> <ul style="list-style-type: none"> <li>● Contacts from household - stay home and follow WI-DHS guidelines unless vaccinated.</li> <li>● Non-household close contact (symptomatic) - stay home and follow WI-DHS guidelines; recommend testing; return to school 24 hours after symptom-free.</li> <li>● Non-household close contact (asymptomatic) - stay home and follow WI-DHS guidelines unless vaccinated; notify parents and ask</li> </ul>

	<p>them to monitor for symptoms.</p> <ul style="list-style-type: none"> <li>• A letter may be sent home to a class, group, team, grade-level, etc. to inform families to monitor their child's health if there are active cases that could result in an exposure.</li> </ul>	them to monitor for symptoms.
Lunch	<p>MS/HS- Separate lunch periods using cafeteria.</p> <p>ES - Lunch in cafeteria sitting with class and allowing spacing of tables between groupings.</p>	<p>HS - Resume 2020-21 lunch service plan.</p> <p>ES &amp; MS - Lunch in classrooms.</p>
Recess	<p>ES - Mixed recess weather permitting; classroom cohorted recess if weather prevents outdoor recess.</p>	<p>HS - May need to move to closed campus.</p> <p>ES - Recess in classroom cohorts.</p>
Band / Choir	<p>MS/HS - Physical distancing as possible. Bell covers on wind instruments.</p>	<p>MS/HS Choir - Alternate setting with physical distancing.</p> <p>MS/HS Band - Increased physical distancing. Outside rehearsals encouraged.</p>
Volunteers/STEP	<p>Assigned to a person or cohort when having direct contact with students.</p>	<p>Limit or put volunteer or STEP program on pause.</p>
Busing	<p><a href="#">Transportation Mask Order</a></p> <p>“Passengers and drivers must wear a mask on school buses, including on buses operated by public and private school systems, subject to the exclusions and exemptions in CDC’s Order.” - <a href="https://www.cdc.gov/quarantine/masks/">https://www.cdc.gov/quarantine/masks/</a></p>	<p>Per law, rule, or Kobussen expectations.r</p>

	<a href="https://www.mde.state.md.us/mask-travel-guidance.html">mask-travel-guidance.html</a>	
Technology/Devices	<p>Devices should be sent home daily.</p> <p>Teachers will work with students at the start of the school year to ensure they know how to use their devices.</p> <p>Kajeets or other support will be provided to families who do not have reliable internet at home.</p>	Devices will be utilized to access instruction at home.
Field Trips	As scheduled per venues' rules/expectations.	None

## Guidelines for the Return to 2021 Fall Sport Seasons

With the return to fall sports, normalization is being recommended with the following caveats:

- Full vaccination is strongly encouraged
- Masks are strongly encouraged for individuals not fully vaccinated.
- Schools follow local health department guidelines.

The comprehensive prevention measures remain critical to reducing the risk and burden of COVID. These measures should be continued:

- Continue with appropriate hygiene –do not share water or food with others, avoid spitting, and use hand sanitizer before, after, and potentially during participation.
  - Continue with established, regular cleaning and disinfecting of equipment, especially things that athletes will touch with their hands.
- Encourage social distancing.
- Minimize crowds & follow local health authority guidelines for spectator limits.

Based on the Centers for Disease Control and Prevention (CDC) guidelines, fully vaccinated individuals may resume activities that they did prior to the pandemic, and may do these activities without a mask unless required by businesses or local health authority regulations. Persons are considered full vaccinated when:

- It is at least 2 weeks after the second dose of the Pfizer or Moderna vaccines.
- It is at least 2 weeks after receiving the single-dose Johnson & Johnson vaccine.

Exposure, quarantine and isolation guidelines for fully vaccinated individuals:

- Fully vaccinated people that develop COVID symptoms should isolate themselves from others and contact their primary care provider to discuss evaluation and testing.
  - These individuals will need medical clearance with negative testing in order to return to activity, or they will need to follow established CDC quarantine protocol.
    - At least 10 days since symptoms first appeared, AND
    - At least 24 hours with no fever without fever reducing medication, AND
    - Other COVID-19 symptoms are improving (loss of taste and smell may persist for weeks or months and should not delay end of quarantine).
- Fully vaccinated people with no COVID-like symptoms following an exposure to someone with suspected or confirmed COVID do not need to quarantine or test.
  - They should monitor themselves for symptoms for 14 days after exposure, and if symptoms begin, they should isolate and contact their primary care provider.

Exposure, quarantine and isolation guidelines for individuals that are not fully vaccinated:

- Persons with close contact to an individual with COVID should immediately being quarantine at home for 14 days from last contact with the infected individual.
  - Local health authorities will make final decision on length of quarantine.
  - Potential options to reduce quarantine include:
    - After day 7, if asymptomatic and a negative test result (test must occur on day 5 or later).
    - After day 10, if asymptomatic.
  - Over the entire 14 day period, everyone should monitor for symptoms, wear a mask, and maintain social distancing/avoid crowds.
- Persons with symptoms of COVID or a positive COVID test without symptoms should isolate themselves from others and contact their primary care provider to discuss evaluation and testing.
  - These individuals will need medical clearance with negative testing in order to return to activity, or they will need to follow the previously established 14 day quarantine protocol.

**During WIAA tournaments**, CDC and local health department quarantine guidelines shall be followed. When diagnostic testing resources are sufficient and available, then quarantine can end after Day 7 if a diagnostic specimen tests

negative and if no symptoms were reported during daily monitoring. The specimen may be collected and tested within 48 hours before the time of planned quarantine discontinuation (after day 5 of quarantine), but quarantine cannot be discontinued earlier than after Day 7.

The CDC has provided guidelines for returning to school:

- Vaccination is currently the leading public health prevention strategy to end the COVID-19 pandemic. Promoting vaccination can help schools safely return to in-person learning as well as extracurricular activities and sports.
- Masks should be worn indoors by all individuals (age 2 and older) who are not fully vaccinated. Consistent and correct mask use by people who are not fully vaccinated is especially important indoors and in crowded settings, when physical distancing cannot be maintained.
- COVID-19 prevention strategies remain critical to protect people, including students, teachers, and staff, who are not fully vaccinated, especially in areas of moderate-to-high community transmission levels.

**Transportation Note:** The CDC's Order requiring masks for everyone on all public transportation does extend to school buses (public and private), so while masks may not be required at school or during competition, everyone (staff, coaches, athletes) should wear them on buses/vans used to transport team members, coaches, and staff. The information below is from CDC's updated [Guidance for COVID-19 Prevention in K-12 Schools](#):

- ***During school transportation:*** *CDC's Order applies to all public transportation conveyances including school buses. Regardless of the mask policy at school, passengers and drivers must wear a mask on school buses, including on buses operated by public and private school systems, subject to the exclusions and exemptions in CDC's Order. Learn more [here](#). For example, if a student attends a school where mask use is not required due to vaccination status (e.g., a high school with a high rate of vaccination), the student is still required to wear a mask on the school bus.*
- *Schools should provide masks to those students who need them (including on buses), such as students who forgot to bring their mask or whose families are unable to afford them. No disciplinary action should be taken against a student who does not have a mask as described in the U.S. Department of Education [COVID-19 Handbook, Volume 1](#).*

**School Testing:** The Department of Health Services (DHS) is offering [convenient school-based testing for teachers, staff, students, and their families for the 2021-2022 school year](#). This testing program is intended to help K-12 public, private, and independent charter schools provide safe and healthy learning environments by connecting them with appropriate program vendors to meet their testing needs.

Regular COVID-19 testing can help support schools in making decisions about their efforts to protect the health and well-being of those in their buildings, such as universal and correct use of masks, maintaining adequate physical distance, isolation and quarantine, ventilation improvements, and thorough handwashing.

Further reading (accessed July 16, 2021):

<https://www.cdc.gov/coronavirus/2019-ncov/vaccines/fully-vaccinated.html>

<https://www.cdc.gov/coronavirus/2019-ncov/vaccines/fully-vaccinated-guidance.html>

<https://www.cdc.gov/coronavirus/2019-ncov/if-you-are-sick/isolation.html>

<https://www.cdc.gov/coronavirus/2019-ncov/science/science-briefs/fully-vaccinated-people.html>

<https://www.cdc.gov/coronavirus/2019-ncov/community/schools-childcare/k-12-guidance.html>

<https://www.cdc.gov/mmwr/volumes/70/wr/mm7021e2.htm>

<https://www.dhs.wisconsin.gov/covid-19/index.htm>

<https://www.dhs.wisconsin.gov/covid-19/schools.htm>

<https://www.dhs.wisconsin.gov/covid-19/testing-schools.htm>





Book	Policy Manual
Section	2000 Program
Title	NONDISCRIMINATION AND ACCESS TO EQUAL EDUCATIONAL OPPORTUNITY
Code	po2260
Status	Active
Adopted	October 17, 2016
Last Revised	April 27, 2020

#### 2260 - **NONDISCRIMINATION AND ACCESS TO EQUAL EDUCATIONAL OPPORTUNITY**

The Board is committed to providing an equal educational opportunity for all students in the District.

The Board does not discriminate on the basis of race, color, religion, national origin, ancestry, creed, pregnancy, marital status, parental status, sexual orientation, sex, (including transgender status, change of sex or gender identity), or physical, mental, emotional, or learning disability ("Protected Classes") in any of its student program and activities.

This policy is intended to support and promote nondiscriminatory practices in all District and school activities, particularly in the following areas:

- A. use of objective bases for admission to any school, class, program, or activity;
- B. prohibition of harassment towards students and procedures for the investigation of claims (see Policy 5517);
- C. use of disciplinary authority, including suspension and expulsion authority;
- D. administration of gifts, bequests, scholarships and other aids, benefits, or services to students from private agencies, organizations, or persons;
- E. selection of instructional and library media materials in a nondiscriminatory manner and that reflect the cultural diversity and pluralistic nature of American society;
- F. design and implementation of student evaluation practices, materials, and tools, but not at the exclusion of implementing techniques to meet students' individual needs;
- G. design and configuration of facilities;
- H. opportunity for participation in extra-curricular and co-curricular activities, provided that separate programs for male and female students may be available provided comparable activities are made available to all in terms of type, scope, and District support; and
- I. the school lunch program and other school-sponsored food service programs.

The Board is also committed to equal employment opportunity in its employment policies and practices as they relate to students. The Board's policies pertaining to employment practices can be found in Policy 1422, Policy 3122, and Policy 4122 - Nondiscrimination and Equal Employment Opportunity.

In furtherance of the aforesaid goal, the District Administrator shall:

- A. Curriculum Content

review current and proposed courses of study and textbooks to detect any bias based upon the Protected Classes ascertaining whether or not supplemental materials, singly or taken as a whole, fairly depict the contribution of both sexes various races, ethnic groups, etc. toward the development of human society; provide that necessary programs are available for students with limited use of the English language;

#### B. Staff Training

develop an ongoing program of staff training and in-service training for school personnel designed to identify and solve problems of bias based upon the Protected Classes in all aspects of the program;

#### C. Student Access

1. review current and proposed programs, activities, facilities, and practices to ensure that all students have equal access thereto and are not segregated on the basis of the Protected Classes in any duty, work, play, classroom, or school practice, except as may be permitted under State regulations;
2. verify that facilities are made available in a non-discriminatory fashion, in accordance with Board Policy 7510 - Use of District Facilities, for non-curricular student activities that are initiated by parents or other members of the community, including but not limited to any group officially affiliated with the Boy Scouts of America or any other youth group listed in Title 36 of the United States Code as a patriotic society;

#### D. District Support

require that like aspects of the District program receive like support as to staff size and compensation, purchase and maintenance of facilities and equipment, access to such facilities and equipment, and related matters;

#### E. Student Evaluation

verify that tests, procedures, or guidance and counseling materials, which are designed to evaluate student progress, rate aptitudes, analyze personality, or in any manner establish or tend to establish a category by which a student may be judged, are not differentiated or stereotyped on the basis of the Protected Classes.

The District Administrator shall appoint and publicize the name of the compliance officer(s) who is/are responsible for coordinating the District's efforts to comply with the applicable Federal and State laws and regulations, including the District's duty to address in a prompt and equitable manner any inquiries or complaints regarding discrimination or equal access. The Compliance Officer(s) also verify that proper notice of nondiscrimination for Title II of the Americans with Disabilities Act (as amended), Title VI and VII of the Civil Rights Act of 1964, Title IX of the Education Amendment Act of 1972, Section 504 of the Rehabilitation Act of 1973 (as amended), is provided to students, their parents, staff members, and the general public.

The District Administrator shall attempt annually to identify children with disabilities, ages 3 - 21, who reside in the District but do not receive a public education. In addition, s/he shall establish procedures to identify students who are Limited English Proficient, including immigrant children and youth, to assess their ability to participate in District programs, and develop and administer a program that meets the English language and academic needs of these students. This program shall include procedures for student placement, services, evaluation, and exit guidelines and shall be designed to provide students with effective instruction that leads to academic achievement and timely acquisition of proficiency in English. As a part of this program, the District will evaluate the progress of students in achieving English language proficiency in the areas of listening, speaking, reading and writing, on an annual basis (see AG 2260F).

### **Reporting Procedures**

Students, parents and all other members of the School District community are encouraged to promptly report suspected violations of this policy to a teacher or administrator. Any teacher or administrator who receives such a complaint shall file it with the District's Compliance Officer at his/her first opportunity.

Students who believe they have been denied equal access to District educational opportunities, in a manner inconsistent with this policy may initiate a complaint and the investigation process that is set forth below. Initiating a complaint will not adversely affect the complaining individual's participation in educational or extra-curricular programs unless the complaining individual makes the complaint maliciously or with knowledge that it is false.

### **Title IX Complaint Coordinators/District Compliance Officers (hereinafter referred to as the "COs").**

The Board designates the following individuals to serve as the District's CO's:

Carmen O'Brien  
Business Manager  
School District of Manawa  
800 Beech Street  
Manawa, WI 54949  
920-596-5840  
cobrien@manawaschools.org

Daniel Wolfgram  
High School/Junior High School Principal  
800 Beech Street  
Manawa, WI 54949  
920-596-5310  
dwolfgram@manawaschools.org

The names, titles, and contact information of these individuals will be published annually in the staff and student handbooks, and on the School District's web site.

A CO will be available during regular school/work hours to discuss concerns related to student discrimination in educational opportunities under this policy.

### **Investigation and Complaint Procedure**

The CO shall investigate any complaints brought under this policy. Throughout the course of the process as described herein, the CO should keep the parties informed of the status of the investigation and the decision-making process.

All complaints must include the following information to the extent it is available: a description of the alleged violation, the identity of the individual(s) believed to have engaged in, or to be actively engaging in, conduct in violation of this policy, if any; a detailed description of the facts upon which the complaint is based; and a list of potential witnesses.

If the Complainant is unwilling or unable to provide a written statement including the information set forth above, the CO shall ask for such details in an oral interview. Thereafter the CO will prepare a written summary of the oral interview, and the Complainant will be asked to verify the accuracy of the report by signing the document.

Upon receiving a complaint, the CO will consider whether any action should be taken during the investigatory phase to protect the Complainant from further loss of educational opportunity, including but not limited to a change of class schedule for the Complainant, tentative enrollment in a program, or other appropriate action. In making such a determination, the CO should consult the Principal or District Administrator if the principal is the compliance officer prior to any action being taken. The Complainant should be notified of any proposed action prior to such action being taken.

As soon as appropriate in the investigation process, the CO will inform any individual named by the Complainant in connection with an alleged violation of this policy, that a complaint has been received. The person(s) must also be provided an opportunity to respond to the complaint.

All investigations shall be commenced as soon as practicable upon receipt of a complaint and concluded as expeditiously as feasible, in consideration of the circumstances, while taking measures to complete a thorough investigation. The complaining party shall be notified in writing of receipt of the complaint within forty-five (45) days of the complaint and shall reach a determination concerning the complaint within ninety (90) days of receipt, unless additional time is agreed to by the complaining party.

The investigation will include:

- A. interviews with the Complainant;
- B. interviews with any persons named in the complaint;
- C. interviews with any other witnesses who may reasonably be expected to have any information relevant to the allegations, as determined by the CO;
- D. consideration of any documentation or other evidence presented by the Complainant, Respondent, or any other witness which is reasonably believed to be relevant to the allegations, as determined by the CO.

At the conclusion of the investigation, the CO shall prepare and deliver a written report to the District Administrator that summarizes the evidence gathered during the investigation and provides recommendations based on the evidence and the definitions in this Policy, as well as in State and Federal law as to whether the Complainant has been denied access to educational opportunities on the

basis of one of the protected classifications, based on a preponderance of evidence standard. The CO's recommendations must be based upon the totality of the circumstances, including the ages and maturity levels of those involved.

The CO may consult with the Board's attorney during the course of the investigatory process and/or before finalizing the report to the District Administrator.

In cases where no District CO is able to investigate a complaint due to concerns regarding conflicts, bias or partiality, or for other reasons that impair the CO's ability to conduct an investigation, the CO may in consultation with the District Administrator or Board President, if the complaint involves the District Administrator engage outside legal counsel to conduct the investigation consistent with this policy.

Absent extenuating circumstances, within ten (10) business days of receiving the report of the CO, the District Administrator must either issue a final decision regarding the complaint or request further investigation. A copy of the District Administrator's final decision will be delivered to the Complainant. The District Administrator may redact information from the decision in the event the release of information raises concerns regarding the integrity of the complaint or investigation process. The Board authorizes the District Administrator to consult with legal counsel to determine the extent to which information in an investigation report must be provided to either the Complainant or Respondent.

If the District Administrator requests additional investigation, the District Administrator must specify the additional information that is to be gathered, and such additional investigation must be completed within ten (10) business days. At the conclusion of the additional investigation, the District Administrator must issue a final written decision as described above. The decision of the District Administrator will be reviewed by the Board upon request.

If the Complainant feels that the decision does not adequately address the complaint s/he may appeal the decision to the State Superintendent of Public Instruction by submitting a written request to the Wisconsin Department of Public Instruction, Pupil Nondiscrimination Program, or by contacting the DPI Pupil Nondiscrimination Program at (608) 267-9157.

Any person, including the Respondent in a complaint, who is subject to disciplinary action up to and including termination as a result of a complaint may choose to file a Grievance utilizing the District's grievance procedure as outlined in Policy 3430 or Policy 4430.

The Board reserves the right to investigate and resolve a complaint or report of regardless of whether the member of the School District community or third party chooses to pursue the complaint. The Board also reserves the right to have the complaint investigation conducted by an external person in accordance with this policy or in such other manner as deemed appropriate by the Board.

### **Additional School District Action**

If the evidence suggests that any conduct at issue violates any other policies of the Board, is a crime, or requires mandatory reporting under the Children's Code (Sec. 48.981, Wis. Stat.) (Policy 8462), or threats of violence (Policy 8462.01), the CO or District Administrator shall take such additional actions as necessary and appropriate under the circumstances, which may include a report to the appropriate social service and/or law enforcement agency charged with responsibility for handling such investigations.

### **Confidentiality**

The District will make reasonable efforts to protect the privacy of any individuals involved in the investigation process. Confidentiality cannot be guaranteed however. All Complainants proceeding through the investigation process should be advised that as a result of the investigation, allegations against individuals may become known to those individuals, including the Complainant's identity.

During the course of an investigation, the CO will instruct all members of the School District community and third parties who are interviewed about the importance of maintaining confidentiality. Any individual who is interviewed as part of an investigation is expected not to disclose any information that s/he learns or that s/he provides during the course of the investigation.

### **Retention of Public Records, Student Records, and Investigatory Records and Materials**

All individuals charged with conducting investigations under this policy shall retain all information, documents, electronically stored information ("ESI"), and electronic media (as defined in Policy 8315) created and received as part of an investigation, including but not limited to:

- A. all written reports/allegations/complaints/statements;
- B. narratives of all verbal reports, allegations, complaints, and statements collected;
- C. a narrative of all actions taken by District personnel;

- D. any written documentation of actions taken by District personnel;
- E. narratives of, notes from, or audio, video, or digital recordings of witness statements;
- F. all documentary evidence;
- G. e-mails, texts, or social media posts related to the investigation;
- H. contemporaneous notes in whatever form made (e.g., handwritten, keyed into a computer or tablet, etc.) pertaining to the investigation;
- I. written disciplinary sanctions issued to students or employees and a narrative of verbal disciplinary sanctions issued to students or employees for violations of the policies and procedures prohibiting discrimination or harassment;
- J. dated written determinations to the parties;
- K. dated written descriptions of verbal notifications to the parties;
- L. written documentation of any interim measures offered and/or provided to complainants, including no contact orders issued to both parties, the dates issued, and the dates the parties acknowledged receipt; and
- M. documentation of all actions, both individual and systemic, taken to stop the discrimination or harassment, prevent its recurrence, eliminate any hostile environment, and remedy its discriminatory effects.

The information, documents, ESI, and electronic media (as defined in Policy 8315) retained may include public records and records exempt from disclosure under Federal and/or State law (e.g., student records).

The information, documents, ESI, and electronic media (as defined in Policy 8315) created or received as part of an investigation shall be retained in accordance with Policy 8310, Policy 8315, Policy 8320, Policy 8330 for not less than three (3) years, but longer if required by the District's records retention schedule.

Revised 12/18/17

Revised 7/22/19

Revised 11/18/19

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Legal	118.13 Wis. Stats. P.I. 9, Wis. Adm. Code P.I. 41, Wis. Adm. Code Fourteenth Amendment, U.S. Constitution 20 U.S.C. Section 1681, Title IX of Education Amendments Act 20 U.S.C. Section 1701 et seq., Equal Educational Opportunities Act of 1974 20 U.S.C. Section 7905, Boy Scouts of America Equal Access Act 29 U.S.C. Section 794, Rehabilitation Act of 1973, as amended 42 U.S.C. Section 2000 et seq., Civil Rights Act of 1964 42 U.S.C. Section 2000ff et seq., The Genetic Information Nondiscrimination Act 42 U.S.C. 6101 et seq., Age Discrimination Act of 1975 42 U.S.C. 12101 et seq., The Americans with Disabilities Act of 1990, as amended
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Last Modified by Staci A Berry on May 13, 2020



Book	Policy Manual
Section	5000 Students
Title	STUDENT HAZING
Code	po5516
Status	Active
Adopted	June 20, 2016
Last Revised	November 19, 2018

#### 5516 - **STUDENT HAZING**

The Board of Education believes that hazing activities of any type are inconsistent with the educational process and may in some circumstances be a violation of State law. It prohibits all such activities at any time in school facilities, on school property, and at any District-sponsored activity or event.

Hazing shall be defined for purposes of this policy as performing any act or coercing another, to perform any act of initiation into any class, group, or organization that causes or creates a risk of causing mental, emotional, or physical harm. Permission, consent, or assumption of risk by an individual subjected to hazing shall not lessen the prohibitions contained in this policy.

Administrators, faculty members, and other employees of the District shall be alert to possible situations, circumstances, or events that might include hazing. If hazing or planned hazing is discovered, the students involved shall be informed by the discoverer of the prohibitions contained in this policy and shall be ordered to end all hazing activities or planned activities immediately. All hazing incidents shall be reported immediately to the Principal or to the District Administrator. The individual informed of the situation shall immediately do the following:

- A. Write all information concerning the reported activity or planned activity received from the person reporting the incident to create a complete record of the initial contact with administration.
- B. Determine if any potential criminal activity has occurred and if so contact law enforcement immediately.
- C. Determine whether the information received illustrates hazing behavior that is based on the student's or any group of students sex (including transgender status, change of sex, or gender identity), race, color, national origin, religion, creed, ancestry, marital or parental status, sexual orientation or physical, mental, emotional or learning disability, or any other characteristic protected by Federal or State civil rights laws ("Protected Classes"). If the conduct reported appears to be based on one or more Protected Class, the Administrator shall inform the District Compliance Officer and refer to Policy 5517 – Student Anti-Harassment and proceed accordingly.
- D. If the hazing or planned hazing does not appear to be based on any Protected Classes, then the Administrator shall proceed to conduct an investigation consistent with the procedures found in Policy 5517.01 - Bullying. If at any point, information surfaces indicating that hazing activity was based on one (1) or more Protected Class, the Administrator or designee conducting the investigation shall contact the Compliance Officer and consult Policy 5517 – Student Anti-harassment.

Students, administrators, faculty members, and other employees who fail to abide by this policy may be subject to disciplinary action and may be held personally liable for civil or criminal penalties. Disciplinary action for students may include, but is not limited to, suspension and/or expulsion. Disciplinary action for staff members may be issued up to and including termination from employment. (See Policy 3139 – Staff Discipline or Policy 4139 – Staff Discipline).

Legal

- 118.13 Wis. Stats.
- 120.13 Wis. Stats
- 948.51 Wis. Stats
- P.I. 9, 41 Wis. Admin. Code
- Fourteenth Amendment, U.S. Constitution
- 20 U.S.C. 1415
- 20 U.S.C. 1681 et seq., Title IX of Education Amendments Act
- 20 U.S.C. 1701 et seq., Equal Educational Opportunities Act of 1974
- 29 U.S.C. 794, Rehabilitation Act of 1973
- 42 U.S.C. 1983
- 42 U.S.C. 12101 et seq., The Americans with Disabilities Act of 1990
- 42 U.S.C. 2000 et seq., Civil Rights Act of 1964
- 42 U.S.C. 2000d et seq.
- 34 C.F.R. Sec. 300.600-300.662
- Vocational Education Program Guidelines for Eliminating Discrimination and Denial of Services, Department of Education, Office of Civil Rights, 1979

Last Modified by Kayla Reichley on September 9, 2019



Book	Policy Manual
Section	5000 Students
Title	BULLYING
Code	po5517.01
Status	Active
Adopted	June 20, 2016
Last Revised	March 15, 2021

#### 5517.01 - **BULLYING**

The Board is committed to providing a safe, positive, productive, and nurturing educational environment for all of its students. The Board encourages the promotion of positive interpersonal relations between members of the school community. Bullying toward a student, whether by other students, staff, or third parties is strictly prohibited and will not be tolerated. This prohibition includes physical, verbal, and psychological abuse. The Board will not tolerate any gestures, comments, threats, or actions that cause or threaten to cause bodily harm or personal degradation. This policy applies to all activities in the District, including activities on school property, including at any of the school buildings or other property used exclusively or in part, whether leased or owned by the District, for the purpose of school-related functions or events; or while traveling to or from school or to and from school-sponsored functions or events; in transporting vehicles arranged for by School District officials. The policy applies as well during activities that occur off school property if the student or employee is at any school-sponsored, school-approved or school-related activity or function, such as field trips or athletic events where students are under the supervision of school authorities, or where an employee is engaged in school business, or where there is otherwise a connection to the school such that the conduct at issue affects or is intended to affect the student's educational environment.

#### **Definitions**

##### **"Bullying"**

Bullying is deliberate or intentional behavior using word or actions, intended to cause fear, intimidation, or harm. Bullying may be a repeated behavior and involves an imbalance of power. Furthermore, it may be serious enough to negatively impact a student's educational, physical, or emotional well being. The behavior may be motivated by an actual or perceived distinguishing characteristic, such as, but not limited to: age; national origin; race; ethnicity; religion; gender; gender identity; sexual orientation; physical attributes; physical or mental ability or disability; and social, economic, or family status; however this type of prohibited bullying behavior need not be based on any of those particular or other particular characteristics. It includes, but is not necessarily limited to such behaviors as stalking, cyberbullying, intimidating, menacing, coercing, name-calling, taunting, making threats, and hazing.

Some examples of bullying are:

- A. Physical – hitting, kicking, spitting, pushing, pulling, taking and/or damaging personal belongings or extorting money, blocking or impeding student movement, unwelcome physical contact.
- B. Verbal – taunting, malicious teasing, insulting, name calling, making threats.
- C. Psychological – spreading rumors, manipulating social relationships, coercion, or engaging in social exclusion/shunning, extortion, or intimidation.
- D. ""Cyberbullying" – the use of information and communication technologies such as e-mail, cell phone and pager text messages, instant messaging (IM), defamatory personal web sites, and defamatory online personal polling web sites, to



support deliberate, repeated, and hostile behavior by an individual or group, that is intended to harm others."

The Board recognizes that cyberbullying can be particularly devastating to young people because:

1. cyberbullies more easily hide behind the anonymity that the Internet provides;
2. cyberbullies spread their hurtful messages to a very wide audience with remarkable speed;
3. cyberbullies do not have to own their own actions, or fear punishment for their actions, as it is usually very difficult to identify cyberbullies;
4. Furthermore, the reflection time that once existed between the planning of a prank – or a serious stunt – and its commission has all but been erased with cyberbullying;
5. Cyberbullies can impersonate others with the intent to embarrass or harm them or hacking into, or otherwise gaining access to, another's others' electronic accounts (emails, social media, etc.) and posing as that individual with the intent to embarrass or harm the individual.

Cyberbullying includes, but is not limited to the following:

1. posting slurs or rumors or other disparaging remarks about a student on a web site or on weblog;
2. sending e-mail or instant messages that are mean or threatening, or so numerous as to drive-up the victim's cell phone bill;
3. using a camera phone to take and send embarrassing photographs of students;
4. posting misleading or fake photographs of students on web sites.

**"Harassment"** includes, but is not limited to, any act which subjects an individual or group to unwanted, abusive behavior of a nonverbal, verbal, written or physical nature on the basis of sex, (including transgender status, change of sex, or gender identity), race, color, national origin, religion, creed, ancestry, marital or parental status, sexual orientation or physical, mental, emotional or learning disability, or any other characteristic protected by Federal or State civil rights laws. Harassment is prohibited by Policy [5517](#) – Student Anti-Harassment.

**"Staff"** includes all school employees and Board members.

**"Third parties"** include, but are not limited to, coaches, school volunteers, parents, school visitors, service contractors, vendors, or others engaged in District business, and others not directly subject to school control at inter-district or intra-district athletic competitions or other school events.

For a definition of hazing and instances that could possibly be construed as hazing, consult Policy [5516](#).

