

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

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AMENDED

Date: January 10, 2022

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, Reierson

In Attendance:

Timer: _____ **Recorder:** _____

1. Consider Endorsement of Revised PO5460 - Graduation Requirements as Presented
2. Consider Endorsement of Revised AG5460 - Graduation Requirements as Presented
3. Consider Endorsement of Revised Library/Media Center Protocols as Listed Below (Information / Action)
 - a. PO2522 - Library Media Centers: Revised
 - b. AG2522.01 - Support for Intellectual Freedom: New Administrative Guideline
 - c. Library Material Formal Reconsideration Form: New
 - d. Young Adult (YA) Materials Access Form: Updated and would be included in the 2022-23 registration packet for all students under the age of 16
 - e. PO9130 - Public Request, Suggestions, or Complaints: Revised
4. Review and Discuss Revised Policies as Listed (Information / Action)
 - a. PO0144.5 - Board Member Behavior and Code of Conduct
 - b. PO2700.01 - School Performance and State Accountability Report Cards
 - c. PO0167.3 - Public Comment at Board Meetings
 - d. PO2431 - Interscholastic Athletics
5. Discuss and Make Decisions on Policy Revisions to Recommend to Full Board as Listed
 - a. PO0131.1 - Bylaws and Policies
 - b. PO2266 - Nondiscrimination on the Basis of Sex in Education Programs or Activities
 - c. PO5517 - Nondiscrimination and Anti-Harassment - Student Anti-Harassment

6. NEOLA Administrative Guideline Updates Volume 30, No. 2 + Special Update
 - a. Consider Endorsement of Revised Administrative Guidelines as Listed (Information / Action)
 - i. AG1422 - Nondiscrimination and Equal Employment Opportunity
 - ii. AG1623 - Nondiscrimination and Anti-Harassment Section 504 ADA Prohibition Against Disability Discrimination in Employment
 - iii. AG2260 - Nondiscrimination and Access to Equal Educational Opportunity
 - iv. AG2260.01A - Nondiscrimination and Anti-Harassment Section 504/ADA Prohibition Against Discrimination Based on Disability, Including Procedures for the Identification, Evaluation, and Placement of Students Suspected of Having a Disability, and the Right to FAPE
 - v. AG3122 - Nondiscrimination and Equal Employment Opportunity
 - vi. AG3123 - Nondiscrimination and Anti-Harassment Section 504/ADA Prohibition Against Disability Discrimination in Employment
 - vii. AG3160A - Physical Examination
 - viii. AG3421A - Important Notice of Employees Right to Documentation of Health Coverage
 - ix. AG4122 - Nondiscrimination and Equal Employment Opportunity
 - x. AG4123 - Nondiscrimination and Anti-Harassment Section 504/ADA Prohibition Against Disability Discrimination in Employment
 - xi. AG4160A - Physical Examination
 - xii. AG4421A - Important Notice of Employees Right to Documentation of Health Coverage
 - xiii. AG5111 - Admission to the District
 - xiv. AG5112A - Admission to Kindergarten
 - xv. AG5113 - Admission of Students Participating Under Open Enrollment
 - xvi. AG5600A - Student Discipline
 - xvii. AG8405A - Use of Animals in the Classroom and on School Premises
 - b. Review and Discuss Revised Administrative Guidelines as Listed (Information / Action)
 - i. AG5320 - Immunization of Students in School
 - c. Discuss and Make Decisions on Administrative Guideline Revisions to Recommend to Full Board as Listed (Information / Action)
 - i. AG2240 - Controversial Issues in the Classroom
 - ii. AG2260.01B - Nondiscrimination and Anti-Harassment Section 504/ADA Parents Procedural Rights Including Due Process Hearing
 - iii. AG2440 - Board Review
 - iv. AG3362.01 - Nondiscrimination and Anti-Harassment Reporting Threatening Behaviors
 - v. AG8390 - Use of Animals in the Classroom and on School Premises
 - vi. AG8450 - Management of Casual Contact Diseases
7. Consider Endorsement of Revised PO8500 - Food Services as Presented
8. Consider Endorsement of Revised COVID-19 Protocol as Presented

9. Consider Endorsement of Additional Special Education Paraprofessional as Presented

10. Policy & Human Resources Committee Planning Guide (Information)

11. Set Next Meeting Date _____

12. Next Meeting Items:

- a. School Nurse References - Nurse/Paramedical (Information / Action)
- b. Consider Staff Engagement Opportunities- KPI IV. Engagement & Satisfaction
E., F., and G. Staff, Parent, and Student Surveys
- c. Review Staff Survey (Information / Action)
- d. Other

13. Adjourn

*Special Note - PO5720 - Student Activism: The grammatical error (the word "to" has been removed) has been corrected.



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|--------------|------------------------------------------------|
| Book | Policy Manual |
| Section | 5000 Students |
| Title | Copy of GRADUATION REQUIREMENTS |
| Code | po5460 |
| Status | Proposed to Policy & Human Resources Committee |
| Adopted | June 20, 2016 |
| Last Revised | November 16, 2020 |

5460 - GRADUATION REQUIREMENTS

It shall be the policy of the Board to acknowledge each student's successful completion of the instructional program appropriate to the achievement of District goals and objectives as well as personal proficiency by the awarding of a diploma at fitting graduation ceremonies.

High School courses taken by **middlejunior-high** school students shall appear on the student's high school transcript, along with the grade received however the grade and class will not be factored into the student's high school grade point average.

The Board shall award a regular high school diploma to every student enrolled in this District who meets the requirements of graduation established by this Board as provided by State law.

A student must meet the following graduation requirements in order to be eligible to receive a Little Wolf High School diploma:

- A. Student must attend high school for eight (8) semesters. Students may be eligible for early graduation in accordance with established policy and procedures. Students may have this requirement waived if the early graduation procedures established in the rules are followed.
- B. In accordance with State law, a board may not grant a high school diploma to any student unless, during the high school grades, the student has been enrolled in a class or has participated in an activity approved by the Board during each class period of each school day, or the student has been enrolled in an alternative education program (defined in s. 115.28(7)(e)1) or is participating in a Board-approved program that allows a student enrolled in the high school grades who has demonstrated a high level of maturity and personal responsibility to leave the school premises for up to one (1) class period each day if the student does not have a class scheduled during that class period.
- C. Credits - A Little Wolf High School diploma shall be granted upon successful completion of a total of **24 credits for the Class of 2023 and 25~~24~~** credits for **the** Class of **2024~~19~~** and beyond in grades 9 through 12 to include_:

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|----------------------------------------------------------|----------------------------|
| English | 4 credits |
| Social Studies | 3 credits |
| Physical Education | 1 ½ credits |
| Health | ½ credit |
| Math | 3 credits |
| Science | 3 credits |
| <u>Financial Literacy/Employability Skills</u> | <u>1/2 credit</u> |
| Electives for <u>202319 and beyond</u> | <u>8.59</u> credits |
| <u>Electives for 2024 and beyond</u> | <u>9.5 credits</u> |

In order to earn a high school diploma, a student must successfully complete a civics assessment in accordance with State statute.

A student must also have participated in a curriculum relating to financial literacy in order to earn a diploma.

The Board may approve a course or courses in career and technical education that it determines may satisfy up to a total of one (1) credit of mathematics and/or science credit.

All required courses shall be successfully completed, and any failure shall be made up before a diploma will be issued.

D. Students with disabilities who properly complete the programs specified in their I.E.P. and have received the recommendation of the I.E.P. team may participate in graduation activities and may be awarded a diploma (provided the student satisfied the District's high school graduation requirements). The IEP team and any other necessary members will review the student's academic progress and the alternative achievement standards for graduation criteria.

E. Alternative Provisions for Earning a Manawa Little Wolf High School Diploma

A post-high school candidate is a student who is less than twenty-two (22) years of age at the time of their requested re-enrollment and whose class has previously graduated. District Administrator approval is required for all students who are twenty-two (22) years of age or older.

Post-high school candidates must meet the graduation requirements as established at the time of their re-enrollment and not the requirements that previously existed for the class of which s/he was a member.

F. Post-Secondary Course Work

Post-secondary course work to be applied toward a high school diploma must be taken through

1. correspondence/online school.

Such courses must be evaluated and approved by the high school principal in order to apply toward the high school diploma.

2. accredited college/technical college.

Course work taken at a college/technical college will be approved and credits earned apply toward a high school diploma if:

- a. The college/technical college course is not a duplicate of a high school course.
- b. If the course is a logical next step course in the subject sequence and is not offered in any form by the high school.
- c. If the desired course is not offered by the high school but is determined, by the principal, to meet the educational goals and interests of the student.

The costs for the above-described course work will be based upon and follow the policies established via the Early College Credit Program (ECCP).

G. Attendance

Current seniors, like all students, must comply with all attendance expectations as set forth in the district's Attendance/Truancy Plan. A senior identified as truant during their last semester of coursework will not be permitted to participate in the graduation ceremony.

H. School Program Obligations

All fees, fines, detentions, and similar obligations arising from student participation in school programming must be fulfilled before the student can participate in the commencement ceremony.

The Board may waive graduation requirements, except for the core requirements, in exceptional cases to suit the needs of a student subject to Wis. Admin Code, §§ PI 18.03 and PI 18.04.

Graduation Activities and Ceremony

A student may be denied participation in graduation activities for disciplinary reasons and/or for non-payment of fees. The District Administrator and high school principal may establish additional requirements for participation in the graduation activities and may organize said activities to have the appearance and decorum deemed reflective of the District.

Only those students who have met all District graduation requirements as set forth in this policy and are wearing the prescribed cap and gown and complying with administrative behavioral expectations shall be permitted to participate in the commencement ceremony.

Policy Reporting and Review

The principal of the high school shall prepare a report describing the District's policies on high school graduation standards, including a list of courses required under State law and the number of hours in each school term required to earn one (1) credit for those courses. Additionally, any change to the District's policies shall also be reported to the Department of Public Instruction or other appropriate agency after it has been approved by the Board and signed by the Board president, the District Administrator, and the principal.

It shall be the policy of the Board to periodically review and revise this policy specifying the criteria for awarding a diploma.

Revised 1/21/19

Revised 11/18/19

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| Legal | 115.28, Wis. Stats. |
| | 118.30, Wis. Stats. |
| | 118.33, Wis. Stats. |
| | PI 18.03 and PI 18.04 |

Last Modified by Melanie Oppor on January 7, 2022



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|--------------|------------------------------------------------|
| Book | Administrative Guideline Manual |
| Section | 5000 Students |
| Title | Copy of GRADUATION REQUIREMENTS |
| Code | ag5460 |
| Status | Proposed to Policy & Human Resources Committee |
| Adopted | August 20, 2018 |
| Last Revised | December 17, 2018 |

5460 - GRADUATION REQUIREMENTS

In order for a student to qualify for a diploma in this District, s/he must have enrolled in a class or participated in an activity approved by the Board during each class period of each school day. Additionally, s/he must have satisfactorily completed the following courses and earned at least four (4) credits of English, including writing composition, three (3) credits of social studies including State and local government, three (3) credits of mathematics, three (3) credits of science, one and one-half (1.5) credits of physical education and one-half (.5) credit of health education, and one-half (.5) Financial Literacy/Employability Skills, and eight and one-half (8.5) elective credits~~nine (9) elective credits~~. Beginning in the 2023-2024 school year and beyond, the graduating class of 2024 and beyond will need nine and one-half (9.5) elective credits and a total of twenty-five (25) credits to graduate.

A student must successfully complete a civics assessment in order to be granted a high school diploma.

A computer science class may count as a mathematics credit and an agricultural sciences course may count as a science credit.

If the Board approves a career and technical education course as qualifying for mathematics and/or science credit, any student may satisfy a total of one credit of required science and/or mathematics credits through the Board-approved career and technical education course.

Annually, the administration will determine whether sufficient interest exists among eligible middle school 7th and 8th grade students to take course offerings that qualify for high school credit as approved by the Board. The principal and each student's advisor shall determine the eligibility of any student to take such course(s) for high school credit.

- A. Courses qualifying for high school credit will only be offered if there is sufficient interest and if a teacher certified in the subject matter at the high school level can be scheduled to teach the course(s). Students are eligible to acquire as many high school credits as are available and for which the student qualifies.
- B. Courses qualifying for high school credit may be taken at the District High School or through Distance Learning/online options when those options are deemed appropriate by the administration. Where classes are held at the high school, appropriate transportation shall be arranged by the student's parent with the principal prior to a student being enrolled in an approved high school course. Students are eligible to acquire as many high school credits as are available and for which the student qualifies.

The Board does permit students to earn credit by demonstrating competency or creating a learning portfolio. A student shall not earn more than half (1/2) of the required credits through this process.

While the District does not require students to participate in community service activities to receive a high school diploma, community service is a valuable key performance indicator that is encouraged and monitored.

The District may grant a high school diploma to a student who has not satisfied the requirements under this policy if the student was enrolled in an alternative education program and the District determines that the student has demonstrated a level of proficiency in the subjects required under this policy. An alternative education program is defined as an instructional program, approved by the School Board, that utilizes successful alternative or adaptive school structures and teaching techniques and that is incorporated into existing, traditional classrooms, or regularly scheduled curricular programs or that is offered in place of regularly scheduled curricular programs. "Alternative educational program" does not include a private school or a home-based private educational program.

Graduation must be earned by passing all mandated subjects and earning total units required for the specific diploma sought.

Students in special education shall either receive a diploma if certified they have properly completed the requirements of their IEP, or receive the recommendation of the IEP Team, as related to the completion of credit requirements through regular, special, or alternative education. They may participate in all graduation activities.

A student may be denied participation in graduation activities for disciplinary reasons and for non-payment of fees.

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Last Modified by Melanie Oppor on January 7, 2022



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| Book | Policy Manual |
| Section | 2000 Program |
| Title | Copy of LIBRARY MEDIA CENTERS |
| Code | po2522 |
| Status | Proposed to Policy & Human Resources Committee |
| Adopted | March 15, 2021 |

2522 - LIBRARY MEDIA CENTERS

The Board believes that school library media centers are a fundamental part of the educational process by providing a place to foster independent and collaborative learning and information-seeking skills in students and staff. This is accomplished through timely access to services and resources that both reflect the student body, the cultural diversity and pluralistic nature of American society, and represent perspectives held in the world more broadly. Therefore, the Board shall provide sufficient materials and staff for a library media center in each school in the District.

The District Administrator shall designate a licensed library media professional to direct or coordinate the District's library media program. **The selection of materials by the licensed library media professional shall follow the Board's adopted selection criteria and procedures.** The Board shall adopt a long-range plan for library media services developed by teachers and library and audiovisual personnel and administrators. The plan shall be reviewed periodically. The plan and any materials selection or review process shall be in accordance with Policy 2260 - Nondiscrimination and Access to Equal Educational Opportunity. **The use of the District's allocation from the Common School Fund for acquisitions, in accordance with the Department of Public Instruction regulations, shall be a component of the foregoing procedures.**

The school libraries of this district are guided by the principles set forth in the Library Bill of Rights and its interpretive statements, including "Access to Resources and Services in the School Library Program" and The Students' Right to Read statement of the National Council of Teachers of English. See Administrative Guideline 2522.01 for the Library Bill of Rights and "Access to Resources and Services in the School Library Program: An Interpretation of the Library Bill of Rights."