### **Complaint Procedures**

Any student who believes s/he has been or is the victim of bullying should immediately report the situation to the building principal or assistant principal, or the District Administrator. The student may also report concerns to a teacher or counselor who will be responsible for notifying the appropriate administrator or Board official. Complaints against the building principal should be filed with the District Administrator. Complaints against the District Administrator should be filed with the Board President.

Complaints against a Board member shall be filed with the Board President unless the complaint is against the President in which case the complaint shall be filed with the Board Vice President, who is authorized to contact District legal counsel for assistance in handling the complaint.

Every student is encouraged to report any situation that they believe to be bullying behavior directed toward a student. Reports may be made to those identified above.

All school staff members and school officials who observe or become aware of acts of bullying are required to report these acts to the building principal or assistant principal, or the District Administrator.

Reports of bullying may be made verbally or in writing and may be made confidentially. All such reports, whether verbal or in writing, will be taken seriously and a clear account of the incident is to be documented. A written record of the report, including all pertinent details, will be made by the recipient of the report.

All complaints about behavior that may violate this Policy shall be investigated promptly by the building principal. The staff member who is investigating the report of bullying shall interview the victim(s) of the alleged bullying and collect whatever other information is necessary to determine the facts and the seriousness of the report.

If, during an investigation of a reported act of bullying in accordance with this Policy, the principal determines that the reported misconduct may have created a hostile learning environment, discrimination, and/or may have constituted harassment based on sex (transgender status, change of sex, or gender identity), race, color, national origin, religion, creed, ancestry, marital or parental status, sexual orientation or physical, mental, emotional or learning disability, or any other characteristic protected by Federal or state civil rights laws, the principal will report the act of bullying to one of the Compliance Officers who shall assume responsibility to investigate the allegation in accordance with Policy 5517 – Student Anti- Harassment or Policy 2260 - Nondiscrimination and Access to Equal Educational Opportunity. Additionally, complaints alleging sexual harassment on the basis of sex are also covered by and subject to the investigation procedures in Policy 2266 - Nondiscrimination on the Basis of Sex in Education Programs or Activities. If the investigation under Policy 5517 - Student Anti-harassment, Policy 2260 - Nondiscrimination and Access to Equal Educational Opportunity or Policy 2266 - Nondiscrimination on the Basis of Sex in Education Programs or Activities does not substantiate harassment based on one or more of the Protected Classes, the complaint of bullying shall still be investigated under this Policy.

With regard to complaints received against the District Administrator (or a member of the Board), the investigation shall be referred to the Board attorney who shall conduct a prompt investigation. The Board attorney is authorized to designate an outside third party to conduct the investigation. The Board attorney or designee will arrange such meetings as may be necessary with all concerned parties within five (5) business days after receipt of the information or complaint. The parties will have an opportunity to submit evidence and a list of witnesses. All findings related to the complaint will be reduced to writing. The Board attorney or designee conducting the investigation shall notify the complainant and parents as appropriate, (in writing,) when the investigation is concluded and the findings made.

Parents of each student involved in the bullying report will be notified prior to the conclusion of the investigation. The District shall maintain the confidentiality of the report and any related student records to the extent required by law.

If the investigation finds that bullying has occurred, it will result in prompt and appropriate remedial and/or disciplinary action. This may include student discipline, including, but not limited to, reprimand, suspension, or possible expulsion. Furthermore, the result of an investigation that finds that bullying has occurred may result in discharge for employees, exclusion for parents, guests, volunteers, and contractors, and removal from any official position and/or a request to resign for Board members. Individuals may also be referred to law enforcement officials.

The complainant shall be notified of the findings of the investigation, and as appropriate, of the remedial action has been taken.

This policy shall not be interpreted to infringe upon the First Amendment rights of students (i.e., to prohibit a reasoned and civil exchange of opinions, or debate, that is conducted at appropriate times and places during the school day and is protected by State or Federal law).

### **Retaliation/False Reports**

Retaliation against any person who reports, is thought to have reported, files a complaint, or otherwise participates in an investigation or inquiry concerning allegations of bullying is prohibited and will not be tolerated. Such retaliation shall be considered a serious violation of Board policy and independent of whether a complaint is substantiated. Suspected retaliation should be reported in the same manner as bullying incidents. Making intentionally false reports about bullying for the purpose of getting someone in trouble is similarly prohibited and will not be tolerated. Retaliating and intentionally making a false report may result in disciplinary action.

If a student or other individual believes there has been bullying, regardless of whether it fits a particular definition, s/he should report it and allow the administration to determine the appropriate course of action.

### **Privacy/Confidentiality**

The School District will respect the privacy of the complainant, the individual(s) against who the complaint is filed, and the witnesses as much as possible, consistent with the Board's legal obligations to investigate, to inform parents, to take appropriate action, and to conform with any discovery or disclosure obligations. All records generated under this policy and its related administrative guidelines shall be maintained as confidential to the extent permitted by law.

### **Notification**

Notice of this policy will be annually distributed to all students enrolled in the School District, their parents and/or guardians and employees. The policy will also be distributed to organizations in the community having cooperative agreements with the schools. Additionally, the policy will be posted in conspicuous locations in all school buildings and departments within the District and discussed with students, as well as incorporated into the teacher, student, and parent/guardian handbooks. All new hires will be required to review and sign off on this policy and the related complaint procedure.

The School District will also provide a copy of the policy to any person who requests it.

### **Records and Reports**

Records will be maintained on the number and types of reports made, and sanctions imposed for incidents found to be in violation of the bullying policy.

An annual summary report shall be prepared and presented to the Board, that includes trends in bullying behavior and recommendations on how to further reduce bullying behavior. The annual report will be available to the public.

### **Education and Training**

In support of this policy, the Board promotes preventative educational measures to create greater awareness of bullying behavior. The District Administrator shall provide appropriate training to all members of the School District community related to the implementation of this policy and its accompanying administrative guidelines. All training regarding the Board's policy and administrative guidelines on bullying will be age and content appropriate.

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Legal

Wis. Stat. 118.46

Last Modified by Sandy Cheney on April 1, 2021



Book	Policy Manual
Section	5000 Students
Title	PROMOTION, PLACEMENT, AND RETENTION
Code	po5410
Status	Active
Adopted	June 20, 2016
Last Revised	July 19, 2021

#### 5410 - **PROMOTION, PLACEMENT, AND RETENTION**

The promotion of students in five-(5)-year-old kindergarten through grade eight (8) is based upon the student's academic achievement and development. The educational program shall provide for the continuous progress of students from grade to grade, with students generally spending one (1) year in each grade. On occasion, a student may need additional time in order to benefit fully from the instructional program. For such a student, retention may be helpful.

In order to be promoted to the next grade, from 1st through 8th grades, a student must achieve one (1) of the following:

- A. Academic Performance: Students must earn a "3" in grades one (1) through five (5) or a "D" or better in grades six (6) through eight (8) in literacy and numeracy. Five (5) year old kindergarten, fourth and eighth-grade students are subject to additional criteria as required by law or defined by Board policy on the promotion of students at these grade levels.
- B. Other Academic Criteria: A student must demonstrate satisfactory progress in meeting the goals/objectives of an at-risk plan/intervention plan, an individualized education program (IEP), a 504 accommodation plan, and/or a plan developed to meet the needs of an English language learner.

If none of the above criteria are met, grade level retention of the student shall be considered. The process of making retention decisions shall involve early parent/guardian notification and collaboration among teachers, parents/guardians, counselors, and the principal. Retention has a significant impact upon a student and shall be recommended only after serious deliberation, using established District guidelines.

A student recommended for retention may have the opportunity to be promoted to the next grade upon the successful completion of an approved remediation plan that addresses the failed subject area(s) including, but not limited to, summer school program or correspondence course(s).

The building principals shall be responsible for the general supervision and management of the promotion of students and shall determine whether a student has satisfied the criteria in this policy and other Board policies applicable to the promotion of students. The building principals shall develop practices and timelines to inform parents/guardians and students of the requirements of promotion policies and to keep parents/guardians informed of their child's academic progress.

Decisions on promotion or retention shall be made prior to the end of the school year whenever possible, and at the latest prior to the commencement of the next school year. Parents/guardians may appeal promotion or retention decisions in accordance with District procedures.

The District Administrator shall review and recommend policies and guidelines that help District schools prepare students to satisfy the promotion criteria.

#### **Promotion from Grade 4 and Grade 8**

The Board directs the District Administrator to prepare a list of specific criteria for promoting students from the 4th and 8th grades. The criteria shall include the student's score on the 4th and 8th-grade examination unless the student has been excused from taking the examination; the student's academic performance; the recommendations of teachers, which shall be based solely on the student's academic performance; and any other academic criteria recommended for Board consideration.

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Legal 118.33 (6a), Wis. Stats.

Last Modified by Tamela Moody on July 26, 2021



Book	Administrative Guideline Manual
Section	5000 Students
Title	GRADING
Code	ag5421A
Status	Active
Adopted	August 20, 2018
Last Revised	December 17, 2018

#### 5421A - **GRADING**

Since grades play such a significant role in the life of a student, it is imperative that the Board of Education's grading policy be implemented with as much professional expertise as can be applied. In determining grades at the various levels, staff should observe the following administrative guidelines.

#### **4K**

Reporting at this grade level consists of a progress report to parents regarding their child's development of early learning attributes. The marking code is:

- 3.0 Demonstrates concept or skill independently
- 2.0 Demonstrates concept or skill with assistance
- 1.0 Rarely or does not demonstrates concept or skill

#### **Grades K- 6**

Reporting in these grades will consist of a report card with descriptive marks and a narration. Descriptive marks will be:

<b>Proficiency Scale #</b>	<b>Proficiency Level</b>	<b>Description</b>
4.0	Advanced	Student has in-depth understanding and can make applications that go beyond what was taught.
3.0	Proficient	Student has met expectations based on what was taught.
2.0	Needs Improvement	Student needs improvement in meeting expectations and has some errors or incomplete understandings based on what was taught.
1.0	Unsatisfactory	Student is making unsatisfactory progress toward meeting expectations and may need additional support to learn what was taught.

The principal in collaboration with all teachers at a particular grade or of a particular course shall develop an explanation of the criteria and standards that will be used to qualify a student to be graded advanced, proficient, needs improvement, or unsatisfactory.

To ensure consistency, all teachers at the grade or course level shall use the same criteria/standards in grading their students.

Definition of "passing" and "failing":

#### **Grades K-6**

- A. A rubric score of "1 or less" is defined as failing.
- B. A rubric score of 2, 3, or 4 is considered passing.

The current level of effort and social interaction are graded as follows:

- A. Consistently demonstrates skill/behavior.
- B. Inconsistently demonstrates skill/behavior.

**Grades 7-12**

Reporting in these grades will be by report card using the following marking system:

- A 95-100
- A- 92-94
- B+ 89-91
- B 86-88
- B- 83-85
- C+ 80-82
- C 77-79
- C- 74-76
- D+ 71-73
- D 68-70
- D- 65-67
- F 0-64

Marking System:

- (A) Excellent
- (B) Good
- (C) Average
- (D) Below Average
- (F) Failure
- (I) Incomplete
- (W) Withdrew

If a student receives an "F" in a required subject, he/she must repeat and pass that subject to fulfill graduation requirements. Ordinarily, a student who receives an "F" in a course that is part of a sequence must repeat and pass that course to continue in the sequence. (I) Incomplete: When a student's work is not completed by the end of the quarter due to the student's absence from school, he/she receives an "I". This work, in most cases, must be made up within two weeks after the end of the quarter. Exceptions to the two-week period must be cleared through the principal. If work is not made up in the allowed time, the "I" becomes an "F". (W) Withdrew: A student receives this grade when he/she drops a course with administrative approval.

NOTE: A student withdrawing from a course after the fifth week of the semester will do so with an F, unless, granted administrative exception. The principal, in collaboration with all teachers at a grade or of a particular course, shall develop an explanation of the criteria and standards that will be used to qualify a student to be graded excellent, good, average, below average, or failing.

The explanation may not make use of normative (bell-curve) standards.

**General Considerations**

Students will receive one grade per subject at the end of each grading cycle.

These grading criteria and standards shall be approved by the District Administrator prior to the start of the school year.

To ensure consistency, all teachers at the grade or course level shall use the same criteria/standards in grading their students.

Each principal shall send a copy of these grading criteria/standards to all parents of children in these grades (or courses) prior to the first day of school and shall ensure that they are the basis for discussion and decision making at all parent conferences.

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Last Modified by Kayla Reichley on September 9, 2019



Book	Policy Manual
Section	7000 Property
Title	STUDENT TECHNOLOGY ACCEPTABLE USE AND SAFETY
Code	po7540.03
Status	Active
Adopted	August 20, 2018
Last Revised	November 16, 2020

#### 7540.03 - **STUDENT TECHNOLOGY ACCEPTABLE USE AND SAFETY**

Technology has fundamentally altered the ways in which information is accessed, communicated, and transferred in society. As a result, educators are continually adapting their means and methods of instruction, and the way they approach student learning to incorporate the vast, diverse, and unique resources available through the Internet. The Board of Education provides technology resources (as defined in Bylaw 0100) to support the educational and professional needs of its students and staff. With respect to students, District Technology Resources afford them the opportunity to acquire the skills and knowledge to learn effectively and live productively in a digital world. The Board provides students with access to the Internet for limited educational purposes only and utilizes online educational services/apps to enhance the instruction delivered to its students. The District's computer network and Internet system do not serve as a public access service or a public forum, and the Board imposes reasonable restrictions on its use consistent with its limited educational purpose.

The Board regulates the use of District technology resources by principles consistent with applicable local, State, and Federal laws, the District's educational mission, and articulated expectations of student conduct as delineated in the Student Code of Conduct. This policy and its related administrative guidelines and the Student Code of Conduct govern students' use of District Technology Resources and students' personal communication devices when they are connected to the District computer network, Internet connection, and/or online educational services/apps, or when used while the student is on Board-owned property or at a Board-sponsored activity (see Policy 5136).

Users are required to refrain from actions that are illegal (such as libel, slander, vandalism, harassment, theft, plagiarism, inappropriate access, and the like) or unkind (such as personal attacks, invasion of privacy, injurious comment, and the like). Because its Technology Resources are not unlimited, the Board has also instituted restrictions aimed at preserving these resources, such as placing limits on use of bandwidth, storage space, and printers.

Users have no right or expectation to privacy when using District Technology Resources (including, but not limited to, privacy in the content of their personal files, e-mails, and records of their online activity when using the District's computer network and/or Internet connection).

The Board may not be able to technologically limit access to services through its technology resources to only those that have been authorized for the purpose of instruction, study and research related to the curriculum. Unlike in the past when educators and community members had the opportunity to review and screen materials to assess their appropriateness for supporting and enriching the curriculum according to adopted guidelines and reasonable selection criteria (taking into account the varied instructional needs, learning styles, abilities, and developmental levels of the students who would be exposed to them), access to the Internet, because it serves as a gateway to any publicly available file server in the world, opens classrooms and students to electronic information resources that may not have been screened by educators for use by students of various ages.

Pursuant to Federal law, the Board has implemented technology protection measures, that protect against (e.g., filter or block) access to visual displays/depictions/materials that are obscene, constitute child pornography, and/or are harmful to minors, as defined by the Children's Internet Protection Act. At the discretion of the Board or the District Administrator, the technology protection measures may be configured to protect against access to other material considered inappropriate for students to access. The technology protection measures may not be disabled at any time that students may be using the District technology resources,



if such disabling will cease to protect against access to materials that are prohibited under the Children's Internet Protection Act. Any student who attempts to disable the technology protection measures will be subject to discipline.

The Board utilizes software and/or hardware to monitor online activity of students and to block/filter access to child pornography and other material that is obscene, objectionable, inappropriate and/or harmful to minors. "Harmful to minors" is a term defined by the Communications Act of 1934 (47 U.S.C. 254(h)(7)) as any picture, image, graphic image file, or other visual depiction that:

- A. taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex, or excretion;
- B. depicts, describes, or represents, in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals;
- C. taken as a whole, lacks serious literary, artistic, political, or scientific value as to minors.

At the discretion of the Board or the District Administrator, the technology protection measure may be configured to protect against access to other material considered inappropriate for students to access. The technology protection measure may not be disabled at any time that students may be using the District technology resources, if such disabling will cease to protect against access to materials that are prohibited under the Children's Internet Protection Act. Any student who attempts to disable the technology protection measures will be subject to discipline.

The Technology Director may temporarily or permanently unblock access to websites or online educational services/apps containing appropriate material if access to such sites has been inappropriately blocked by the technology protection measure. The determination of whether material is appropriate or inappropriate shall be based on the content of the material and the intended use of the material, not on the protection actions of the technology protection measure.

The Technology Director may disable the technology protection measure to enable access for bona fide research or other lawful purposes.

Parents are advised that a determined user may be able to gain access to services and/or resources on the Internet that the Board has not authorized for educational purposes. In fact, it is impossible to guarantee students will not gain access through the Internet to information and communications that they and/or their parents may find inappropriate, offensive, objectionable or controversial. Parents of minors are responsible for setting and conveying the standards that their children should follow when using the Internet.

Pursuant to Federal law, students shall receive education about the following:

- A. safety and security while using e-mail, chat rooms, social media, and other forms of direct electronic communications;
- B. the dangers inherent in the online disclosure of personally identifiable information;
- C. the consequences of unauthorized access (e.g., "hacking", "harvesting", digital piracy", "data mining", etc.), cyberbullying, and other unlawful or inappropriate activities by students online;
- D. unauthorized disclosure, use, and dissemination of personally identifiable information regarding minors.

Staff members shall provide instruction for their students regarding the appropriate use of technology and online safety and security as specified above. Furthermore, staff members will monitor the online activities of students while at school.

Monitoring may include, but is not necessarily limited to, visual observations of online activities during class sessions; or use of specific monitoring tools to review browser history and network, server, and computer logs.

Building Principals are responsible for providing training so that Internet users under their supervision are knowledgeable about this policy and its accompanying guidelines. The Board expects that staff members will provide guidance and instruction to students in the appropriate use of District technology resources. Such training shall include, but not be limited to, education concerning appropriate online behavior, including interacting with other individuals on social media, including in chat rooms, and cyberbullying awareness and response. All users of District technology resources (and their parents if they are minors) are required to confirm their agreement to abide by the terms and conditions of this policy and its accompanying guidelines by signing a written agreement or during the annual student registration.

Beginning in grade three (3) students will be assigned a school email account that they are required to utilize for all school-related electronic communications, including those to staff members, peers, and individuals and/or organizations outside the District with whom they are communicating for school-related projects and assignments. Further, as directed and authorized by their teachers,

they shall use their school-assigned email account when signing-up/registering for access to various online educational services, including mobile applications/apps that will be utilized by the student for educational purposes.

Students may only use District technology resources to access or use social media if it is done for educational purposes in accordance with their teacher's approved plan for such use.

Users who disregard this policy and its accompanying guidelines may have their use privileges suspended or revoked, and disciplinary action taken against them. Users are personally responsible and liable, both civilly and criminally, for uses of District technology resources that are not authorized by this policy and its accompanying guidelines.

The Board designates the District Administrator and Technology Director as the administrators responsible for initiating, implementing, and enforcing this policy and its accompanying guidelines as they apply to students' use of District technology resources.

Revised 4/27/2020  
T.C. 11/16/2020

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Legal

H.R. 4577, P.L. 106-554, Children's Internet Protection Act of 2000  
47 U.S.C. 254(h), (1), Communications Act of 1934, as amended  
20 U.S.C. 6801 et seq., Part F, Elementary and Secondary Education Act of 1965, as amended  
18 U.S.C. 2256  
18 U.S.C. 1460  
18 U.S.C. 2246  
47 C.F.R. 54.500 – 54.523

Last Modified by Carolyn Fillman on December 4, 2020



Book	Administrative Guideline Manual
Section	5000 Students
Title	CARE OF PROPERTY
Code	ag5513
Status	Active
Adopted	August 20, 2018

#### 5513 - **CARE OF PROPERTY**

The following guidelines shall be followed to ensure proper implementation of Board of Education policy.

##### **A. Furniture and Equipment**

Furniture or equipment is not to be moved from its assigned location without the permission of the principal. If furniture or equipment is moved, with approval, it must be added to the appropriate room or school inventory.

Students shall operate school equipment only when authorized by the principal or supervising staff member and only if the student has been properly trained in both the operating and safety procedures associated with the equipment.

B. The District is not responsible and cannot obtain insurance to cover such property.

##### **C. Textbooks**

Teachers shall keep a written account of all textbooks issued to students. The accounting shall include the following:

1. name and number of book
2. condition
3. student's name

When textbooks are returned at the end of the school year, they shall be checked against the record.

Parents and adult students shall be liable for any damages to or loss of school property caused by the student.

Last Modified by Kayla Reichley on September 9, 2019



**Students choosing to excel; realizing their strengths.**

To: Board of Education  
From: Dr. Melanie J. Oppor  
Date: July 29, 2021  
Re: Legal Counsel Opinion Regarding Handbook Parent Sign-off Verbiage

At a recent Board of Education committee meeting, concern was raised regarding the verbiage on the student/parent handbook sign-off pages regarding the medical emergency section. Mr. Renning, District Legal Counsel offered the following opinion on the handbook excerpt:

**In the event of a medical emergency, during my absence, I hereby give consent for treatment, administration of anesthesia, and surgical intervention for my (son / daughter) \_\_\_\_\_ as deemed necessary by the attending physician. This consent is extended to the physician, nursing staff, and hospital and will remain in effect until revoked in writing by the undersigned. The parent's recommendation will be respected as far as possible unless extenuating circumstances dictate otherwise (e.g., where lifesaving measures must immediately be taken and a parent cannot be contacted). I understand that in the final disposition of an emergency, the judgment of school authorities and medical staff will prevail. Anytime the above information changes, I will notify the school. Completed information is to be confidentially shared with school staff as medically indicated.**

**My signature at the bottom of this form gives consent as stated above.**

Please let me know if you have any questions with regard to this recommended change in wording. Thank you for your thoughtful consideration.



**Students choosing to excel; realizing their strengths.**

To: Board of Education  
From: Dr. Melanie J. Oppor  
Date: July 29, 2021  
Re: Legal Counsel Opinion Regarding Student Transportation via Snowmobiles/ATVs

At a recent Board of Education committee meeting, an inquiry was made as to whether students driving snowmobiles or ATVs to schools should be required to provide the District with some sort of permit much like they would if they were using car. Mr. Renning, District Legal Counsel, provides the following legal opinion:

*“Similar to cars, the District may want to consider requiring students to secure a permit for their snowmobile/ATV (if they drive such to school). As part of the permit process, the District should require the student present proof of a permit to operate the snowmobile/ATV (the District may want to consider doing this when students request a permit for their car too (if the District is not already doing so) – require them to present a driver’s license). At least this way the District knows, at least initially, the student has a permit (driver’s license). I am sure the District has rules related to the operation of cars on school property (no speeding, etc.) and the same should be true for operation of snowmobiles and ATVs – Rules to ensure safety. That being said, the District is generally not the entity charged with enforcing these rules (nor should it be) – For example, if someone is speeding in the parking lot or driving recklessly, the District reports it to law enforcement. The same should be true for reckless operation of snowmobiles or ATVs. However, possession of the permit (whether it be for a car or snowmobile/ATV) is a privilege, not a right. As a result, the District may revoke the permit at any time (and, thereby, the student’s ability to operate the car, snowmobile/ATV on school property) if a student does not adhere to the rules. The same is true if the District suspects that someone is operating without a license/permit – report that to law enforcement and/or require proof of a license/permit (and base upon the results, potentially revoke the permit).”*

Board Policies, Administrative Guidelines, and/or handbooks would be adjusted accordingly when the Board of Education makes a decision as to how this matter should be handled. Please do not hesitate to contact me with any questions. Thank you for your thoughtful consideration.



**Students choosing to excel; realizing their strengths.**

To: Dr. Melanie J. Oppor  
 From: Danni Brauer  
 Date: 6/17/2020  
 Re: 2021-22 SDM Special Education Handbook Revisions

<b><i>Page #</i></b>	<b><i>Current Language (If applicable.)</i></b>	<b><i>Proposed Change or Addition</i></b>
78	When the responsible School District of Manawa receives a notice from a county or a state agency that a child will be placed in a residential care center, the School District of Manawa does all of the following:	When the School District of Manawa receives a notice from a county or a state agency that a child will be placed in a residential care center, the School District of Manawa does all of the following:
78	When the responsible local educational agency offers an educational placement in a residential care center, the responsible local educational agency:	When the School District of Manawa offers an educational placement in a residential care center, the School District of Manawa:
79	while the child resides at the residential care center, the School District of Manawa refers the child to another local educational agency after consulting the residential care center and a county department or state agency, if the responsible local educational agency determines that the child's special education needs may be appropriately served in a less restrictive setting in the other local educational agency; and	while the child resides at the residential care center, the School District of Manawa refers the child to another local educational agency after consulting the residential care center and a county department or state agency, if the School District of Manawa determines that the child's special education needs may be appropriately served in a less restrictive setting in the other local educational agency; and

As a condition of funding under the Individuals with Disabilities Education Act (IDEA) and Wisconsin law, local educational agencies (LEAs) are required to

establish written policies and procedures for implementing federal special education laws. The Model Local Educational Agency Special Education Policies and Procedures, Model Policies for 2r Charter Schools, and Sample Special Education Forms are available to help LEAs meet their obligation to establish and implement special education requirements.

Each year, LEAs submit an assurance to DPI that the LEA adopted model special education policies and procedures and forms developed by DPI or submitted its own locally developed special education policies, procedures, and forms for DPI review. This annual certification is built into the assurances in the WISEgrants application.

If your LEA has substantive modifications to your policies, procedures, or forms, you must submit those to DPI for review. Substantive modifications include rewording, elimination, or addition of content. Changes to demographic information, reformatting, changes to the public agency, or logos do not count as substantive changes. We have streamlined the process for submitting substantive modifications to DPI using the WISEgrants application. Please see the Special Education - Model Policies and Procedures / Sample Forms Guidance to assist with this new process.



School District of Manawa

Special Education  
Policies and Procedures

*Approved by the Manawa Board of Education on*

*August 2021*



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# School District of Manawa Special Education Policies and Procedures

## Preface

As a condition of funding under the Individuals with Disabilities Education Act (IDEA), local educational agencies are required to establish written policies and procedures for implementing federal special education laws. In addition, Wisconsin law requires local educational agencies to establish written policies and procedures for implementing state and federal special education requirements. *Model Local Educational Agency Special Education Policies and Procedures* has been developed to help local educational agencies meet their obligation to establish and implement special education requirements. A local educational agency may establish special education requirements by adopting the model policies and procedures. The document may also be used as a reference tool and for staff development activities to promote understanding of and compliance with special education requirements.

The state special education statutes, subchapter V, chapter 115, Wis. Stats., incorporate the statutory provisions of Part B of the IDEA. Local educational agencies in Wisconsin must also comply with IDEA's regulations. Therefore, the model policies and procedures are derived primarily from Wisconsin special education statutes and IDEA regulations. A small number of policies and procedures are derived from Wisconsin special education rules, chapter PI 11, Wis. Admin. Code. The underlying law can be found by using the following tools:

1. the table of contents to the IDEA Regulations found at 34 CFR Part 300, Vol. 71 Federal Register, No. 156 (August 14, 2006);
2. the table of contents of the state special education statute, Subchapter V, Chapter 115, Wis. Stats.; and
3. the table of contents for the state special education rules, Chapter PI 11, Wis. Admin. Code.

## Definitions

For the purpose of these policies, the following definitions apply:

- "Assistive technology device" means any item, piece of equipment or product system that is used to increase, maintain or improve the functional capabilities of a child with a disability. The term does not include a medical device that is surgically implanted, or the replacement of that device.

34 CFR § 300.5.

- "Assistive technology service" means any service that directly assists a child with a disability in the selection, acquisition or use of an assistive technology device, including all of the following:
  - evaluating the needs of the child, including a functional evaluation of the child in the child's customary environment;
  - purchasing, leasing or otherwise providing for the acquisition of assistive technology devices by children with disabilities;
  - selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing or replacing assistive technology devices;
  - coordinating and using other therapies, interventions or services with assistive technology devices, such as those associated with existing education and rehabilitative plans and programs;
  - training or technical assistance for a child with a disability or, if appropriate, the child's family; and
  - training or technical assistance for professionals, including individuals providing education and rehabilitation services, employers or other individuals who provide services to, employ or are otherwise substantially involved in the major life functions of that child.

34 CFR § 300.6

- "Business day" means Monday through Friday, except for federal and state holidays unless holidays are specifically included in the designation of business day.

34 CFR § 300.11

- "Charter school" means a school under contract with a school board under Wis. Stat. § 118.40, or with one of the entities under Wis. Stat. § 118.40(2)(2r)(b), or a school established and operated by one of the entities under Wis. Stat. §§ 118.40(2r)(b), 115.001(1).
- "Child" means any person who is at least three years old but not yet 21 years old and who has not graduated from high school and, for the duration of a school term, any person who becomes 21 years old during that school term and who has not graduated from high school, and includes a child who is homeless, a

child who is a ward of the state, county, or child welfare agency, and a child who is attending a private school.

Wis. Stat. § 115.76(3)

- "Child with a disability" means a child who, by reason of any of the following, needs special education and related services:
  - intellectual disabilities;
  - hearing impairments;
  - speech or language impairments;
  - visual impairments;
  - emotional behavioral disability;
  - orthopedic impairments;
  - autism;
  - traumatic brain injury;
  - other health impairments; and/or
  - specific learning disabilities.

If the School District of Manawa determines through an appropriate evaluation that a child has one of the impairments listed above but only needs a related service and not special education, the child is not a child with a disability. "Child with a disability" may, at the discretion of the School District of Manawa and consistent with Department of Public Instruction rules, include a child who, by reason of his or her significant developmental delay, needs special education and related services.

34 CFR § 300.8; Wis. Stat. § 115.76(5)

- "Consent" means:
  - the parent has been fully informed of all information relevant to the activity for which consent is sought, in his or her native language, or other mode of communication;
  - the parent understands and agrees in writing to the carrying out of the activity for which his or her consent is sought, and the consent describes that activity and lists the records (if any) that will be released and to whom; and
  - the parent also understands the granting of consent is voluntary on the part of the parent and may be revoked at any time. If a parent revokes consent, that revocation is not retroactive (i.e. it does not negate an action that has occurred after the consent was given and before the consent was revoked).