The major **objectives**goals of the District's school library media centers are:

- A. **To provide faculty and students with materials that enrich and support the curriculum taking into consideration the varied interests, abilities, learning styles, and maturity levels of the students served.**
- B. **To provide students with a wide range of educational materials on all levels of difficulty and in a variety of formats, with a diversity of appeal, allowing for the presentation of many different points of view.**
- C. **To select materials that present various sides of controversial issues, giving students an opportunity to develop analytical skills resulting in informed decisions.**
- D. **To select materials in all formats, including up-to-date, high-quality, varied literature to develop and strengthen a love of reading.**
- E. ~~To support and enrich the District's standards and benchmarks;~~
- F. ~~To provide for personal interests, professional, educational, and recreational reading while promoting an appreciation of good literature;~~
- G. ~~To provide a comprehensive and coordinated collection of current resources so that students and staff will conveniently and effectively use a wide variety of materials, including print and non-print media;~~
- H. ~~To promote and support the appropriate use of technology for interpreting and communicating intellectual content;~~

- I. ~~To provide instruction that advances student and staff literacy of print, digital, and other emerging information resources;~~
- J. ~~To provide equitable and timely access to resources that support students' personal, academic, and life-long learning;~~
- K. ~~To foster a love of reading, curiosity, and investigation by providing a space that is well-maintained, up-to-date, welcoming, and safe for all users.~~

~~The District Administrator shall establish procedures consistent with the District's long-range plan for library services development related to the selection of materials, removal (weeding) of materials, inventory, and repair and/or replacement of materials. The use of the District's allocation from the Common School Fund for acquisitions, in accordance with DPI regulations, shall be a component of the foregoing procedures.~~

Selection Criteria

The School District of Manawa does not discriminate in the selection and evaluation of library materials 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.

Initial purchase suggestions for library materials may come from all personnel--teachers, coordinators, and administrators. Students will also be encouraged to make suggestions. The final decision to purchase library materials will be made by a licensed library media specialist.

The following criteria will be used in the selection of library materials as they apply:

- Support and enrich the curriculum and/or students' personal interests and learning
- Meet high standards in literacy, artistic, and aesthetic quality; technical aspects; and physical format
- Be appropriate for the subject area and for the age, emotional development, ability level, learning styles, and social, emotional, and intellectual development of the students for whom the materials are selected.
- Incorporate accurate and authentic factual content from authoritative sources
- Earn favorable reviews in standard reviewing sources such as, but not limited to:
 - Association for Library Service to Children (ALSC) Notable Children's Books
 - Booklist
 - Cooperative Children's Book Center of Wisconsin
 - School Library Journal
 - Young Adult Library Services Association (YALSA) Best Books for Young Adults
- Exhibit a high degree of potential user appeal and interest
- Represent differing viewpoints on controversial issues
- Provide a global perspective and promote diversity by including materials by authors and illustrators of all cultures
- Include a variety of resources in physical and virtual formats including print and non-print such as electronic and multimedia (i.e. online databases, e-books, educational games, and other forms of emerging technologies).
- Demonstrate physical format, appearance, and durability suitable for their intended use
- Balance cost with need

Selection is an ongoing process that should include removing materials that are no longer used or needed (weeding), adding materials, and replacing lost and worn materials that still have educational value.

Gifts and Donations

Gifts and donations shall be handled in accordance with Policy 7230 - Gifts, Grants, and Bequests. **Gift materials shall be judged by the same selection criteria and shall be accepted or rejected by those criteria. All materials should support the curriculum and needs of library users. Gifts and donations, like purchased resources, will be removed from the collection at the end of their useful life.**

Collection Maintenance and Weeding

Annually, the school library media specialist will conduct an inventory of the school library collections. The inventory can be used to determine losses and remove damaged or worn materials which can then be considered for replacement. The inventory can also be used to deselect and remove materials that are no longer relevant to the curriculum or interests of students.

Additionally, a collection maintenance schedule will be implemented by the library media specialist to include systemic inspection of materials that would result in weeding outdated, damaged, or irrelevant materials from the collection.

Requests, Suggestions, or Complaints

Challenges to instructional materials shall be handled in accordance with Policy 9130 - Public Requests Suggestions, or Complaints.

Reconsideration of Library Materials

Any resident or employee of the School District of Manawa may formally or informally request the reconsideration of library materials on the basis of appropriateness.

Informal Reconsideration Procedure of Library Materials

The Board recognizes that some materials are controversial and that any given item may offend some patrons. Selection of materials will not be made on the basis of anticipated approval or disapproval but solely on the basis of the principles set forth in this policy. Individuals or groups may initiate complaints about specific titles or types of materials in the Library's collection by talking to or writing to the District's Library Media Specialist. At this point, such communications are considered informal complaints. The District Library Media Specialist will respond to informal complaints by offering a rationale for the book in the collection, discussing the desired action based on the complaint, and, if appropriate, offering the complainant a Request for Reconsideration Form.

Formal Reconsideration Procedure of Library Materials

Persons who are concerned about the appropriateness of library materials and are unsatisfied with the response from an informal discussion about the title may choose to make a formal request for reconsideration of the title in question.

The following procedures should be followed if, after discussing the questioned resource, no resolution is made:

1. The complainant should be referred to the Principal.
2. A concerned citizen who is dissatisfied with earlier informal discussions will be offered a packet of materials which includes the library's mission statement, selection policy, Request for Reconsideration Form, and the Library Bill of Rights.
3. The complainant is required to complete and submit the Request for Reconsideration Form to the Principal within ten (10) business days.
4. If a completed Request for Reconsideration Form is not submitted within ten (10) business days, the matter is considered closed.
5. Upon receipt of the Request for Reconsideration Form, the Principal should notify and provide a copy of the Request for Reconsideration Form to the following individuals:
 - a. District Administrator
 - b. District Library Media Specialist
6. The work in question will remain on library shelves and in circulation until a formal decision is made.
7. The Reconsideration Committee will be appointed by the District Administrator and consist of:
 - a. Committee Chair - District Reading Specialist
 - b. District Library Media Specialist
 - c. Teacher - grade-level appropriate and/or language arts
 - d. Library Professional - not employed by the district
 - e. Community Leader - mayor, town chairman, etc.
 - f. Faith Leader
 - g. Three Members of the Community - a communication will be sent out widely using various media requesting volunteers to serve on a Reconsideration Committee with an application deadline. All received volunteer names will be placed into a random drawing to determine the three who will serve on the committee.
8. Through interlibrary loans or other means, the school librarian will obtain copies of the material in question for review by the Reconsideration Committee.
9. The Reconsideration Committee will schedule two formal reconsideration meetings: an initial meeting & a discussion/decision meeting. The Reconsideration Committee should follow the procedures listed below:
 - a. At the initial meeting:
 - i. The committee chair will review Reconsideration Committee guidelines and procedures.
 - ii. A member of the committee will be assigned to keep minutes.
 - iii. The complainant may make an initial verbal presentation about the resource under reconsideration. The complainant is asked to provide sources for quotes used during this presentation. The presentation may not exceed fifteen (15) minutes.

- iv. The complainant may not participate in the Committee's deliberations. The Committee Chair may choose to give committee members time to ask questions.
 - v. The school librarian will provide the Reconsideration Committee with a short formal Intellectual Freedom training that explains a packet of materials, that includes the library's mission statement, selection policy, the Library Bill of Rights, the completed Reconsideration Form, reviews of the resource being reconsidered, and a list of awards or honors, if any. The presentation may not exceed fifteen (15) minutes.
 - vi. The Committee reserves the right to use outside expertise if necessary to help in its decision-making process.
 - vii. The Committee Chair directs the committee members to fully review/read the complaint and challenged resource and be prepared to vote on the complaint at the next meeting.
- b. During the second discussion/decision meeting:
- i. The complainant may not participate in the Committee's deliberations.
 - ii. The Committee will discuss the material in question based upon the selection criteria.
 - iii. The committee members must have reviewed/read the challenged material in its entirety to be eligible to vote.
 - iv. The Committee will make its decision determined by the simple majority to retain, move the resources to a different level(if appropriate), or remove the resource. The decision will be made via a secret written ballot vote.
 - v. The Committee's written decision (including a minority report if needed) shall be presented to the District Administrator within five school days after the decision is made. The District Administrator will inform the complainant, in writing, of the Reconsideration Committee's decision.
 - vi. If the complainant is not satisfied with the decision of the Reconsideration Committee, a written appeal can be made within 10 school days of receiving the decision to the Board **of Education** President. The written appeal and all written material relating to the reconsideration shall be referred to the Board of Education for review.
10. The procedures for an appeal to the Board of Education will be as follows:
- a. An appeal of the decision made by the Reconsideration Committee must be made in writing to the Board of Education President within 10 days of the Reconsideration Committee's decision being communicated to the complainant.
 - b. A decision on the appeal will be made at the next regular meeting or special meeting within 30 days of the written request to the Board of Education President.
 - c. The Board of Education reserves the right to use outside expertise if necessary to help in its decision-making.
 - d. The Chairperson for the Reconsideration Committee will present the committee's decision to the board.
 - e. The complainant or designee will present the petitioner's position.
 - f. The **Board of Education** decision will be final, and the District Administrator will implement the decision.
11. Decisions on reconsidered materials will stand for five years before new requests for reconsideration of those items will be entertained.

Parental/Police Access to Library Information

The Board respects the privacy rights of parents and their children. The Board is also committed to ensuring that parents are permitted to obtain information about the instructional material, resources, and services students choose to use at the District's libraries.

Parents of a student under the age of sixteen (16) have the right to review, upon request library records relating to the use of the library's documents or other materials, resources, or services by the student.

Upon request from a law enforcement officer investigating criminal conduct alleged to have occurred at a school library, the library shall disclose to the officer records produced by a surveillance device under the control of the library that is pertinent to the alleged criminal conduct.

Other than the exceptions noted above, records indicating the identity of any individual who borrows or uses the library's documents or other materials, resources, or services may not be disclosed except by court order or to persons acting within the scope of their duties in the administration of the library, or to persons authorized by the individual to inspect such records.

Inter-Library Loans

The Board authorizes District participation in interlibrary loan programs. The District will loan school library books and other instructional materials that are not in immediate or constant demand by staff or students to another participating school district for use in the libraries of that district.

Fines

Students may be assessed fines for the late return of borrowed materials or damage or loss of materials in accordance with Policy 6152 - Student Fees, Fines, and Charges.

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Legal 43.30, 43.72, 121.02(1)(h) Wis. Stats.
PI 6, 8

Last Modified by Melanie Oppor on January 7, 2022



| | |
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| Book | Administrative Guideline Manual |
| Section | 2000 Program |
| Title | Support For Intellectual Freedom |
| Code | ag2522.01 |
| Status | Proposed to Policy & Human Resources Committee |

Supporting Document #1: The American Library Association Bill of Rights

The American Library Association affirms that all libraries are forums for information and ideas and that the following basic policies should guide their services.

- I. Books and other library resources should be provided for the interest, information, and enlightenment of all people of the community the library serves. Materials should not be excluded because of the origin, background, or views of those contributing to their creation.
- II. Libraries should provide materials and information presenting all points of view on current and historical issues. Materials should not be proscribed or removed because of partisan or doctrinal disapproval.
- III. Libraries should challenge censorship in the fulfillment of their responsibility to provide information and enlightenment.
- IV. Libraries should cooperate with all persons and groups concerned with resisting the abridgment of free expression and free access to ideas.
- V. A person's right to use a library should not be denied or abridged because of origin, age, background, or views.
- VI. Libraries that make exhibit spaces and meeting rooms available to the public they serve should make such facilities available on an equitable basis, regardless of the beliefs or affiliations of individuals or groups requesting their use.
- VII. All people, regardless of origin, age, background, or views, possess a right to privacy and confidentiality in their library use. Libraries should advocate for, educate about, and protect people's privacy, safeguarding all library use data, including personally identifiable information.

Adopted June 19, 1939, by the ALA Council; amended October 14, 1944; June 18, 1948; February 2, 1961; June 27, 1967; January 23, 1980; January 29, 2019. Inclusion of "age" reaffirmed January 23, 1996.

Supporting Document #2: ALA's Access to Resources and Services in the School Library: An Interpretation of the Library Bill of Rights

The school library plays a unique role in promoting, protecting, and educating about intellectual freedom. It serves as a point of voluntary access to information and ideas and as a learning laboratory for students as they acquire critical thinking and problem-solving skills needed in a pluralistic society. Although the educational level and program of the school necessarily shape the resources and services of a school library, the principles of the American Library Association's Library Bill of Rights apply equally to all libraries, including school libraries. Under these principles, all students have equitable access to library facilities, resources, and instructional programs.

School librarians assume a leadership role in promoting the principles of intellectual freedom within the school by providing resources and services that create and sustain an atmosphere of free inquiry. School librarians work closely with teachers to integrate instructional activities in classroom units designed to equip students to locate, evaluate, and use a broad range of ideas effectively. Intellectual freedom is fostered by educating students in the use of critical thinking skills to empower them to pursue free inquiry responsibly and independently. Through resources, programming, and educational processes, students and teachers experience the free and robust debate characteristic of a democratic society.

School librarians cooperate with other individuals in building collections of resources that meet the needs as well as the developmental and maturity levels of students. These collections provide resources that support the mission of the school district and are consistent with its philosophy, goals, and objectives. Resources in school library collections are an integral component of the curriculum and represent diverse points of view on both current and historical issues. These resources include materials that support the intellectual growth, personal development, individual interests, and recreational needs of students.

While English is, by history and tradition, the customary language of the United States, the languages in use in any given community may vary. Schools serving communities in which other languages are used make efforts to accommodate the needs of students for whom English is a second language. To support these efforts, and to ensure equitable access to resources and services, the school library provides resources that reflect the linguistic pluralism of the community.

Members of the school community involved in the collection development process employ educational criteria to select resources unfettered by their personal, political, social, or religious views. Students and educators served by the school library have access to resources and services free of constraints resulting from personal, partisan, or doctrinal disapproval. School librarians resist efforts by individuals or groups to define what is appropriate for all students or teachers to read, view, hear, or access regardless of technology, formats or method of delivery.

Major barriers between students and resources include but are not limited: to imposing age, grade-level, or reading-level restrictions on the use of resources; limiting the use of interlibrary loan and access to electronic information; charging fees for information in specific formats; requiring permission from parents or teachers; establishing restricted shelves or closed collections; and labeling. Policies, procedures, and rules related to the use of resources and services support free and open access to information.