34 CFR § 300.9

- "Controlled substance" means a drug or other substance identified under schedules I, II, III, IV, or V in section 202(c) of the Controlled Substance Act

[21 U.S.C. 812(c)].

34 CFR § 300.530(i)(1)

- “Core academic subjects” means English, reading or language arts, mathematics, science, foreign languages, civic and government, economics, arts, history, and geography.

34 CFR § 300.10

- "Day" means calendar day unless otherwise indicated as business day or school day.

34 CFR § 300.11

- "Destruction," as used in the section on confidentiality in these policies, means physical destruction or removal of personal identifiers from information so the information is no longer personally identifiable.

34 CFR § 300.611(a)

- "Division" means the Division for Learning Support: Equity and Advocacy in the Department of Public Instruction.

Wis. Stat. § 115.76(6)

- "Education records" means the type of records covered under the definition of "education records" set forth in the regulations implementing the Family Educational Rights and Privacy Act of 1974. See Appendix.

34 CFR § 300.611(b)

- “Elementary school” means a nonprofit institutional day or residential school, including a public elementary charter school that provides elementary education, as determined under State law. State law defines elementary grades as including K4-8<sup>th</sup> grade.

34 CFR § 300.13; Wis. Stat. § 115.01(2)

- “Equipment” means machinery, utilities, and built-in equipment, and any necessary enclosures or structures to house the machinery, utilities, or equipment; and all other items necessary for the functioning of a particular facility as a facility for the provision of educational services, including items such as instructional equipment and necessary furniture; printed, published and audio-visual instructional materials; telecommunications, sensory, and other technological aids and devices; and books, periodicals, documents; and other related materials.

34 CFR § 300.14

- "Evaluation" means procedures used to determine whether a child has a disability and the nature and extent of the special education and related services the child needs.

34 CFR § 300.15

- "Extended school year services" means special education and related services that are provided to a child with a disability and meet the standards of the State of Wisconsin. These services are provided beyond the normal school year of the School District of Manawa, in accordance with the individualized education program (IEP), and at no cost to the parents of the child.

30 CFR § 300.106(b)

- "Free appropriate public education" means special education and related services that are provided at public expense and under public supervision and direction, and without charge, meet the standards of the Department of Public Instruction, include an appropriate preschool, elementary or secondary school education; and are provided in conformity with an IEP.

30 CFR § 300.17; Wis. Stat. § 115.76(7)

- "General curriculum" means the same curriculum as for nondisabled children.

34 CFR § 300.320(a)(1)(i)

- "Hearing officer" means an independent examiner appointed to conduct due process hearings under Wis. Stat. § 115.80.

Wis. Stat. § 115.76(8).

- "Highly Qualified Teacher" means that a person has met the Department of Public Instruction's approved or recognized certification, licensing, registration in which he/she is providing special education or related services, consistent with provision 34 CFR § 300.18.
- "Homeless children" has the meaning given the term *homeless children and youths* in section 725 (42 U.S.C. 11434(a)) of the McKinney-Vento Homeless Assistance Act, as amended, 42 U.S.C. 11431 *et seq.* See Appendix.

34 CFR § 300.19

- "Illegal drug" means a controlled substance but does not include such a substance that is legally possessed or used under the supervision of a licensed healthcare professional or that is legally possessed or used under any other authority under



federal law.

34 CFR § 300.530(i)(2)

- "Include" means that the items named are not all of the possible items that are covered whether like or unlike the ones named.

34 CFR § 300.20

- "Independent educational evaluation" means an evaluation conducted by a qualified examiner who is not employed by the public agency responsible for the education of the child in question.

34 CFR § 300.502

- "Individualized education program" (IEP) means a written statement for a child with a disability that is developed, reviewed and revised in accordance with Wis. Stat. § 115.787, and 34 CFR §§ 300.320 through 300.324.

34 CFR § 300.22; Wis. Stat. § 115.76(9)

- "IEP Team" means a group of individuals described in Wis. Stat. § 115.78 that is responsible for evaluating the child to determine the child's eligibility or continued eligibility for special education and related services and the educational needs of the child; developing, reviewing, or revising an IEP for the child; and determining the special education placement for the child.

34 CFR § 300.23; Wis. Stat. § 115.78

- "Limited English Proficiency" has the meaning given the term in section 9101 (25) of the Elementary and Secondary Education Act (ESEA).
- "Local educational agency," except as otherwise provided, means
  - the school district in which the child with a disability resides,
  - when the child attends a nonresident school district under Wis. Stat. § 118.51 (open enrollment) or § 121.84(1)(a) or (4) (tuition waiver), the district of attendance;
  - the Department of Health and Family Services if the child with a disability resides in an institution or facility operated by the Department of Health and Family Services; or
  - the Department of Corrections if the child with a disability resides in a Type 1 secured correctional facility, as defined in Wis. Stat. § 938.02(19), or a Type 1 prison, as defined in Wis. Stat. § 301.01(5).

Wis. Stat. § 115.76(10)

- "Native language," for individuals with limited English proficiency, means the language normally used by that individual. For children with limited English proficiency, the term means the language normally used by the parents of the child, except that in all direct contact with a child (including evaluation of the child), the term means the language normally used by the child in the home or learning environment. For an individual with deafness or blindness, or for an individual with no written language, the mode of communication is that normally used by the individual (such as sign language, Braille, or oral communication).

34 CFR § 300.29; Wis. Stat. §. 115.76(11)

- "Nonacademic and extracurricular services and activities" may include counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the public agency, referrals to agencies that provide assistance to individuals with disabilities and employment by the public agency and assistance in making outside employment available.

34 CFR § 300.107

- "Parent" means any of the following:
  - a biological parent;
  - a husband who has consented to the artificial insemination of his wife under Wis. Stat. § 891.40;
  - a male who is presumed to be the child's father under Wis. Stat. § 891.41;
  - a male who has been adjudicated the child's father under subch. VIII of ch. 48, under subch. IIX of ch. 767, by final order or judgment of an Indian tribal court of competent jurisdiction or by final order or judgment of a court of competent jurisdiction in another state;
  - an adoptive parent;
  - a legal guardian;
  - a person acting as a parent of a child with whom the child lives;
  - a person appointed as a sustaining parent under Wis. Stat. § 48.428;
  - a person assigned as a surrogate parent under Wis. Stat. § 115.792(1)(a)2; and
  - a foster parent, if the right and responsibility of all of the aforementioned individuals to make educational decisions concerning the child has been extinguished by termination of parental rights, by transfer of guardianship or legal custody or by other court order; the foster parent has an ongoing, long-term parental relationship with the child; the foster parent is willing to make educational decisions required of parents under special education law; and the foster parent has no interests that would conflict with the interests of the child.

The biological or adoptive parent, when attempting to act as a parent of the child, must be presumed to be the parent unless that person does not have legal authority to make educational decisions for the child.

34 CFR § 300.30(b)

"Parent" does not include any person whose parental rights have been terminated; the state, county, or a child welfare agency if a child was made a ward of the state, county, or child welfare agency under ch. 54 or 880 or if a child has been placed in the legal custody or guardianship of the state, county, or a child welfare agency under ch. 48 or ch. 767; or an American Indian tribal agency if the child was made a ward of the agency or placed in the legal custody or guardianship of the agency.

34 CFR § 300.30; Wis. Stat. § 115.76(12)

"Person acting as a parent of a child" means a relative of the child or a private individual allowed to act as a parent of a child by the child's biological or adoptive parents or guardian, and includes the child's grandparent, neighbor, friend or private individual caring for the child with the explicit or tacit approval of the child's biological or adoptive parents or guardian. "Person acting as a parent of a child" does not include any person that receives public funds to care for the child if such funds exceed the cost of such care.

34 CFR § 300.30(a)(4); Wis. Stat. § 115.76(13)

- "Participating agency," as used in the section on *Confidentiality of Information* in these policies, means any agency or institution that collects, maintains or uses personally-identifiable information, or from which information is obtained, under the Individuals with Disabilities Education Act.

34 CFR § 300.611(c)

- "Personally identifiable" means information that includes the name of the child, the child's parent or other family member; the address of the child; a personal identifier such as the child's social security number or student number; or a list of personal characteristics or other information that would make it possible to identify the child with reasonable certainty.

34 CFR § 300.32

- "Parentally-placed private school children with disabilities" are children with disabilities enrolled by their parents in private schools or facilities, including religious schools or facilities that meet the definition of elementary school or secondary school, other than children with disabilities placed or referred to private schools by public agencies.

34 CFR § 300.130

- "Public Agency" includes the State Educational Agency, Local Educational Agency, Cooperative Educational Service Agency (CESA), charter schools operating under Wis. Stat. § 118.40(2r), county children with disabilities education board, and any other political subdivisions of the State that are responsible for providing education to children with disabilities.

34 CFR § 300.33

- “Pupil Records” means all records relating to individual pupils maintained by a school but does not include:
  - notes or records maintained for personal use by a teacher or other person to be licensed if such records or notes are not available to others;
  - records necessary for, and available only to persons involved in, the psychological treatment of a pupil; and
  - law enforcement unit records.

Wis. Stat. § 118.125(1)(d)

- “Record” means any material on which written, drawn, printed, spoken, visual, or electromagnetic information is recorded or preserved, regardless of physical form or characteristics.

Wis. Stat. § 118.125(1)(e)

- "Related services" means transportation and such developmental, corrective and other supportive services (including speech-language pathology and audiology services; interpreting services; psychological services; physical and occupational therapy; recreation, including therapeutic recreation; social work services; school health services; school nursing services designed to enable a child with a disability to receive a free appropriate public education as described in the child's IEP; parent counseling and training; counseling services, including rehabilitation counseling; orientation and mobility services; medical services for diagnostic or evaluative purposes only; and the early identification and assessment of disabilities in children) as may be required to assist a child with a disability to benefit from special education. “Related services” does not include a medical device that is surgically implanted, the optimization of device functioning, maintenance of the device, or the replacement of such a device. Nothing in this definition limits the rights of a child with a surgically implanted device to receive related services as determined by the IEP Team to be necessary, limits the responsibility of a public agency to appropriately monitor and maintain medical devices that are needed to maintain the health and safety of the child, while the child is transported to and from school or is at school; or prevents the routine checking of an external component of a surgically implanted device to make sure it is functioning properly.

34 CFR § 300.34; Wis. Stat. § 115.76(14)

In this definition:

- "Audiology" includes:
  - identification of children with hearing loss;

- determination of the range, nature, and degree of hearing loss including referral for medical or other professional attention for the habilitation of hearing;
  - provision of habilitative activities such as language habilitation, auditory training, speech reading (lip-reading), hearing evaluation and speech conservation;
  - creation and administration of programs for prevention of hearing loss;
  - counseling and guidance of pupils, parents and teachers regarding hearing loss; and
  - determination of the child's need for group and individual amplification, selecting and fitting an appropriate aid and evaluating the effectiveness of amplification.
- "Counseling services" means services provided by qualified social workers, psychologists, guidance counselors or other qualified personnel.
  - "Early identification and assessment of disabilities in children" means the implementation of a formal plan for identifying a disability as early as possible in a child's life.
  - "Interpreting services," as used with respect to children who are deaf or hard of hearing, includes oral transliteration services, cued language transliteration services, sign language transliteration and interpreting services, and transcription services, and special interpreting services for children who are deaf-blind.
  - "Medical services" means services provided by a licensed physician to determine a child's medically-related disability that results in the child's need for special education and related services.
  - "Occupational therapy" means services provided by a qualified occupational therapist, and includes:
    - improving, developing or restoring functions impaired or lost through illness, injury, or deprivation;
    - improving ability to perform tasks for independent functioning if functions are impaired or lost; and
    - preventing, through early intervention, initial or further impairment or loss of function.
  - "Orientation and mobility services" means services provided to blind or visually impaired students by qualified personnel to enable those students to attain systematic orientation to and safe movement within their environments in school, home, and community, and includes teaching students the following as appropriate:
    - spatial and environmental concepts and use of information received by

the senses (such as sound, temperature and vibrations) to establish, maintain, or regain orientation and line of travel (for example, using sound at a traffic light to cross the street);

- to use the long cane or a service animal to supplement visual travel skills or as a tool for safely negotiating the environment for students with no available travel vision;
- to understand and use remaining vision and distance low vision aids, as appropriate; and
- other concepts, techniques, and tools.

- "Parent counseling and training" means assisting parents in understanding the special needs of their child and providing parents with information about child development, and helping parents to acquire the necessary skills that will allow them to support the implementation of their child's IEP.
- "Physical therapy" means services provided by a qualified physical therapist.
- "Psychological services" includes:
  - administering psychological and educational tests, and other assessment procedures;
  - interpreting assessment results;
  - obtaining, integrating, and interpreting information about child behavior and conditions relating to learning;
  - consulting with other staff members in planning school programs to meet the special educational needs of children as indicated by psychological tests, interviews, direct observations, and behavioral evaluations;
  - planning and managing a program of psychological services, including psychological counseling for children and parents; and
  - assisting in developing positive behavioral intervention strategies.
- "Recreation" includes:
  - assessment of leisure function;
  - therapeutic recreation services;
  - recreation programs in schools and community agencies; and
  - leisure education.
- "Rehabilitation counseling services" means services provided by qualified personnel in individual or group sessions that focus specifically on career development, employment preparation, achieving independence, and integration in the workplace and community of a student with a disability. The term also includes vocational rehabilitation services provided to a student with disabilities by vocational rehabilitation programs funded under the Rehabilitation Act of 1973, as amended.

- "School health services" means health services provided by a qualified school nurse or other qualified person that are designed to enable a child with a disability to receive FAPE as described in the child's IEP.
- "School nurse services" mean health services provided by a qualified school nurse, designed to enable a child with a disability to receive FAPE as described in the child's IEP.
- "Social work services in schools" includes:
  - preparing a social or developmental history on a child with a disability;
  - group and individual counseling with the child and family;
  - working in partnership with parents and others on those problems in a child's living situation (home, school, and community) that affect the child's adjustment in school;
  - mobilizing school and community resources to enable the child to learn as effectively as possible in his or her educational program; and
  - assisting in developing positive behavioral intervention strategies.
- "Speech-language pathology services" include:
  - identification of children with speech or language impairments;
  - diagnosis and appraisal of specific speech or language impairments;
  - referral for medical or other professional attention necessary for the habilitation of speech or language impairments;
  - provision of speech and language services for the habilitation or prevention of communicative impairments; and
  - counseling and guidance of parents, children, and teachers regarding speech and language impairments.
- "Transportation" includes:
  - travel to and from school and between schools;
  - travel in and around school buildings; and
  - specialized equipment (such as special or adapted buses, lifts, and ramps), if required to provide special transportation for a child with a disability.

#### 34 CFR § 300.34

- "Residential care center for children and youth" means a facility operated by a child welfare agency licensed under Wis. Stat. § 48.60 for the care and maintenance of children residing in that facility.

#### Wis. Stat. § 115.76(14g)

- “Responsible Local Educational Agency:” as used in the section on children in residential care centers means the local educational agency that was responsible for providing a free, appropriate public education to the child before the placement of the child in a residential care center for children and youth.

Except “responsible local educational agency” means the school district in which the residential care center for children and youth is located if before the placement of the child in a residential care center for children and youth, the children resided in an: institute or facility operated by the department of health and family services; a Type 1 juvenile correctional facility; or a Type 1 prison.

Wis. Stat. § 115.81

- "School day" means any day, including a partial day, that children are in attendance at school for instructional purposes. The term "school day" has the same meaning for all children in school, including children with and without disabilities.

34 CFR § 300.11

- “Scientifically-based research” has the meaning given the term in section 9101(37) of the ESEA. See Appendix.

34 CFR § 300.35

- "Secondary school" means a nonprofit institutional day or residential school including a public secondary charter school that provides secondary education for grades 9-12.

34 CFR § 300.36

- “Serious bodily injury” has the meaning given the term “serious bodily injury’ under paragraph (3) of subsection (h) of section 1365 of title 18, United States Code.

34 CFR § 300.530(i)(3). See Appendix.

- “Services plan” means a written statement that describes the special education and related services the school district will provide to a parentally-placed child with a disability enrolled in a private school located in the district, including the location of the services and any transportation necessary, consistent with 34 CFR §§ 300.132, 300.137-139.

34 CFR § 300.37

- "Special education" means specially-designed instruction, regardless of where



the instruction is conducted, that is provided at no cost to the child or the child's parents, to meet the unique needs of a child with a disability, including:

- instruction conducted in the classroom, in the home, in hospitals and institutions, and in other settings;
- instruction in physical education;
- speech-language pathology services, or any other related service, if the service consists of specially-designed instruction and is considered special education rather than a related service under Wisconsin standards;
- travel training; and
- vocational education.

The terms in the definition of special education are defined as follows:

- "At no cost" means that all specially-designed instruction is provided without charge, but does not preclude incidental fees that are normally charged to nondisabled students or their parents as a part of the regular education program.
- "Physical education" means the development of:
  - physical and motor fitness;
  - fundamental motor skills and patterns; and
  - skills in aquatics, dance, and individual and group games and sports (including intramural and lifetime sports).

The term includes special physical education, adaptive physical education, movement education, and motor development.

- "Specially-designed instruction" means adapting content, methodology or delivery of instruction:
  - to address the unique needs of an eligible child that result from the child's disability; and
  - to ensure access of the child to the general curriculum, so that he or she can meet the educational standards within the jurisdiction of the School District of Manawa that apply to all children.
- "Travel training" means providing instruction, as appropriate, to children with significant intellectual disabilities and any other children with disabilities who require this instruction to enable them to develop an awareness of the environment in which they live and learn the skills necessary to move effectively and safely from place to place within that environment (e.g., in school, in the home, at work, and in the community).
- "Vocational education" means organized educational programs that are directly related to the preparation of individuals for paid or unpaid employment or for additional preparation for a career requiring other than a baccalaureate or advanced degree.

34 CFR § 300.39; Wis. Stat. § 115.76(15)

- "Supplementary aids and services" mean aids, services, and other supports that are provided in regular education classes, other education-related settings, and in extracurricular and nonacademic settings to enable a child with a disability to be educated with nondisabled children to the maximum extent appropriate.

34 CFR § 300.42, 115.76(16)

- A "transfer pupil with a disability" means a child with a disability under the Individuals with Disabilities Education Act whose residence has changed from a local educational agency in this state to another local educational agency in this state or from a public agency in another state to a local educational agency in this state.

Wis. Admin. Code § PI 11.07

- "Transition services" means a coordinated set of activities for a child with a disability that:
  - is designed to be within a results-oriented process that is focused on improving the academic and functional achievement of the child with a disability to facilitate the child's movement from school to post-school activities, including:
    - postsecondary education,
    - vocational education,
    - integrated employment (including supported employment)
    - continuing and adult education
    - adult services
    - independent living, or
    - community participation
  - is based on the individual child's needs, taking into account the child's strengths, preferences, and interests; and includes:
    - instruction;
    - related services;
    - community experiences;
    - the development of employment and other post-school adult living objectives; and
    - if appropriate, acquisition of daily living skills and provision of a functional vocational evaluation.

34 CFR § 300.43

- "Universal Design" has the meaning given the term in section 3 of the Assistive Technology Act of 1998, as amended, 29 U.S.C. 3002.

34 CFR § 300.44 See Appendix.

- "Weapon" has the meaning given the term "dangerous weapon" under paragraph (2) of the first subsection (g) of section 930 of title 18, United States Code.

34 CFR § 300.530(i)(4) See Appendix.

## **Full Educational Opportunity Goal**

It is the goal of the School District of Manawa to provide full educational opportunity to all children with disabilities in the area served by the School District of Manawa. The School District of Manawa has available to all of its children with disabilities the variety of educational programs and services available to nondisabled children in the School District of Manawa, including: art, music, industrial arts, consumer and homemaking education, and vocational education or any program or activity in which nondisabled children participate. The School District of Manawa provides supplementary aids and services determined appropriate and necessary by the child's IEP Team, to ensure that children with disabilities have an equal opportunity to participate in nonacademic and extracurricular services and activities.

34 CFR §§ 300.107, 300.109; 300.110; 300.201

## **Free Appropriate Public Education**

**GENERAL.** All children with disabilities for whom the School District of Manawa is responsible are provided a free appropriate public education. Special education and related services are provided to these children with disabilities, including, as required by 34 CFR § 300.530(d), children with disabilities who have been suspended or expelled from school. Children with disabilities entitled to a free appropriate public education are children age three, but not yet 21 who have not graduated from high school with a regular high school diploma and, for the duration of a school term, persons who become 21 years old during that school term and who have not graduated from high school with a regular diploma. A regular high school diploma does not include an alternative degree that is not fully aligned with the State's academic standards, such as a certificate or a general educational development credential (GED). The special education and related services provided to children addresses all of their special education and related services needs and are provided by personnel qualified as required by 34 CFR § 300.156.

34 CFR § 300.101(a); 34 CFR § 300.102(a)(3)(iv); 34 CFR § 300.156; Wis. Stat. § 115.76(3)

The School District of Manawa provides prior written notice of a change in placement consistent with the requirements in the law when a child with a disability graduates from high school with a regular diploma. Additionally, for those students who graduate from high school with a regular diploma as well as students who exceed the age of eligibility,

the School District of Manawa provides a summary of their academic achievement and functional performance, including recommendations on how to assist the child in meeting the child's postsecondary goals.

34 CFR § 300.102(a)(3)(iii); 300.305(e)(3)

The School District of Manawa ensures that an IEP is in effect for each eligible child no later than the child's third birthday. If the child's third birthday occurs during the summer, the child's IEP team determines when the IEP services will begin.

34 CFR § 300.101(b)

If a placement in a public or private residential program is necessary to provide special education and related services to a child with a disability, the program, including non-medical care and room and board, is provided at no cost to the parents of the child.

34 CFR § 300.104

The School District of Manawa admits a nonresident child if the program is appropriate for the child's disability. When a resident child is refused admittance to another local educational agency, the resident local educational agency ensures that a free appropriate public education is provided to the child. When board and lodging are not furnished to a nonresident child with a disability, the resident local educational agency provides transportation, except as provided in Wis. Stat. § 115.82(2)(a) and (b).

Wis. Stat. § 115.82

After a child with a disability has been removed from his or her current placement for ten school days in the same school year, for any subsequent removal, the School District of Manawa provides services, although in another setting, so as to enable the child to continue to participate in the general education curriculum and to progress toward meeting the goals set out in the child's IEP. In such a case, school personnel, in consultation with at least one of the child's teachers, determine the extent of the services. When there is a change of placement, the IEP team determines the appropriate services.

34 CFR § 300.530(d)

**HEARING AIDS AND EXTERNAL COMPONENTS OF SURGICALLY IMPLANTED MEDICAL DEVICES.**

The School District of Manawa ensures that hearing aids worn in school by children with hearing impairments, including deafness, are functioning properly. The School District of Manawa ensures that the external components of surgically implanted medical devices are functioning properly, but is not responsible for the post-surgical maintenance, programming, or replacement of the medical devices that has been surgically implanted, or of an external component of the surgically implanted medical device.

34 CFR § 300.113

**PHYSICAL EDUCATION.** Physical education services, specially designed if necessary, are

made available to every child with a disability unless the LEA does not provide physical education to children without disabilities in the same grades. Each child with a disability is afforded the opportunity to participate in regular physical education programs available to nondisabled children unless the child is enrolled full time in a separate facility, or the child needs specially-designed physical education as prescribed in the child's IEP.

If specially-designed physical education is prescribed in a child's IEP, the School District of Manawa provides the services directly or makes arrangements for those services to be provided through other public or private programs. The School District of Manawa ensures that a child with a disability who is enrolled in a separate facility receives appropriate physical education services in compliance with the law.

#### 34 CFR § 300.108

**ASSISTIVE TECHNOLOGY.** The School District of Manawa makes available assistive technology devices or assistive technology services, or both, to a child with a disability if required as part of the child's special education, related services, or supplementary aids and services. If a child's IEP team determines that access to school-purchased assistive technology devices or services in the child's home or in other settings is necessary for the child to receive a free appropriate public education, the devices or services are provided.

#### 34 CFR § 300.105

**EXTENDED SCHOOL YEAR.** The School District of Manawa ensures that extended school year services are available to each child with a disability as necessary to provide a free appropriate public education. Extended school year services are provided when a child's IEP team determines, on an individual basis, that the services are necessary for the provision of a free appropriate public education to the child. The School District of Manawa does not limit extended school year services to particular categories of disability, or unilaterally limit the type, amount, or duration of those services.

#### 34 CFR § 300.106

**PARTICIPATION IN ASSESSMENTS.** Children with disabilities attending the School District of Manawa are included in all state-wide and district-wide assessment programs with appropriate accommodations. Those children who cannot participate in state-wide or district-wide assessments participate in alternate assessments. Needed accommodations or alternate assessments are identified by the IEP team and are specified in the child's IEP.

#### 20 U.S.C 1412(a)(16); Wis. Stat. § 115.77(1m)(bg)

**METHODS OF ENSURING A FREE APPROPRIATE PUBLIC EDUCATION.** If a public agency, other than an educational agency, fails to meet its obligation under federal or state law or under state policy or interagency agreement to provide or pay for any services that are also considered special education and related services that are necessary for ensuring

a free appropriate public education to a child, the School District of Manawa provides or pays for these services to the child in a timely manner.

#### 34 CFR § 300.154(b)(2)

When the School District of Manawa uses Medicaid or other public insurance benefits programs in which a child participates to provide or pay for special education and related services necessary for the child to receive a free appropriate public education as permitted under the public insurance program, the School District of Manawa obtains parent consent each time access to public benefits or insurance is sought.

Furthermore, the School District of Manawa does not:

- require parents to sign up for or enroll in public insurance programs in order for their child to receive a free appropriate public education under Part B of the Act;
- require parents to incur an out-of-pocket expense such as the payment of a deductible or co-pay amount incurred in filing a claim for special education and related services; or
- use a child's benefits under a public insurance program if that use would:
  - decrease available lifetime coverage or any other insured benefit,
  - result in the family paying for services that would otherwise be covered by the public benefits or insurance program and that are required for the child outside of the time the child is in school,
  - increase premiums or lead to the discontinuation of benefits or insurance or
  - risk loss of eligibility for home and community-based waivers based on aggregate health-related expenditures.

Each time the School District of Manawa proposes to access the proceeds of a parents' private insurance to provide services necessary for the child to receive a free appropriate public education, the School District of Manawa:

- obtains informed parent consent; and
- informs the parents that their refusal to permit the School District of Manawa to access their private insurance does not relieve the public agency of its responsibility to ensure that all required services are provided at no cost to the parents.

#### 34 CFR § 300.154

The School District of Manawa timely provides instructional materials in accessible formats to children who are blind, children with print disabilities, or other children with disabilities as required in the child's IEP.

#### 34 CFR § 300.210

Except for the circumstances provided for in Wis. Stat. § 118.51(12)(a)&(b)2 of the Full-Time Open Enrollment law, if a non-resident child with a disability is attending the School District of Manawa under the Full-Time Open Enrollment law, the School District of Manawa provides an educational placement for the child. If tuition charges are required by the placement, the School District of Manawa pays tuition charges instead of the resident school district.

Wis. Stat. § 115.79(1)(b)

## **Public Information**

The School District of Manawa regularly publicizes information about its special education procedures and services. Further, the School District of Manawa makes available to any person, upon request, all documents relating to the School District of Manawa's eligibility for state and federal special education funds.

34 CFR § 300.212; Wis. Stat. § 115.77(1m)(g) and (h)

If the School District of Manawa receives a notice from the Department of Public Instruction that it is in noncompliance with respect to state or federal special education law and the Department of Public Instruction is proposing to reduce or withhold any further payments to the School District of Manawa until the Department of Public Instruction is satisfied that the School District of Manawa is complying with that requirement, the School District of Manawa gives public notice of the pending state actions.

34 CFR § 300.222(b)

## **Child Find**

**GENERAL.** The School District of Manawa identifies, locates, and evaluates all children with disabilities, regardless of the severity of their disability, who are in need of special education and related services, including children attending private schools, children who are made a ward of the state, county, or child welfare agency under chapter 54 or 880, children who are not yet three years of age, highly mobile children such as migrant and homeless children, and children who are suspected of being a child with a disability even though they are advancing from grade to grade.

34 CFR § 300.111; Wis. Stat. § 115.77(1m)(a)

**REFERRAL.** The School District of Manawa accepts and processes referrals of children suspected to have a disability. The School District of Manawa has written procedures for accepting and processing referrals. Licensed school personnel who reasonably believe a child has a disability are required to make a referral.

Prior to submitting a referral, the people required to make referrals inform the parents of their intent to make a referral. If the School District of Manawa receives a referral for

a child who is attending the School District of Manawa under the Full-Time Open Enrollment law or a tuition waiver under Wis. Stat. § 121.84(1)(a) or (4), the School District of Manawa provides the name of the child and related information to the local educational agency of residence. Whenever the School District of Manawa receives a referral for a resident child attending school in another local educational agency under the Full-Time Open Enrollment law or a tuition waiver under Wis. Stat. § 121.84(1)(a) or (4), the School District of Manawa provides the name of the child and related information to the local educational agency of attendance.

The School District of Manawa accepts written referrals. Each referral includes the name of the child and reasons why the person making the referral believes that the child is a child with a disability. The School District of Manawa documents and dates the receipt of each referral.

At least annually, the School District of Manawa informs parents and persons required by law to make referrals about the School District of Manawa's referral and evaluation procedures.

The School District of Manawa provides information and inservice opportunities for its licensed staff to familiarize them with the School District of Manawa's referral procedures.

Wis. Stat. § 115.777

## **IEP Team**

The School District of Manawa establishes an IEP team for each child referred to the School District of Manawa.

**PARTICIPANTS.** The IEP team for each child consists of all of the following:

- the parents of the child;
- at least one regular education teacher of the child if the child is, or may be, participating in a regular education environment;
- at least one special education teacher who has recent training or experience related to the child's known or suspected area of special education needs or, where appropriate, at least one special education provider of the child;
- a representative of the School District of Manawa:
  - who is qualified to provide or supervise the provision of special education,
  - who is knowledgeable about the general education curriculum, and
  - who is knowledgeable about and authorized to commit the available resources of the School District of Manawa (who may be another member of the IEP team if the criteria are met);



- an individual who can interpret the instructional implications of evaluation results, who may otherwise be a team member;
- an appropriate therapist if the child is suspected to need occupational therapy or physical therapy or both.

Wis. Admin. Code § PI 11.24

- a department-licensed speech or language pathologist when documenting a speech or language impairment and the need for speech or language services.

Wis. Admin. Code § PI 11.36(5)(e)

- at the discretion of the parent or School District of Manawa, other individuals who have knowledge or special expertise about the child, including related services personnel as appropriate. The determination of the individual's knowledge or special expertise is made by the party (parents or public local educational agency) who invited the individual to be a member of the IEP team;
- whenever appropriate, the child;
- at least one person designated by the school board of the child's school district of residence who has knowledge or special expertise about the child when the student is attending a public school in a nonresident school district under Full-Time Open Enrollment Law, or a tuition waiver under Wis. Stat. § 121.84(1)(a) or (4),

In addition to the above members, the School District of Manawa invites the following:

- To the extent appropriate, a representative of any participating agency that is likely to be responsible for providing or paying for transition services, if the parents or the child who has reached the age of majority provides consent; and
- The student, when the purpose of the meeting will be consideration of the postsecondary goals for the child and the transition services needed to assist the child in reaching those goals. If the student does not attend the IEP Team meeting, the School District of Manawa takes other steps to ensure consideration of the student's preferences and interests.
- If requested by the parent, at the initial IEP Team meeting for a child previously served under Part C, the Part C service coordinator or other representatives of the Part C System will be invited.

34 CFR § 300.321; Wis. Stat. § 115.78; PI 11.24(2)

### **IEP TEAM ATTENDANCE**

An IEP Team member is not required to attend an IEP Team meeting, in whole, or in

part, if the parent of a child with a disability and the School District of Manawa agree, in writing, the attendance is not necessary because the member's area of curriculum or related services is not being modified or discussed.

An IEP Team member may be excused from attending an IEP Team meeting, in whole or in part, when the meeting involves a modification to or discussion of the member's area of curriculum or related services, if the parent, in writing, and the School District of Manawa consent to the excusal, and the member submits, in writing to the parent and the IEP Team, input into the development of the IEP prior the meeting.

34 CFR § 300.321(e); Wis. Stat. § 115.78(5)

**PARENT PARTICIPATION IN IEP TEAM MEETINGS.** The School District of Manawa takes steps to ensure that one or both of the parents of a child with a disability are present at each IEP Team meeting or are afforded the opportunity to participate, including:

- notifying parents of the meeting early enough to ensure that they will have an opportunity to attend; and
- scheduling the meeting at a mutually agreed on time and place.

The notice required in this policy:

- indicates the purpose, time, and location of the meeting and who will be in attendance; informs the parents of the provisions in these policies relating to the participation of other individuals on the IEP team who have knowledge or special expertise about the child; and
- informs the parents that they can request the Part C coordinator or other representatives of the Part C system be at the initial IEP Team meeting for a child previously served under Part C of IDEA.

Beginning no later than in the first IEP that will be in effect when the child is 14, the notice also:

- indicates that a purpose of the meeting is the consideration of the postsecondary goals and transition services for the child;
- indicates that the School District of Manawa will invite the student; and
- identifies any other agency that will be invited to send a representative.

If neither parent can attend, the School District of Manawa uses other methods to ensure parent participation, including individual or conference calls.

The School District of Manawa may conduct meetings without a parent in attendance if the School District of Manawa is unable to convince the parents that they should attend. In this case the School District of Manawa has a record of its attempts to arrange a mutually agreed on time and place, such as:

- detailed records of telephone calls made or attempted and the results of those

calls;

- copies of correspondence sent to the parents and any responses received; and
- detailed records of visits made to the parent's home or place of employment and the results of those visits.

The School District of Manawa takes whatever action is necessary to ensure that the parent understands the proceedings at the IEP Team meeting, including arranging for an interpreter for parents with deafness or whose native language is other than English. Subject to the timeline requirements contained in this policy, if the parents of the child or the School District of Manawa staff determine at any meeting during the process of the evaluation, development of the IEP or placement of the child that additional time is needed to permit meaningful parental participation, the School District of Manawa provides it. Upon request, the School District of Manawa provides a copy of the most recent evaluation report to the child's parents at any meeting of the IEP team.

The School District of Manawa gives the parent a copy of the child's IEP at no cost to the parent.

34 CFR § 300.322; Wis. Stat. §§ 115.787(2)(g) and 115.78(3)(d)

**IEP TEAM DUTIES.** The IEP team does all of the following:

- evaluates the child to determine the child's eligibility or continued eligibility for special education and related services, and the educational needs of the child;
- develops an IEP for the child; and
- determines the special education placement for the child.

34 CFR § 300.324(a); Wis. Stat. § 115.78

**TIMELINE.** Within 15 business days of receiving a referral, the School District of Manawa sends to the child's parents a request for consent to evaluate the child except that if the School District of Manawa determines that no additional data are necessary, the School District of Manawa notifies the child's parent of that determination within 15 business days of receiving the referral. The School District of Manawa determines if a child is a child with a disability within 60 days after receiving parental consent for the evaluation or provides notice that no additional data are needed. The 60-day period does not apply:

- if the child transfers into the School District of Manawa before the previous local educational agency has made an eligibility determination, sufficient progress is being made to ensure a prompt completion of the evaluation, and the child's parents agree to a specific time when the evaluation will be completed;
- if the child's parent repeatedly fails or refuses to produce the child for the evaluation; or
- if a child is being evaluated for a specific learning disability and the timeline is

extended by mutual written agreement of the child's parents and IEP team.

The School District of Manawa conducts a meeting to develop an IEP and determine placement within 30 days of a determination that a child is a child with a disability.

If the parents of the child or School District of Manawa staff determine at any meeting during the process of evaluation, development of the IEP, or determination of placement, that additional time is needed to permit meaningful parent participation, the School District of Manawa provides it.

34 CFR §§ 300.301, 300.323, 300.309(c); Wis. Stat. §§ 115.777(3)(e), 115.78

## Evaluation

**GENERAL.** As part of an initial evaluation of a child and as part of any reevaluation of a child, the IEP team and other qualified professionals, as determined by the School District of Manawa:

- reviews existing evaluation data on the child, including evaluations and information provided by the child's parents, previous interventions and the effects of those interventions, current classroom-based, local, or state assessments, classroom-based observations, and observations by teachers and related services providers; and
- on the basis of that review and information provided by the child's parents, identifies the additional data, if any, that are needed, to determine:
  - whether the child has a particular category of disability and the educational needs of the child or, in case of a reevaluation of a child, whether the child continues to have such a disability and the educational needs of the child;
  - the present levels of academic achievement and related developmental needs of the child;
  - whether the child needs special education and related services, or in the case of a reevaluation of a child, whether the child continues to need special education and related services; and
  - whether any additions or modifications to the special education and related services are needed to enable the child to meet the measurable, annual goals specified in the child's IEP and to participate, as appropriate, in the general education curriculum.
- The School District of Manawa administers such assessment and other evaluations as may be needed to produce the additional data.
- The review of existing evaluation data on the child may occur without conducting

a meeting.

34 CFR § 300.305; Wis. Stat. § 115.782(2)(b)

The School District of Manawa does not require parental consent before reviewing existing data as part of an evaluation or reevaluation or administering a test or other evaluation that is administered to all children unless, before administration of that test or evaluation, the School District of Manawa requires consent for all children.

34 CFR § 300.300(d)(1)

Screening of a student by a teacher or specialist to determine appropriate instructional strategies for curriculum implementation is not considered to be an evaluation for eligibility for special education and related services.

34 CFR § 300.302

The School District of Manawa provides the parents of the child with proper written notice, of any evaluation procedures the agency proposes to conduct, and the names of the individuals who will conduct the evaluation, if known.

34 CFR § 300.304(a); Wis. Stat. § 115.782(1)(a)

#### **INITIAL EVALUATIONS**

The School District of Manawa obtains informed consent from the child's parent before administering assessments or other evaluation materials to the child. Parental consent for the evaluation does not constitute consent for placement for receipt of special education and related services.

34 CFR § 300.300(a); Wis. Stat. § 115.782(1)(b)

If the child is a ward of the state and is not residing with the child's parent, the School District of Manawa is not required to obtain informed consent from the parent for an initial evaluation if: the School District of Manawa cannot, after reasonable efforts, locate the parent of the child; the rights of the parents of the child have been terminated in accordance with state law; or, the rights of the parent to make educational decisions have been subrogated by a judge in accordance with state law and consent for an initial evaluation has been given by an individual appointed by the judge to represent the child.

34 CFR § 300.300(a)(2)

If the parent of a child enrolled in public school or seeking to be enrolled in public school does not provide consent for an initial evaluation or fails to respond to a request to provide consent, the School District of Manawa may, but is not required to, pursue the initial evaluation by utilizing mediation or due process.

34 CFR § 300.300(a)(3)

If a parent of a child who is home schooled or parentally placed in a private school does not provide consent, or the parent fails to respond to a request to provide consent, the School District of Manawa cannot use mediation or due process and is not required to consider the child as eligible for services.

34 CFR § 300.300(d)(4)

The School District of Manawa does not use a parent's refusal to consent to activities relating to conducting an initial evaluation to deny the parent or child any other service, benefit, or activity of the School District of Manawa.

34 CFR § 300.300(d)(3)

**IEP TEAM DETERMINATION OF ELIGIBILITY OR CONTINUING ELIGIBILITY (INITIAL AND REEVALUATION).** Following a review of existing data and administration of assessments and other evaluation materials (if any), the IEP team determines whether the child is or continues to be a child with a disability. For a child who does not otherwise meet the eligibility criteria under state law, the IEP team does not determine that the child is a child with a disability solely because the child has received inappropriate instruction in reading or math or because the child has limited proficiency in English. In interpreting evaluation data for the purpose of determining if a child is a child with a disability, and the educational needs of the child, the School District of Manawa draws upon information from a variety of sources, including aptitude and achievement tests, parent input, teacher recommendations, physical condition, social or cultural background, and adaptive behavior. The School District of Manawa ensures that information obtained from all of these sources is documented and carefully considered.

34 CFR § 300.306

**REEVALUATION.** In conducting reevaluations, the IEP team:

- evaluates a child with a disability in accordance with the law before determining that the child is no longer a child with a disability, and
- reevaluates a child with a disability in accordance with the law if the School District of Manawa determines that the educational or related services needs of the child, including the child's academic and functional performance, warrant a reevaluation or if the child's parent or teacher requests a reevaluation. The IEP team shall reevaluate a child no more than once a year unless the child's parents and the School District of Manawa agree otherwise, and at least once every 3 years unless the child's parent and School District of Manawa agree that a reevaluation is unnecessary.

34 CFR §§ 300.303, 300.305(e)(1); Wis. Stat. § 115.782(4)

An evaluation is not required before the termination of a child's eligibility for special education and related services because he or she graduated from secondary school with a regular diploma or because he or she reached the age of 21. Under these circumstances, the School District of Manawa provides the child with a summary of the child's academic achievement and functional performance, including recommendations on how to assist the child in meeting his or her postsecondary goals.

34 CFR § 300.305(e)(2) and (3); Wis. Stat. § 115.782(4)

In conducting a reevaluation, the School District of Manawa obtains informed consent from the child's parent before administering new assessments and other evaluation materials. The School District of Manawa proceeds without consent only if the School District of Manawa has taken reasonable measures to obtain the consent and the child's parents have failed to respond. Reasonable measures are the measures required for conducting an IEP meeting without a parent in attendance. If the parent of a child enrolled in public school or seeking to be enrolled in public school refuses to provide consent, the School District of Manawa is not required to pursue the reevaluation, but may pursue the reevaluation by utilizing mediation or due process.

If a parent of a child who is home schooled or parentally placed in a private school refuses or fails to respond to a request for consent for a reevaluation, the School District of Manawa cannot use mediation or due process, and is not required to consider the child as eligible for services.

34 CFR § 300.300(c) and (d); Wis. Stat. § 115.782(4)(b)

If the IEP team and other qualified professionals, as appropriate, finds no additional information is needed to determine whether a child continues to be a child with a disability, and to determine the child's educational needs, the School District of Manawa notifies the child's parents of that finding and the reasons for it, and that the parent has a right to request an assessment to determine whether the child continues to have a disability, and to determine the child's educational needs. The School District of Manawa conducts such an assessment if the parent requests it.

34 CFR § 300.305(d); Wis. Stat. § 115.782(4)(c)

**EVALUATION REPORT.** When the IEP team determines a child's eligibility, the team prepares an evaluation report that includes documentation of the determination of eligibility. The School District of Manawa gives a copy of the evaluation report and the documentation of determination of eligibility at no cost to the child's parents.

34 CFR § 300.306(a); Wis. Stat. § 115.782(3)(b)

**EVALUATION SAFEGUARDS.** When the School District of Manawa evaluates a child with a disability, the IEP team:

- does not use any single measure or assessment as the sole criterion for determining whether a child is a child with a disability and for determining an

appropriate educational program for the child;

- uses a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information, including information provided by the child's parent, that may assist in determining whether the child is a child with a disability and the content of the child's IEP, including information related to enabling the child to be involved in and progress in the general education curriculum or, for preschool children, to participate in appropriate activities;
- uses technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors; and
- ensures all of the following:
  - assessments and other evaluation materials used to assess a child are selected and administered so as not to be racially or culturally discriminatory and are provided and administered in the child's native language or other mode of communication and in the form most likely to yield accurate information on what the child knows and can do, academically, developmentally, and functionally, unless it is clearly not feasible to do so;
  - any assessments given to the child have been validated for the specific purpose for which they are used, are administered by trained and knowledgeable personnel and are administered in accordance with any instructions provided by the producer of such assessments or evaluation materials;
  - the child is assessed in all areas of suspected disability; including, if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities; and
  - assessment tools and strategies that provide relevant information that directly assists persons in determining the educational needs of the child are used.

34 CFR § 300.304; Wis. Stat. §§ 115.782(2) and 3(b),

- The evaluation report includes documentation of determination of eligibility for special education. A copy of the evaluation report, including the documentation of eligibility is given to the child's parents.

In evaluating each child with a disability, the evaluation is sufficiently comprehensive to identify all of the child's special education and related services needs whether or not commonly linked to the disability category in which the child has been classified.

34 CFR § 300.304 (c)(6)-(7)



The School District of Manawa ensures assessments and other evaluation materials include those tailored to assess specific areas of educational need and not merely those designed to provide a single general intelligence quotient.

34 CFR § 300.304(c)(2)

The School District of Manawa ensures assessments are selected and administered so as best to ensure that if an assessment is administered to a child with impaired sensory, manual, or speaking skills, the assessment results accurately reflect the child's aptitude or achievement level or whatever other factors the test purports to measure, rather than reflecting the child's impaired sensory, manual or speaking skills (unless those skills are the skills the test purports to measure).

34 CFR § 300.304(c)(3)

**ADDITIONAL REQUIREMENTS FOR SPECIFIC LEARNING DISABILITIES.**

When a school begins to use data from a multi-level system of support to consider if the student meets the Insufficient Progress criterion, the IEP team shall include the following additional members:

- at least one licensed person who is qualified to assess data on individual rate of progress using a psychometrically valid and reliable methodology;
- at least one licensed person who has implemented scientific, research-based or evidence-based, intensive interventions with the referred pupil
- at least one licensed person who is qualified to conduct individual diagnostic evaluations of children; and
- if the child does not have a licensed general education teacher, a general education classroom teacher licensed to teach a child of the same age, or for a child of less than school age, an individual qualified by the Department of Public Instruction to teach a child of his or her age.

PI 11.36(6)

For a child suspected of having a specific learning disability, the documentation of the determination of eligibility shall include:

- whether the child has a specific learning disability;
- the basis for making that determination, including an assurance that the eligibility determination was based on a variety of sources, including aptitude and achievement tests, parent input, and teacher recommendations, as well as information about the child's physical condition, social or cultural background, and adaptive behavior; and that the information obtained from all of these sources is documented and carefully considered;

- the relevant behavior, if any, noted during observation of the child and the relationship of that behavior to the child's academic functioning in the area of potential specific learning disability;
- documentation that the intensive intervention was applied in a manner highly consistent with its design, was closely aligned to pupil need, and was culturally appropriate;
- the educationally relevant medical findings, if any;
- whether the child does not achieve adequately for the child's age or to meet state approved grade-level standards and the child does not make sufficient progress to meet age or State-approved grade-level standards; or until November 30, 2013, the child exhibits a significant discrepancy between the child's academic achievement in any of the eight areas of potential specific learning disabilities and intellectual ability.
- the determination of the team concerning the effects of a visual, hearing, or motor disability; mental retardation; emotional disturbance; cultural factors; environmental or economic disadvantage; or limited English proficiency on the child's achievement level; and
- if the child has participated in a process that assesses the child's response to scientific, research-based intervention, documentation that the child's parents were notified about the following:
  - the progress monitoring data collected;
  - strategies for increasing the child's rate of learning including the intensive interventions used, and
  - the parents' right to request an evaluation.

Each IEP team member certifies in writing whether the report reflects his or her conclusion. If the evaluation report does not reflect the IEP team member's conclusions, the member submits a separate statement presenting his or her conclusions.

PI 11.36(6)

## Determination of Eligibility

An evaluation conducted by an IEP team under Wis. Stat. § 115.782, shall focus on the consideration of information and activities that assist the IEP team in determining the educational needs of the child. Specifically, the IEP team shall meet the evaluation criteria specified under Wis. Stat. § 115.782(2)(a), when conducting tests and using other evaluation materials in determining a child's disability.

Wis. Admin. Code § PI 11.35(1)

A child shall be identified as having a disability if the IEP team has determined from an evaluation conducted under Wis. Stat. § 115.782, that the child has an impairment under Wis. Admin. Code § PI 11.36 that adversely affects the child's educational performance, and the child, as a result thereof, needs special education and related services. As part of an evaluation or reevaluation under Wis. Stat. § 115.782, conducted by the IEP team in determining whether a child is or continues to be a child with a disability, the IEP team shall identify all of the following:

- The child's needs that cannot be met through the regular education program as structured at the time the evaluation was conducted.
- Modifications, if any, that can be made in the regular education program, such as adaptation of content, methodology or delivery of instruction to meet the child's needs identified by the IEP team that will allow the child to access the general education curriculum and meet the educational standards that apply to all children.
- Additions or modifications, if any, the child needs which are not provided through the general education curriculum, including replacement content, expanded core curriculum and other supports.

Wis. Admin. Code § PI 11.35

A child will not be determined to be a child with a disability if:

- The determinant factor for that determination is
  - Lack of appropriate instruction in reading, including the essential components of reading instruction as defined in 20 USC 6368(3); or
  - Lack of appropriate instruction in math; or
  - Limited English proficiency; and,
- The child does not otherwise meet the eligibility criteria.

34 CFR § 300.306(b); Wis. Stat. § 115.782(3)(a)

## Areas of Impairment

All provisions in these policies shall be construed consistent with 20 USC 1400 et. Seq. and the regulations promulgated thereunder.

Wis. Admin. Code § PI 11.36

### **AUTISM.** Wis. Admin. Code § PI 11.36(8)

Autism means a developmental disability significantly affecting a child's social interaction and verbal and nonverbal communication, generally evident before age 3 that adversely affects learning and educational performance. Other characteristics often associated with autism are engagement in repetitive activities and stereotyped movements, resistance to environmental change or change in daily routines, and unusual responses to sensory experiences. The term does not apply if a child's educational performance is adversely affected primarily because the child has an emotional behavioral disability as defined in Wis. Admin. Code § PI 11.36(7).

The results of standardized or norm-referenced instruments used to evaluate and identify a child under this paragraph may not be reliable or valid. Therefore, alternative means of evaluation, such as criterion-referenced assessments, achievement assessments, observation and work samples shall be considered to identify a child under this paragraph. Augmentative communication strategies, such as facilitated communication, picture boards or signing shall be considered when evaluating a child under this paragraph. To identify a child as a child with autism, the criteria under 1. and 2. and one or more criteria under 3. through 6. shall be met.

1. The child displays difficulties or differences or both in interacting with people and events. The child may be unable to establish and maintain reciprocal relationships with people. The child may seek consistency in environmental events to the point of exhibiting rigidity in routines.
2. The child displays problems which extend beyond speech and language to other aspects of social communication, both receptively and expressively. The child's verbal language may be absent or, if present, lacks the usual communicative form which may involve deviance or delay or both. The child may have a speech or language disorder or both in addition to communication difficulties associated with autism.
3. The child exhibits delays, arrests, or regressions in motor, sensory, social or learning skills. The child may exhibit precocious or advanced skill development, while other skills may develop at normal or extremely depressed rates. The child may not follow normal developmental patterns in the acquisition of skills.
4. The child exhibits abnormalities in the thinking process and in generalizing. The child exhibits strengths in concrete thinking while difficulties are demonstrated in

abstract thinking, awareness and judgment. Perseverant thinking and impaired ability to process symbolic information may be present.

5. The child exhibits unusual, inconsistent, repetitive or unconventional responses to sounds, sights, smells, tastes, touch or movement. The child may have a visual or hearing impairment or both in addition to sensory processing difficulties associated with autism.
6. The child displays marked distress over changes, insistence on following routines and a persistent preoccupation with or attachment to objects. The child's capacity to use objects in an age-appropriate or functional manner may be absent, arrested or delayed. The child may have difficulty displaying a range of interests or imaginative activities or both. The child may exhibit stereotyped body movements.

**INTELLECTUAL DISABILITY.** Wis. Admin. Code § PI 11.36(1)

Intellectual disability means significant limitations both in intellectual functioning and in adaptive behavior as expressed in conceptual, social, and practical adaptive skills and manifested during the developmental period that adversely affects the child's educational performance. The IEP team may identify a child as having an intellectual disability if the child meets the following criteria:

1. The child has a standard score of 2 or more standard deviations below the mean on an individually administered intelligence test which takes into account the child's mode of communication and is developed to assess intellectual functioning using this mode. More than one intelligence test may be used to produce a comprehensive result.
2. The child has significant limitations in adaptive behavior that are demonstrated by a standards score of 2 or more standard deviations below the mean on standardized or nationally-normed measures, as measured by comprehensive, individual assessments that include interviews of the parents, tests, and observations of the child in adaptive behavior which are relevant to the child's age, including at least one of the following:
  - a. Conceptual skills;
  - b. Social adaptive skills;
  - c. Practical adaptive skills; or
  - d. An overall composite score on a standardized measure of conceptual, social, and practical skills.
- 3.a. The child is age 3 through 5 and has a standard score of 2 or more standard deviations below the mean on standardized or nationally-normed measures, as measured by comprehensive, individual assessments, in the following areas: language development and communication, cognition, and general knowledge.

- b. The child is age 6 through 21 and has a standard score of 2 or more standard deviations below the mean on standardized or nationally-normed measures, as measured by comprehensive, individual assessments, in general information and at least 2 of the following areas: written language, reading, and mathematics.

When it is determined that reliable and valid assessment results are not possible due to the child's functioning level or age, a standardized developmental scale or a body of evidence including informal measures shall be used to assess the child.

Upon re-evaluation, a child who met identification criteria for cognitive disability prior to September 1, 2015, and continues to demonstrate a need for special education under s. PI 11.35 (2), including specially designed instruction, is a child with a disability under this section.

***NOTE: Intellectual disabilities typically manifest before age 18. An etiology should be determined when possible, so the IEP team can use this information for program planning.***

**EMOTIONAL BEHAVIORAL DISABILITY.** Wis. Admin. Code § PI 11.36(7)

Emotional behavioral disability, pursuant to Wis. Stat. § 115.76(5)(a)5, means social, emotional or behavioral functioning that so departs from the generally accepted, age appropriate ethnic or cultural norms that it adversely affects a child's academic progress, social relationships, personal adjustment, classroom adjustment, self-care or vocational skills. The IEP team may identify a child as having an emotional behavioral disability if the child meets the preceding definition and meets all of the following:

- The child demonstrates severe, chronic and frequent behavior that is not the result of situational anxiety, stress or conflict.
- The child's behavior described under par.(a) occurs in school and in at least one other setting.
- The child displays any of the following:
  - Inability to develop or maintain satisfactory interpersonal relationships.
  - Inappropriate affective or behavioral response to a normal situation.
  - Pervasive unhappiness, depression, or anxiety.
  - Physical symptoms, pains or fears associated with personal or school problems.
  - Inability to learn that cannot be explained by intellectual, sensory, or health factors.
  - Extreme withdrawal from social interactions.
  - Extreme aggressiveness for long period of time.
  - Other inappropriate behaviors that are so different from children of similar age, ability, educational experiences and opportunities that the child or other children in a regular or special education program are negatively affected.

The IEP team shall rely on a variety of sources of information, including systematic observations of the child in a variety of educational settings and shall have reviewed prior, documented interventions. If the IEP team knows the cause of the disability under this paragraph, the cause may be, but is not required to be, included in the IEP team's written evaluation summary.

The IEP team may not identify or refuse to identify a child as a child with an emotional behavioral disability solely on the basis that the child has another disability, or is socially maladjusted, adjudged delinquent, a dropout, chemically dependent, or a child whose behavior is primarily due to cultural deprivation, familial instability, suspected child abuse or socio-economic circumstances, or when medical or psychiatric diagnostic statements have been used to describe the child's behavior.

**HEARING IMPAIRMENT.** Wis. Admin. Code § PI 11.36(4)

Hearing impairment, including deafness, means a significant impairment in hearing, with or without amplification, whether permanent or chronically fluctuating, that significantly adversely affects a child's educational performance including academic performance, speech perception and production, or language and communication skills. A current evaluation by an audiologist licensed under Wis. Stat. ch. 459 shall be one of the components for an initial evaluation of a child with a suspected hearing impairment.

**SPECIFIC LEARNING DISABILITY.** Wis. Admin. Code § PI 11.36(6)

Specific learning disability, means a disorder in one or more of the basic psychological processes involved in understanding or using language, spoken or written, that may manifest itself in an imperfect ability to listen, think, speak, read, write, spell or perform mathematical calculations, including conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia and developmental aphasia. The term does not include learning problems that are primarily the result of visual, hearing, motor disabilities, intellectual disabilities, emotional disturbance, cultural factors, environmental, or economic disadvantage.

The IEP team may identify a child as having a specific learning disability if both of the following apply:

**1. Inadequate Classroom Achievement**

Upon initial identification, the child does not achieve adequately for his or her age, or meet state-approved grade-level standards in one or more of the following eight areas of potential specific learning disabilities when provided with learning experiences and instruction appropriate for the child's age: oral expression, listening comprehension, written expression, basic reading skill, reading fluency skills, reading comprehension, mathematics calculation, and mathematics problem solving.

A child's achievement is inadequate when the child's score, after intensive intervention, on one or more assessments of achievement is equal to or more than

1.25 standard deviations below the mean in one or more of the eight areas of potential specific learning disabilities. Assessments shall be individually

administered, norm-referenced, valid, reliable, and diagnostic of impairment in the area of potential specific learning disabilities.

The 1.25 standard deviation requirement may not be used if the IEP team determines that the child cannot attain valid and reliable standard scores for academic achievement because of the child's test behavior, the child's language proficiency, an impairment of the child that interferes with the attainment of valid and reliable scores, or the absence of individually administered, norm-referenced, standardized, valid, and reliable diagnostic assessments of achievement appropriate for the child's age. If the IEP team makes such a determination, it shall document the reasons why it was not appropriate to consider standardized achievement testing, and shall document that inadequate classroom achievement exists in at least one of the eight areas of potential specific learning disabilities using other empirical evidence.

The IEP team may consider scores within 1 standard error of the measurement of the 1.25 standard deviation criterion above to meet the inadequate classroom achievement criteria if the IEP team determines the child meets all other criteria.

- 2. Insufficient Progress.** Upon evaluation, the child has made insufficient progress in one of the following areas:
  - a. *Insufficient response to intensive, scientific, research-based or evidence-based intervention.* The child does not make sufficient progress to meet age or state- approved grade-level standards in one or more of the eight areas of potential specific learning disabilities when using a process based on the child's response to intensive, scientific, research-based or evidence-based interventions.

Intensive interventions may be implemented prior to referral, or as part of an evaluation, for specific learning disability. The IEP team shall consider progress monitoring data from at least two intensive, scientific, research-based or evidence-based interventions, implemented with adequate fidelity and closely aligned to individual student learning needs. The median score of three probes is required to establish a stable baseline data point for progress monitoring. IEP teams shall use weekly or more frequent progress monitoring to evaluate rate of progress during intensive, scientific, research-based or evidence-based interventions.

Rate of progress during intensive interventions is insufficient when any of the following areas are true: the rate of progress of the referred child is the same or less than that of his or her same-age peers; the referred child's rate of progress is greater than that of his or her same-age peers but will not result in the referred child reaching the average range of his or her same-age peers' achievement for that area of potential disability in a reasonable period of time; or the referred child's rate of progress is greater than that of his or her same-



age peers, but the intensity of the resources necessary to obtain this rate of progress cannot be maintained in general education.

If the LEA decides to use insufficient response to intensive, scientific, research-based or evidence-based intervention for any child being evaluated for specific learning disabilities enrolled in a school, the LEA shall use insufficient response to intensive, scientific, research-based or evidence-based interventions for all such evaluations of children enrolled in that school. At least ten days in advance of beginning to use insufficient response to intensive, scientific, research-based or evidence-based intervention in a school, the LEA will notify parents of all children enrolled in that school of the intent to use insufficient response to intensive, scientific, research-based or evidence-based intervention.

- b. *Significant discrepancy or insufficient progress in achievement as compared to measured ability.* LEAs are permitted to use this option until November 30, 2013.

Upon initial evaluation, the child exhibits a significant discrepancy between the child's academic achievement in any of the eight areas of potential specific learning disabilities and intellectual ability as documented by the child's composite score on a multiple score instrument or the child's score on a single score instrument.