It is the responsibility of the governing board to adopt policies that guarantee students access to a broad range of ideas. These include policies on collection development and procedures for the review of resources about which concerns have been raised. Such policies, developed by persons in the school community, provide for a timely and fair hearing and assure that procedures are applied equitably to all expressions of concern. It is the responsibility of school librarians to implement district policies and procedures in the school to ensure equitable access to resources and services for all students.

Adopted July 2, 1986, by the ALA Council; amended January 10, 1990; July 12, 2000; January 19, 2005; July 2, 2008; and July 1, 2014.

Last Modified by Melanie Oppor on January 7, 2022



LIBRARY MATERIAL FORMAL RECONSIDERATION FORM

The School District of Manawa has an established library selection policy and a procedure for formal reconsideration of library materials. Completion of this form is the first step in that formal procedure. If you wish to request reconsideration of a library resource, please return the completed form to the building principal.

| | | | |
|----------|--|------------|--|
| Date: | | | |
| Name: | | | |
| Address: | | | |
| City: | | State/Zip: | |
| Phone: | | Email: | |

Do you represent yourself? Or an organization? Name of Organization _____

I. Resource you are requesting for reconsideration:

Book (e-book) Magazine Digital Resource

Other, identify: _____

Title: _____

Author: _____

Publisher: _____

Copyright: _____

School Library where Material Resides: MES Library MMS/LWHS Library

II. What brought this resource to your attention?

III. Have you examined/read the entire resource? Yes No

IV. What concerns you about the resource? Please be specific and cite page numbers.

V. What do you feel might be the result of a student's use of this material?

VI. What action are you requesting the committee consider?

VII. Are there resources you suggest to provide additional information and/or other viewpoints on this topic?

Complainant Signature: _____

Date: _____

For Office Use:

Document Received by: _____

Date Received: _____



Manawa Middle/Little Wolf High School Library Media Center

YOUNG ADULT MATERIALS ACCESS PROCEDURE

Dear Parents and Students (under 16),

Our collection of books in the Manawa Middle/Little Wolf High School Library Media Center is current and full of variety. Due to the fact that our library serves grades six through twelve with students ranging from about 11 to 18 years old, we keep a wide range of books for all grade levels on a wide variety of topics. It is the job of the district librarian and staff to make sure we have reading materials to suit all of these differences. Public school libraries are required to have a library collection that is diverse and inclusive, and we particularly strive to ensure that all students in the School District of Manawa can see themselves reflected on our library shelves; as well as experience the world beyond our district through reading materials. Another way to think about our school library collection is that it is about voice and choice with mirrors, windows and doors.

Not every book will be right for every student; but we will have books for every student. Some of these books cover topics that are mature in nature (language, sex, violence, drug or alcohol usage) and may not be appropriate for all age levels. Many times if a student checks out a book that they aren't ready for or that isn't a good fit, they will self-monitor and exchange it for something else. To help with this matter, our library places YA stickers on young adult books (those that are recommended for grades 9 and up.) Parents of students under the age of 16 have three options when registering their child(ren) regarding their child's access to young adult books in the Manawa Middle/Little Wolf High School Library Media Center. Please, read each option carefully and then select and initial the one that you feel is appropriate for your child:

Student Name: _____ Grade: _____

Option 1: NO YOUNG ADULT BOOKS

Parents selecting this option are saying that their child may not check out any books with a YA label at any time during the school year that they are under the age of 16. Parent Initials: _____

Option 2: PRIOR PARENT APPROVAL FOR YOUNG ADULT BOOKS

Parents selecting this option are asking to receive a permission slip for each YA labeled book that their child wishes to check out. This parent permission slip would need to be returned signed and approved before their child would be allowed to check out the requested young adult book. Parent Initials: _____

Option 3: ANY BOOK IN THE LIBRARY

Parents selecting this option are saying that they are okay with their child checking out any book from the library, including those labeled as YA. Parent Initials: _____

Parent Signature: _____ Date: _____

Our library works hard to meet the needs of all our readers! Children mature at different rates and have different backgrounds and interests. The Manawa Middle/Little Wolf High School Library follows the selection policy outlined in board policy. Please use the QR code to view the board policy as needed.



We respect (and count on) your right as parents and guardians to help your own child choose reading materials, and we ask that you respect the rights of other parents to do the same. If your child is reading a book that doesn't work for them, send it back to the library, and we will help your student find a better fit. Though it may not be the right fit for your child right now, it may be the perfect fit for another child. Our school library will continue to have a diverse and inclusive collection to satisfy all of our middle and high school readers; our goal is to help everyone develop a love of reading. If we can ever be of help in recommending titles to your student or your family, please reach out and we will be happy to help.

Mrs. Jennifer Krueger
District Library Media Specialist



| | |
|--------------|-----------------------------------------------------|
| Book | Policy Manual |
| Section | 9000 Relations |
| Title | Copy of PUBLIC REQUESTS, SUGGESTIONS, OR COMPLAINTS |
| Code | po9130 |
| Status | Proposed to Policy & Human Resources Committee |
| Adopted | April 23, 2018 |
| Last Revised | June 21, 2021 |

9130 - **PUBLIC REQUESTS, SUGGESTIONS, OR COMPLAINTS**

Any individual(s), having a legitimate interest in the staff, programs, and operations of this District shall have the right to present a request, suggestion, or complaint to the District and the Board. At the same time, the Board reserves the right to protect District staff from harassment, disclosure of confidential information, and other violations of the staff or student's rights. It is the intent of this policy to provide guidelines for considering and addressing public requests, suggestions, or complaints in an efficient, reasonable, and equitable manner. Requests, suggestions, or complaints made by District staff members are covered by Policy 1422, Policy 3122, and Policy 4122. This policy is not to be used to appeal or to otherwise seek review of a personnel decision that was or could have been reviewed through the grievance policy, Policy 3340 or Policy 4340.

It is the desire of the Board to address any such matters through direct, informal discussions. It is only when attempts at informal resolution fail that more formal procedures shall be used.

Generally, requests, suggestions, or complaints reaching the Board or Board members shall be referred to the District Administrator for consideration. Only those items that are appropriate for consideration under this policy will be considered. The District Administrator may close out any such request presented to him/her that is not appropriate for consideration consistent with this policy. The Board reserves the right to reverse the District Administrator's decision to dismiss any item raised and to fully investigate or review the matter.

Guidelines for Matters Brought Forth Under This Policy

A. First Level

Generally, if the matter raised involves a staff member the individual(s) should discuss the matter with the staff member, if appropriate. The individual shall take appropriate action within his/her authority and District administrative guidelines to deal with the matter. Matters related to other aspects of the District operations, programming, or other decisions shall be brought generally to the administrator closest to the issue (e.g. if the matter relates to a decision, procedure, or the like in one of the schools, the matter should be raised first with the building principal or a designated person in the school).

Discussion with the staff member may not be appropriate in some situations including, for example, where the matter involves suspected child abuse, substance abuse, or any other serious allegation that may require investigation or inquiry by school officials prior to approaching the staff member.

As appropriate, the staff member shall report the matter and whatever action may have been taken to the immediate supervisor.

B. Second Level

If the matter has not been satisfactorily addressed at the First Level or it would be inappropriate to discuss the matter with the staff member, the individual(s) may discuss the matter with the staff member's supervisor, if applicable. Discussions with the supervisor shall occur promptly following any discussion with the staff member. If the matter involves allegations of

harassment, discrimination, bullying, or other conduct implicating other policies and investigative procedures, the supervisor shall proceed to follow the applicable procedures which may include informing the District Compliance Officer for further review.

Matters not involving staff members that are not resolved at the First Level may be brought to the Third Level.

C. Third Level

If the matter has not been satisfactorily addressed at the Second level, and the matter does not involve the District Administrator, the individual(s) may submit a written request for a conference to the District Administrator. This request should include:

1. the specific nature of the request, suggestion or complaint and a brief statement of the facts giving rise to it;
2. the respect in which it is alleged that the individual(s) (or child of a complainant) has been affected adversely, if at all, or an explanation of other adverse results or impact of the matter;
3. the action which the individual(s) wishes taken and the reasons why it is felt that such action be taken.

The request must be submitted promptly after discussion with the staff member's supervisor. The District Administrator shall respond in writing to the individual(s) and shall advise the Board of any resolution of the matter.

D. Fourth Level

If the matter has not been satisfactorily addressed at the Third Level, or at the First Level in the case of a matter involving the District Administrator, the individual(s) may submit a written request to the Board to address the matter. Any such request must be submitted within ten (10) business days of the latest attempt to resolve the matter. The written submission shall include all correspondences pertaining to the matter between the individual and any School District officials or employees.

The Board, after reviewing all material relating to the matter, will provide a written response or may, at its discretion, grant an opportunity to address the Board prior to making a final decision on the matter.

The Board's decision will be final on the matter. The Board may choose to consolidate complaints or other communications for consideration if more than one individual raises similar concerns before it, but reserves the right to refuse to consider any subsequent complaint on the same matter unless previously unknown material facts are raised.

If the individual(s) contacts an individual Board member to discuss the matter, the Board member may refer the individual(s) to this guideline or the District Administrator for further assistance.

Guidelines for Matters Regarding Instructional Materials

The District Administrator shall inform students and parents each year regarding their right to inspect instructional materials used as part of the educational curriculum and the procedure for completing such an inspection. See Policy 2414, AG 9130A.

If the request, suggestion, or complaint relates to instructional materials such as textbooks, ~~library books~~, reference works, and other instructional aids used in the District, the following procedure shall be followed:

A. The criticism is to be addressed to the Curriculum Director, in writing, and shall include:

1. author;
2. title;
3. the complainant's familiarity with the material objected to;
4. sections objected to by page and item;
5. reasons for objection.

B. Upon receipt of the information, the Curriculum Director (or Curriculum Director designee if the Curriculum Director and District Administrator are one in the same) may, after advising the District Administrator of the complaint, and upon the District Administrator's approval, appoint a review committee, which shall comply with the open meetings law.

C. If the request, suggestion, or complaint relates to the human growth and development curriculum or instructional materials, it shall be referred to the advisory committee responsible for developing the human growth and development curriculum and

advising the Board on the design, review, and implementation of the curriculum. (See Policy 2414).

D. The committee, in evaluating the questioned material, shall be guided by the following criteria:

1. the appropriateness of the material for the age and maturity level of the students with whom it is being used
2. the accuracy of the material
3. the objectivity of the material
4. the use being made of the material

E. The material in question may not be temporarily withdrawn from use pending final resolution of the matter.

F. The committee's recommendation shall be reported to the District Administrator in writing within ten (10) business days following the first meeting of the committee. The District Administrator will advise the individual(s), in writing, of the committee's recommendation and the District Administrator's decision. The District Administrator shall also advise the Board of the committee's recommendation and his/her decision.

G. The individual(s) may submit an appeal the District Administrator's decision in writing to the Board President within ten (10) business days of receiving the decision. The written appeal and all written material relating to it shall be referred to the Board for review.

H. The Board shall review the matter and advise the individual(s), in writing, of its decision as soon as practicable. The Board shall determine on a case-by-case basis whether its review will include appearances by the petitioner and administration, be based on written submissions, or only on the record produced by the Committee and/or District Administrator.

No challenged material may be permanently removed from the curriculum or from a collection of resource materials except by action of the Board, and no challenged material may be removed solely because it presents ideas that may be unpopular or offensive to some. Any Board action to remove material will be accompanied by the Board's statement of its reasons for the removal.

Revised 11/19/18

Revised 7/22/19

Revised 4/27/20

Revised 3/15/21

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Legal 118.01, Wis. Stats.
 118.019, Wis. Stats.
 20 U.S.C. 1232h

Last Modified by Melanie Oppor on January 7, 2022



| | |
|---------|----------------------------------------------------|
| Book | Policy Manual |
| Section | For Board Review - Vol. 30, No. 2 + Special Update |
| Title | Copy of BOARD MEMBER BEHAVIOR AND CODE OF CONDUCT |
| Code | po0144.5 |
| Status | Proposed to Policy & Human Resources Committee |
| Adopted | March 15, 2021 |

0144.5 - **BOARD MEMBER BEHAVIOR AND CODE OF CONDUCT**

The Board functions most effectively when individual Board members act ethically, professionally, and responsibly. School Board members serve as a member of the School District's governing body and do not have individual authority to represent a policy or enforce positions that are not supported by a majority of the Board as evidenced by official action of the Board (See Bylaw 0143 - Authority of Individual Board Members).

Board members accept responsibility for the well-being and positive leadership of the School District, for protecting the interests of the School District as a legal entity, and for facilitating governance for the purpose of delivering the highest quality educational and related services to all of the District's students. Conduct by Board members that compromises the legal position of the District should be avoided.

Any authority delegated to the Board President in this policy is automatically vested in the Board Vice President in the event that either the Board President is unavailable or the Board President is the Board member accused of violating this policy.

General Expectations of All Board Members

- A. Be familiar with and follow applicable local, State, and Federal laws and regulations.
- B. Be familiar with and comply with Board policies, including policies governing ~~Board member conduct and ethics (see Bylaw 0144.2)~~ and Board member ~~ethics and~~ conflicts of interest (see Bylaw 0144.3).
- C. Conduct themselves with integrity, honesty, and in a manner that reflects positively on the Board and on the District.
- D. Be accountable for guiding and supporting the policy decision-making process that impacts students, staff, and the community. The operation of the District is the responsibility of the administration.
- E. Establish and maintain a high level of honesty, credibility, and truthfulness in all matters dealt with by the Board.
- F. Treat others with respect and dignity at all times, and maintain decorum, and always communicate in a way that does not violate or illustrate disregard for Board policy concerning harassment or discrimination. This decency expectation applies in all communications, including while discussing sensitive, controversial, or matters involving disagreement.
- G. At all times conduct themselves in the best interest of the School District, including avoiding implicating the District in unlawful activity or supporting or encouraging efforts to harm the reputation, legal standing, or to bring other material harm to the interests of the District or the Board.
- H. Recognize that they should endeavor to make policy decisions only after full discussion at publicly held Board meetings.
- I. Render all decisions based on the available facts and independent judgment.