The IEP team may base a determination of significant discrepancy only upon the results of individually administered, norm-referenced, valid, and reliable diagnostic assessment of achievement. A significant discrepancy means a difference between standard scores for ability and achievement equal to or greater than 1.75 standard errors of the estimate below expected achievement, using a standard regression procedure that accounts for the correlation between ability and achievement measures.

This regression procedure shall be used except when the IEP team determines that the child cannot attain valid and reliable standard scores for intellectual ability or achievement because of the child's test behavior, the child's language, another impairment of the child that interferes with the attainment of valid and reliable scores, or the absence of valid and reliable standardized, diagnostic tests appropriate for the child's age. If the IEP team makes such a determination, it shall document the reasons why it was not appropriate to use the regression procedure and shall document that a significant discrepancy exists, including documentation of a variable pattern of achievement or ability, in at least one of the eight areas of potential specific learning disabilities using other empirical evidence.

If the discrepancy between the child's ability and achievement approaches but does not reach the 1.75 standard error of the estimate cut-off for this

subdivision paragraph, the child's performance in any of the eight areas of potential specific learning disabilities is variable, and the IEP team determines that the child meets all other criteria, the IEP team may consider that a significant discrepancy exists.

The IEP team may not identify a child as having a specific learning disability if the team's findings of inadequate classroom achievement or insufficient progress are primarily due to one of the following exclusionary factors:

- environmental, economic disadvantage or cultural factors;
- lack of appropriate instruction in reading, including in the essential components of reading instruction;
- lack of instruction in math;
- limited proficiency in English;
- any of the other impairments; and
- lack of appropriate instruction in the area(s) of potential specific learning disability under consideration.

The child must be systematically observed in the child's learning environment, including the general classroom setting when possible, to document the child's academic performance and behavior in any of the eight areas of potential specific learning disabilities.

The systematic observation of routine classroom instruction and monitoring of the child's performance in at least one of the eight areas of potential specific learning disabilities may be conducted before the child was referred for evaluation, or the systematic observation of the child's academic performance in at least one of the eight areas of potential specific learning disabilities shall be conducted after the child has been referred for an evaluation and parental consent is obtained. If the child is less than school age or out of school, at least one member of the IEP team will conduct a systematic observation of the child in an environment appropriate for a child of that age.

If the child has participated in a process that assesses the child's response to intensive, scientific, research-based or evidence-based interventions, the IEP team will use information from a systematic observation of pupil behavior and performance in the area or areas of potential specific learning disability during intensive intervention for that area, conducted by an individual who is not responsible for implementing the interventions with the referred pupil.

In addition to all other determinations, the IEP team shall base its decision of whether a child has a specific learning disability on a comprehensive evaluation using formal and informal assessment data regarding academic achievement and learning behavior from sources such as standardized tests, error analysis, criterion referenced measures, curriculum-based assessments, pupil work samples, interviews, systematic observations, analysis of the child's response to previous interventions, and analysis of classroom expectations and curriculum.

Upon reevaluation, a child who met initial identification criteria and continues to demonstrate a need for special education, including specially designed instruction, is a child with a disability under this section, unless the exclusionary factors now apply. If a child with a specific learning disability performs to generally accepted expectations in the general education classroom without specially designed instruction, the IEP team shall determine whether the child is no longer a child with a disability.

**ORTHOPEDIC IMPAIRMENT.** Wis. Admin. Code § PI 11.36(2)

Orthopedic impairment means a severe orthopedic impairment that adversely affects a child's educational performance. The term includes but is not limited to impairments caused by congenital anomaly such as clubfoot or absence of some member; impairments caused by disease such as poliomyelitis or bone tuberculosis; and impairments from other causes such as cerebral palsy, amputations, and fractures or burns that cause contractures.

**OTHER HEALTH IMPAIRMENT.** 34 CFR § 300.8; Wis. Admin. Code § PI 11.36(10)

Other health impairment means having limited strength, vitality or alertness due to chronic or acute health problems. The term includes but is not limited to a heart condition, tuberculosis, rheumatic fever, nephritis, asthma, attention deficit disorder or attention deficit hyperactivity disorder, sickle cell anemia, Tourette syndrome, hemophilia, epilepsy, lead poisoning, leukemia, diabetes or acquired injuries to the brain caused by internal occurrences or degenerative conditions, which adversely affects a child's educational performance.

**SIGNIFICANT DEVELOPMENTAL DELAY.** Wis. Admin. Code § PI 11.36(11)

Significant developmental delay means children, age 3 through 9 years of age, who are experiencing significant delays in the areas of physical, cognition, communication, social- emotional or adaptive development.

All other suspected impairments are considered before identifying a child's primary impairment as significant developmental delay.

A child may be identified as having significant developmental delay when delays in development significantly challenge the child in two or more of the following five major life activities:

- Physical activity in gross motor skills such as the ability to move around and interact with the environment with appropriate coordination, balance and strength; or fine motor skills, such as manually controlling and manipulating objects such as toys, drawing utensils and other useful objects in the environment.
- Intellectual activity such as the ability to acquire, use and retrieve information as demonstrated by the level of imitation, discrimination, representation, classification, sequencing and problem-solving skills often observed in a child's play.

- Communication activity in expressive language such as the production of age-appropriate content, form and use of language; or receptive language, such as listening, receiving and understanding language.
- Emotional activity such as the ability to feel and express emotions and develop a positive sense of oneself; or social activity, such as interacting with people, developing friendships with peers and sustaining bonds with family members and other significant adults.
- Adaptive activity, such as caring for his or her own needs and acquiring independence in age-appropriate eating, toileting, dressing and hygiene tasks.

Documentation of significant developmental delays and their detrimental effect upon the child's daily life shall be based upon qualitative and quantitative measures including all of the following:

- A developmental and basic health history including results from vision and hearing screenings and other pertinent information from parents and, if applicable, other caregivers or service providers.
- Observation of the child in his or her daily living environment such as the child's home with a parent or caregiver or an early education or care setting which includes peers who are typically developing. If observation in these settings is not possible, observation in an alternative setting is permitted.
- Results from norm-referenced instruments are used to document significant delays of at least one and one-half standard deviations below the mean in two or more of the developmental areas which correspond to the major life activities. If it is clearly not appropriate to use norm-referenced instruments, other instruments such as criterion-referenced measures are used to document the significant delays.

**SPEECH AND LANGUAGE IMPAIRMENT.** Wis. Admin. Code § PI 11.36(5)

Speech or language impairment means an impairment of speech or sound production, voice, fluency, or language that significantly affects educational performance or social, emotional or vocational development. The IEP team may identify a child as having a speech or language impairment if the child meets the preceding definition and meets any of the following criteria:

- The child's conversational intelligibility is significantly affected and the child displays at least one of the following:
  - The child performs on a norm referenced test of articulation or phonology at least 1.75 standard deviations below the mean for his or her chronological age.
  - Demonstrates consistent errors in speech sound production beyond the time when 90% of typically developing children have acquired the sound.

- One or more of the child's phonological patterns of sound are at least 40% disordered or the child scores in the moderate to profound range of phonological process use in formal testing and the child's conversational intelligibility is significantly affected.
- The child's voice is impaired in the absence of an acute, respiratory virus or infection and not due to temporary physical factors such as allergies, short term vocal abuse or puberty. The child exhibits atypical loudness, pitch, quality or resonance for his or her age and gender.
- The child exhibits behaviors characteristic of a fluency disorder.
- The child's oral communication or, for a child who cannot communicate orally, his or her primary mode of communication, is inadequate, as documented by all of the following:
  - Performance on norm referenced measures that is at least 1.75 standard deviations below the mean for chronological age.
  - Performance in activities is impaired as documented by informal assessment such as language sampling, observations in structured and unstructured settings, interviews, or checklists.
  - The child's receptive or expressive language interferes with oral communication or his or her primary mode of communication. When technically adequate norm referenced language measures are not appropriate as determined by the IEP team to provide evidence of a deficit of 1.75 standard deviations below the mean in the area of oral communication, then two measurement procedures shall be used to document a significant difference from what would be expected given consideration to chronological age, developmental level, and method of communication such as oral, manual, and augmentative. These procedures may include additional language samples, criterion referenced instruments, observations in natural environments and parent reports.

The IEP team may not identify a child who exhibits any of the following as having a speech or language impairment:

- Mild, transitory or developmentally appropriate speech or language difficulties that children experience at various times and to various degrees.
- Speech or language performance that is consistent with developmental levels as documented by formal and informal assessment data unless the child requires speech or language services in order to benefit from his or her educational programs in school, home, and community environments.
- Speech or language difficulties resulting from dialectical differences or from learning English as a second language, unless the child has a language impairment in his or her native language.

- Difficulties with auditory processing without a concomitant documented oral speech or language impairment.
- A tongue thrust which exists in the absence of a concomitant impairment in speech sound production.
- Elective or selective mutism or school phobia without a documented oral speech or language impairment.

The IEP team shall substantiate a speech or language impairment by considering all of the following:

- Formal measures using normative data or informal measures using criterion referenced data.
- Some form of speech or language measures such as developmental checklists, intelligibility ratio, language sample analysis, minimal core competency.
- Information about the child's oral communication in natural environments.
- Information about the child's augmentative or assistive communication needs.

An IEP team shall include a department-licensed speech or language pathologist and information from the most recent assessment to document a speech or language impairment and the need for speech or language services.

**TRAUMATIC BRAIN INJURY.** Wis. Admin. Code § PI 11.36(9)

Traumatic brain injury means an acquired injury to the brain caused by an external physical force resulting in total or partial functional disability or psychosocial impairment, or both, that adversely affects a child's educational performance. The term applies to open or closed head injuries resulting in impairments in one or more areas such as cognition; speech and language; memory; attention; reasoning; abstract thinking; communication; judgment; problem-solving; sensory, perceptual and motor abilities; psychosocial behavior; physical functions; information processing; and executive functions, such as organizing, evaluating and carrying out goal-directed activities. The term does not apply to brain injuries that are congenital or degenerative or brain injuries induced by birth trauma.

Children whose educational performance is adversely affected as a result of acquired injuries to the brain caused by internal occurrences, such as vascular accidents, infections, anoxia, tumors, metabolic disorders and the effects of toxic substances or degenerative conditions may meet the criteria of one of the other impairments.

The results of standardized and norm-referenced instruments used to evaluate and identify a child as traumatic brain injured may not be reliable or valid. Therefore, alternative means of evaluation, such as criterion-referenced assessment, achievement assessment, observation, work samples, and neuropsychological assessment data are considered to identify a child who exhibits total or partial functional

disability or psychosocial impairment in one or more areas listed above. Before a child may be identified as traumatic brain injured, available medical information from a licensed physician is considered.

**VISUAL IMPAIRMENT.** Wis. Admin. Code § PI 11.36(3)

Visual impairment means even after correction a child's visual functioning significantly adversely affects his or her educational performance. The IEP team may identify a child as having a visual impairment after all of the following events occur:

- A certified teacher of the visually impaired conducts a functional vision evaluation which includes a review of medical information, formal and informal tests of visual functioning and the determination of the implications of the visual impairment on the educational and curricular needs of the child.
- An ophthalmologist or optometrist finds at least one of the following:
  - Central visual acuity of 20/70 or less in the better eye after conventional correction.
  - Reduced visual field to 50° or less in the better eye.
  - Other ocular pathologies that are permanent and irremediable.
  - Cortical visual impairment.
  - A degenerative condition that is likely to result in a significant loss of vision in the future.

An orientation and mobility specialist, or teacher of the visually impaired in conjunction with an orientation and mobility specialist, evaluates the child to determine if there are related mobility needs in home, school, or community environments.

## **Developing, Reviewing and Revising IEPs**

**IEP IN EFFECT.** At the beginning of each school year the School District of Manawa has in effect an IEP for each child with a disability within its jurisdiction. The School District of Manawa ensures that a meeting to develop an IEP and determine placement is conducted within 30 days of determination that the child is a child with a disability. The School District of Manawa ensures an IEP is in effect before special education and related services are provided to children with disabilities and is implemented as soon as possible following the meetings at which the IEP is developed. The School District of Manawa develops and implements an IEP for each child with a disability served by that agency including children placed in or referred to a private school or facility by the School District of Manawa.

The School District of Manawa ensures each child's IEP is accessible to each regular education teacher, special education teacher, related service provider and any other service provider who is responsible for its implementation. The School District of Manawa ensures each teacher and provider responsible for implementing a child's IEP is

informed of his or her specific responsibilities related to implementing the child's IEP and the specific accommodations, modifications and supports that must be provided for the child in accordance with the IEP. The School District of Manawa provides special education and related services to a child with a disability in accordance with the child's IEP and makes a good faith effort to assist the child to achieve the goals and objectives or benchmarks listed in the IEP.

34 CFR 300.323(a),(c)-(d); Wis. Stat. §§ 115.787(1), 115.78(3)(c)

## **IEP Development**

In developing each child's IEP, the IEP team considers the strengths of the child, the concerns of the child's parents for enhancing the education of their child, and the results of the initial or most recent evaluation of the child, and the academic, developmental, and functional needs of the child.

The IEP team considers the following special factors:

- the use of positive behavioral interventions and supports, and other strategies, to address that behavior in the case of a child whose behavior impedes the child's learning or that of others;
- the language needs of the child as such needs relate to the child's IEP in the case of a child with limited English proficiency;
- instruction in Braille and the use of Braille in the case of a child who is visually impaired unless the IEP team determines, after an evaluation of the child's reading and writing skills, needs, and appropriate reading and writing media, including an evaluation of the child's future needs for instruction in Braille or the use of Braille, that instruction in Braille or the use of Braille is not appropriate for the child;
- the communication needs of the child and, in the case of a child who is hearing impaired, the child's language and communication needs, opportunities for direct communications with peers and professional personnel in the child's language and communication mode, academic level and full range of needs including opportunities for direct instruction in the child's language and communication mode; and
- whether the child requires assistive technology devices and services.

If when considering these special factors, the IEP team determines a child needs a particular device or service in order to receive a free appropriate public education, the IEP team includes a statement to that effect in the IEP.



The child's regular education teacher, as a member on the IEP team, participates in the development of the IEP of the child to the extent appropriate. The teacher participates in the determination of appropriate positive behavioral interventions and supports and other strategies, supplementary aids and services, program modifications and supports for school personnel.

The School District of Manawa gives a copy of the IEP to the child's parents with the notice of placement.

34 CFR § 300.324(a); Wis. Stat. § 115.787(3)

## **IEP Review and Revision**

The IEP team reviews the child's IEP periodically, but at least once a year, to determine whether the annual goals for the child are being achieved and revises the IEP as appropriate to address:

- any lack of expected progress toward the annual goals and in the general education curriculum;
- the results of any reevaluation;
- information about the child provided to or by the parents;
- the child's anticipated needs; or
- other matters.

In conducting a review of the child's IEP, the IEP team considers the special factors listed above under the development of the IEP section.

To the extent appropriate, the regular education teacher of the child, as a member on the IEP team, participates in the review and revision of the IEP of the child.

If a participating agency, other than the School District of Manawa, fails to provide transition services described in the IEP, the School District of Manawa reconvenes the IEP team to identify alternative strategies to meet the transition objectives for the child set out in the IEP.

34 CFR § 300.324(b) and (c); Wis. Stat. § 115.787(4)

## **Amendments to the IEP**

In making changes to a child's IEP after the annual IEP team meeting for a school year, the parent of a child with a disability and the School District of Manawa may agree not to convene an IEP team meeting for the purposes of making those changes, and instead develop a written document to amend or modify the child's current IEP. If changes are made without a meeting, the School District of Manawa informs the child's IEP team of those changes.

Changes to the IEP may be made by either the entire IEP Team at an IEP team meeting or as described above by amending the IEP rather than redrafting the entire IEP. The School District of Manawa gives the child's parent a copy of the revised IEP with the amendments incorporated.

34 CFR § 300.324(a)(4)-(6); Wis. Stat. § 115.787(4)(c)

## **IEP Content**

The IEP for each child with a disability includes:

- a statement of the child's present levels of academic achievement and functional performance including how the child's disability affects the child's involvement and progress in the general education curriculum (i.e., the same curriculum as for nondisabled children) or, for a preschool child, as appropriate, how the disability affects the child's participation in appropriate activities;
- a statement of measurable annual goals for the child, including academic and functional goals, designed to meet the child's needs that result from the child's disability to enable the child to be involved in and progress in the general education curriculum and to meet each of the child's other educational needs that result from the child's disability;
- for children with disabilities who take alternate assessments aligned to alternate achievement standards, a description of benchmarks or short-term objectives;
- a statement of the special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the child or on behalf of the child and a statement of the program modifications or supports for school personnel that will be provided to enable the child to:
  - advance appropriately toward attaining the annual goals;
  - be involved in and make progress in the general education curriculum and to participate in extracurricular and other nonacademic activities; and
  - be educated and participate with other children with disabilities and nondisabled children in the activities described above;
- an explanation of the extent to which the child will not participate with nondisabled children in regular classes in the general education curriculum and in extracurricular and other nonacademic activities;
- a statement of any individual appropriate accommodations that are necessary to measure the academic achievement and functional performance on state or district-wide assessments;

- if the IEP team determines a child must take an alternate assessment instead of participating in a particular regular state-wide or district-wide assessment of student achievement, a statement indicating why the child cannot participate in the regular assessment and why the particular alternate assessment selected is appropriate for the child;
- the projected date for the beginning of the services and modifications described in the IEP and the anticipated frequency, duration and location of those services and modifications;
- beginning not later than in the first IEP that will be in effect when the child is 14 and updated annually thereafter until the child is no longer eligible for special education and related services, a statement of appropriate measurable postsecondary goals based upon age appropriate transition assessments related to training, education, employment, and, where appropriate, independent living skills; and a description of the transition services, including courses of study, needed to assist the child in reaching those goals;
- a statement that the student has been informed of the parental rights that will transfer to the pupil under special education law on reaching the age of 18, beginning at least one year before the child attains the age of 18, and annually thereafter until the pupil is no longer eligible for special education and related services;
- a description of how the child's progress toward attaining the annual goals will be measured; and
- a description of when periodic reports, such as quarterly reports or other periodic reports issued concurrent with report cards, on the child's progress toward attaining the annual goals will be provided to the parents.

34 CFR § 300.320; Wis. Stat. § 115.787

## **Placement**

The School District of Manawa ensures an evaluation is conducted before special education and related services are provided to a child with a disability and an educational placement is provided to implement each child's IEP. The IEP team makes placement decisions. The placement is based upon and implements the child's IEP, is determined at least annually, and in uniformity with the least restrictive environment provisions described below.

34 CFR §§ 300.301(a), 300.116(b); Wis. Stat. §§ 115.78(2), 115.79(1)(a) and (b)

**LEAST RESTRICTIVE ENVIRONMENT.** The School District of Manawa ensures the following:

- Unless the IEP requires a different arrangement, the child is educated in the school he or she would attend if not disabled.
- The placement is provided as close as possible to the child's home.
- In selecting the least restrictive environment consideration is given to any potential harmful effect on the child or on the quality of services that he or she needs.
- A child with a disability is not removed from education in age-appropriate regular classrooms solely because of needed modifications in the general education curriculum.
- To the maximum extent appropriate, a child with a disability, including a child receiving publicly funded special education in a public or private institution or other care facility, is educated with children who are not disabled.
- Special classes, separate schooling or any other removal of a child from the regular educational environment occurs only when the nature or severity of a child's disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.
- The School District of Manawa ensures a continuum of alternative placements is available to meet the needs of children with disabilities for special education and related services.
- The School District of Manawa ensures a continuum of alternative placements is available and will be used that includes instruction in regular classes, special classes, special schools, home instruction, and instruction in hospitals and institutions.
- The continuum makes provision for supplementary services (such as resource room or itinerant instruction) that are provided in conjunction with regular class placement.
- The School District of Manawa provides or arranges for nonacademic and extracurricular services and activities including meals and recess periods so each child with a disability participates with nondisabled children in the extracurricular services and activities to the maximum extent appropriate to the needs of that child. The School District of Manawa ensures that each child with a disability has the supplementary aids and services determined by the child's IEP Team to be appropriate and necessary for the child to participate in nonacademic settings.

34 CFR § 300.114-117

**NOTICE OF PLACEMENT.** Following the development of the IEP, a notice of placement and a copy of the child's IEP is given to the child's parent(s).

34 CFR § 300.503(b)(4); Wis. Stat. §§ 115.787(3)(e)

**CONSENT FOR PLACEMENT.** The School District of Manawa obtains informed and written parental consent prior to the initial provision of special education and related services to a child with a disability in a program providing special education and related services.

The School District of Manawa makes reasonable efforts to obtain informed consent from the parent for the initial provision of special education and related services to the child. If the parent of a child fails to respond or refuses to consent to services, the School District of Manawa can not provide special education or related services and cannot use mediation or due process procedures in order to obtain agreement or a ruling that the services may be provided to the child.

If the parent of the child refuses to consent to the initial provision of special education and related services, or the parent fails to respond to a request to provide consent for the initial provision of special education and related services, the School District of Manawa will not be considered to be in violation of the requirement to make available FAPE to the child for the failure to provide the child with the special education and related services for which the School District of Manawa requests consent; and is not required to convene an IEP Team meeting or develop an IEP for the child for the special education and related services for which the School District of Manawa requests such consent.

34 CFR § 300.300(b); Wis. Stat. § 115.79(2)

### **Parent Revocation of Consent:**

If, at any time subsequent to the initial provision of special education and related services, the parent of a child revokes consent in writing for the continued provision of special education and related services, the school district:

- Will stop providing special education and related services to the child, but before doing so, will provide prior written notice in accordance with 34 CFR § 300.503;
- Will not use special education dispute resolution procedures, including mediation and due process, in order to obtain agreement or a ruling that the services may be provided to the child;
- Is not considered to be in violation of the requirement to make FAPE available to the child because of the failure to provide the child with further special education and related services; and
- Is not required to convene an IEP Team meeting or develop an IEP for the child for further provision of special education and related services;
- Is not required to amend the child's education records to remove any reference to the child's receipt of special education and related services because of the revocation of consent.

34 CFR § 300.300

## **Related Services: Physical and Occupational Therapy**

If a child is suspected to need occupational therapy or physical therapy or both, the IEP team includes an appropriate therapist.

Wis. Admin. Code § PI 11.24(2)

**PHYSICAL THERAPISTS' LICENSURE AND SERVICE REQUIREMENTS.** The School District of Manawa ensures the following:

- Physical therapists are licensed by the Department of Public Instruction as school physical therapists.
- Caseloads for full-time physical therapists employed for a full day, 5 days a week, is a minimum of 15 children and a maximum of 30 children, or maximum of 45 children with one or more school physical therapist assistants. A caseload may be varied subject to DPI's approval. The caseload for a part-time school physical therapist may be pro-rated.
- The school physical therapist has medical information from a licensed physician regarding a child before the child receives physical therapy.
- The school physical therapist delegates to a school physical therapist assistant only those portions of a child's physical therapy which are consistent with the school physical therapist assistant's education, training and experience.
- The school physical therapist supervises the physical therapy provided by a school physical therapist assistant. The school physical therapist develops a written policy and procedure for written and oral communication to the physical therapist assistant. The policy and procedure includes a specific description of the supervisory activities undertaken for the school physical therapist assistant which includes either of the following levels of supervision:
  - the school physical therapist has daily, direct contact on the premises with the school physical therapist assistant; or
  - the school physical therapist has direct, face-to-face contact with the school physical therapist assistant at least once every 14 calendar days. Between direct contacts the physical therapist is available by telecommunication. The school physical therapist providing general supervision provides an onsite reevaluation of each child's physical therapy a minimum of one time per calendar month or every tenth day of physical therapy, whichever is sooner, and adjusts the physical therapy as appropriate.

- A full-time school physical therapist supervises no more than two full-time equivalent physical therapist assistant positions which may include no more than three physical therapist assistants.
- Acts undertaken by a school physical therapist assistant are considered acts of the supervising physical therapist who has delegated the act.
- A school physical therapist conducts all physical therapy evaluations and reevaluations of a child, participates in the development of the child's IEP, and develops physical therapy treatment plans for the child. A school physical therapist is not represented by a school physical therapist assistant on an IEP team.

Wis. Admin. Code § PI 11.24(7)

**SCHOOL PHYSICAL THERAPIST ASSISTANTS' QUALIFICATIONS AND SUPERVISION OF PHYSICAL**

**THERAPY.** The School District of Manawa ensures the following:

- Physical therapist assistants are licensed by the Department of Public Instruction as school physical therapists.
- The school physical therapist assistant providing physical therapy to a child is supervised by a school physical therapist as specified in these policies.

Wis. Admin. Code § PI 11.24(8)

**OCCUPATIONAL THERAPISTS' LICENSURE AND SERVICE REQUIREMENTS.** The School District of Manawa ensures the following:

- Occupational therapists are licensed by the Department of Public Instruction as school occupational therapists.
- Caseloads for full-time school occupational therapists employed for a full day, 5 days a week, is a minimum of 15 children and a maximum of 30 children, or maximum of 45 children with one or more school occupational therapist assistants. A caseload may be varied subject to DPI's approval. The caseload for a part-time school physical therapist may be pro-rated.
- The school occupational therapist has medical information before a child is evaluated for occupational therapy.

Wis. Admin. Code § PI 11.24(9)

**DELEGATION AND SUPERVISION OF OCCUPATIONAL THERAPY.** The School District of Manawa ensures the following:

- The school occupational therapist may delegate to a school occupational therapy assistant only those portions of a child's occupational therapy which are consistent with the school occupational therapy assistant's education, training and experience.
- The school occupational therapist supervises the occupational therapy provided by a school occupational therapy assistant. The school occupational therapist develops a written policy and procedure for written and oral communication to the occupational therapist assistant. The policy and procedure includes a specific description of the supervisory activities undertaken for the school occupational therapist assistant which includes either of the following levels of supervision:
  - the school occupational therapist has daily, direct contact on the premises with the school occupational therapy assistant or
  - the school occupational therapist has direct, face-to-face contact with the school occupational therapy assistant at least once every 14 calendar days. Between direct contacts the occupational therapist is available by telecommunication. The school occupational therapist providing general supervision provides an onsite reevaluation of each child's occupational therapy a minimum of every two weeks, and adjusts the occupational therapy as appropriate.
- A full-time school occupational therapist supervises no more than two full-time equivalent occupational therapy assistant positions which includes no more than three occupational therapy assistants;
- An act undertaken by a school occupational therapy assistant is considered the act of the supervising occupational therapist who has delegated the act.

Wis. Admin. Code § PI 11.24(9)

**RESPONSIBILITY OF A SCHOOL OCCUPATIONAL THERAPIST.** The School District of Manawa ensures the following:

- A school occupational therapist conducts all occupational therapy evaluations and reevaluations of a child, participates in the development of the child's IEP and develops occupational therapy treatment plans for the child.
- A school occupational therapist may not be represented by a school occupational therapy assistant on an IEP team.

Wis. Admin. Code § PI 11.24(9)

**SCHOOL OCCUPATIONAL THERAPY ASSISTANTS' QUALIFICATIONS AND SUPERVISION.** The School District of Manawa ensures the following:



- Occupational therapy assistants are licensed by the Department of Public Instruction as school occupational therapy assistants.
- The school occupational therapy assistant providing occupational therapy to a child is supervised by a school occupational therapist as specified in these policies.

Wis. Admin. Code § PI 11.24(10)

## **Transition from Birth to Three Programs**

The School District of Manawa participates with birth to three programs to ensure a smooth and effective transition of children with disabilities from the birth to three program for infants and toddlers with disabilities to preschool programs in the School District of Manawa. The School District of Manawa participates in transition planning conferences arranged by birth to three programs.

For children participating in birth to three programs who will participate in special education preschool programs in the School District of Manawa, the School District of Manawa has an IEP in effect by the child's third birthday.

If a child's third birthday occurs during the summer, the child's IEP Team shall determine the date when services under the IEP will begin.

34 CFR §§ 300.124, 300.101(b)

## **Transfer Pupils**

### **In-State-Transfer Students**

When a child with a disability (who had an IEP that was in effect in a previous Wisconsin local educational agency) transfers to the School District of Manawa and enrolls in a new school within the same school year, the School District of Manawa (in consultation with the parents) provides FAPE to the child, including services comparable to those described in the child's IEP from the previous agency, until the School District of Manawa either:

- Adopts the child's IEP from the previous public agency; or
- Develops, adopts, and implements a new IEP.

The School District of Manawa adopts the evaluation and the eligibility determination of the sending local educational agency or conducts an evaluation and eligibility determination of the transfer pupil. The School District of Manawa does not adopt the evaluation and eligibility determination or the IEP of the sending local educational agency

if the evaluation and eligibility determination or the IEP do not meet state and federal requirements.

34 CFR § 300.323(e)

### **Out-of-State Transfer Students**

When a child with a disability (who had an IEP that was in effect in a previous agency in another State) transfers to the School District of Manawa, and enrolls in a new school within the same school year, the School District of Manawa, in consultation with the parents, provides the child with FAPE, including services comparable to those described in the child's IEP from the out-of-state agency, until the School District of Manawa:

- Conducts an evaluation and determines eligibility if determined to be necessary by the School District of Manawa; and
- Develops, adopts and implements a new IEP, if appropriate.

34 CFR § 300.323(f)

### **Transmittal of Records**

When the School District of Manawa receives a transfer pupil with a disability and does not receive the pupil's records from the sending local educational agency, the School District of Manawa takes reasonable steps, including a written request, to promptly obtain the child's records, including the IEP and supporting documents and any other records relating to the provision of special education or related services to the child from the previous public agency in which the child was enrolled. When the School District of Manawa receives such a written request for a transfer pupil, the School District of Manawa transfers the pupil's records to the requesting local educational agency within five working days of receipt of the written notice as required under Wis. Stat. § 118.125(4).

34 CFR § 300.323(g); Wis. Stat. § 118.125(4)

### **Charter Schools**

Children with disabilities who attend the School District of Manawa's charter schools and their parents retain all rights under federal special education laws. The School District of Manawa ensures that the requirements of federal special education law are met.