- J. Encourage the free expression of opinion by all Board members, and seek systematic communications between the Board and students, staff, and all elements of the community.
- K. Work with the other Board members to establish effective Board policies and to delegate authority for the administration of the District to the District Administrator.
- L. Support all District employees in the proper performance of their duties by ensuring all staff members have access to quality professional development opportunities and receive regular, impartial job performance evaluations.
- M. Communicate to other Board members and the District Administrator expressions of public reaction to Board policies and school programs.
- N. Maintain open communication lines with all elements of the community and inform community members about the educational needs of the District, the actions of the Board, and the accomplishments of the District's educational programs.
- O. Recognize that the Board is responsible for overall management and control of District affairs and property, including the development of policies by which the schools are to be administered, but that the day-to-day administration of the educational program and school business shall be the responsibility of the District Administrator and other designated staff members.
- P. Inform themselves about current educational issues by individual study and through participation in programs providing needed information, such as those sponsored by the Wisconsin Association of School Boards and the National School Boards Association.
- Q. Support the employment of those persons best qualified to serve as school staff, and insist on a regular and impartial evaluation of all staff.
- R. Refrain from using their Board positions for personal partisan gain.
- S. Take no private action that will compromise the Board or administration, and respect the confidentiality of information that is privileged under applicable law.
- T. Work continually with the administration to identify the needs, goals, and priorities of the District.
- U. Remember always that their first and greatest concern must be for the educational welfare of the students attending the public schools.
- V. No Board member shall act or fail to act in his/her position as a Board member in violation of 946.12, Wis. Stats., regarding misconduct in public office.

Board Member Communication

Board members are expected to refrain from engaging in communication on behalf of the Board or on behalf of the District unless authorized to do so by majority vote of the Board (See Bylaw 0143.1).

Any Board member who chooses to engage in individual communication on matters related to Board and/or District business is expected to clearly identify whether the Board member is communicating in the following capacity:

- A. On behalf of the Board: normally, this is the function of the Board President or in the President's absence, the Vice President. The Board may by majority vote delegate this responsibility to another Board member in a specific circumstance. In every case, the Board Member communicating the Board's position shall do so as determined by the Board and avoiding individual interpretation or editorializing.
- B. As an individual Board member, but not on behalf of the Board: a Board member who speaks, including online, in social media forums, or in any other public forum, on matters related to Board and/or District business, but not as an officially designated spokesperson of the Board.

Board members who fail to adhere to this expectation, or who publicly communicate false or intentionally misleading information pertaining to Board action or District policy, will be asked to correct such communication in a way that is likely to reach the same audience as the false or misleading information. The Board President is authorized to communicate such requests to the pertinent Board member.

The Board President is authorized to issue public statements on behalf of the Board in the event a Board member expresses false or misleading information, or makes statements without properly identifying whether he or she is speaking as an individual Board member. The President's communication should be limited to correcting the false or misleading statement, clarifying that the Board member was not speaking on behalf of the Board, and providing information relative to Board action if any on the subject matter.

Board Member Interaction with Staff

The general expectations of Board member decorum and civility apply to interactions with employees; however, because the Board is the employer of all District staff, this responsibility is appropriate for special reference. Each Board member is an individual with the authority to bring matters to the Board and to influence matters related to staff. Therefore, it is imperative that Board members treat all employees with respect and as professionals. Board members are also required to comply with Board Policies governing employee anti-harassment, non-discrimination, and threatening behavior.

No Board member has inherent authority to require any staff member to respond to the Board member regarding a specific request for information or to direct any staff member to perform or not perform any task, except as provided by Board policy or as directed by a majority vote of the Board.

Board members' access to and request for School District records and information is governed by Board Bylaw 0143.2.

Board Member Records and Confidentiality

Board members are expected to maintain their own public records created on resources not controlled by and thus not maintained by the School District. Each Board member is an elected official responsible for preserving all public records he/she creates, and to comply with requests to inspect such records. The District has no obligation nor responsibility to assist any Board member in fulfilling this responsibility with respect to records that are not maintained by the District.

Board members are encouraged to review Board policy defining and explaining public records, their maintenance, and public access (See Board Policy 8310).

Board members are expected to maintain and protect the privacy of District records, including student records, and communications received in closed session meetings of the Board.

Enforcement

Complaints alleging violations of the Board Member Code of Conduct may be brought by any person and can be submitted to the Board President or, if the Board President is the member accused of violating this policy, to the Vice President.

The President or Vice President shall review the complaint and determine whether he/she can investigate the matter or contact the School District's legal counsel for support. Upon completion of the investigation, if the conclusion reached is that the Board member violated the policy, the investigator shall brief the Board and may recommend action to be taken.

Board members are elected officials and therefore cannot be disciplined, prevented from participating in Board meetings, or removed from office by the Board. The Board may consider the following:

- A. Formal censure by resolution passed by a majority of the Board in an open session meeting of the Board.
- B. Removal from Board committee assignments for the remainder of the year and until the following organizational meeting of the Board, at which time the President is authorized to continue to withhold committee assignment. Approval of this sanction is an adopted exception to Bylaw 0155.
- C. Restriction on Board member rights granted by policy, including requesting items for a Board meeting agenda.
- D. Referral to proceed with efforts to remove the Board member from office for cause, which means inefficiency, neglect of duty, official misconduct, or malfeasance in office.
- E. Referral to law enforcement if any alleged misconduct constitutes potentially unlawful conduct.
- F. Other efforts to pursue compliance with and adherence to the policy as determined by the Board and not prohibited by law.

Legal

946.12, Wis. Stats.

17.13, Wis. Stats.

Last Modified by Melanie Oppor on January 7, 2022



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|--------------|----------------------------------------------------------|
| Book | Policy Manual |
| Section | For Board Review - Vol. 30, No. 2 + Special Update |
| Title | SCHOOL PERFORMANCE AND STATE ACCOUNTABILITY REPORT CARDS |
| Code | po2700.01 |
| Status | Proposed to Policy & Human Resources Committee |
| Adopted | October 1, 2015 |
| Last Revised | November 16, 2020 |

2700.01 - SCHOOL PERFORMANCE AND STATE ACCOUNTABILITY REPORT CARDS ~~REPORTS~~

The Board believes that a vital component of the District's educational programs is ensuring that parents and other individuals are informed of the performance of the schools and the School District. To this end, the Board has adopted this policy.

~~State~~ School Performance Report (SPR)

The Board will publish an annual school and school district performance report including all information prescribed by statute. By January 1st of each year, the Board shall notify the parents of each student enrolled in the District of the right to request a school and school district performance report. **(X)** Parents shall be notified that the performance report will be provided to the parent electronically unless the parent requests a written copy of the report. ~~[Note: End of Choice]~~ By May 1st, the Board shall distribute copies of the report to those who have requested the report, ~~including students enrolled in charter schools located in the District, that have requested the report.~~

~~X(-)~~ Per the Wisconsin Department of Public Instruction, the District ~~shall~~ **may** use links to the [WIS Edash Public Portal](#) to meet the electronic State School Performance Report requirements.

[X] The annual school and School District report shall be made available on the District's internet for public viewing.

The report shall generally include the following information, as required or modified by the State Superintendent:

- A. indicators of academic achievement, including the performance of students on Statewide assessment examinations by subject area
- B. dropout, attendance, retention in grade, and graduation rates
- C. number of suspensions and expulsions, the reasons for, and duration of, the suspensions and expulsions, and the length of time students are expelled
- D. staffing and financial data information
- E. number and percentage of resident students attending a course in a nonresident district and the number and percentage of nonresident students attending a course in the district, and
- F. method of reading instruction used in the District

Title I Provisions of the School/District Accountability Performance Report Card

In any year that the District receives Title I funding, its school/District accountability performance report card(s) must also include the information regarding the delivery of Title I services as described in Policy 2261.03.

State Accountability Report Card ~~SCHOOL ACCOUNTABILITY REPORTS~~

A copy of each school's accountability report card as prepared by the Wisconsin Department of Public Instruction shall be provided to the parent of each student enrolled in or attending the school, ~~and the ranking levels for each school within the District shall be provided to all parents~~ on an annual basis. The report shall be sent simultaneously with the notice required in Policy 8146 - Notification of Educational Options.

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Legal 115.38, Wis. Stats.
 115.385, Wis. Stats.
 20 U.S.C. 6311

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| | |
|--------------|----------------------------------------------------|
| Book | Policy Manual |
| Section | For Board Review - Vol. 30, No. 2 + Special Update |
| Title | Copy of PUBLIC COMMENT AT BOARD MEETINGS |
| Code | po0167.3 |
| Status | |
| Adopted | April 25, 2016 |
| Last Revised | July 19, 2021 |

0167.3 - **PUBLIC COMMENT AT BOARD MEETINGS**

The Board recognizes the value of public comment on educational issues and the importance of allowing members of the public to express themselves on District matters.

Agenda Item

Any person or group who would like to have an item put on the agenda shall submit their request to the District Administrator no later than ten (10) days prior to the meeting and include:

- A. name and address of the participant;
- B. group affiliation, if and when appropriate;
- C. topic to be addressed.

Such requests shall be subject to the recommendation of the District Administrator and the approval of Board President.

Public Comment Section of the Meeting

To permit fair and orderly public expression, the Board may provide a period for public comment at any regular or special meeting of the Board and publish rules to govern such comment in Board meetings.

The presiding officer of each Board meeting at which public comment is permitted shall administer the rules of the Board for its conduct.

The presiding officer shall be guided by the following rules:

- A. Public comment shall be permitted as indicated on the order of business, at the discretion of the presiding officer, and for individuals who live or work within the District and parents/guardians of students enrolled in the District.
- B. Attendees must register their intention to participate in the public portion of the meeting upon their arrival at the meeting.
- C. Participants must be recognized by the presiding officer and will be requested to preface their comments by an announcement of their name; address; and group affiliation, if and when appropriate.
- D. Each statement made by a participant shall be limited to three (3) minutes duration.
- E. No participant may speak more than once on the same topic unless all others who wish to speak on that topic have been heard.

- F. Participants shall direct all comments to the Board and not to staff or other participants.
- G. Participants shall address only topics within the legitimate jurisdiction of the Board.
- H. All statements shall be directed to the presiding officer; no person may address or question Board members individually.
- I. The presiding officer may:
1. interrupt, warn, or terminate a participant's statement when the statement is too lengthy, personally directed, abusive, obscene, or irrelevant;
 2. request any individual to leave the meeting when that person does not observe reasonable decorum;
 3. request the assistance of law enforcement officers in the removal of a disorderly person when that person's conduct interferes with the orderly progress of the meeting;
 4. call for a recess or an adjournment to another time when the lack of public decorum so interferes with the orderly conduct of the meeting as to warrant such action.
 5. waive these rules with the approval of the Board when necessary for the protection of privacy or the administration of the Board's business.
- J. The portion of the meeting during which the comment of the public is invited shall be limited to fifteen (15) minutes unless extended by a vote of the Board.
- K. **The Board may authorize the administration to arrange for the recording, recording, filming, photographing, broadcasting, or live streaming of open sessions of Board meetings.**
- L. **Signage, banners, or other material which impedes any person's view of the proceedings, including a Board member's view, shall be relocated so as not to obstruct views.**

Recording, filming, or photographing the Board's open meetings by Third Parties is permitted **pursuant to 19.90, Wis. Stat.** Recording, filming, or photographing the Board's closed session is only permitted pursuant to Bylaw 0167.2 – Closed Session. The person operating the equipment should contact the District Administrator prior to the Board meeting to review possible placement of the equipment, and must agree to abide by the following conditions:

1. No obstructions are created between the Board and the audience.
2. No interviews are conducted in the meeting room while the Board is in session.
3. No commentary, adjustment of equipment, or positioning of operators is made that would distract either the Board or members of the audience or otherwise disrupt the meeting while the Board is in session.

Revised 11/16/2020

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Legal 19.90, Wis. Stats.

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|--------------|----------------------------------------------------|
| Book | Policy Manual |
| Section | For Board Review - Vol. 30, No. 2 + Special Update |
| Title | Copy of INTERSCHOLASTIC ATHLETICS |
| Code | po2431 |
| Status | Proposed to Policy & Human Resources Committee |
| Adopted | October 17, 2016 |
| Last Revised | December 18, 2017 |

2431 - **INTERSCHOLASTIC ATHLETICS**

The Board recognizes the value to the District and to the community of a program of interscholastic athletics for as many students as feasible and in accordance with Policy 2260 - Nondiscrimination and Access to Equal Educational Opportunity. The Board believes that it is the purpose of an interscholastic program to provide the benefits of an athletic experience to as large a number of students as feasible within the District.

The Board recognizes that the purpose of athletics is to promote the physical, mental, moral, social and emotional well-being of each participant with emphasis on the proper ideals of sportsmanship, ethical conduct and fair play. Athletics should encourage leadership, use of initiative and good judgment by the participants.

Interscholastic athletic programs provide opportunities for participants to develop positive school morale, practice hospitality and exercise the qualities of fair play and courtesy. The interscholastic athletic program is a part of the school curriculum, educational in purpose and conduct.

The athletic program affords opportunities for wholesome school-community relations under constructive conditions. It is the responsibility of school authorities to inform the community regarding the purposes of the program. The community should recognize that an athletic contest is an integral part of the school program because of its educational values. If interscholastic athletics cease to possess educational value, then these should cease to be school functions.

The Board encourages the full participation of elementary and middle school students in interscholastic athletic activities. For purposes of Board policy, "full participation" means fair and equal participation to the extent that the budget, facilities or type of activity allow.

The District shall maintain membership in the Wisconsin Interscholastic Athletic Association (WIAA) and the District's conference. The District shall abide by all WIAA and conference rules and regulations, and student athletes shall also be expected to abide by all eligibility rules and regulations.

The District Administrator ~~provides shall develop appropriate administrative guidelines for the operation of the Athletic Program and a Code of Conduct for those who participate. Such guidelines should provide for~~ the following safeguards:

- A. Prior to enrolling in the sport, each participant shall submit to a thorough physical examination by a ~~District-~~ **fully licensed** ~~approved~~ physician and parents shall report any past or current health problems along with a physician's statement that any such problems have or are being treated and pose no threat to the student's participation.
- B. Any student who is found to have a health condition that may be life-threatening to self or others shall not be allowed to participate until the situation has been analyzed by a medical review panel that has determined the conditions under which the student may participate.
- C. Any student who incurs an injury requiring a physician's care is to have written approval by a physician prior to the student's return to participation.

D. **Any student suspected of having a head injury or concussion shall be provided with safety protocols specified in Policy 5340 - Student Accidents/Illness/Concussion.**

In order to minimize health and safety risks to student-athletes and maintain ethical standards, school personnel, coaches, athletic trainers, and lay coaches should never dispense, supply, recommend, or permit the use of any drug, medication, or food supplement solely for performance-enhancing purposes.

The District Administrator is authorized to establish a set of behavior expectations for participants as well as the implementation of appropriate disciplinary procedures for those who violate sportsmanship expectations.~~The guidelines should also provide a set of behavioral expectations for each type of participant. The District Administrator is authorized to implement suitable disciplinary procedures against those who violate the following sportsmanship expectations:~~

To support the efforts to strengthen sportsmanship, ethics, and integrity, the Board commits itself to:

- A. adopt policies (upon recommendation of the administration) that reflect the District's educational objectives and promote the ideals of good sportsmanship, ethics, and integrity;
- B. support and reward participants, coaches, school administrators, and fans who display good sportsmanship.