Children with disabilities who attend Charter Schools under contract with the School District of Manawa, are served in the same manner as other children with disabilities in the School District of Manawa. This includes providing supplementary and related services on site at the charter school to the same extent to which the School District of Manawa provides such services on the site to its other public schools. Funds received under part B of the Individuals with Disabilities Education Act are provided to charter

schools in the same manner as they are provided to other schools in the School District of Manawa, including proportional distribution based on relative enrollment of children with disabilities and at the same time as the School District of Manawa distributes other Federal funds to the School District of Manawa's other public schools.

34 CFR § 300.209(a) and (b); Wis. Stat. § 115.77(8).

## **Due Process Procedures**

**OPPORTUNITY TO EXAMINE RECORDS AND PARENT PARTICIPATION IN MEETINGS.** The parents of a child with a disability are afforded, in accordance with the policies in the "Confidentiality" section of this document, an opportunity to:

- inspect and review all education records with respect to the identification, evaluation, and educational placement of the child and the provision of a free appropriate public education to the child; and
- participate in meetings with respect to the identification, evaluation and educational placement of the child and the provision of a free appropriate public education to the child.

The School District of Manawa notifies parents consistent with the policies in the "Parent Participation in IEP Team Meetings" section of these policies to ensure that parents of children with disabilities have the opportunity to participate in meetings described above. The term "meeting" in this policy does not include informal or unscheduled conversations involving public agency personnel and conversations on issues such as teaching methodology, lesson plans, or coordination of service provision. A meeting also does not include preparatory activities that School District of Manawa personnel engage in to develop a proposal or response to a parent proposal that will be discussed at a later meeting.

The IEP team, which includes the parent, makes decisions on the educational placement of the child. In implementing this policy, the School District of Manawa uses procedures consistent with the policies described above. If neither parent can participate in a meeting in which a decision is to be made relating to the educational placement of their child, the School District of Manawa uses other methods to ensure their participation including individual or conference telephone calls, or video conferencing. A placement decision may be made by the IEP team without the involvement of the parent if the School District of Manawa is unable to obtain the parent's participation in the decision. In this case, the School District of Manawa must have a record of its attempt to ensure parent involvement.

34 CFR §§ 300.501, 300.322(e)

**NOTICE.** The School District of Manawa ensures a child's parents are provided prior written notice a reasonable time before the School District of Manawa proposes to initiate

or change or refuses to initiate or change the identification, evaluation or educational placement of the child or the provision of a free appropriate public education to the child. The notice contains:

- a description of the action proposed or refused;
- an explanation of why the School District of Manawa proposed or refused to take action;
- a statement that the parents of a child with a disability have protection under the procedural safeguards and, if this notice is not an initial referral for evaluation, the means by which a copy of a description of the procedural safeguards can be obtained;
- a description of any other options considered and the reason(s) they were rejected;
- a description of each evaluation procedure, assessment, record or report used as a basis for the proposed or refused action;
- the names of the evaluators, if known, if the notices propose to evaluate or reevaluate the child;
- a description of any other factors relevant to the proposal or refusal; and
- sources for parents to contact to obtain assistance in understanding special education law.

Each prior written notice is written in language understandable to the general public, in the parent's native language or other means of communication unless it is clearly not feasible to do so. If the native language or other mode of communication of the parent is not a written language, the School District of Manawa takes steps to ensure the notice is translated orally or by other means to the parent in his or her native language or other mode of communication; the parent understands the content of the notice; and there is written evidence that these requirements have been met.

34 CFR § 300.503; Wis. Stat. § 115.792(2)

**PROCEDURAL SAFEGUARDS NOTICE.** A copy of the procedural safeguards available to the parents of a child with a disability is given to the parents one time a school year, except that a copy is given to the parents:

- upon initial referral or parent request for evaluation;
- upon receipt of the first IDEA State complaint and the first due process complaint;
- on the date on which the decision is made to make a disciplinary removal that constitutes a change of placement;

- upon request by a parent.

The procedural safeguards notice includes a full explanation of the procedural safeguards available under special education law written so as to be easily understood by the general public and in the native language of the child's parents unless it is clearly not feasible to do so, relating to:

- independent educational evaluation;
- prior written notice;
- parental consent;
- access to educational records;
- opportunity to present and resolve complaints through the due process complaint and State IDEA complaint procedures, including:
  - the time period in which to file a complaint;
  - the opportunity for the agency to resolve the complaint; and
  - the difference between the due process complaint and the State complaint procedures, including the jurisdiction of each procedure, what issues may be raised, filing and decisional timelines, and relevant procedures.
- the child's placement during pendency of due process proceedings;
- procedures for pupils who are subject to placement in interim alternative educational settings under 20 USC § 1415(k);
- requirements for the unilateral placement by parents of pupils in private schools at public expense;
- availability of mediation;
- due process hearings including requirements for disclosure of evaluation results and recommendations;
- civil actions, including the time period in which to file those actions; and
- attorney fees.

34 CFR § 300.504

**INDEPENDENT EDUCATIONAL EVALUATIONS.** A parent may obtain an independent educational evaluation of his or her child. If a parent requests information from the School District of Manawa about an independent evaluation, the School District of Manawa provides the parent with information about where an independent evaluation may be obtained and the agency criteria applicable for independent educational evaluations. A parent has the right to an independent educational evaluation at public expense if the parent disagrees with an evaluation obtained by the School District of Manawa. "Public expense" means the School District of Manawa either pays for the full cost of the evaluation or ensures the evaluation is otherwise provided at no cost to the parent.

If a parent requests an independent educational evaluation at public expense, the

School District of Manawa, without unnecessary delay, either initiates a due process hearing to show its evaluation is appropriate or ensures an independent educational evaluation is provided at public expense unless the School District of Manawa demonstrates in a due process hearing that the evaluation obtained by the parent did not meet School District of Manawa criteria.

If a parent requests an independent educational evaluation, the School District of Manawa may ask for the parent's reason why he or she objects to the public evaluation. However, the School District of Manawa does not require the explanation and the School District of Manawa does not unreasonably delay either providing the independent educational evaluation at public expense or initiating a due process hearing to defend the public evaluation. A parent is entitled to only one independent educational evaluation at public expense each time the School District of Manawa conducts an evaluation with which the parent disagrees.

If the School District of Manawa initiates a hearing and the final decision is that the School District of Manawa's evaluation is appropriate, the parent still has the right to an independent educational evaluation but not at public expense. If the parent obtains an independent educational evaluation at public expense or shares with the School District of Manawa an evaluation obtained at private expense, the results of the evaluation must be considered by the School District of Manawa, if it meets agency criteria, in any decision made with respect to the provision of FAPE to the child.

If a hearing officer requests an independent educational evaluation as part of a hearing, the cost of the evaluation must be at public expense. When an independent educational evaluation is at public expense, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the examiner, is the same as the criteria that the School District of Manawa uses when it initiates an evaluation to the extent that those criteria are consistent with the parent's right to an independent educational evaluation. Except for the criteria described above, the School District of Manawa does not impose conditions or timelines related to obtaining and independent educational evaluation at public expense.

34 CFR § 300.502

**SURROGATE PARENTS.** The School District of Manawa ensures the rights of a child are protected if no parent can be identified; the School District of Manawa, after reasonable efforts, cannot locate a parent; the child is a ward of the state; or the child is an unaccompanied homeless youth as defined in the McKinney-Vento Homeless Assistance Act. In such instances, the School District of Manawa assigns an individual to act as a surrogate for the parents. The School District of Manawa has a method for determining whether a child needs a surrogate parent and for assigning a surrogate parent to the child. In the case of a child who is a ward of the State, the surrogate parent may be appointed by the judge overseeing the child's case.

The School District of Manawa ensures that a person selected as a surrogate parent is not an employee of the Department of Public Instruction, the School District of Manawa,

or any other agency that is involved in the education or care of the child; has no personal or professional interest that conflicts with the interest of the child he or she represents; and has knowledge and skills that ensure adequate representation of the child. A person who otherwise qualifies to be a surrogate parent is not an employee of the School District of Manawa solely because he or she is paid by the School District of Manawa to serve as a surrogate parent.

For an unaccompanied homeless youth, appropriate staff of emergency shelters, transitional shelters, independent living programs, and street outreach programs may be appointed as temporary surrogate parents until a surrogate parent can be appointed that meets all of the requirements for selection of surrogate parents.

The surrogate parent may represent the child in all matters relating to the identification, evaluation, and educational placement of the child and the provision of FAPE to the child.

The School District of Manawa makes reasonable efforts to ensure the assignment of a surrogate parent not more than 30 days after it determines that one is needed.

34 CFR § 300.519; Wis. Stat. § 115.792(1)(a)2

**MEDIATION.** When a School District of Manawa participates in a mediation under Wis. Stat. § 115, the School District of Manawa:

- keeps discussion that occurs during mediation confidential;
- does not use discussion that occurs during mediation as evidence in any subsequent hearing or civil proceeding;
- does not record a mediation session unless both parties and the mediator agree;
- may be represented by two individuals, unless the parties agree to additional representatives;
- may withdraw from mediation at any time;
- may recess a mediation session to consult advisors, whether or not present, or to consult privately with the mediator;
- assumes responsibility with the parents for additional compensation if the parties agree that the amount of the mediator's compensation should be greater than the Wisconsin Special Education Mediation System schedule allows; and
- assumes responsibility with the parents for the compensation of a mediator who is not on the mediation system roster.

If the parties resolve the dispute or a portion of the dispute through the mediation process, the parties must execute a legally binding agreement. The agreement is reduced to writing, signed by the parties and a copy is given to each party. The agreement states that all discussions that occurred during mediation are confidential and may not be used as evidence in any hearing or civil proceeding. The agreement is legally binding upon the parties and is enforceable in circuit court. The agreement is

signed by a representative of the School District of Manawa who has the authority to bind the School District of Manawa.

The Wisconsin Mediation System is voluntary on the part of the parties and the School District of Manawa does not use it to deny or delay a parent's right to a hearing on the parent's due process complaint, or to deny any other rights afforded under special education law.

34 CFR § 300.506; Wis. Stat. § 115.797

**DUE PROCESS HEARINGS.** When the School District of Manawa files a request for a due process hearing, it will provide a copy of the hearing request to the other party, a copy to the DPI and will keep the hearing request confidential.

If the parent or the child's attorney files a written request for a due process hearing, the School District of Manawa will:

- inform the parent of any free or low cost legal and other relevant services available in the area;
- (unless it has previously sent a written notice to the parent regarding the item in dispute) within 10 days of receiving the hearing request, provide a written response that includes an explanation of why the agency proposed or refused to take the action raised in the hearing request; a description of other options that the IEP team considered and the reasons why those options were rejected; a description of each evaluation procedure, assessment, record, or report the agency used as the basis for the proposed or refused action; and, a description of the other factors that are relevant to the agency's proposed or refused action;
- within 10 days of receiving the request, send a written response that addresses the issues raised in the hearing request; and
- (except when the parents and School District of Manawa agree in writing to waive a meeting or use mediation) within 15 days of receiving the request and before the hearing is conducted, convene a meeting with the child's parents, a representative of the School District of Manawa who is authorized to make decisions on behalf of the agency, and the relevant members of the IEP team who have specific knowledge of the facts identified in the hearing request. If the meeting resolves any subject matter of the hearing request, the parents and the School District of Manawa will execute and sign a legally binding agreement.

When the School District of Manawa is a party to a due process hearing under Wis. Stat. § 115.80, the School District of Manawa:

- pays for the cost of the hearing;
- pays for the cost of an independent educational evaluation ordered by the hearing officer;



- discloses to all other parties, at least five business days before a hearing is conducted (other than an expedited hearing under the provisions of the Individuals with Disabilities Education Act), all evaluations completed by that date and recommendations based upon the School District of Manawa's evaluations that the School District of Manawa intends to use at the hearing; and
- except as provided in the "discipline" section of the School District of Manawa's policies, the School District of Manawa does not change the educational placement of a child during the pendency of a hearing or judicial proceedings unless the child's parents agree to the change. If the child is applying for initial admission to a public school, the child, with the consent of the parents, is placed in the public school program until all due process proceedings have been completed.

Before filing a civil action under any federal law seeking relief that is also available under state special education law, the School District of Manawa exhausts the due process hearing procedures to the same extent as would be required had the action been brought under special education law.

34 CFR §§ 300.507, 300.508, 300.510; Wis. Stat. § 115.80

**TRANSFER OF RIGHTS AT AGE OF MAJORITY.** When a child with a disability reaches the age of 18, unless he or she has been determined to be incompetent as defined by state law, the School District of Manawa transfers the rights of parents under the Individuals with Disabilities Education Act and Chapter 115, Wis. Stats., to the individual pupil. The School District of Manawa provides any required notices to both the parents and the adult pupil. The School District of Manawa notifies both the parents and the individual pupil of the transfer of rights.

34 CFR § 300.520; Wis. Stat. § 115.807

## **Discipline Procedures**

**AUTHORITY OF SCHOOL PERSONNEL.** School personnel consider any unique circumstances on a case-by-case basis when determining whether a change in placement, consistent with the discipline procedures of Individuals with Disabilities Education Act, is appropriate for a child with a disability who violates a code of school conduct.

School personnel are authorized to remove a child with a disability who violates a code of student conduct from the child's current placement to an appropriate interim alternative educational setting (IEAS), another setting, or suspension for not more than ten consecutive school days (to the extent those alternatives are applied to children without disabilities) consistent with state requirements relating to the suspension of pupils.

State law permits suspensions from school for up to five consecutive school days and

for up to 15 consecutive school days when a notice of expulsion hearing has been sent. A child with a disability may be suspended for more than ten consecutive school days only if the conduct is not a manifestation of the child's disability and the requirements provided below are followed.

School personnel are authorized to remove a child with a disability for additional removals of not more than ten consecutive school days, consistent with state requirements, in that same school year for separate incidents of misconduct (as long as those removals do not constitute a change of placement).

If a child with a disability has been removed from his or her placement for 10 school days or less, the School District of Manawa provides services to the child if the School District of Manawa also provides services to children without disabilities who have been similarly removed.

For purposes of removals of a child with a disability from the child's current educational placement, a change of placement occurs if the removal is for more than ten consecutive school days or the child is subjected to a series of removals that constitute a pattern because

- the series of removals total more than ten school days in a school year;
- the child's behavior is substantially similar to the child's behavior in previous incidents that resulted in the series of removals; and
- such additional factors as the length of each removal, the total amount of time the child is removed and the proximity of the removals to one another.

The School District of Manawa determines on a case-by-case basis whether a pattern of removals constitutes a change of placement.

After a child with a disability has been removed from the current placement for ten school days in the same school year during any subsequent days of removal the School District of Manawa must provide services so as to enable the child to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the child's IEP.

If the current removal is for not more than 10 consecutive school days and is not a change of placement, school personnel, in consultation with at least one of the child's teachers, determine the appropriate services.

The School District of Manawa applies the relevant disciplinary procedures for children without disabilities to the child only if, as a result of the manifestation determination review, the School District of Manawa determines the behavior of the child with a disability was not a manifestation of the child's disability. The School District of Manawa applies the relevant disciplinary procedures in the same manner in which they would be applied to children without disabilities.

A child with a disability whose behavior is determined not to be a manifestation of the child's disability continues to be provided education services so as to enable the child to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the child's IEP.

34 CFR § 300.530; 300.536

**PLACEMENT IN INTERIM ALTERNATIVE EDUCATIONAL SETTINGS.** School personnel are authorized to remove a child with a disability to an interim alternative educational setting for not more than 45 school days without regard to whether the behavior is determined to be a manifestation of the child's disability if:

- the child carries a weapon to or possesses a weapon at school, on school premises, or to or at a school function under the jurisdiction of the state or a School District of Manawa;
- the child knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function under the jurisdiction of the state or a School District of Manawa; or
- the child has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of the state or a School District of Manawa.

34 CFR § 300.530(g)

The IEP team determines the interim alternative educational setting and the appropriate services to be provided. A child placed in an interim alternative educational setting:

- continues to receive educational services to enable the child to continue to participate in the general curriculum, although in another setting, and to progress toward meeting the goals set out in the child's IEP; and
- if the behavior is not a manifestation of the child's disability, receives, as appropriate, a functional behavioral assessment, and behavioral intervention services and modifications, that are designed to address the behavior violation so that it does not recur;
- if the behavior is a manifestation of the child's disability, receives either:
  - a functional behavior assessment, unless the School District of Manawa had conducted a functional behavioral assessment before the behavior that resulted in the change of placement occurred, and implemented a behavioral intervention plan, or
  - if a behavioral intervention plan already has been developed, a review of the behavioral intervention plan, and modifications to it, as necessary, to address the behavior.

34 CFR §§ 300.530, 300.531

On the date on which the decision is made to place the child in an interim alternative educational setting or to make a removal that constitutes a change of placement for violating a code of conduct, the School District of Manawa notifies the parents of that decision and provides the parents a procedural safeguards notice.

34 CFR § 300.530(h)

When the School District of Manawa determines that maintaining the current placement of a child with a disability is substantially likely to result in injury to the child or others, the agency may request an expedited due process hearing to change the child's placement to an appropriate interim alternative educational setting for not more than 45 school days. The request for a due process hearing may be repeated if the School District of Manawa believes that returning the child to the original placement is substantially likely to result in injury to the child or others.

34 CFR § 300.532

#### **MANIFESTATION DETERMINATION REVIEWS.**

Within 10 school days of any decision to change the placement of a child with a disability because of a violation of a code of student conduct, the School District of Manawa, the parent, and relevant members of the child's IEP team (as determined by the parent and the School District of Manawa):

- review all relevant information in the student's file, including the child's IEP;
- any teacher observations; and
- any relevant information provided by the parents.

The conduct is determined to be a manifestation of the child's disability if the School District of Manawa, the parent, and relevant members of the child's IEP team determine that either:

- the conduct in question was caused by, or had a direct and substantial relationship to, the child's disability; or
- the conduct in question was the direct result of the School District of Manawa's failure to implement the IEP.

If the School District of Manawa, the parent, and relevant members of the child's IEP team determine the conduct in question was the direct result of the School District of Manawa's failure to implement the IEP, the School District of Manawa takes immediate steps to remedy those deficiencies.

If the conduct was a manifestation of the child's disability, the IEP team returns the child to the placement from which the child was removed, unless the child has been placed in

an interim alternative educational setting or the parent and School District of Manawa agree to a change of placement as part of the modification of the behavioral intervention plan, and either:

- conducts a functional behavioral assessment, unless the School District of Manawa had conducted a functional behavioral assessment before the behavior that resulted in the change of placement occurred, and implements a behavioral intervention plan for the child; or
- if a behavioral intervention plan already has been developed, the IEP team reviews the behavioral intervention plan, and modifies it, as necessary, to address the behavior.

If the conduct was not a manifestation of the child's disability, the child receives, as appropriate:

- a functional behavioral assessment and behavioral intervention services and modifications that are designed to address the behavior violation so that it does not recur; and
- educational services so as to enable the child to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the child's IEP.

34 CFR § 300.530(d)(e) and (f)

#### **PLACEMENT DURING APPEALS.**

The parent of a child with a disability who disagrees with any decision regarding a disciplinary change in placement or a manifestation determination, or the School District of Manawa believes that maintaining the current placement is substantially likely to result in injury to the child or others may appeal the decision by requesting a hearing. During such appeal, the child will remain in the placement to which the child was removed pending the decision of the hearing officer or until the expiration of the disciplinary placement, whichever occurs first. The parent and the School District of Manawa may agree to a different placement during the appeal.

Unless the School District of Manawa and the parents agree in writing to waive the resolution meeting or agree to use the mediation process, the School District of Manawa conducts a resolution meeting within seven days of receiving notice of the parent's due process complaint.

34 CFR § 300.532; 300.533

**PROTECTIONS FOR CHILDREN NOT YET ELIGIBLE FOR SPECIAL EDUCATION AND RELATED SERVICES.** The School District of Manawa provides the protections asserted for a child under the Individuals with Disabilities Education Act-Part B to a child who has not been

determined to be eligible for special education and related services and who has engaged in behavior that violated a code of conduct of the School District of Manawa if the School District of Manawa had knowledge (as determined in accordance with the provisions below) that the child was a child with a disability before the behavior that precipitated the disciplinary action occurred.

The School District of Manawa has knowledge that a child is a child with a disability if before the behavior that precipitated the disciplinary action occurred:

- the parent of the child expressed concern in writing to supervisory or administrative personnel of the appropriate educational agency, or a teacher of the child, that the child is in need of special education and related services;
- the parent of the child requested an IEP team evaluation of the child; or
- the teacher of the child, or other personnel of the School District of Manawa, expressed specific concerns about a pattern of behavior demonstrated by the child directly to the director of special education of the agency or to other supervisory personnel of the agency.

The School District of Manawa does not have knowledge that a child is a child with a disability if:

- the parent of the child has not allowed an IEP team evaluation of the child or has refused special education services; or
- the School District of Manawa conducted an IEP team evaluation and determined that the child was not a child with a disability.

If the School District of Manawa does not have knowledge that a child is a child with a disability prior to taking disciplinary measures against the child, the School District of Manawa may subject the child to the same disciplinary measures as measures applied to children without disabilities who engaged in comparable behaviors.

#### 34 CFR § 300.534

If a request is made for an evaluation of a child during the time period in which the child is subjected to disciplinary measures, the evaluation is conducted in an expedited manner. Until the evaluation is completed, the School District of Manawa maintains the child in the educational placement determined by school authorities, which can include suspension or expulsion without educational services.

If the child is determined to be a child with a disability, taking into consideration information from the School District of Manawa's evaluation and information provided by the parents, the School District of Manawa provides special education and related services in accordance with the Individuals with Disabilities Education Act-Part B and

state law, including legal requirements relating to discipline and the provision of a free appropriate public education to children with disabilities.

34 CFR § 300.534

When the School District of Manawa reports a crime committed by a child with a disability, it ensures copies of the child's special education and disciplinary records are transmitted for consideration by the appropriate authorities to whom it reports the crime. The School District of Manawa transmits copies of the child's special education and disciplinary records only to the extent that the Family Educational Rights and Privacy Act permits transmission.

34 CFR § 300.535

## **Confidentiality of Information**

**NOTICE TO PARENTS.** The School District of Manawa notifies parents before any major child identification, location or evaluation activity. The notice is published or announced in newspapers or other media, or both, with circulation adequate to notify parents of children attending the School District of Manawa of the activity.

34 CFR § 300.612(b)

The School District of Manawa gives notice that is adequate to fully inform parents about the confidentiality of personally-identifiable information requirements in the law, including:

- a description of the extent that the notice is given in the native languages of the various population groups in the School District of Manawa;
- a description of the children on whom personally-identifiable information is maintained, the types of information sought, the methods the School District of Manawa intends to use in gathering the information (including the sources from whom information is gathered), and the uses to be made of the information;
- a summary of the policies and procedures that participating agencies must follow regarding storage, disclosure to third parties, retention, and destruction of personally-identifiable information; and
- a description of all of the rights of parents and children regarding this information, including the rights under the Family Educational Rights and Privacy Act of 1974 and the implementing regulations.

34 CFR § 300.612

**ACCESS RIGHTS.** The School District of Manawa permits parents to inspect and review any education records relating to their children that are collected, maintained or used by

the agency under the Individuals with Disabilities Education Act-Part B. The agency complies with a request without unnecessary delay and before any meeting regarding an IEP, or any due process hearing or resolution session, and in no case more than 45 days after the request has been made.

The right to inspect and review education records includes:

- the right to a response from the participating agency to reasonable requests for explanations and interpretations of the records;
- the right to have copies of the records upon request; and
- the right to have a representative of the parent inspect and review the records.

The School District of Manawa presumes that the parent has authority to inspect and review records relating to his or her child unless the School District of Manawa has been advised that the parent does not have authority under state law.

34 CFR § 300.613

The School District of Manawa keeps a record of parties obtaining access to education records collected, maintained or used under the Individuals with Disabilities Education Act (except access by parents and authorized employees of the School District of Manawa), including the name of the party, the date access was given and the purpose for which the party is authorized to use the records.

34 CFR § 300.614

The School District of Manawa provides parents on request a list of the types and locations of education records collected, maintained or used by the agency. If any education record includes information on more than one child, the parents of those children have the right to inspect and review only the information relating to their child or to be informed of that specific information.

34 CFR §§ 300.615, 300.616

The School District of Manawa does not charge a fee for copies of records that are made for parents if the fee effectively prevents the parents from exercising their right to inspect and review those records. The School District of Manawa does not charge a fee to search for or to retrieve information in educational records.

34 CFR § 300.617

**AMENDMENT OF RECORDS AT PARENT'S REQUEST.** A parent who believes information in the education records collected, maintained or used under the Individuals with Disabilities Education Act is inaccurate or misleading or violates the privacy or other rights of the child may request the School District of Manawa to amend the information. The School District of Manawa decides whether to amend the information in accordance with the



request within a reasonable period of time of receipt of the request. If the School District of Manawa decides to refuse to amend the information in accordance with the request, it informs the parent of the refusal and advises the parent of the right to an educational records hearing pursuant to the School District of Manawa's policies.

#### 34 CFR § 300.618

The School District of Manawa, on request, provides an opportunity for a hearing to challenge information in education records to ensure it is not inaccurate, misleading or otherwise in violation of the privacy or other rights of the child.

#### 34 CFR § 300.619

The hearing is conducted according to the procedures described in the Family Educational Rights and Privacy Act implementing regulations. If, as a result of the hearing, the School District of Manawa decides the information is inaccurate, misleading or otherwise in violation of the privacy or other rights of the child, it amends the information accordingly and so informs the parent in writing. If, as a result of the hearing, the School District of Manawa decides the information is not inaccurate, misleading or otherwise in violation of the privacy or other rights of the child, it informs the parent of the right to place in the records it maintains on the child a statement commenting on the information or setting forth any reasons for disagreeing with the decision of the School District of Manawa.

#### 34 CFR § 300.619-621

Any explanation placed in the records of the child under this section is maintained as part of the records of the child as long as the record or contested portion is maintained. If the records of the child or the contested portion are disclosed to any party, the explanation is also disclosed to the party.

#### 34 CFR § 300.620(c)(2)

**CONSENT.** Parental consent is obtained before personally-identifiable information is disclosed, unless the disclosure is authorized without parental consent under the Family Educational Rights and Privacy Act and Wis. Stat. § 118.125. Parental consent is not required before personally-identifiable information is released to officials of participating agencies for purposes of meeting a requirement of the Individuals with Disabilities Education Act with the following exceptions:

- Parental consent or the consent of an eligible child who has reached the age of majority under state law, is obtained before personally-identifiable information is released to officials of participating agencies providing or paying for transition services.

- If a child is enrolled or is going to enroll in a private school that is not located in the local educational agency of the parent's residence, parental consent is obtained before any personally-identifiable information about the child is released between school officials in the local educational agency where the private school is located and officials in the local educational agency of the parent's residence.

#### 34 CFR § 300.622

**SAFEGUARDS.** The School District of Manawa protects the confidentiality of personally-identifiable information at collection, storage, disclosure and destruction stages. One official at the School District of Manawa assumes responsibility for ensuring the confidentiality of any personally-identifiable information. All persons collecting or using personally-identifiable information receive training or instruction regarding the state's policies and procedures described in the regulations implementing the Individuals with Disabilities Education Act and the Family Educational Rights and Privacy Act. The School District of Manawa maintains, for public inspection, a current listing of the names and positions of those employees within the agency who may have access to personally-identifiable information.

#### 34 CFR § 300.623

**DESTRUCTION OF INFORMATION.** The School District of Manawa informs parents when personally-identifiable information collected, maintained or used under the Individuals with Disabilities Education Act is no longer needed to provide educational services to the child. The information is destroyed at the request of the parents. However, a permanent record of the student's name, address, and phone number, his or her grades, attendance record, classes attended, grade level completed, and year completed may be maintained without time limitation.

#### 34 CFR § 300.624

**TRANSFER OF CONFIDENTIALITY RIGHTS AT AGE OF MAJORITY.** Under the regulations for the Family Educational Rights and Privacy Act, the rights of parents regarding education records are transferred to the student at age 18. When the rights accorded to parents under the Individuals with Disabilities Education Act are transferred to a student who reaches the age of majority, the rights regarding educational records in the Individuals with Disabilities Education Act also transfer to the student. However, the School District of Manawa provides any notice required under the Individuals with Disabilities Education Act to the student and the parents.

#### 34 CFR § 300.625(b) and (c)

### **Children with Disabilities Enrolled in Private Schools by Their Parents**

**CHILD FIND.** This school district locates, identifies, and evaluates all children with disabilities who are enrolled by their parents in private, including religious, elementary

schools and secondary schools located in the school district. The child find process is designed to ensure the equitable participation of parentally-placed private school children and an accurate count of those children. This school district undertakes child find activities similar to the activities undertaken for the agency's public school children. The child find process is completed in a time period comparable to that for students attending public schools in this school district. In carrying out the child find requirements for parentally-placed private school students, this school district includes parentally-placed private school children who reside in another state.

#### 34 CFR § 300.131

Any due process complaint regarding child find requirements must be filed with the school district in which the private school is located and a copy must be forwarded to the Department of Public Instruction.

#### 34 CFR § 300.140(b)(2)

**PROVISION OF SERVICES.** To the extent consistent with the number and location of children with disabilities who are enrolled by their parents in private, including religious, elementary and secondary schools located in this school district, this school district provides for the participation of those children by providing them with special education and related services, including direct services determined in accordance with the provision under the “Equitable Services Determined” section of this policy.

A services plan is developed and implemented for each private school child with a disability designated by this school district to receive special education and related services under the Individuals with Disabilities Education Act. This school district maintains in its records, and provides to the Wisconsin Department of Public Instruction, the following information related to parentally-placed private school children: (1) the number of children evaluated; (2) the number of children determined to be children with disabilities; and (3) the number of children served.

#### 34 CFR § 300.132

**EXPENDITURES.** In providing special education and related services, including direct services, to children with disabilities enrolled by their parents in private schools, this school district spends, for children aged 3 through 21, an amount that is the same proportion of the school district's total Individuals with Disabilities Education Act flow-through grant as is the number of private school children with disabilities aged 3 through 21 who are enrolled by their parents in private, including religious, elementary schools and secondary schools located in this school district, is to the total number of children with disabilities in its jurisdiction aged 3 through 21.