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Legal 120.12(23), Wis. Stats.
 P.I. 9.03(1)(h), Wis. Adm. Code

Last Modified by Melanie Oppor on January 7, 2022



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|--------------|----------------------------------------------------|
| Book | Policy Manual |
| Section | For Board Review - Vol. 30, No. 2 + Special Update |
| Title | Copy of BYLAWS AND POLICIES |
| Code | po0131.1 |
| Status | |
| Adopted | April 25, 2016 |
| Last Revised | March 15, 2021 |

0131.1 - BYLAWS AND POLICIES

The Board shall adopt bylaws and policies for the organization and operation of this Board. Such policies are to include those needed to meet the education standards established by Wisconsin Statute. In the event of any conflict between these bylaws and policies and any applicable law or regulation, including temporary emergency orders or mandates, the legal authority shall prevail.

Bylaws and policies not dictated by the statutes or rules of the Department of Public Instruction or ordered by the State Superintendent of Public Instruction or a court of competent authority may be adopted, amended, and repealed at any meeting of the Board.

Adoption of new or revised policies, as well as the deletion of policies, is solely the responsibility of the Board. Recommendations for new or revised policies shall be brought to the Board for consideration at two (2) scheduled Board meetings. At the first meeting, the Board shall discuss the proposed policy and offer any suggested changes. At a subsequent meeting, the Board may vote on the adoption of the policy, including any amendments approved by the Board.

On matters of unusual urgency, and following a Board vote to waive the two (2) meeting process, a new proposed policy may be introduced and acted upon at the same meeting. Policy revisions that include only stylistic or minor content changes may be adopted at the same meeting initially presented.

[OPTION: CHOOSE IF TWO READINGS ARE REQUIRED, BUT AN EMERGENCY PROVISION IS ALSO DESIRED.]

[] When compelling reasons exist for an immediate revision, the Board may adopt, amend, or suspend any bylaw or policy, provided the amendment, adoption, or suspension does not conflict with the law.

[] Any such emergency resolution adopting, amending, or suspending a bylaw or policy under this provision shall expire automatically at the next public meeting of the Board unless the Board moves to adopt the resolution in final form at that subsequent meeting.

Bylaws and policies shall be adopted, amended, repealed, or suspended by a majority vote of the Board.

The Board may adopt, amend, or repeal rules of order for its own operation by simple resolution of the Board passed by a majority of those present and voting.

The adoption, modification, repeal, or suspension of a Board bylaw or policy shall be recorded in the minutes of the Board. All bylaws and policies shall be included in the Board policy manual.

Technical Corrections

The District Administrator is authorized to review and make technical corrections to policies that have already been adopted through normal rulemaking procedures. Technical corrections are those corrections to policy language or construction that do not reflect a policy decision or substantive consideration by the Board, such as correction of a typographical or grammatical error, inclusion or correction of a statutory citation, renumbering of sections, combining of policies, or similar actions. The District Administrator shall inform the Board of any such changes at the next regular Board meeting.

Revised 12/18/17

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Last Modified by Steve LaVallee on July 24, 2021



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|---------|-----------------------------------------------------------------------------------|
| Book | Policy Manual |
| Section | For Board Review - Vol. 30, No. 2 + Special Update |
| Title | Copy of NONDISCRIMINATION ON THE BASIS OF SEX IN EDUCATION PROGRAMS OR ACTIVITIES |
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| Status | |
| Adopted | August 17, 2020 |

2266 – **NONDISCRIMINATION ON THE BASIS OF SEX IN EDUCATION PROGRAMS OR ACTIVITIES**

Introduction

The Board does not discriminate on the basis of sex (including sexual orientation or gender identity), in its education programs or activities, and is required by Title IX of the Education Amendments Act of 1972, and its implementing regulations, not to discriminate in such a manner. The requirement not to discriminate in its education program or activity extends to admission and employment. The Board is committed to maintaining an education and work environment that is free from discrimination based on sex, including sexual harassment.

The Board prohibits sexual harassment that occurs within its education programs and activities. When the District has actual knowledge of sexual harassment in its education program or activity against a person in the United States, it shall promptly respond in a manner that is not deliberately indifferent.

Pursuant to its Title IX obligations, the Board is committed to eliminating sexual harassment and will take appropriate action when an individual is determined responsible for violating this policy. Members of the School District community who commit Sexual Harassment are subject to the full range of disciplinary sanctions set forth in this policy. Third Parties who engage in sexual harassment are also subject to the disciplinary sanctions listed in this policy. The Board will provide persons who have experienced Sexual Harassment ongoing supportive measures as reasonably necessary to restore or preserve access to the District's education programs and activities.

Coverage

This policy applies to sexual harassment that occurs within the District's education programs and activities and that is committed by a Board employee, student, third-party vendor or contractor, guest, or other members of the school community.

This policy does not apply to sexual harassment that occurs off school grounds, in a private setting, and outside the scope of the Board's education programs and activities; such sexual misconduct/sexual activity may be prohibited by the Student Code of Conduct if committed by a student, or by Board policies and administrative guidelines, applicable State and/or Federal laws and/or Employee Handbook(s) if committed by a Board employee.

Consistent with the U.S. Department of Education's implementing regulations for Title IX, this policy does not apply to sexual harassment that occurs outside the geographic boundaries of the United States, even if the sexual harassment occurs in the District's education programs or activities. Sexual harassment that occurs outside the geographic boundaries of the United States is governed by the Student Code of Conduct if committed by a student, or by other applicable Board policies and administrative guidelines, applicable State and/or Federal laws and/or Employee Handbook(s) if committed by a Board employee.

Complaints alleging sexual harassment and/or discrimination on the basis of sex are also covered by and subject to the investigation procedures in Board Policy 5517 - Student Anti-Harassment. Complaints not covered by this policy may still be governed by and subject to the procedures in Policy 5517 - Student Anti-Harassment.

Definitions

Words used in this policy shall have those meanings defined herein; words not defined herein shall be construed according to their plain and ordinary meanings.

Sexual Harassment: "Sexual Harassment" means conduct on the basis of sex that satisfies one or more of the following:

- A. A Board employee conditioning the provision of an aid, benefit, or service of the District on an individual's participation in unwelcome sexual conduct (often called "*quid pro quo*" harassment);
- B. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, **and** objectively offensive that it effectively denies a person equal access to the District's education program or activity; or
- C. "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)A(v), or "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30).

1. "Sexual assault" means any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent, and the "nonforcible" sex offenses of incest and statutory rape. Sexual assault includes rape, sodomy, sexual assault with an object, fondling, incest, and statutory rape.

a. Rape is **the carnal knowledge of a person (i.e., penetration, no matter how slight, of the genital or anal opening of a person), without the consent of the victim, including instances where the victim is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity**~~penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity. Attempted rape is included.~~

b. Sodomy is oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.

c. Sexual Assault with an Object is using an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity. An "object" or "instrument" is anything used by the offender other than the offender's genitalia.

d. Fondling is the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.

e. Incest is **nonforcible (i.e. not able to give consent)** sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by State law.

f. Statutory Rape is **nonforcible** sexual intercourse with a person who is under the statutory age of consent as defined by Wis. Stat. §§ 948.02 or 948.09, or whose status as a student prohibits such sexual contact per Wis. Stat. §948.095.

g. Other Sexual Contact includes the intentional emission of bodily fluids on the complainant, or at the direction of the Respondent, for the purposes of sexual gratification as defined in Wis. Stat. § 940.225(5)(b).

h. Consent refers to words or actions that a reasonable person would understand as agreement to engage in the sexual conduct at issue. A person may be incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity. A person who is incapacitated is not capable of giving consent.

i. Incapacitated refers to the state where a person does not understand and/or appreciate the nature or fact of sexual activity due to the effect of drugs or alcohol consumption, medical condition, disability, or due to a state of unconsciousness or sleep.

2. "Domestic violence" includes felony or misdemeanor crimes of violence committed by:

a. A current or former spouse or intimate partner of the victim;

- b. A person with whom the victim shares a child in common;
 - c. A person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner;
 - d. A person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime occurred; or
 - e. Any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime occurred.
3. "Dating violence" means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
4. "Stalking" means engaging in a course of conduct directed at a specific person that would cause a reasonable person to – 1) fear for the person's safety or the safety of others; or 2) suffer substantial emotional distress.

Complainant: "Complainant" means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.

Respondent: "Respondent" means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

Formal Complaint: "Formal complaint" means a document filed by a Complainant or signed by the Title IX Coordinator alleging sexual harassment against a Respondent and requesting that the District investigate the allegation(s) of sexual harassment. At the time of filing a formal complaint with the District, a Complainant must be participating in or attempting to participate in the District's education program or activity. A "document filed by a complainant" means a document or electronic submission (such as by electronic mail or through an online portal that the Board provides for this purpose) that contains the Complainant's physical or digital signature, or otherwise indicates that the Complainant is the person filing the formal complaint. Where the Title IX Coordinator signs a formal complaint, the Title IX Coordinator is not a Complainant or a party to the formal complaint and must not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.

Actual Knowledge: "Actual knowledge" means notice of sexual harassment or allegations of sexual harassment to the District's Title IX Coordinator, or any District official who has authority to institute corrective measures on behalf of the Board, or any Board employee. The mere ability or obligation to report Sexual Harassment or to inform a student about how to report sexual harassment, or having been trained to do so, does not qualify an individual as one who has authority to institute corrective measures on behalf of the District. "Notice" includes, but is not limited to, a report of sexual harassment to the Title IX Coordinator. This standard is not met when the only District official with actual knowledge is the Respondent. Imputation of knowledge based solely on vicarious liability or constructive notice is insufficient to constitute actual knowledge.

Supportive Measures: "Supportive measures" means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the District's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the District's educational environment or deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, school/campus escort services, mutual restrictions of contact between the parties, changes in work locations, leaves of absence, increased security and monitoring of certain areas of the campus (including school buildings and facilities), referral to Employee Assistance Program, and other similar measures.

Education Program or Activity: "Education program or activity" refers to all operations of the District over which the Board exercises substantial control, including in-person and online educational instruction, employment, extra-curricular activities, athletics, performances, and community engagement, and outreach programs. The term applies to all activity that occurs on school grounds or on other property owned or occupied by the Board. It also includes events and circumstances that take place off-school property/grounds if the Board exercises substantial control over both the Respondent and the context in which the sexual harassment occurs.

School District community: "School District community" refers to students and Board employees (i.e., administrators, and professional and support staff), as well as Board members, agents, volunteers, contractors, or other persons subject to the control and supervision of the Board.

Third Parties: "Third Parties" include, but are not limited to, guests and/or visitors on School District property (e.g., visiting speakers, participants on opposing athletic teams, parents), vendors doing business with, or seeking to do business with the Board,

and other individuals who come in contact with members of the School District community at school-related events/activities (whether on or off District property).

Inculpatory Evidence: "Inculpatory evidence" is evidence that tends to establish a Respondent's responsibility for alleged sexual harassment.

Exculpatory Evidence: "Exculpatory evidence" is evidence that tends to clear or excuse a Respondent from allegations of sexual harassment.

Day(s): Unless expressly stated otherwise, the term "day" or "days" as used in this policy means business day(s) (i.e., a day(s) that the Board office is open for normal operating hours, Monday – Friday, excluding State-recognized holidays),

Eligible Student: "Eligible student" means a student who has reached eighteen (18) years of age or is attending an institution of postsecondary education.

Title IX Coordinator(s)

The Board designates and authorizes the following individual(s) to oversee and coordinate its efforts to comply with Title IX and its implementing regulations:

Carmen O'Brien
Business Manager
920-596-5332
800 Beech Street
Manawa, WI 54949
cobrien@manawaschools.org

Daniel Wolfgram
Manawa Middle School/Little Wolf High School Principal
920-596-5310
515 East 4th Street
Manawa, WI 54949
dwolfgram@manawaschools.org

The Title IX Coordinator shall report directly to the District Administrator except when the District Administrator is a Respondent. In such matters, the Title IX Coordinator shall report directly to the Board President. Questions about this policy should be directed to the Title IX Coordinator.

The District Administrator shall notify applicants for admission and employment, students, parents or legal guardians of elementary and secondary school students, Board employees, and all unions or professional organizations holding collective bargaining or professional agreements with the Board of the following information:

The Board of the School District of Manawa does not discriminate on the basis of sex in its education program or activity and is required by Title IX and its implementing regulations not to discriminate in such a manner. The requirement not to discriminate in its education program or activity extends to admission and employment. The District's Title IX Coordinator(s) is/are:

Carmen O'Brien
Business Manager
920-596-5332
800 Beech Street
Manawa, WI 54949
cobrien@manawaschools.org

Daniel Wolfgram
Manawa Middle School/Little Wolf High School Principal
920-596-5310
515 East 4th Street
Manawa, WI 54949
dwolfgram@manawaschools.org

Any inquiries about the application of Title IX and its implementing regulations to the District may be referred to the Title IX Coordinator(s), the Assistant Secretary for the U.S. Department of Education's Office for Civil Rights, or both.

The Board has adopted a grievance process and procedures that provide for the prompt and equitable resolution of student and employee complaints alleging any action that is prohibited by Title IX and/or its implementing regulations. The grievance process and procedures are included in Policy 2266 – Nondiscrimination on the Basis of Sex in Education Programs or Activities, which is available at: <https://www.manawaschools.org/district/policies.cfm> The grievance process and procedures specifically address how to report or file a complaint of sex discrimination, how to report or file a formal complaint of Sexual Harassment, and how the District will respond.

The District Administrator shall also prominently display the Title IX Coordinator's(s') contact information – including Name(s) and/or Title(s), Phone Number(s), Office Address(es), and Email Address(es) – and this policy on the District's website and in each handbook or catalog that the Board makes available to applicants for admission and employment, students, parents or legal guardians of elementary and secondary school students, Board employees, and all unions or professional organizations holding collective bargaining or professional agreements.

Grievance Process

The Board is committed to promptly and equitably resolving student and employee complaints alleging Sexual Harassment. The District's response to allegations of sexual harassment will treat Complainants and Respondents equitably, including providing supportive measures to the Complainant and Respondent, as appropriate, and following this grievance process before the imposition of any disciplinary sanctions or other actions, other than supportive measures, against the Respondent.

The Title IX Coordinator(s), along with any investigator(s), decision-maker(s), or any person(s) designated to facilitate an informal resolution process, shall not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.

If a determination of responsibility for sexual harassment is made against the Respondent, the Board will provide remedies to the Complainant. The remedies will be designed to restore or preserve equal access to the District's education program or activity. Potential remedies include, but are not limited to, individualized services that constitute supportive measures. Remedies may also be disciplinary or punitive in nature and may burden the Respondent.

The Process described herein relates exclusively to complaints brought under this Policy. The District will continue to handle complaints subject to the District's other nondiscrimination and anti-harassment policies, including: Policy 5517 - Student Anti-Harassment; Policy 5517.01 - Bullying; 2260 - Nondiscrimination and Access to Equal Educational Opportunity; Policy 2260.01 - Section 504/ADA Prohibition Against Discrimination Based on Disability.

Report of Sexual Discrimination/Harassment

Any person may report sex discrimination, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), in person, by mail, by telephone, or by electronic mail, using the Title IX Coordinator's(s') contact information listed above, or by any other means that results in the Title IX Coordinator receiving the person's oral or written report. Reports may be made at any time (including during non-business hours), by using the telephone number(s) or electronic mail address(es), or by mail to the office address(es), listed for the Title IX Coordinator(s).

Board employees are required, and other members of the School District community and Third Parties are encouraged, to report allegations of sex discrimination or sexual harassment promptly to the/a Title IX Coordinator or to any Board employee, who will, in turn, notify the/a Title IX Coordinator. Reports can be made orally or in writing and should be as specific as possible. The person making the report should, to the extent known, identify the alleged victim(s), perpetrator(s), and witness(es), and describe in detail what occurred, including date(s), time(s), and location(s).

If a report involves allegations of sexual harassment by or involving the Title IX Coordinator, the person making the report should submit it to the District Administrator, or another Board employee who, in turn, will notify the District Administrator of the report. The District Administrator will then serve in place of the Title IX Coordinator for purposes of addressing that report of sexual harassment.

The Board does business with various vendors, contractors, and other Third Parties who are not students or employees of the Board. Notwithstanding any rights that a given vendor, contractor, or Third-Party Respondent may have under this policy, the Board retains the right to limit any vendor's, contractor's, or Third Party's access to school grounds for any reason. The Board further retains all rights it enjoys by contract or law to terminate its relationship with any vendor, contractor, or Third-Party irrespective of any process or outcome under this policy.

A person may file criminal charges simultaneously with filing a formal complaint. A person does not need to wait until the Title IX investigation is completed before filing a criminal complaint. Likewise, questions or complaints relating to Title IX may be filed with the U.S. Department of Education's Office for Civil Rights at any time.

Any allegations of sexual misconduct/sexual activity not involving sexual harassment will be addressed through the procedures outlined in Board policies and/or administrative guidelines, the applicable Student Code of Conduct, or Employee Handbook(s).

Because the Board is considered to have actual knowledge of sexual harassment or allegations of sexual harassment if any Board employee has such knowledge, and because the Board must take specific actions when it has notice of sexual harassment or allegations of sexual harassment, a Board employee who has independent knowledge of or receives a report involving allegations of sex discrimination and/or sexual harassment must notify the/a Title IX Coordinator within two (2) days of learning the information or receiving the report. The Board employee must also comply with mandatory reporting responsibilities pursuant to Wis. Stat. 48.981 and Policy 8462 – Student Abuse and Neglect, if applicable. If the Board employee’s knowledge is based on another individual bringing the information to the Board employee’s attention and the reporting individual submitted a written complaint to the Board employee, the Board employee must provide the written complaint to the Title IX Coordinator.

If a Board employee fails to report an incident of sexual harassment of which the Board employee is aware, the Board employee may be subject to disciplinary action, up to and including termination.

When a report of sexual harassment is made, the Title IX Coordinator shall promptly (i.e., within two (2) days) of the Title IX Coordinator’s receipt of the report of Sexual Harassment) contact the Complainant (including the parent/guardian if the Complainant is under eighteen (18) years of age or under guardianship) to discuss the availability of supportive measures, consider the Complainant’s wishes with respect to supportive measures, inform the Complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the Complainant the process for filing a formal complaint. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures. Any supportive measures provided to the Complainant or Respondent shall be maintained as confidential, to the extent that maintaining such confidentiality will not impair the ability of the District to provide the supportive measures.

Emergency Removal: Subject to limitations and/or procedures imposed by State and/or Federal law, the District may remove a student Respondent from its education program or activity on an emergency basis after conducting an individualized safety and risk analysis. The purposes of the individualized safety and risk analysis is to determine whether the student Respondent poses an immediate threat to the physical health or safety of any student or other individual arising from the allegations of Sexual Harassment that justifies removal. If the District determines the student Respondent poses such a threat, it will so notify the student Respondent and the student Respondent will have an opportunity to challenge the decision immediately following the removal. In determining whether to impose emergency removal measures, the Title IX Coordinator shall consult related District policies, including Policy 5120 - Assignment within District; Policy 5605 - Suspension/Expulsion of Students with Disabilities, Policy 5610 – Suspension and Expulsion, and Policy 5611 – Due Process Rights.

If the Respondent is a non-student employee, the District may place the Respondent on administrative leave during the pendency of the grievance process. Such leave will typically be paid leave unless circumstances justify unpaid leave in compliance with legal requirements.

For all other Respondents, including other members of the School District community and Third Parties, the Board retains broad discretion to prohibit such persons from entering onto its school grounds and other properties at any time and for any reason, whether after receiving a report of sexual harassment or otherwise.

Formal Complaint of Sexual Harassment

A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information set forth above. If a formal complaint involves allegations of sexual harassment by or involving the Title IX Coordinator, the Complainant should submit the formal complaint to the District Administrator, who will designate another person to serve in place of the Title IX Coordinator for the limited purpose of implementing the grievance process with respect to that formal complaint.

The Complainant's wishes with respect to whether a formal complaint is filed will be respected unless the Title IX Coordinator determines that signing a formal complaint to initiate an investigation over the wishes of the complainant is not clearly unreasonable in light of the known circumstances.

When the Title IX Coordinator receives a formal complaint or signs a formal complaint, the District will follow its grievance process and procedures, as set forth herein. Specifically, the District will undertake an objective evaluation of all relevant evidence – including both inculpatory and exculpatory evidence – and provide that credibility determinations will not be based on a person’s status as a Complainant, Respondent, or witness.

It is a violation of this policy for a Complainant(s), Respondent(s), and/or witness(es) to knowingly making false statements or knowingly submitting false information during the grievance process, including intentionally making a false report of sexual harassment or submitting a false formal complaint. The Board will not tolerate such conduct, which is a violation of the Student Code of Conduct and the Employee Handbook.

The Respondent is presumed not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.

Timeline

The District will seek to conclude the grievance process within ninety (90) calendar days of receipt of the formal complaint, followed by the appeal process which shall be processed in a timely manner.

If the Title IX Coordinator offers informal resolution processes, the informal resolution processes may not be used by the Complainant or Respondent to unduly delay the investigation and determination of responsibility. The timeline, however, may be subject to a temporary delay of the grievance process or a limited extension for good cause with written notice to the Complainant and the Respondent of the delay or extension and the reasons for the action, except that any complaint covered by Policy 5517 - Student Anti-Harassment as well must comply with the timelines in that Policy, however, an investigation may still proceed as required under this Policy. Good cause may include considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; and the need for language assistance or an accommodation of disabilities.

Upon receipt of a formal complaint, the Title IX Coordinator will provide written notice of the following to the parties who are known:

- A. Notice of the Board's grievance process, including any informal resolution processes;
- B. Notice of the allegations of misconduct that potentially constitutes sexual harassment as defined in this policy, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details include the identities of the parties involved in the incident if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident, if known. The written notice must:
 1. Include a statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility will be made at the conclusion of the grievance process;
 2. Inform the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney, and may inspect and review evidence.
 3. Inform the parties of any provision in the Student Code of Conduct, this policy, and/or Employee Handbook that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

If during the course of the investigation, the investigator becomes aware of allegations about the Complainant or Respondent that are not included in the original notice provided to the parties, the investigator will notify the Title IX Coordinator and the Title IX Coordinator will decide whether the investigator should investigate the additional allegations; if the Title IX Coordinator decides to include the new allegations as part of the investigation, the Title IX Coordinator will provide notice of the additional allegations to the parties whose identities are known.

Dismissal of a Formal Complaint

The District shall investigate the allegations in a formal complaint *unless* the conduct alleged in the formal complaint:

- A. Would not constitute sexual harassment (as defined in this policy) even if proved;
- B. Did not occur in the District's education program or activity; or
- C. Did not occur against a person in the United States.

If one of the preceding circumstances exist, the Title IX Coordinator *shall* dismiss the formal complaint. If the Title IX Coordinator dismisses the formal complaint due to one of the preceding reasons, the District may still investigate and take action with respect to such alleged misconduct pursuant to another provision of an applicable code of conduct, Board policy, and/or Employee Handbook.

The Title IX Coordinator *may* dismiss a formal complaint, or any allegations therein, if at any time during the investigation :

- A. A Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the formal complaint or any allegations therein;
- B. The Respondent is no longer enrolled in the District or employed by the Board; or
- C. Specific circumstances prevent the District from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

If the Title IX Coordinator dismisses a formal complaint or allegations therein, the Title IX Coordinator must promptly send written notice of the dismissal and the reason(s) therefore simultaneously to the parties.

Consolidation of Formal Complaints

The Title IX Coordinator may consolidate formal complaints as to allegations of sexual harassment against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances.

Where a grievance process involves more than one Complainant or more than one Respondent, references in this policy to the singular "party," "Complainant," or "Respondent" include the plural, as applicable.

Informal Resolution Process

Under no circumstances shall a Complainant be required as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, to waive any right to an investigation and adjudication of a formal complaint of sexual harassment. Similarly, no party shall be required to participate in an informal resolution process.

If a formal complaint is filed, the Title IX Coordinator may offer to the parties an informal resolution process. If the Parties mutually agree to participate in the informal resolution process, the Title IX Coordinator shall designate a trained individual to facilitate an informal resolution process, such as mediation, that does not involve a full investigation and adjudication. The informal resolution process may be used at any time prior to the decision-maker(s) reaching a determination regarding responsibility.

If the Title IX Coordinator is going to propose an informal resolution process, the Title IX Coordinator shall provide to the parties a written notice disclosing:

- A. The allegations;
- B. The requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations; and
- C. Any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.

Any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the Formal Complaint.

Before commencing the informal resolution process, the Title IX Coordinator shall obtain from the Parties their voluntary, written consent to the informal resolution process.

During the pendency of the informal resolution process, the investigation and adjudication processes that would otherwise occur are stayed and all related deadlines are suspended.

The informal resolution process is not available to resolve allegations that a Board employee sexually harassed a student.

The informal resolution process is not available to resolve allegations involving a sexual assault involving a student Complainant and a student Respondent.

Investigation of a Formal Complaint of Sexual Harassment

In conducting the investigation of a formal complaint and throughout the grievance process, the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility is on the District, not the Parties.

In making the determination of responsibility, the decision-maker(s) is (are) directed to use the preponderance of the evidence standard. The decision-maker(s) is charged with considering the totality of all available evidence, from all relevant sources.

The District is not permitted to access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the party provides the District with voluntary, written consent to do so; if a student party is not an eligible student, the District must obtain the voluntary, written consent of a parent.

Similarly, the investigator(s) and decision-maker(s) may not require, allow, rely upon or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege in writing.

As part of the investigation, the parties have the right to:

- A. Present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence; and
- B. Have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney. The District may not limit the choice or presence of an advisor for either the Complainant or Respondent in any meeting or grievance proceeding.
- C. **(.) The District establishes the following restrictions, which apply equally to both parties, regarding the extent to which an advisor may participate in the proceedings:-**

Limit the advisor from:

- 1. **questioning the other party,**
- 2. **answering questions on behalf of any party, and**
- 3. **disrupting the investigation process.**

Neither party shall be restricted in their ability to discuss the allegations under investigation or to gather and present relevant evidence.

The District will provide to a party whose participation is invited or expected written notice of the date, time, location, participants, and purpose of all investigative interviews, or other meetings, with sufficient time for the party to prepare to participate. The investigator(s) and decision-maker(s) must provide a minimum of one (1) days' notice with respect to investigative interviews and other meetings.

Both parties shall have an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint, including the evidence upon which the District does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source so that each party can meaningfully respond to the evidence prior to the conclusion of the investigation.

Prior to completion of the investigative report, the Title IX Coordinator will send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties will have at least ten (10) calendar days to submit a written response, which the investigator will consider prior to completion of the investigative report.

At the conclusion of the investigation, the investigator shall create an investigative report that fairly summarizes relevant evidence and send the report to each party and the party's advisor, if any, for their review and written response. The investigator will send the investigative report in an electronic format or a hard copy, at least ten (10) calendar days prior to the decision-maker(s) issuing a determination regarding responsibility.

Determination of Responsibility

The Title IX Coordinator shall appoint a decision-maker(s) to issue a determination of responsibility. The decision-maker(s) cannot be the same person(s) as the Title IX Coordinator(s) or the investigator(s).

After the investigator sends the investigative report to the parties and the decision-maker(s), and before the decision-maker(s) reaches a determination regarding responsibility, the decision-maker(s) will afford each party the opportunity to submit written, relevant questions that a party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party. The decision-maker(s) must explain to the party proposing the question of any decision to exclude a question as not relevant.

Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

Determination regarding responsibility: The decision-maker(s) will issue a written determination regarding responsibility. To reach this determination, the decision-maker(s) must apply the preponderance of the evidence standard.

The written determination will include the following content:

- A. Identification of the allegations potentially constituting sexual harassment pursuant to this policy;
- B. A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, [and] methods used to gather other evidence;
- C. Findings of fact supporting the determination;
- D. Conclusions regarding the application of the applicable code of conduct to the facts;
- E. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the decision-maker(s) is recommending that the District impose on the Respondent(s) and whether remedies designed to restore or preserve equal access to the District's education program or activity should be provided by the District to the Complainant(s); and
- F. The procedures and permissible bases for the Complainant(s) and Respondent(s) to appeal.

Informal or formal disciplinary sanctions/consequences may be imposed on a student Respondent who is determined responsible for violating this policy (i.e., engaging in sexual harassment).

If the decision-maker(s) determines the student Respondent is responsible for violating this policy (i.e., engaging in Sexual Harassment), the decision-maker(s) will recommend appropriate remedies, including disciplinary sanctions/consequences. The Title IX Coordinator will notify the District Administrator of the recommended remedies, so an authorized administrator can consider the recommendation(s) and implement an appropriate remedy(ies) in compliance with Policy 5605 – Suspension/Expulsion of Students with Disabilities, Policy 5610 – Suspension and Expulsion, Policy 5610.01 – Alternative Expulsion Hearing Procedure, Policy 5610.02 – In-School Discipline, and Policy 5611 – Due Process Rights. The discipline of a student Respondent must comply with the applicable provisions of the Individuals with Disabilities Education Improvement Act (IDEA) and/or Section 504 of the Rehabilitation Act of 1972, and their respective implementing regulations.

Disciplinary sanctions/consequences may be imposed on an employee Respondent who is determined responsible for violating this policy including but not limited to (i.e., engaging in Sexual Harassment):

- A. oral or written warning;
- B. written reprimands;
- C. performance improvement plan;
- D. required counseling;
- E. required training or education;
- F. suspension with pay;
- G. suspension without pay;
- H. termination, and any other sanction authorized by any applicable Employee Handbook.