For parentally placed private school children aged 3 through 5, this school district spends an amount that is the same proportion of this school district's total preschool entitlement funds as the number of parentally placed private school children with disabilities aged 3

through 5 is to the total number of children with disabilities in its jurisdiction aged 3 through 5. This school district may provide services to private school children in excess of those required, consistent with the law and School District of Manawa policy.

In calculating the proportionate amount of Federal funds to be provided for parentally-placed private school children with disabilities, this school district, after timely and meaningful consultation with representatives of private schools, conducts a thorough and complete child find process to determine the number of parentally-placed children with disabilities attending private schools located in this school district.

After timely and meaningful consultation with representatives of parentally-placed private school children with disabilities, this school district determines the number of parentally-placed private school children with disabilities attending private schools located in this school district; and ensures the count is conducted on October 1 of each year. The child count is used to determine the amount this school district must spend on providing special education and related services to parentally-placed private school children with disabilities in the next subsequent fiscal year.

#### 34 CFR § 300.133(c)(2)

State and local funds may supplement and in no case supplant the proportionate amount of Federal funds required to be expended for parentally-placed private school children with disabilities under the Individuals with Disabilities Education Act.

#### 34 CFR § 300.133(d)

The cost of carrying out child find requirements, including individual evaluations, is not considered in determining if this school district has met its obligation to expend a proportionate amount of Individuals with Disabilities Education Act funds to provide equitable services.

#### 34 CFR § 300.131(d)

If this school district has not expended for equitable services all of the funds required by the end of the fiscal year for which Congress appropriated the funds, the district obligates the remaining funds for special education and related services (including direct services) to parentally-placed private school children with disabilities during a carry-over period of one additional year.

#### 34 CFR § 300.133(a)(3)

**CONSULTATION.** To ensure timely and meaningful consultation, this school district consults with private school representatives and representatives of parents of parentally-placed private school children with disabilities during the design and development of special education and related services for the children regarding the following:

- the child find process, including how parentally-placed private school children suspected of having a disability can participate equitably, and how parents, teachers, and private school officials will be informed of the process;
- the determination of the proportionate share of Federal funds available to serve parentally-placed private school children with disabilities including the determination of how the proportionate share of those funds was calculated;
- the consultation process among this school district, private school officials, and representatives of parents of parentally-placed private school children with disabilities, including how the process will operate throughout the school year to ensure that parentally-placed children with disabilities identified through the child find process can meaningfully participate in special education and related services;
- how, where, and by whom special education and related services will be provided for parentally-placed private school children with disabilities, including a discussion of the types of services, including direct services and alternate service delivery mechanisms, and how special education and related services will be apportioned if funds are insufficient to serve all parentally-placed private school children, and how and when those decisions will be made; and,
- how, if this school district disagrees with the views of the private school officials on the provision of services or the types of services (whether provided directly or through a contract), the district will provide to the private school officials a written explanation of the reasons why the district chose not to provide services directly or through a contract.

When timely and meaningful consultation has occurred, this school district must obtain a written affirmation signed by the representatives of participating schools. If the representatives do not provide the affirmation within a reasonable period of time, this school district forwards the documentation of the consultation process to the Wisconsin Department of Public Instruction.

If a private school representative files a complaint under 34 CFR § 300.136 to the Wisconsin Department of Public Instruction, this school district will forward appropriate documentation to the department.

34 CFR §§ 300.134, 300.135, and 300.136.

**EQUITABLE SERVICES DETERMINED.** No parentally-placed private school child with a disability has an individual right to receive some or all of the special education and related services the child would receive if enrolled in the public school. Decisions about the services that will be provided to parentally-placed private school children with disabilities are made in accordance with services plans and consultation processes contained in these policies.

The final decisions regarding services to be provided to eligible private school children are made by this school district.

### 34 CFR § 300.137

If a child with a disability is enrolled in a religious or other private school by the child's parents and will receive special education or related services from this school district, the district initiates and conducts meetings to develop, review and revise a services plan for the child in accordance with the law. This school district ensures a representative of the religious or other private school attends each meeting. If the representative cannot attend, this school district uses other methods to ensure participation by the private school, including individual or conference telephone calls.

### 34 CFR § 300.137(c)(2)

**EQUITABLE SERVICES PROVIDED.** The services provided to parentally-placed private school children with disabilities by this school district are provided by personnel meeting the same standards as personnel providing services in this school district, except that private elementary school and secondary school teachers who are providing equitable services to parentally-placed private school children with disabilities do not have to meet the highly qualified special education teacher requirements. Parentally-placed private school children with disabilities may receive a different amount of services than children with disabilities in public schools.

### 34 CFR § 300.138(a)(2)

Each private school child with a disability who has been designated to receive services from this school district has a services plan that describes the specific special education and related services this school district will provide to the child in light of the services the district has determined (after consultation with representatives of private school children with disabilities) it will make available to parentally-placed private school children with disabilities. The services plan, to the extent appropriate, meets the IEP requirements with respect to the services provided. The services plan is developed, reviewed and revised consistent with the provisions in the law concerning IEP teams, when IEPs must be in effect, parent participation in IEP team meetings, and development, review and revision of IEPs.

### 34 CFR § 300.138(b)(2)

Services to parentally-placed private school children with disabilities are provided by employees of this school district or through contract by the district with an individual, association, agency, organization, or other entity. The services, including materials and equipment, are secular, neutral, and non-ideological.

### 34 CFR § 300.138(c)

**LOCATION OF SERVICES AND TRANSPORTATION.** If this school district provides services to private school children with disabilities at the child's private school, including a religiously affiliated private school, it will do so to the extent consistent with state and federal law. If

necessary for the child to benefit from or participate in the services provided, this school district transports private school children with disabilities from the child's school or home to a site other than the child's private school and from the service site to the private school or the child's home, depending on the timing of the services. This school district may include the cost of such transportation in calculating whether it has met the requirement to expend a proportionate amount of Individuals with Disabilities Education Act funds on services to parentally-placed private school children with disabilities.

34 CFR § 300.139(b)(2)

**REQUIREMENT THAT FUNDS NOT BENEFIT A PRIVATE SCHOOL.** This school district does not use Individuals with Disabilities Education Act funds to finance the existing level of instruction in a private school or to otherwise benefit the private school. The funds are used to meet the special education and related services needs of parentally-placed private school children with disabilities, but not for meeting the needs of a private school or the general needs of the students enrolled in the private school.

34 CFR § 300.141

**USE OF PERSONNEL.** Individuals with Disabilities Education Act funds are used to make public school personnel available in other than public facilities to the extent necessary to provide equitable services for parentally-placed private school children with disabilities and if those services are not normally provided by the private school. If this school district pays for the services of an employee of a private school employee, the employee performs the services outside of his or her regular hours of duty and under public supervision and control.

34 CFR § 300.142

**SEPARATE CLASSES PROHIBITED.** This school district does not use Individuals with Disabilities Education Act funds for classes that are organized separately on the basis of school enrollment or religion of the students if the classes are at the same site and include both students enrolled in public schools and students enrolled in private schools.

34 CFR § 300.143

**PROPERTY, EQUIPMENT, AND SUPPLIES.** This school district controls and administers Individuals with Disabilities Education Act funds used to provide special education and related services to parentally-placed private school children with disabilities and holds title to and administer materials, equipment, and property purchased with those funds. Equipment and supplies are placed in a private school for the period of time needed for the Individuals with Disabilities Education Act program. Equipment and supplies placed in a private school are used only for Individuals with Disabilities Education Act purposes and can be removed from the private school without remodeling the private school facility. Equipment and supplies are removed from a private school if the equipment and supplies are no longer needed for Individuals with Disabilities Education Act purposes; or removal is necessary to avoid unauthorized use of the equipment and supplies for

other than Individuals with Disabilities Education Act purposes. Individuals with Disabilities Education Act funds are not used for repairs, minor remodeling, or construction of private school facilities.

34 CFR § 300.144

**PARENTALLY PLACED CHILDREN IN PRIVATE SCHOOLS WHEN FAPE IS AT ISSUE.** The School District of Manawa is not required to pay for the cost of education, including special education and related services, of a child with a disability at a private school or facility if the School District of Manawa made FAPE available to the child and the parents elected to place the child in a private school or facility. The child is considered a parentally placed private school child with a disability.

34 CFR § 300.148

### **Children with Disabilities in Private Schools Placed or Referred by the School District of Manawa**

When, pursuant to an IEP, a child with a disability is or has been placed in or referred to a private school or facility by the School District of Manawa as a means of providing special education and related services, the School District of Manawa ensures that the child:

- is provided special education and related services in conformance with an IEP that meets the requirements of the law and at no cost to the parents;
- is provided an education that meets the standards that apply to education provided by the Department of Public Instruction and local educational agencies including the requirements of Individuals with Disabilities Education Act, except that staff are not required to meet the highly qualified teacher requirements; and
- has all of the rights of a child with a disability who is served by a public agency.

34 CFR § 300.146

**DEVELOPMENT, REVIEW, AND REVISION OF THE IEP.** Before the School District of Manawa places a child with a disability in, or refers a child to, a private school or facility, the School District of Manawa initiates and conducts a meeting to develop an IEP for the child in accordance with the law. The School District of Manawa ensures a representative of the private school or facility attends the meeting. If the representative cannot attend, the School District of Manawa uses other methods to ensure participation by the private school or facility, including individual or conference telephone calls.

After a child with a disability enters a private school or facility, any meetings to review and revise the child's IEP may be initiated and conducted by the private school or facility at the discretion of the School District of Manawa. If the School District of Manawa



permits a private school or facility to initiate and conduct meetings to review and revise IEPs, the School District of Manawa ensures the parents and a School District of Manawa representative are involved in any decisions about the IEP and agree to any proposed changes in the IEP before those changes are implemented. Even if a private school or facility implements a child's IEP, the School District of Manawa retains responsibility for compliance with the requirements of special education law.

34 CFR § 300.325

When the School District of Manawa places a child, in a private school as a means of providing special education and related services, the School District of Manawa ensures an IEP is developed and implemented for each child with a disability and the special education and related services are provided in conformance with an IEP and at no cost to the parents.

Wis. Stat. § 115.77(1m)(d)

### **Children in Residential Care Centers**

When the School District of Manawa receives a notice from a county or a state agency that a child will be placed in a residential care center, the School District of Manawa does all of the following:

- if the child is a child with a disability, as soon as reasonably possible and after consulting with the county or state agency, as appropriate, the School District of Manawa appoints an IEP team to review and revise, if necessary, the child's IEP and develop an educational placement offer;
- if the child has not been identified as a child with a disability, the School District of Manawa:
  - appoints staff to review the child's education records and develop a status report;
  - sends a copy of the status report to the county or state agency within 30 days after receiving the notice that the child will be placed in a residential care center;
  - appoints an IEP team to conduct an evaluation of the child if the School District of Manawa has reasonable cause to believe the child is a child with a disability;
  - ensures the IEP team conducts the evaluation; and
  - ensures the IEP team develops an IEP and an educational placement offer, in consultation with the county or state agency if the IEP team determines the child is a child with a disability.

Wis. Stat. § 115.81(3)(b)

When the School District of Manawa offers an educational placement in a residential care center, the School District of Manawa:

- ensures the child receives a free appropriate public education;
- ensures the child's treatment and security needs are considered when determining the least restrictive environment for the child;
- appoints an IEP team to reevaluate the child, as required by state law, while the child resides at the child caring institution;
- while the child resides at the residential care center, the School District of Manawa refers the child to another local educational agency after consulting the residential care center and a county department or state agency, if the School District of Manawa determines that the child's special education needs may be appropriately served in a less restrictive setting in the other local educational agency; and
- assigns staff or an IEP team to develop a reintegration plan for a child leaving the residential care center, in cooperation with county and residential care center staff.

Wis. Stat. § 115.81(4)(a)

When this school district receives a referral from the responsible local educational agency because the referring responsible local educational agency believes the child's special education needs could be met in a less restrictive setting, this school district assigns staff to determine whether the child can appropriately receive special education and related services in the school district. If the assigned staff determine the child can appropriately receive special education and related services in this school district, it provides such services and may apply for state tuition payments under Wis. Stat. § 121.79(1)(a), for the child's educational expenses. If the assigned staff determines the child cannot appropriately receive special education and related services in this school district, the school district keeps a written record of the reasons for that determination.

Wis. Stat. § 115.81(4)(c)

### **Placement Disputes; School Board Referrals; Interagency Cooperation**

When a dispute arises between the School District of Manawa and the Wisconsin Department of Health and Family Services, the Wisconsin Department of Corrections or a county, or between local educational agencies over the placement of a child, the School District of Manawa seeks resolution of the dispute from the State Superintendent. This provision applies only to a placement in a nonresidential educational program made under Wis. Stat. § 48.57 (1)(c) or to a placement in a residential care center made under Wis. Stat. § 115.81.

Annually, on or before August 15, the School District of Manawa reports to the county departments under Wis. Stat. §§ 51.42 & 51.437 the names of resident children who

are at least 16, are not expected to be enrolled in an educational program two years from the date of the report and may require services from the county department.

If a public agency, as defined by Wis. Stat. § 166.20(1)(i), except that it does not include a local educational agency, is required by federal or state law or by an interagency agreement to provide or pay for the location, identification or evaluation of a child with a disability, including a child with a disability who is not yet 3 years of age, or for assistive technology devices or services, supplementary aids or services, transition services or special education or related services for a child with a disability, and fails to do so, the School District of Manawa provides or pays for the services. The School District of Manawa seeks reimbursement for the cost of providing the services from the public agency.

Wis. Stat. § 115.812

### **School District of Manawa Reporting to State**

The School District of Manawa, in providing for the education of children with disabilities within its jurisdiction, has established and implemented policies, procedures and programs that are consistent with state and federal special education requirements, policies and procedures. The School District of Manawa will modify them to the extent necessary to ensure compliance with the law if the provisions of federal or state laws or regulations are amended, if there is a new interpretation of Individuals with Disabilities Education Act by federal or state courts or if there is an official finding of noncompliance with federal or state law or regulations.

34 CFR § 300.201; Wis. Stat. § 115.77(1m)(f)

The School District of Manawa files with the Department of Public Instruction information to demonstrate all personnel necessary to carry out the requirements of state and federal special education law are appropriately and adequately prepared, subject to the requirements of the personnel requirements of the Individuals with Disabilities Education Act and the Elementary and Secondary Education Act.

34 CFR § 300.207

The School District of Manawa provides to the Department of Public Instruction information needed for the Department to meet its responsibilities under state and federal special education laws, including information related to the performance of children with disabilities participating in School District of Manawa special education programs.

34 CFR § 300.211; Wis. Stat. § 115.77(2)

The School District of Manawa reports its plan for providing special education and related services to children with disabilities to the Department of Public Instruction on a schedule

and using instructions provided by the Department of Public Instruction. The plan includes:

- statements of assurance as required by applicable federal law;
- information relating to access of private school pupils to the School District of Manawa's special education and related services;
- assurances that the School District of Manawa, in providing for the children with disabilities within its jurisdiction, has in effect policies, procedures, and programs that are consistent with this subchapter and applicable federal law;
- the School District of Manawa's plan for ensuring that all personnel necessary to carry out the requirements of this subchapter are appropriately and adequately prepared according to applicable state and federal law;
- the data regarding children with disabilities and nondisabled children in the School District of Manawa that the division is required to collect or report to be in compliance with 20 USC 1400 to 1482; and
- any other information the division requires to permit its review of the plan.

34 CFR § 300.200; Wis. Stat. § 115.77(4)

When the School District of Manawa participates in a county child with disabilities education board program, annually by October 1, the School District of Manawa and the county children with disabilities education board submit a report to the state superintendent. The report includes the portion of each school day that each pupil enrolled in the county program, who is also enrolled in the School District of Manawa, spent in county program classes in the previous school year, and the portion of the school day that the pupil spent in the School District of Manawa classes in the previous school year.

Wis. Stat. § 115.817(5)(d)

**Appendix of federal law and regulations referenced in the  
Model Policies and Procedures**

**34 CFR 99.3 - Family Educational Rights and Privacy Act of 1974 – Definition of Education Records**

- (a) The term means those records that are:
- (1) Directly related to a student; and
  - (2) Maintained by an educational agency or institution or by a party acting for the agency or institution.
- (b) The term does not include:
- (1) Records that are kept in the sole possession of the maker, are used only as a personal memory aid, and are not accessible or revealed to any other person except a temporary substitute for the maker of the record.
  - (2) Records of the law enforcement unit of an educational agency or institution, subject to the provisions of Sec. 99.8.
  - (3) (i) Records relating to an individual who is employed by an educational agency or institution, that:
    - (A) Are made and maintained in the normal course of business;
    - (B) Relate exclusively to the individual in that individual's capacity as an employee; and
    - (C) Are not available for use for any other purpose.
  - (ii) Records relating to an individual in attendance at the agency or institution who is employed as a result of his or her status as a student are education records and not excepted under paragraph (b)(3)(i) of this definition.
  - (4) Records on a student who is 18 years of age or older, or is attending an institution of postsecondary education, that are:
    - (i) Made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his or her professional capacity or assisting in a paraprofessional capacity;
    - (ii) Made, maintained, or used only in connection with treatment of the student; and
    - (iii) Disclosed only to individuals providing the treatment. For the purpose of this definition, ``treatment" does not include remedial educational activities or activities that are part of the program of instruction at the agency or institution; and
  - (5) Records that only contain information about an individual after he or she is no longer a student at that agency or institution.

## **42 USC 11434a – McKinney-Vento Homeless Assistance Act, Definition of Homeless Children**

(2) The term “homeless children and youths”—

(A) means individuals who lack a fixed, regular, and adequate nighttime residence (within the meaning of section 11302 (a)(1) of this title); and

(B) includes—

(i) children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; are abandoned in hospitals; or are awaiting foster care placement;

(ii) children and youths who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings (within the meaning of section 11302 (a)(2)(C) of this title);

(iii) children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and

(iv) migratory children (as such term is defined in section 6399 of title 20) who qualify as homeless for the purposes of this part because the children are living in circumstances described in clauses (i) through (iii).

## **18 USC 1365(h) – Definition of Serious Bodily Injury**

(3) the term “serious bodily injury” means bodily injury which involves—

(A) a substantial risk of death;

(B) extreme physical pain;

(C) protracted and obvious disfigurement; or

(D) protracted loss or impairment of the function of a bodily member, organ, or mental faculty; and

(4) the term “bodily injury” means—

(A) a cut, abrasion, bruise, burn, or disfigurement;

(B) physical pain;

(C) illness;

(D) impairment of the function of a bodily member, organ, or mental faculty; or

(E) any other injury to the body, no matter how temporary.

### **29 USC 3002(19) - Definition of Universal Design**

The term “universal design” means a concept or philosophy for designing and delivering products and services that are usable by people with the widest possible range of functional capabilities, which include products and services that are directly accessible (without requiring assistive technologies) and products and services that are interoperable with assistive technologies.

### **18 USC 930(g)(2) - Definition of Weapon**

The term “dangerous weapon” means a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocket knife with a blade of less than 2 1/2 inches in length.

### **20 USC 7801(37) – Definition of Scientifically Based Research**

The term "scientifically based research"--

(A) means research that involves the application of rigorous, systematic, and objective procedures to obtain reliable and valid knowledge relevant to education activities and programs; and

(B) includes research that--

(i) employs systematic, empirical methods that draw on observation or experiment;

(ii) involves rigorous data analyses that are adequate to test the stated hypotheses and justify the general conclusions drawn;

(iii) relies on measurements or observational methods that provide reliable and valid data across evaluators and observers, across multiple measurements and observations, and across studies by the same or different investigators;

(iv) is evaluated using experimental or quasi-experimental designs in which individuals, entities, programs, or activities are assigned to different conditions and with appropriate controls to evaluate the effects of the condition of interest, with a preference for random-assignment experiments, or other designs to the extent that those designs contain within-condition or across-condition controls;

(v) ensures that experimental studies are presented in sufficient detail and clarity to allow for replication or, at a minimum, offer the opportunity to build systematically on their findings; and

(vi) has been accepted by a peer-reviewed journal or approved by a panel of independent experts through a comparably rigorous, objective, and scientific review.



To: Dr. Melanie Oppor, Manawa Board of Education  
 Fr: Dan Wolfgram, Danni Brauer  
 Date: 7/27/2021  
 Re: SDM Mentor Handbook Revisions 2021-2022

The purpose of this memo is to recommend changes to the SDM Mentor Handbook for 2021-2022

Page #	Current Language (If applicable)	Proposed Change or Addition
Cover		New Logo
Table of Contents		Updated 8/2021
2	The School District of Manawa defines an initial educator as a newly certified educator in accordance with PI34.	The School District of Manawa defines an initial educator as a newly certified educator <b>per</b> PI34.  <a href="#">Chapter PI 34</a> Inserted
3	A mentor must have successfully completed the state approved mentoring class or equivalent. If a mentor is assigned an initial educator, mentor training is required.	A mentor must have <b>successfully</b> completed the <b>state-approved</b> mentoring class or equivalent. If a mentor is assigned an initial educator, mentor training is required.  <a href="#">Wisconsin Standards for Teacher Development and Licensure</a> (Hyperlink added)
3	Orient the new teacher to the district, to his/her school(s), and to building procedures.	Orient the new teacher <del>to</del> the district, to his/her school(s), and to building procedures.
3	Provide professional contacts as needed for the initial educator to meet content specific and teaching strategy needs.	Provide professional contacts as needed for the initial educator to meet <b>content-specific</b> and teaching strategy needs.

**School District of Manawa**  
 800 Beech Street  
 Manawa, WI 54949

Phone: (920) 596-2525  
 Fax: (920) 596-5308

**Little Wolf High School  
 Manawa Middle School**

515 E. Fourth St  
 Manawa, WI 54949  
 Phone: (920) 596-2524  
 Fax: (920) 596-2655

**Manawa Elementary**

800 Beech Street  
 Manawa, WI 54949

Phone: (920) 596-2238  
 Fax: (920) 596-5339

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3	Establish a system of on-going communication with the educator.	Establish a system of <b>ongoing</b> communication with the educator.
4	Offer guidance as the educator creates and implements the Professional Development Plan per PI-34.	<b>Offer guidance as the educator creates and implements the Professional Practice Goal (PPG) per Educator Effectiveness.</b>
4	Ensures that the mentor relationship and professional development plan process is separate from the formal employment evaluation process.	Ensures that the mentor relationship and professional development plan process <b>are</b> separate from the formal employment evaluation process.
4	15. Ensures that the mentor relationship and professional development plan process are separate from the formal employment evaluation process.	<del>15. — Ensures that the mentor relationship and professional development plan process are separate from the formal employment evaluation process.</del>
5	7. Reflect on the year and offer suggestions to improve the mentor program to the building principal.	7. Reflect on the year and offer suggestions to improve the mentor program. <del>to the building principal.</del>
5	8. Ensure that the evaluation process for new teachers is separate from the mentor relationship and professional development plan process.	8. Ensure that the evaluation process for new teachers is separate from the mentor relationship. <del>and professional development plan process.</del>
6	I understand and will fulfill my responsibilities as outlined in the School District of Manawa's Mentor Program. I hereby agree to keep all conversations and instructional feedback in regard to the mentor/mentee program confidential.	I understand and will fulfill my responsibilities as outlined in the School District of Manawa's Mentor Program. I hereby agree to keep all conversations and instructional feedback <b>regarding</b> the mentor/mentee program confidential.
9	Establish/log meeting times with new teacher  Create personal Google calendar to contain applicable professional appointments  Review age appropriate social media usage	Establish/log meeting times with the new teacher  <b>Update</b> Google calendar to contain applicable professional appointments  Review <b>age-appropriate</b> social media usage (teacher to

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800 Beech Street  
Manawa, WI 54949

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515 E. Fourth St  
Manawa, WI 54949  
Phone: (920) 596-2524  
Fax: (920) 596-2655

**Manawa Elementary**

800 Beech Street  
Manawa, WI 54949

Phone: (920) 596-2238  
Fax: (920) 596-5339

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	<p>(teacher to student)</p> <p>Review time schedule, expectations &amp; activities for the first day with students</p> <p>Discuss organization of parent volunteers in the classroom</p>	<p>student)</p> <p>Review <b>time</b> schedule, expectations &amp; activities for the first day with students</p> <p>Discuss <b>the</b> organization of parent volunteers in the classroom</p>
13	<p>Mentor and new teacher may need more than one meeting this month.</p> <p>Discuss importance of student behavior documentation, (i.e. date, behaviors, actions taken, personnel contacted)</p> <p>Acquaint new teacher with RtI (Response to Instruction/Intervention) teams</p> <p>Discuss importance of documenting each students' portfolio record/SIMS</p> <p>Acquaint new teacher with cumulative folders, test results, permanent records, confidential files &amp; medical alerts</p> <p>Explain importance of accurate recordkeeping (gradebook, attendance)</p>	<p>Mentor and new <b>teachers</b> may need more than one meeting this month.</p> <p>Discuss <b>the</b> importance of student behavior documentation, (i.e. date, behaviors, actions taken, personnel contacted)</p> <p>Acquaint new <b>teachers</b> with RtI (Response to Instruction/Intervention) teams</p> <p>Discuss <b>the</b> importance of documenting each students' portfolio record/SIMS</p> <p>Acquaint new <b>teachers</b> with cumulative folders, test results, permanent records, confidential files &amp; medical alerts</p> <p>Explain <b>the</b> importance of accurate recordkeeping (<b>grade book</b>, attendance)</p>
16	<p>Discuss procedures for parent-teacher conferences prior to scheduled dates</p> <p>Share information &amp; process for professional development opportunities</p>	<p>Discuss procedures for parent-teacher conferences <b>before</b> scheduled dates</p> <p>Share information &amp; <b>processes</b> for professional development opportunities</p>
19	<p>Staff/program change procedures for upcoming year</p>	<p>Staff/program change procedures for <b>the</b> upcoming year</p>

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800 Beech Street  
Manawa, WI 54949

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515 E. Fourth St  
Manawa, WI 54949

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Manawa, WI 54949

Phone: (920) 596-2238  
Fax: (920) 596-5339

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20	<p>Check in on classroom management &amp; discipline procedures</p> <p>Arrange for new teacher to observe one of you best lessons</p> <p>Discuss “snapshot observation” by new teacher, if one occurred</p>	<p>Check-in on classroom management &amp; discipline procedures</p> <p>Arrange for <b>the</b> new teacher to observe one of <b>your</b> best lessons</p> <p>Discuss “snapshot observation” by <b>a</b> new teacher, if one occurred</p>
24	Encourage new teacher to contact parents in preparation for parent/teacher conferences	Encourage <b>the</b> new teacher to contact parents in preparation for parent/teacher conferences
24	Update personal Google calendar with new 2nd semester appointments	Update <del>personal</del> Google calendar with new 2nd semester appointments
25	Update personal Google calendar	Update <del>personal</del> Google calendar
30	Give suggestions for keeping momentum & interest at the end of year for students & teacher	Give suggestions for keeping momentum & interest at the end of <b>the</b> year for students & teacher
	Encourage new teacher to write thank-you notes to parents/staff who helped make this year successful	Encourage <b>the</b> new teacher to write thank-you notes to parents/staff who helped make this year successful
31	End-of year student activities	<b>End-of-year</b> student activities
33	End-of year checkout	<b>End-of-year</b> checkout
35	Provide feedback regarding intended lesson plan.	Provide feedback regarding <b>the</b> intended lesson plan.
38	<p>Provide collaborative analysis and problem solving strategies.</p> <p>Provide for continuation of effective teaching</p>	Provide collaborative analysis and <b>problem-solving</b> strategies.

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Manawa, WI 54949

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515 E. Fourth St  
Manawa, WI 54949

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**Manawa Elementary**

800 Beech Street  
Manawa, WI 54949

Phone: (920) 596-2238  
Fax: (920) 596-5339

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behavior through coaching.

Provide for the continuation of effective teaching behavior through coaching.

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800 Beech Street  
Manawa, WI 54949

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Fax: (920) 596-5308

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Manawa, WI 54949

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800 Beech Street  
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# Mentor Handbook



*Approved by Manawa Board of Education on 8/2021*

**School District of Manawa  
800 Beech Street Manawa, WI 54949  
920-596-2525**

[www.manawaschools.org](http://www.manawaschools.org)

# TEACHER MENTORING PROGRAM

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Updated 8/2021

## **MISSION STATEMENT**

The School District of Manawa is the place where students choose to excel academically and realize their strengths.

## **PROGRAM OVERVIEW**

The School District of Manawa defines an initial educator as a newly certified educator per PI34. [Chapter PI 34](#)

### **Pre-Service Orientation**

This program assists new teachers in learning about the district by attending an orientation program. Time will be provided for the teachers to meet with their mentors, building principals, and other administrative personnel as needed.

### **Educator/Mentor Meetings**

The focus for each meeting is outlined within the Educator/Mentor monthly checklist.

### **Mentoring Program**

All initial educators new to the district will be assigned a mentor for the first year of employment with the district. The purpose of the mentor will be to provide information, support, and encouragement for the success of all educators. A checklist of activities is located in this handbook.

## ROLE OF THE MENTOR

A mentor is a teacher with at least three years of teaching experience and certified as a mentor in the School District of Manawa.

### QUALIFICATIONS

1. A mentor must possess a valid Wisconsin Teacher Certificate License.
2. A mentor must have completed the state-approved mentoring class or equivalent. If a mentor is assigned an initial educator, mentor training is required.
3. A mentor must be recommended, selected, and approved by the administrative team, based on the teaching and leadership skills displayed and observed.
4. A mentor must agree to abide by the expectations stated as "Mentor Responsibilities."

### MENTOR RESPONSIBILITIES

1. Develop a collegial/professional relationship.
2. Orient the new teacher to the district, to his/her school(s), and building procedures.
3. Attend new staff orientation at the start of the school year.
4. Gather necessary resources to assist the initial educator with planning efforts. Examples include:
  - Curriculum guides
  - Handbooks
  - Schedules
  - Target Assessments
5. Provide professional contacts as needed for the initial educator to meet content-specific and teaching strategy needs.
6. Schedule an observation with the educator at least once each quarter. In addition, arrange for appropriate observations by the educator of the mentor and other professionals.
7. Discuss the teacher's responsibilities and expectations in the school district based upon the [Wisconsin Standards for Teacher Development and Licensure](#)
8. Establish a system of ongoing communication with the educator.