If the decision-maker(s) determines the employee Respondent is responsible for violating this policy (i.e., engaging in sexual harassment), the decision-maker(s) will recommend appropriate remedies, including disciplinary sanctions/consequences. The Title IX Coordinator will notify the District Administrator of the recommended remedies, so an authorized administrator can consider the recommendation(s) and implement an appropriate remedy(ies) in compliance with applicable due process procedures, whether statutory or contractual.

The discipline of an employee will be implemented in accordance with Federal and State law, and Board policy.

The following disciplinary sanctions/consequences may be imposed on a non-student/non-employee member of the School District community or Third Party determined responsible for violating this policy (i.e., engaging in sexual harassment):

- A. oral or written warning;
- B. suspension or termination/ cancellation of the Board's contract with the third-party vendor or contractor;

C. restriction/prohibition on the Third-Party's ability to be on school property; and

D. any combination of the same.

If the decision-maker(s) determines the Third-Party Respondent is responsible for violating this policy (i.e., engaging in sexual harassment), the decision-maker(s) will recommend appropriate remedies, including the imposition of sanctions. The Title IX Coordinator will notify the District Administrator of the recommended remedies, so appropriate action can be taken.

The decision-maker(s) will provide the written determination to the Title IX Coordinator who will provide the written determination to the parties simultaneously.

In ultimately, imposing a disciplinary sanction/consequence, the District Administrator will consider the severity of the incident, previous disciplinary violations (if any), and any mitigating circumstances.

The District's resolution of a formal complaint ordinarily will not be impacted by the fact that criminal charges involving the same incident have been filed or that charges have been dismissed or reduced.

At any point in the grievance process and procedures, the District Administrator may involve local law enforcement and/or file criminal charges related to allegations of sexual harassment that involve a sexual assault.

The Title IX Coordinator is responsible for the effective implementation of any remedies.

Appeal

Both parties have the right to file an appeal from a determination regarding responsibility or from the Title IX Coordinator's dismissal of a formal complaint or any allegations therein, on the following bases:

A. Procedural irregularity that affected the outcome of the matter (e.g., material deviation from established procedures);

B. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and

C. The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant(s) or Respondent(s) that affected the outcome of the matter.

The Complainant(s) may not challenge the ultimate disciplinary sanction/consequence that is imposed.

Any party wishing to appeal the decision-maker(s)'s determination of responsibility, or the Title IX Coordinator's dismissal of a formal complaint or any allegations therein, must submit a written appeal to the Title IX Coordinator within five (5) days after receipt of the decision-maker(s)'s determination of responsibility or the Title IX Coordinator's dismissal of a formal complaint or any allegations therein.

Nothing herein shall prevent the District Administrator **(or the Board when the District Administrator is the Respondent) from implementing appropriate remedies, excluding disciplinary sanctions, while the appeal is pending.** ~~from imposing any remedy, including disciplinary sanction, while the appeal is pending.~~

As to all appeals, the Title IX Coordinator will notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties.

The decision-maker(s) for the appeal shall not be the same person(s) as the decision-maker(s) that reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator(s). The decision-maker(s) for the appeal shall not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant(s) or Respondent(s) and shall receive the same training as required of other decision-makers.

Both parties shall have a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome.

The parties' written statements in support of, or challenging, the determination of responsibility must be submitted within five (5) days after the Title IX Coordinator provides notice to the non-appealing party of the appeal.

The decision-maker(s) for the appeal shall issue a written decision describing the result of the appeal and the rationale for the result. The original decision-maker's(s)' determination of responsibility will stand if the appeal request is not filed in a timely manner or the appealing party fails to show clear error and/or a compelling rationale for overturning or modifying the original determination. The written decision will be provided to the Title IX Coordinator who will provide it simultaneously to both parties. The written decision will be issued within five (5) days of when the parties' written statements were submitted.

The determination of responsibility associated with a formal complaint, including any recommendations for remedies/disciplinary sanctions, becomes final when the time for filing an appeal has passed or, if an appeal is filed, at the point when the decision-maker(s) for the appeal's decision is delivered to the Complainant and the Respondent. No further review beyond the appeal is permitted.

Retaliation

Neither the Board nor any other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX, its implementing regulations, or this policy, or because the individual made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy. Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX, its implementing regulations, or this policy, constitutes retaliation. Retaliation against a person for making a report of sexual harassment, filing a formal complaint, or participating in an investigation is a serious violation of this policy that can result in the imposition of disciplinary sanctions/consequences and/or other appropriate remedies.

Complaints alleging retaliation may be filed according to the grievance procedures set forth above.

The exercise of rights protected under the First Amendment of the United States Constitution does not constitute retaliation prohibited under this policy.

Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding under this policy shall not constitute retaliation, provided, however, that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

Confidentiality

The District will keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any Complainant, any individual who has been reported to be the perpetrator of sex discrimination, any Respondent, and any witness, except as may be permitted by the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. 1232g, or FERPA's regulations, and State law under Wis. Stat. § 118.12, 34 C.F.R. part 99, or as required by law, or to carry out the purposes of 34 C.F.R. part 106, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder (i.e., the District's obligation to maintain confidentiality shall not impair or otherwise affect the Complainant's and Respondent's receipt of the information to which they are entitled with respect to the investigative record and determination of responsibility).

Application of the First Amendment

The Board will construe and apply this policy consistent with the First Amendment to the U.S. Constitution. In no case will a Respondent be found to have committed Sexual Harassment based on expressive conduct that is protected by the First Amendment.

Training

The District's Title IX Coordinator, along with any investigator(s), decision-maker(s), or person(s) designated to facilitate an informal resolution process, must receive training on:

- A. The definition of sexual harassment (as that term is used in this policy);
- B. The scope of the District's education program or activity;
- C. How to conduct an investigation and implement the grievance process appeals and informal resolution processes, as applicable; and
- D. How to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interests, and bias.

All Board employees will be trained concerning their legal obligation to report sexual harassment to the Title IX Coordinator. This training will include practical information about how to identify and report sexual harassment.

Recordkeeping

As part of its response to alleged violations of this policy, the District shall create, and maintain for a period of seven (7) calendar years, records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual

harassment. In each instance, the District shall document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the District's education program or activity. If the District does not provide a Complainant with supportive measures, then the District will document the reasons why such a response was not clearly unreasonable in light of the known circumstances. The documentation of certain bases or measures does not limit the District in the future from providing additional explanations or detailing additional measures taken.

The District shall maintain for a period of seven (7) calendar years the following records pursuant to Wis. Stat. § 19.21(6):

- A. Each sexual harassment investigation including any determination regarding responsibility any disciplinary sanctions recommended and/or imposed on the Respondent(s), and any remedies provided to the Complainant(s) designed to restore or preserve equal access to the District's education program or activity;
- B. Any appeal and the result therefrom;
- C. Any informal resolution and the result therefrom; and
- D. All materials used to train Title IX Coordinators, investigators, decision makers, and any person who facilitates an informal resolution process.

The District will make its training materials publicly available on its website.

Outside Appointments, Dual Appointments, and Delegations

The Board retains the discretion to appoint suitably qualified persons who are not Board employees to fulfill any function of the Board under this policy, including, but not limited to, Title IX Coordinator, investigator, decision-maker, decision-maker for appeals, facilitator of informal resolution processes, and advisor.

The Board also retains the discretion to appoint two (2) or more persons to jointly fulfill the role of Title IX Coordinator, investigator, decision-maker, decision-maker for appeals, facilitator of informal resolution processes, and advisor.

The District Administrator may delegate functions assigned to a specific Board employee under this policy, including but not limited to the functions assigned to the Title IX Coordinator, investigator, decision-maker, decision-maker for appeals, facilitator of informal resolution processes, and advisor, to any suitably qualified individual and such delegation, may be rescinded by the District Administrator at any time.

Discretion in Application

The Board retains the discretion to interpret and apply this policy in a manner that is not clearly unreasonable, even if the Board's interpretation or application differs from the interpretation of any specific Complainant and/or Respondent.

Despite the Board's reasonable efforts to anticipate all eventualities in drafting this policy, it is possible unanticipated or extraordinary circumstances may not be specifically or reasonably addressed by the express policy language, in which case the Board retains the discretion to respond to the unanticipated or extraordinary circumstance in a way that is not clearly unreasonable.

The provisions of this policy are not contractual in nature, whether in their own right or as part of any other express or implied contract. Accordingly, the Board retains the discretion to revise this policy at any time, and for any reason. The Board may apply policy revisions to an active case provided that doing so is not clearly unreasonable.

Legal

20 U.S.C. 1681 et seq., Title IX of the Education Amendments of 1972 (Title IX)

20 U.S.C. 1400 et seq., The Individuals with Disabilities Education Improvement Act of 2004 (IDEIA)

42 U.S.C. 2000c et seq., Title IV of the Civil Rights Act of 1964

42 U.S.C. 2000d et seq.

42 U.S.C. 2000e et seq.

42 U.S.C. 1983

34 C.F.R. Part 106

19.21(6), Wis. Stats.

118.25, Wis. Stats.

120.13, Wis. Stats.

948.02, Wis. Stats.

OCR's Revised Sexual Harassment Guidance (2001)

20 U.S.C. 1092(F)(6)(A)(v)

34 U.S.C. 12291(a)(10)

34 U.S.C. 12291(a)(8)

34 U.S.C. 12291(a)(30)

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5517 - STUDENT ANTI-HARASSMENT

Prohibited Harassment

It is the policy of the Board to maintain an educational environment that is free from all forms of harassment, **including sexual harassment**. This commitment applies to all District operations, programs, and activities. All students, administrators, teachers, staff, and all other school personnel share responsibility for avoiding, discouraging, and reporting any form of harassment. This policy applies to conduct occurring in any manner or setting over which the Board can exercise control, including on school property, or at another location if such conduct occurs during an activity sponsored by the Board.

The Board will not tolerate any form of harassment and will take all necessary and appropriate actions to eliminate it, including suspension or expulsion of students and disciplinary action against any other individual in the School District community. Additionally, appropriate action will be taken to stop and otherwise deal with any third party who engages in harassment against our students.

The Board will vigorously enforce its prohibition against harassment based on the traits of sex (including **trans**gender 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 (hereinafter referred to as "Protected Classes"), and encourages those within the School District community as well as **T**hird **P**arties, who feel aggrieved to seek assistance to rectify such problems. Additionally, the Board prohibits harassing behavior directed at students for any reason, even if not based on one of the Protected Classes, through its policies on bullying (See Policy 5517.01 – Bullying).

Harassment may occur student-to-student, student-to-staff, staff-to-student, male-to-female, female-to-male, male-to-male, or female-to-female. The Board will investigate all allegations of harassment and in those cases where harassment is substantiated, the Board will take immediate steps designed to end the harassment, prevent its reoccurrence, and remedy its effects. Individuals who are found to have engaged in harassment will be subject to appropriate disciplinary action.

For purposes of this policy, "School District community" means individuals students, administrators, teachers, staff, and as well as Board members, agents, volunteers, contractors, or other persons subject to the control and supervision of the Board.

For purposes of this policy, "third parties" include, but are not limited to, guests and/or visitors on District property (e.g., visiting speakers, participants on opposing athletic teams parent), vendors doing business with, or seeking to do business with the Board, and other individuals who come in contact with members of the School District community at school-related events/activities (whether on or off District property).

Other Violations of the Anti-Harassment Policy

The Board will also take immediate steps to impose disciplinary action on individuals engaging in any of the following prohibited acts:

- A. Retaliating against a person who has made a report or filed a complaint alleging harassment, or who has participated as a witness in a harassment investigation;
- B. Filing a malicious or knowingly false report or complaint of harassment;
- C. Disregarding, failing to investigate adequately, or delaying investigation of allegations of harassment, when responsibility for reporting and/or investigating harassment charges comprises part of one's **supervisory** duties

Sexual Harassment covered by Policy 2266/AG 2266 - Nondiscrimination on the Basis of Sex in Education Programs or Activities, i.e., sexual harassment prohibited by Title IX, is not included in this policy. Allegations of such conduct shall be addressed solely by Policy 2266/AG 2266 - Nondiscrimination on the Basis of Sex in Education Programs or Activities.

Notice

Notice of the Board's policy on anti-harassment in the educational environment and the identity of the District's Compliance Officers will be posted throughout the District and published in any District statement regarding the availability of employment, staff handbooks, and general information publications of the District as required by Federal and State law and this policy.

Definitions

Words used in this policy shall have those meanings defined herein; words not defined herein shall be construed according to their plain and ordinary meanings.

Complainant is the individual who alleges, or is alleged, to have been subjected to harassment, regardless of whether the person files a formal complaint or is pursuing an informal resolution to the alleged harassment.

Day(s): Unless expressly stated otherwise, the term "day" or "days" as used in this policy means business day(s) (i.e., a day(s) that the District office is open for normal operating hours, Monday – Friday, excluding State-recognized holidays).

Respondent is the individual who has been alleged to have engaged in harassment, regardless of whether the Reporting Party files a formal complaint or is seeking an informal resolution to the alleged harassment.

School District community means students and Board employees (i.e., administrators, and professional and classified staff), as well as Board members, agents, volunteers, contractors, or other persons subject to the control and supervision of the Board.

Third Parties include, but are not limited to, guests and/or visitors on School District property (e.g., visiting speakers, participants on opposing athletic teams, parents), vendors doing business with, or seeking to do business with, the Board, and other individuals who come in contact with members of the School District community at school-related events/activities (whether on or off District property).

Bullying

Bullying is prohibited by Board Policy 5517.01 – Bullying. It is defined as deliberate or intentional behavior using words 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. Bullying need not be based on any Protected Class. Bullying behavior rises to the level of harassment when the prohibited conduct is based upon the student's sex (including **trans**gender 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. Complaints brought under this policy that are more appropriately handled under the Bullying policy shall be referred for investigation consistent with the procedures in that policy.

Bullying that rises to the level of Sexual Harassment is covered by Policy 2266/AG 2266 - Nondiscrimination on the Basis of Sex in Education Programs or Activities, i.e., sexual harassment prohibited by Title IX, and is not included in this policy. Allegations of such conduct shall be addressed solely by Policy 2266/AG 2266 - Nondiscrimination on the Basis of Sex in Education Programs or Activities.

Harassment

Harassment means any threatening, insulting, or dehumanizing gesture, use of data or computer software, or written, verbal or physical conduct directed against a student based on one or more of the student's Protected Class that:

- A. places a student in reasonable fear of harm to his/her person or damage to his/her property;
- B. has the effect of substantially interfering with a student's educational performance, opportunities, or benefits; or
- C. has the effect of substantially disrupting the orderly operation of a school.

"Harassment" also includes "hate speech"—the use of language, behavior, or images/symbols that express prejudice against a particular group or groups on the basis of any protected characteristic(s).