9. Maintain confidentiality in the professional relationship.
10. Share resources for professional development opportunities.
11. Attend mentor/mentee in-service and other professional development opportunities.
12. Offer guidance as the educator creates and implements the Professional Practice Goal (PPG) per Educator Effectiveness.
13. Attend available seminars to enhance professional development in the mentor role.
14. Keep a log of time spent in the mentor role. This information will be used to enhance the mentoring program.
15. Reflect on the year together and offer suggestions to improve the performance and mentoring relationship.
16. Provide suggestions as to ways to improve the School District of Manawa's Mentoring Program.

#### **TERMS FOR THE MENTOR CONTRACT**

1. Recognize that not all mentor/mentee relationships will work for a wide variety of reasons. Consult with the principal when challenges arise and intervention is needed.
2. Besides being recognized at the end of the year, the mentor will be compensated as defined in the teacher handbook.

## **ROLE OF THE BUILDING ADMINISTRATOR**

1. Orient the entire building faculty regarding the school district's mission and the mentor program's purpose.
2. Recruit individuals to serve as mentors. Match new faculty with mentors.
3. Provide common release time or joint planning time to facilitate mentor/mentee interaction.
4. Allow for release time to complete mentor/mentee classroom visits.
5. Share resources for professional development opportunities.
6. Reassign a mentor if necessary.
7. Reflect on the year and offer suggestions to improve the mentor program.
8. Ensure that the evaluation process for new teachers is separate from the mentor relationship.

## **Mentor/Mentee Agreement of Confidentiality**

I understand and will fulfill my responsibilities as outlined in the School District of Manawa's Mentor Program. I hereby agree to keep all conversations and instructional feedback regarding the mentor/mentee program confidential.

Name \_\_\_\_\_

Date \_\_\_\_\_

# GROUND RULES

Ground rules for \_\_\_\_\_ and \_\_\_\_\_ (mentee)  
working relationship. Rules apply to both parties.

**OPEN DOOR POLICY** - both of us will make ourselves available to each other. We realize that at times, we may have quick questions, need some advice, or simply want to vent. We agree to make time (planned and spontaneous) for each other to do this.

**HUMOR** - we will use humor to make our jobs and time spent together more enjoyable. We are aware that teaching can be stressful and are prepared to do what we can for each other to alleviate some of this stress.

**CONFIDENTIALITY** - we will not discuss any information from our meetings with colleagues or friends. We agree that our relationship is based on TRUST and HONESTY and do not want to violate this. We believe that this will create an environment in which we can self-reflect regularly.

**PROMPTNESS** - both of us believe that our time, as well as each other's is valuable. We agree to be on time to scheduled meetings and observations. If something comes up unexpectedly, we agree to let each other know as soon as possible.

**COMFORTABLE ENVIRONMENT** - we will provide a physically and emotionally comfortable environment for each other to meet in. We realize that it is important to feel safe and be respectful of and to each other.

Signed by: \_\_\_\_\_ (mentor) & \_\_\_\_\_ (mentee) Date: \_\_\_\_\_

\_\_\_\_\_ (mentor) & \_\_\_\_\_ (mentee) working relationship:

**G**

Available: \_\_\_\_\_ or \_\_\_\_\_ may stop in to either person's room as needed. There will also be planned times for meeting together.

**R**

Atmosphere: We will respect each other's time and space. We will accommodate each other's comfort zone as to when and where to meet.

**O**

**U**

Tone: We will be aware that we are each human and that our job at times can be stressful. We will be serious in our approach to working together remembering that a good laugh is often the shortest distance to achieving a healthy working relationship.

**N**

**D**

Promptness: We will both respect the value of each other's time by being prompt at our set meeting times and to keep the meeting concise. If we are unable to keep the set meeting time we will notify the other as soon as possible.

**R**

Confidentiality: We agree to keep our discussions confidential. A successful relationship can only be built with honesty and trust at the heart of it.

**U**

Other:

**L**

**E**

Signature: \_\_\_\_\_ & \_\_\_\_\_  
(mentor) (mentee)

**S**

Date: \_\_\_\_\_

# Mentor/Mentee Checklist

Mentor	Grade Level/Subject Area
Teacher	Grade Level/Subject Area
School	School Year

## Orientation

- Attend new teacher orientation
- Establish/log meeting times with the new teacher
- Provide information about the community possibly via the Chamber of Commerce
- Introduce technology systems, trainers, resources
- Familiarize mentee with district & building calendars (Google)
- Review 10 Wisconsin Standards Teacher Development & Licensure
- Review all applicable handbooks & emergency procedures
- Update Google calendar to contain applicable professional appointments

## Building

- Introduce teacher to staff
- Discuss telephone procedures
- Demonstrate use of building equipment
- Show how to obtain classroom supplies
- Create Web presence per building expectations
- Obtain textbooks, manuals, & curriculum guides
- Show where cumulative files are kept and how to access them
- Give a tour of the building, parking areas, confirm entry card & keys
- Discuss office procedures
- Discuss school lunchtime routine
- Discuss supervisory duties/procedures

## Classroom

- Assist with room preparations
- Review effective teaching methods of a lesson
- Review Response to Instruction/Intervention Universal Screeners
- Assist with planning for the first week of school
- Review schedule, expectations & activities for the first day with students
- Explain Back to School Night and Open House procedures
- Share organizational systems for grades, homework, parent communications, etc.
- Review daily tasks of attendance, lunch count, recess, etc.
- Review student information provided in Skyward & the Student Information Management System (SIMS)
- Discuss the organization of parent volunteers in the classroom

# Mentor/Mentee Checklist

Task	Notes	Date
<b>Orientation</b>		
New teacher orientation		
Establish meeting times		
Community information		
Technology systems, etc.		
Building calendars		
Google personal calendar		
Handbooks and emergency procedures		
10 Wisconsin Standards		
<b>Building</b>		
Introduction to staff		
Telephone procedures		

Use of building equipment		
Classroom supplies		
Textbooks, manuals, etc.		
Cumulative files		
Tour		
Office procedures		
Lunchtime routine		
Supervisory duties		
<b>Classroom</b>		
Room preparation		
Review teaching methods		
First day		



First week		
BTSN, Open house		
Organizational systems		
Daily tasks		
Skyward, SIMS		
Parent volunteers		
Classroom schedule		
Special schedules		

# September

*Mentor and new teachers may need more than one meeting this month.*

- |   |   |
|---|---|
| <input type="checkbox"/> Discuss the importance of student behavior documentation, (i.e. date, behaviors, actions taken, personnel contacted) | <input type="checkbox"/> Acquaint the new teacher with Special Education referral processes & pertinent forms (I.e. the Individualized Education Program - IEP) |
| <input type="checkbox"/> Discuss budget procedures & review budget selections   | <input type="checkbox"/> Encourage mentee to continue reflecting on his/her teaching experience   |
| <input type="checkbox"/> Assist in developing & implementing classroom management strategies  | <input type="checkbox"/> Acquaint new teachers with RtI (Response to Instruction/Intervention) teams  |
| <input type="checkbox"/> Discuss the referral process & documentation for Title I options   | <input type="checkbox"/> Review services offered/referral procedures for school guidance counselors & psychologist  |
| <input type="checkbox"/> Discuss the importance of documenting each student's portfolio record/SIMS   | <input type="checkbox"/> Acquaint new teachers with cumulative folders, test results, permanent records, confidential files & medical alerts                    |
| <input type="checkbox"/> Discuss student assessment & progress reports  | <input type="checkbox"/> Discuss policy for homework, make-up work & late work  |
| <input type="checkbox"/> Explain the importance of accurate recordkeeping (grade book, attendance)  | <input type="checkbox"/> Discuss grading philosophy (what, when, how, why) & review recording/weighting data  |
| <input type="checkbox"/> Discuss procedures for new students who enroll/withdraw after the school year has begun                              | <input type="checkbox"/> Discuss supplementary tools, materials, resources, media center & specialists, etc.  |
| <input type="checkbox"/> Explain curriculum, access to the curriculum guides & importance to lesson planning                                  | <input type="checkbox"/> Share lesson plans & other related schedules/activities (i.e. field trip procedures)   |
| <input type="checkbox"/> Prepare new teacher for principal observation/evaluation   | <input type="checkbox"/> Help establish a Substitute Teacher Folder   |

**What Went Well:**

**Areas to Work on:**

# September

TASK	NOTES	DATE
Student behavior documentation		
Develop/implement classroom management strategies		
Rtl (Response to Instruction/Intervention) teams		
Special Ed. referral processes, IEP		
Title I referral process		
Guidance/psychologist services, referral procedures		
Documenting student assessments		
Cumulative folders, test results, permanent records, medical alerts, legal flags, etc.		
Homework policies, makeup/late work		
Recordkeeping, grade book, attendance		

Grading philosophy, weighting data		
Refine computerized grading systems		
Help prioritize workload		
Positive parent contacts		
Supplementary books, resources, media center, etc.		
Access to curriculum guides, lesson planning		
Share plans, related schedules/activities, field trip procedures		
Aid with lesson planning		
Substitute teacher folder		
Procedures for mid-year enroll/withdraw students		
Prep for principal evaluation/observation, forms		

# October

- Address concerns of classroom management & discipline
- Review organizational & recordkeeping skills
- Discuss procedures for parent-teacher conferences before scheduled dates
- Assist the new teacher through the first report cards
- Discuss snapshot observation, if one occurred
- Share information & processes for professional development opportunities
- Discuss standardized exam policies & share sample tests in appropriate grade level
- Complete new teacher observation & offer feedback
- Review items from the beginning of the mentoring process
- Discuss grading philosophy (what, when, how, why) & review recording/weighing data

## What Went Well:

## Areas to Work on:

# October

<b>TASK</b>	<b>NOTES</b>	<b>DATE</b>
Classroom management concerns		
Organizational/recordkeeping skills		
Parent-teacher conferences prior to scheduled dates		
First report card		
Standardized exam policies, sample tests		
Observation/feedback		
Information process for professional development opportunities		

# November

## Share success stories & celebrate!

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- Advise new teacher of special events, delayed opening & snow day procedures
- Discuss end of semester procedures
- Plan for mid-year Universal Screeners
- Discuss assessment techniques & recordkeeping skills
- Reflect on areas for growth
- Discuss staff-program change procedures for the upcoming school year

### **What Went Well:**

### **Areas to Work on:**

# November

<b>TASK</b>	<b>NOTES</b>	<b>DATE</b>
Special events, delayed opening, snow days		
End of semester procedures		
Retention procedures		
Assessment techniques, recordkeeping skills		
Reflect on areas for growth		
Staff/program change procedures for the upcoming year		
Prep for principal evaluation/observation, forms		
Information process for professional development opportunities		



# December

- Discuss different learning styles
- Complete new teacher observation & provide feedback
- Discuss “snapshot observation” by a new teacher, if one occurred
- Check-in on classroom management & discipline procedures
- Arrange for the new teacher to observe one of your best lessons
- Discuss new teacher probationary policy

**What Went Well:**

**Areas to Work on:**

# December

<b>TASK</b>	<b>NOTES</b>	<b>DATE</b>
Learning styles		
Classroom management, discipline		
Observation & feedback		
Plan mid-year target assessment		
Discuss probationary policy for new teachers		
New teacher to observe mentor		

# January

- Complete new teacher observation & provide feedback
- Discuss budget procedures & review budget selections
- Discuss summer school teaching opportunities
- Encourage mentee to continue reflecting on his/her teaching experience

**What Went Well:**

**Areas to Work on:**

# January

TASK	NOTES	DATE
Observation Feedback		
Budget Procedures		
Encourage Reflecting/Journaling		
Summer School Teaching Opportunities		

# February

- Encourage trying new things
- Update Google calendar with new 2<sup>nd</sup> semester appointments
- Plan for February Data Retreat
- Review policies & issues that relate to retention, failure of students & Summer School options
- Encourage the new teacher to contact parents in preparation for parent/teacher conferences
- Encourage participation in staff/program changes, if applicable

**What Went Well:**

**Areas to Work on:**

# February

<b>TASK</b>	<b>NOTES</b>	<b>DATE</b>
Encourage new things		
Review retention issues, summer school options, etc.		
Update Google calendar		
Encourage parent contact in preparation for conferences		
Encourage participation in staff/program changes, if applicable		

# March

- Complete new teacher observation and provide feedback
- Give suggestions for keeping momentum & interest at the end of the year for students & teachers
- Review procedure for field trips, in necessary
- Discuss Summer School enrollment procedures
- Review proper procedure for signing contract and following deadlines

## **What Went Well:**

## **Areas to Work on:**

# March

<b>TASK</b>	<b>NOTES</b>	<b>DATE</b>
Observation Feedback		
Field trip procedures		
Summer school enrollment procedures		
Suggestions for keeping momentum & student interest		
Contract signing procedures		



# April

- Plan for end-of-year Universal Screeners
- Plan for May Data Retreat
- Classroom Inventories
- Teacher Check-out Procedures
- Discuss specific student clustering or transitioning needs for next year
- Discuss transfer and retention procedures for specific students

**What Went Well:**

**Areas to Work on:**

# April

<b>TASK</b>	<b>NOTES</b>	<b>DATE</b>
Plan end-of-year Universal Screeners, Data Retreat		
Transfer/retention procedures for specific students		
Student clustering/needs for next year		
Classroom Inventories		
Teacher Check-out Procedure		

# May

- Review plans for end-of-year student activities
- Discuss specific student clustering or needs for next year
- Give suggestions for keeping momentum & interest at the end of the year for students & teacher
- Encourage the new teacher to write thank-you notes to parents/staff who helped make this year successful

**What Went Well:**

**Areas to Work on:**

# May

<b>TASK</b>	<b>NOTES</b>	<b>DATE</b>
End-of year student activities		
Suggestions for keeping momentum & interest		
Student clustering needs for next year		
Encourage thank-you notes to parents/staff		

# June

- Discuss end-of-year checkout procedures
- Ask for feedback on the mentor program & record data to be shared
- Assist with final grading procedures

**What Went Well:**

**Areas to Work on:**

# June

<b>TASK</b>	<b>NOTES</b>	<b>DATE</b>
End-of-year checkout		
Final grading procedures		
Mentor program feedback & record data to be shared		

## Mentor program input

**WHAT went well this year?**

**ANY suggestions for improvements or change?**

## **PRE-CONFERENCE OBJECTIVES**

Information obtained during a pre-conference will guide the observation. The new teacher will describe the purpose and intent of the instruction to be observed.

The objectives for a pre-conference may be to:

1. Build rapport and trust.
2. Determine what the educator intends for the lesson.
3. Discuss the mentor's objectives for the observation
4. Review the Visitation Form.
5. Identify specific areas of instruction to be observed.
6. Provide feedback regarding the intended lesson plan.

## **PRE-CONFERENCE QUESTIONS**

The following questions will provide a framework for a pre-conference discussion.

- What are your instructional objectives for this lesson?
- What curriculum outcomes are identified?
- What type(s) of assessment is needed for this lesson?
- What will you be doing during this lesson?
- What will the students be doing during this lesson?
- How will you know when the instructional objectives are accomplished?
- What are your expected student behaviors?
- How will you assure that student behavior meets intended expectations?
- How will you differentiate instruction to meet the needs of all learners?



## Mentor/Mentee Observation Sheet

**Date:**

**Class:**

**Teacher:**

**Observer:**

**Pre-Observation: What am I looking for? (Mentor)**

**Observation Notes (Mentor)**

**Action Plan: (Mentor)**

## Observation

Date: \_\_\_\_\_

Class being observed: \_\_\_\_\_

Teacher: \_\_\_\_\_

Observer: \_\_\_\_\_

Teacher Standard: #1 – The teacher understands the central concepts, tools of inquiry, and structures of the discipline he/she teaches and creates learning experiences that make these aspects **of subject matter** meaningful for pupils.

Pre-Observation – What am I looking for? (Mentor and New Teacher)	Observation Notes (Mentor and New Teacher)	Action Plan – (New Teacher)

## **POST-CONFERENCE OBJECTIVES**

A post-conference presents an opportunity to discuss and analyze the lesson observation.

The objectives for a post-conference are to:

1. Build rapport and trust.
2. Provide recall of what happened during the observation.
3. Provide collaborative analysis and problem-solving strategies.
4. Provide for the continuation of effective teaching behavior through coaching.
5. Support commitment to continued growth and change.
6. Develop the teacher's skills in self-analysis.

## **POST-CONFERENCE QUESTIONS**

The following questions will provide a framework for post-conference discussion:

- How did the lesson go?
- What did you feel were some of the more effective parts of the lesson?
- Did you achieve the objective you had planned?
- What did you feel did not go as you had intended?
- If you were to teach the same lesson tomorrow, what would you change or do differently?
- Did you make any changes in the lesson as you taught it? How did you decide to make those adjustments?







**School District of Manawa**  
*Students Choosing to Excel, Realizing Their Strengths*

**To:** Board of Education  
**From:** Danni Brauer  
**cc:** Dr. Melanie Oppor  
**Date:** 7/29/21  
**Re:** Special Education/Health Paraprofessional Job Description

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**Recommendation**

I recommend creating a hybrid Special Education/Health Paraprofessional position that will meet two needs at Manawa Elementary School. This position would be a part-time, school year position working 28.75 hours per week.

**Rationale**

With updated office procedures and increased health training for teachers, there has been a decrease in the need for a Health Paraprofessional in the MES office. The position is needed at the start of the day (7:30-8:30) when the office is busy and students receive medication, and over the lunch period for 2 hours per day.

The retirement of a Special Education Paraprofessional is giving us an opportunity to use attrition to reduce the number of hours needed for the position. The reduction in hours is a result of students with significant needs moving out of the district over the past year. I am proposing to use the remaining 3.75 hours per day to cover special education needs.

This hybrid position meets building needs and ensures that staff is utilized in areas of most need.

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**School District of Manawa**

800 Beech Street  
Manawa, WI 54949

Phone: (920) 596-2525  
Fax: (920) 596-5308

**Little Wolf High School  
Manawa Middle School**

515 E. Fourth St  
Manawa, WI 54949

Phone: (920) 596-2524  
Fax: (920) 596-2655

**Manawa Elementary**

800 Beech Street  
Manawa, WI 54949

Phone: (920) 596-2238  
Fax: (920) 596-5339

**ManawaSchools.org**



/ ManawaSchools



/ ManawaSchools

**SCHOOL DISTRICT OF MANAWA**  
**CLERICAL SUPPORT JOB DESCRIPTION**  
MES Health/Special Education Paraprofessional

Job Description- To assist the elementary office in answering the phone and taking messages, assisting in general office procedures, and assisting special education teachers with ensuring that all students learn optimally.

The Health/Special Education Paraprofessional is to assist special education teachers with ensuring that all students learn optimally and to care for student health injuries and/or illnesses in an expedient and safe manner. Special Education Paraprofessional duties include working with students and teachers to assist students in learning at high levels and in acquiring life skills. The Health Paraprofessional duties include working with students, parents, and school medical personnel for the control and prevention of disease and for the development of optimum health of each student at the beginning of the day and over lunch/recess time.

**QUALIFICATIONS:**

- High School Diploma or equivalent is required
- DPI Special Education Program Aide License
- Highly Qualified Paraprofessional Training or equivalent
- Nonviolent Crisis Intervention Training Certificate
- Current CPR certification is required Red Cross First Aid required
- Computer experience with word processing, data entry, and databases preferred
- Above-average human relations skills
- Good oral and written communication skills
- Positive communication skills
- Confidentiality
- Ability to react quickly, calmly, and decisively in a crisis
- Ability to read and interpret a variety of documents
- Ability to learn and/or operate office equipment
- Experience or training in school health or a healthcare setting is preferred
- Experience with working with students with disabilities is preferred

**REPORTS TO:** Building Principal, District School Nurse

**Special Education Paraprofessional Major Tasks and Responsibilities:**

- Provide academic and behavioral support for students with disabilities in both special education and general education settings
- Work with individuals or small groups
- Assist with behavior modification as assigned by teacher
- Lift, move, and operate adaptive equipment
- Assist students with personal care tasks, including but not limited to, lavatory, clothing, hygiene, diapering, toileting, and wash-up routines
- Escort students as assigned by teacher or administrator
- Assist students with mobility needs such as lifting and positioning students, lifting in and out of wheelchairs; loading and unloading on the bus; transporting students around the school and on field trips

- Monitor students during assigned periods within a variety of school environments for the purpose of maintaining a safe and positive learning environment
- Provide programmed practice activities and repetitions as developed by teacher, therapist or pathologist
- Report student concerns directly and promptly to teacher and assists with student resolution
- Maintain various records and files
- Adhere to all expectations described in the Support Staff Handbook.
- Comply with district policies, operating procedures, and school requirements.
- Keep such records as are required by Board regulations, principals, and the District Administrator.
- Attend all meetings called by the principal and the District Administrator, including in-service training meetings scheduled by the District Administrator and special meetings called by principals.
- Perform other duties as may be assigned by the principal.

**Health Paraprofessional Major Tasks and Responsibilities:**

- Maintain confidentiality in health matters.
- Assist school nursing personnel by performing routine health-related tasks and clerical services, under the direction of the school nurse, to aid in the health care needs of the students and staff.
- Assist with health screenings.
- Maintain and manage the electronic portion of health and vaccine records.
- Assist with printing out and managing health reports and performing routine first aid procedures on ill or injured children according to established procedures.
- Appropriate operation of all medical equipment as required.
- React to change productively.
- Channels requests for health-related information and nursing services to the school nurse.
- Completes "Health Office Visit" form to document each student seen in the Health Office including their chief complaint, treatment, and outcome for each student.
- Assists school nurse prepare and maintain a cumulative health record for each student.
- Documents results of screening and designated health information.
- Collects and maintains student emergency cards and updates as needed into Skyward.
- Completes student/staff accident reports.
- Handle other tasks and assume other responsibilities within the overall scope of the position assigned.
- Support the value of a healthy and safe school environment.
- Fulfill the role of mandated reporting.
- Attend continuing education classes as needed.
- Assumes responsibility for maintaining a neat and orderly environment.
- Follows district policy regarding the cleaning of cots and equipment.
- Follows district policy regarding infection-control measures.
- Monitors inventory of supplies and notifies school nurse of needed supplies.
- Perform other duties as may be assigned by the Principal.



**Physical Demands:**

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee is required to have contact with children who are ill. The employee must be capable of performing first aid and CPR. The employee is regularly required to talk or hear and taste or smell. The employee is frequently required to stand; bend; kneel, crawl, sit; walk; run; use hands to finger, handle, or feel objects, tools, or controls; and reach with hands and arms. Specific vision abilities required by this job include close vision, distance vision, color vision, peripheral vision, depth perception, and the ability to adjust focus.

The employee must frequently lift and/or move up to 10 pounds. The employee is occasionally required to lift up to 50 pounds and to perform a 2-person lift over 50 pounds. (Reasonable accommodations may be made to enable individuals with disabilities to perform the essential tasks.)

The employee shall remain free of any alcohol or non-prescribed controlled substance abuse in the workplace throughout his/her employment in the District.

TERMS OF EMPLOYMENT: Salary and benefits are established by the School Board

EVALUATION: Building Principal

The School District of Manawa does not discriminate against individuals on the basis of sex, race, religion, national origin, ancestry, creed, pregnancy, marital or parental status, sexual orientation, or physical, mental, emotional, or learning disability. Federal law prohibits discrimination in education and employment on the basis of age, race, color, national origin, sex, religion, or disability. Applicants requesting a reasonable accommodation for a disability should contact the District Office by email.

# SCHOOL DISTRICT OF MANAWA KEY PERFORMANCE INDICATORS

<i>Key Performance Indicators</i>	<i>Notes</i>
<p><b>I. Learning</b></p> <p>A. Students will be proficient or better on internal predictive tests. (See bar graph slides.)</p> <ol style="list-style-type: none"> <li>1. Early Math (gr. 4K-K) &amp; Literacy Screeners (gr. 4K-1)</li> <li>2. STAR Reading &amp; Math (gr. 1-8)</li> <li>3. Aspire Periodic/PreACT/Mosaic (gr. 9-10)</li> </ol> <p>B. 90% of K-12 students engaged in doing service projects annually.</p> <ol style="list-style-type: none"> <li>1. 2019-20 MES 100% of students (Pre-COVID-19 data)</li> <li>2. 2019-20 MMS baseline not established at that time</li> <li>3. 2020-2021 MMS 100% participation</li> <li>4. 2019-20 LWHS 69% of students participated in some form of volunteerism</li> <li>5. 2020-2021 LWHS 86% of students participated in some form of volunteerism</li> </ol> <p>C. ISTE Standards will be 100% implemented by the end of the 2023-24 school year.</p> <p>D. Assess effectiveness of new secondary social studies resources using student proficiency of the course standards.</p> <p>E. 25% of students received post-secondary credits or certification(s) by the conclusion of the 2023-24 school year; 35% in 5 years.</p> <ol style="list-style-type: none"> <li>1. 2019-20 LWHS 19% of students received post-secondary credits or certifications</li> </ol>	<p><i>Internal predictive tests-universal screeners as defined by building/grade that predict how students will do on mandated assessments. (STAR, Fountas and Pinnell Running Records, Lucy Calkins)</i></p> <p><i>Proficiency for each predictive test is based on the state proficiency level except early literacy and math that are locally created.</i></p> <p><i>Volunteerism will be based on school sponsored or school-based groups/organizations who provide a service to the community.</i></p> <p><i>ISTE stands for the International Society for Technology and Education and is a global institution on research-based best practices in technology education and innovation.</i></p> <p><i>There are 6 AP classes; 1 CAAP class; and 3 articulated with Fox Valley Technical College.</i></p>

# SCHOOL DISTRICT OF MANAWA KEY PERFORMANCE INDICATORS

<p><b>II. Operation Efficiencies</b></p> <ul style="list-style-type: none"> <li>A. Maintain an annual balanced budget.</li> <li>B. Levy to the allowable authority.</li> <li>C. Workers Compensation Experience Rate (a.k.a. MOD rate) will be kept under 1.0             <ul style="list-style-type: none"> <li>1. 2020 rate is 1.04</li> <li>2. Cannot go lower than 0.70 statistically</li> </ul> </li> <li>D. Bond Rating - A+ (2019)</li> <li>E. Update and implement 20-year Facilities Plan.</li> <li>F. Update and implement a <a href="#">5-year Technology Plan</a>.</li> </ul>	<p><i>To levy a tax means to collect a tax by legal authority</i></p> <p><i>MOD rate is a premium multiplier that measures the difference in the past workers compensation claims to the expected claims. This either increases or decreases the workers compensation insurance premium.</i></p> <p><i>A bond rating is a credit score obtained when borrowing. The District used Standard &amp; Poor's (AAA-D) for our last referendum debt. This bond rating was established based on a stable local economy, a strong available fund balance, a moderate overall debt burden, and good district management practices. This is offset by declining enrollment.</i></p>
<p><b>III. Safe &amp; Orderly Environment</b></p> <ul style="list-style-type: none"> <li>A. 95% of students have no major offense.             <ul style="list-style-type: none"> <li>1. High School (2020-2021): 86.4% of high school students didn't have a major offence</li> <li>2. Middle School (2020-2021): 87.1% of middle school students didn't have a major</li> <li>3. Elementary (2020-2021): 72% didn't have a major offense</li> </ul> </li> <li>B. Maintain an annually approved School Safety Plan.</li> <li>C. No Out-of-School Suspensions/Expulsions             <ul style="list-style-type: none"> <li>1. Elementary = 0 in 20-21</li> <li>2. Secondary = 0 expulsions in 20-21 and 7 High School suspension and 7 Middle School suspensions</li> </ul> </li> <li>D. 100% compliance with drills (evacuation, lockdown, lock out, shelter in place, etc.).</li> </ul>	<p><i>Major Offense - Behavior that rises to the level of administrative referral and/or police intervention.</i></p>

# SCHOOL DISTRICT OF MANAWA KEY PERFORMANCE INDICATORS

## IV. Engagement & Satisfaction

- A. Staff retention rate at 92% or higher.
  - 1. 2019-20 Retention Rate: 96.3%
  - 2. 2020-21 Retention Rate: 84.1%
    - a) 2020-21 resignation due to retirement: 5/85 = 5.9%
    - b) 2020-21 resignation (not retirement): 9/85 = 9.6%
- B. Less than 5% of K-12 students are chronically absent per WISEdash state expectations by the conclusion of the 2023-24 school year.
  - 1. 2020-21 MES 3.4% of students chronically absent
  - 2. 2020-21 MMS 6.5% of students chronically absent
  - 3. 2020-21 LWHS 6.9% of students chronically absent
- C. Secondary student engagement based on participation in co-curriculars (unduplicated count)
  - 1. MS: 63% of students engaged in at least one or more offering
  - 2. HS: 74% of students engaged in at least one or more offering
- D. Decrease open enrollment out/Increase open enrollment in.
  - 1. Establish Baseline
- E. Establish New Staff Survey - School Perceptions
- F. Establish Parent Survey - School Perceptions
- G. Establish Student Survey - School Perceptions

*Retention Rate: the number of employees that left during the school year divided by the number of employees total at the end of the school year*

*Exit Survey: Currently only BOE members receive this data, it is suggested that the BOE creates a summary of recommendations to be shared with the administrative team.*

*Definition of Chronically Absent: Students are considered to be chronically absent if they miss 16% of school days per the DPI.*

*Open enrollment percent is based on all available possible resident students in the district (includes: St. Paul, all parochial/private school, homeschool, open enrollment out, current SDM enrollment but exclude Amish)*

**2020-21 Data - Co-Curriculars:**

*MS Offerings:*

- 5 Academic Offerings*
- 9 Athletic/Club Offerings*
- 2 Musical Offerings*

*HS Offerings:*

- 13 Academic Offerings*
- 13 Athletic/Club Offerings*
- 5 Musical Offerings*