Examples are:

- A. **making statements that promote violence toward a racial or ethnic group;**
- B. **drawing, displaying, or posting images or symbols of prejudice (e.g., swastikas).**

Sexual Harassment

For purposes of this policy and consistent with Title VII of the Civil Rights Act of 1964, "Sexual harassment" is defined as unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct or other verbal or physical conduct or communication of a sexual nature when:

- A. submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of access to educational opportunities or program;
- B. submission or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's education;
- C. that conduct or communication has the purpose or effect of substantially or unreasonably interfering with an individual's education, or creating an intimidating, hostile, or offensive educational environment.

Sexual harassment may involve the behavior of a person of **any** ~~either~~ gender against a person of the same or **another** ~~opposite~~ gender.

Prohibited acts that constitute sexual harassment **under this policy** may take a variety of forms. Examples of the kinds of conduct that may constitute sexual harassment include, but are not limited to:

- A. unwelcome verbal harassment or abuse;
- B. unwelcome pressure for sexual activity;
- C. **threats or insinuations that a person's employment, wages, academic grade, promotion, classroom work or assignments, academic status, participation in athletics or extra-curricular programs, activities, or events, or other conditions of employment or education may be adversely affected by not submitting to sexual advances;**
- D. **unwelcome verbal expressions, including graphic sexual commentaries about a person's body, dress, appearance, or sexual activities; the unwelcome use of sexually degrading language, profanity, jokes or innuendoes; unwelcome suggestive or insulting sounds or whistles; obscene telephone calls and obscene gestures;**
- E. **Sexually suggestive objects, pictures, graffiti, videos, posters, audio recordings or literature, placed in the work or educational environment, that may reasonably embarrass or offend individuals;**
- F. unwelcome, sexually motivated or inappropriate patting, pinching, or physical contact, other than necessary restraint of students by teachers, administrators, or other school personnel to avoid physical harm to persons or property;
- G. unwelcome sexual behavior or words including demands for sexual favors, accompanied by implied or overt threats concerning an individual's educational status;
- H. unwelcome sexual behavior or words, including demands for sexual favors, accompanied by implied or overt promises of preferential treatment with regard to an individual's educational status;

I. unwelcome behavior or words directed at an individual because of gender;

Examples are:

1. repeatedly asking a person for dates or sexual behavior after the person has indicated no interest;
2. rating a person's sexuality or attractiveness;
3. staring or leering at various parts of another person's body;
4. spreading rumors about a person's sexuality;
5. letters, notes, telephone calls, or materials of a sexual nature;
6. displaying pictures, calendars, cartoons, or other materials with sexual content.

J. inappropriate boundary invasions by a District employee or other adult member of the District community into a student's personal space and personal life;

Boundary invasions may be appropriate or inappropriate. Appropriate boundary invasions make medical or educational sense. For example, a teacher or aide assisting a kindergartner after a toileting accident or a coach touching a student during wrestling or football can be appropriate. However other behaviors might be going too far, are inappropriate and may be signs of sexual grooming.

Inappropriate boundary invasions may include, but are not limited to the following:

1. hugging, kissing, or other physical contacts with a student;
2. telling sexual jokes to students;
3. engaging in talk containing sexual innuendo or banter with students;
4. talking about sexual topics that are not related to the curriculum;
5. showing pornography to a student;
6. taking an undue interest in a student (i.e. having a "special friend" or a "special relationship");
7. initiating or extending contact with students beyond the school day for personal purposes;
8. using e-mail, text messaging or websites to discuss personal topics or interests with students;
9. giving students rides in the staff member's personal vehicle or taking students on personal outings without administrative approval;
10. invading a student's privacy (e.g. walking in on the student in the bathroom, locker-room, asking about bra sizes or previous sexual experiences);
11. going to a student's home for non-educational purposes;
12. inviting students to the staff member's home without proper chaperones (i.e. another staff member or parent of a student);
13. giving gifts or money to a student for no legitimate educational purpose;
14. accepting gifts or money from a student for no legitimate educational purpose;
15. being overly "touchy" with students;
16. favoring certain students by inviting them to come to the classroom at non-class times;
17. getting a student out of class to visit with the staff member;

18. providing advice to or counseling a student regarding a personal problem (i.e. problems related to sexual behavior, substance abuse, mental or physical health, and/or family relationships, etc.), unless properly licensed and authorized to do so;
19. talking to a student about problems that would normally be discussed with adults (i.e. marital issues);
20. being alone with a student behind closed doors without a legitimate educational purpose;
21. telling a student "secrets" and having "secrets" with a student;
22. other similar activities or behavior.

Inappropriate boundary invasions are prohibited and must be reported promptly to one of the District Compliance Officers, as designated in this policy, the Building Principal or the District Administrator.

H. ~~remarks speculating about a person's sexual activities or sexual history, or remarks about one's own sexual activities or sexual history; and~~

- I. verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping that does not involve conduct of a sexual nature.

It is further the policy of the Board that a sexual relationship between staff and students is not permissible in any form or under any circumstances, in or out of the workplace, in that it interferes with the educational process and may involve elements of coercion by reason of the relative status of a staff member to a student.

Not all behavior with sexual connotations constitutes sexual harassment. Sex-based or gender-based conduct must be sufficiently severe, pervasive, and persistent such that it adversely affects, limits, or denies an individual's education, or such that it creates a hostile or abusive educational environment, or such that it is intended to, or has the effect of, denying or limiting a student's ability to participate in or benefit from the educational program or activities.

Race/Color Harassment

Prohibited racial harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's race or color and when the conduct has the purpose or effect of: of interfering with the individual's educational performance; ~~of~~ creating an intimidating, hostile, or offensive learning environment; or ~~of~~ interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's race or color, such as racial slurs, nicknames implying stereotypes, epithets, and/or negative references regarding relative to racial customs.

Religious (Creed) Harassment

Prohibited religious harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's religion or creed and when the conduct has the purpose or effect of: of interfering with the individual's work or educational performance; ~~of~~ creating an intimidating, hostile, or offensive learning environment; or ~~of~~ interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's religious tradition, clothing, or surnames, and/or involves religious slurs.

National Origin/Ancestry Harassment

Prohibited national origin/ancestry harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's national origin or ancestry and when the conduct has the purpose or effect of: of interfering with the individual's educational performance; ~~of~~ creating an intimidating, hostile, or offensive working and/or learning environment; or ~~of~~ interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's national origin or ancestry, such as negative comments regarding customs, manner of speaking, language, surnames, or ethnic slurs.

Disability Harassment

Prohibited disability harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's physical, mental, emotional or learning disability and when the conduct has the purpose or effect of: of interfering with the individual's educational performance; ~~of~~ creating an intimidating, hostile, or offensive learning environment; or ~~of~~ interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's disability disabling condition, such as negative comments about speech patterns, movement, physical impairments or defects/appearances, or the like.

Anti-Harassment Compliance Officers

The Board designates the following individuals to serve as the District's Compliance Officers (also known as "Anti-Harassment Compliance Officers"; hereinafter referred to as the "COs").

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/Middle 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 student handbooks and on the School District's web site.

The Compliance Officer(s) are responsible for coordinating the District's efforts to comply with 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 harassment.

Reports and Complaints of Harassing Conduct ~~Reporting Procedures~~

~~Students and all other members of the School District community, as well as third parties, are encouraged to promptly report incidents of harassing conduct to a teacher, administrator, supervisor, or District employee or official so that the Board may address the conduct before it becomes severe, pervasive, or persistent. Any teacher, administrator, supervisor, or other District employee or official who receives such a complaint shall file it with the District's Anti-Harassment Compliance Officer at his/her first opportunity.~~

~~Students who believe they have been subjected to harassment are entitled to utilize the Board's complaint 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 the knowledge that it is false.~~

~~If, during an investigation of a reported act of bullying in accordance with Policy 5517.01—Bullying, the principal determines that the reported misconduct may have created a hostile learning environment and may have constituted harassment based on 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, 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 this policy.~~

Reporting procedures are as follows:

- A. Any student who believes s/he has been the victim of harassment prohibited under this policy will be encouraged to report the alleged harassment to any District employee, such as a teacher, administrator or other employees.
- B. Any parent of a student who believes the student has been the victim of harassment prohibited under this policy is encouraged to report the alleged harassment to the student's teacher, building administrator or District Administrator.
- C. Teachers, administrators, and other school officials who have the knowledge or received notice that a student has or may have been the victim of harassment prohibited under this policy shall immediately report the alleged harassment to the Compliance Officer and the building principal or District Administrator.
- D. Any other person with knowledge or belief that a student has or may have been the victim of harassment prohibited by this policy shall be encouraged to immediately report the alleged acts to any District employee, such as a teacher, administrator or other employees.
- E. The reporting party or Complainant shall be encouraged to use a report form available from the principal of each building or available from the District office, but oral reports shall be considered complaints as well. Use of formal reporting forms shall

not be mandated. However, all oral complaints shall be reduced to writing.

- F. To provide individuals with options for reporting harassment to an individual of the gender with which they feel most comfortable, each school's building principal shall be advised to designate both a male and a female Compliance Officer for receiving reports of harassment prohibited by this policy. At least one (1) Compliance Officer or other individuals shall be available outside regular school hours to address complaints of harassment that may require immediate attention.

A CO will be available during regular school/work hours to discuss concerns related to harassment, to assist students, other members of the School District community, and third parties who seek support or advice when informing another individual about "unwelcome" conduct, or to intercede informally on behalf of the student.

Any Board employee who directly observes harassment of a student is obligated, in accordance with this policy, to report such observations to one of the COs within two (2) **business**-days. Thereafter, the COs must contact the **Complainant student**, if over age eighteen (18) or the **Complainant's student's** parents/**guardians** if under the age eighteen (18), within two (2) **business** days to advise **s/he/them** of the Board's intent to investigate the alleged misconduct, including the obligation of the compliance officer to conduct an investigation following all the procedures outlined in the complaint procedures.

The COs are assigned to accept complaints of harassment directly from any member of the School District community or a **Third Party visitor to the District**, or to receive complaints that are initially filed with a school building administrator. Upon receipt of a complaint, either directly or through a school building administrator, a CO will **contact the Complainant and** begin **either an informal or formal process (depending on the request of the Complainant or the nature of the alleged harassment), review and investigation or the District Administrator will designate a specific individual to conduct the process necessary for an informal or formal investigation, or the CO will designate a specific individual to conduct such a process. The Compliance Officer(s) will provide a copy of this policy to the Complainant and Respondent.** The CO will prepare recommendations for the District Administrator or will oversee the preparation of such recommendations by a designee. All **Board employees members of the School District community** must report incidents of harassment that are reported to them to the Compliance Officer as soon as possible, but always within no more than two (2) **calendar**-days of learning of the incident.

Investigation and Complaint Procedure

Except for Sexual Harassment that is covered by Policy 2266 - Nondiscrimination on the Basis of Sex in Education Program or Activities, aAny student who believes that **they have/s/he has** been subjected to harassment may seek resolution of **the his/her** complaint through the procedures described below. **The formal complaint process involves an investigation of the Complainant's claims of harassment or retaliation and a process for rendering a decision regarding whether the charges are substantiated. Further, a process for investigating claims of harassment and a process for rendering a decision regarding whether the claim of harassment was substantiated are set forth below.**

Due to the sensitivity surrounding complaints of harassment, timelines are flexible for initiating the complaint process; however, individuals should make every effort to file a complaint within thirty (30) days after the conduct occurs while the facts are known and potential witnesses are available. Once the complaint process is begun, the investigation will be completed in a timely manner (ordinarily, within fifteen (15) calendar days of the complaint being received).

The procedures set forth below are not intended to interfere with the rights of a student to pursue a complaint of harassment or retaliation with the United States Department of Education Office for Civil Rights ("OCR") and/or the Wisconsin Equal Rights Division. The Chicago Office of the OCR can be reached at John C. Kluczynski Federal Building, 230 S. Dearborn Street, 37th Floor Chicago, IL 60604; Telephone: 312-730-1560; FAX: 312-730-1576; TDD: 800-877-8339; Email: OCR.Chicago@ed.gov; Web: <http://www.ed.gov/ocr>.

If at any time during the investigation process the investigator determines that the complaint is properly defined as Bullying, under Policy 5517.01 - Bullying and not Harassment under this Policy, because the conduct at issue is not based on a student's Protected Characteristics, the investigator shall transfer the investigation to the appropriate building principal.

Complaint Procedure

A Complainant~~A student who believes s/he has been subjected to harassment hereinafter referred to as the "Complainant"~~, may file a complaint, either orally or in writing with a teacher, principal, or other District employee at the student's school, the CO, District Administrator, or other District **official employee** who works at another school or at the District level. Due to the sensitivity surrounding complaints of harassment, timelines are flexible for initiating the complaint process; however, individuals should make every effort to file a complaint within thirty (30) days after the conduct occurs while the facts are known and potential witnesses are available. If a Complainant informs a teacher, principal, or other District **official employee** at the student's school, the CO, District Administrator, or other District employee, either orally or in writing, about any complaint of harassment, that employee must report such information to the CO within two (2) **business**-days.

Throughout the course of the process ~~as described herein~~, the CO should keep the parties **reasonably** informed of the status of the investigation and the decision-making process.

All complaints must include the following information to the extent **known it is available**: the identity of the **Respondent individual believed to have engaged in, or to be actively engaging in, harassment**; a detailed description of the facts upon which the complaint is based **(i.e., when, where, and what occurred)**; 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 Compliance Officer 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 reported charge by signing the document.

Upon receiving a complaint, the CO will consider whether any action should be taken in the investigatory phase to protect the Complainant from further harassment or retaliation including but not limited to a change of class schedule for the Complainant or the **Respondent alleged harasser**, or possibly a change of school for either or both of the parties. In making such a determination, the Compliance Officer should consult the () Principal () District Administrator **[END OF OPTION]** 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 the **Respondent individual alleged to have engaged in the harassing conduct, hereinafter referred to as the "Respondent"**, that a complaint has been received. The Respondent will be informed about the nature of the allegations and a copy of **any relevant policies and/or these** administrative procedures and the Board's anti-harassment policy shall be provided to the Respondent at that time. The Respondent must also be provided an opportunity to respond to the complaint.

Within five (5) business days of receiving the complaint, the CO will initiate an investigation by at a minimum confirming receipt of the complaint with the complainant and informing the complainant of the investigation process.

Although certain cases may require additional time, the CO will attempt to complete an investigation into the allegations of harassment within thirtyfive (1530) days of receiving the formal complaint.

~~**Within five (5) business days of receiving the complaint, the CO will initiate a formal investigation to determine whether the Complainant has been subject to offensive conduct/harassment. A principal will not conduct an investigation unless directed to do so by the Compliance Officer.**~~

~~**Although certain cases may require additional time, the CO or designee Compliance Officer will attempt to complete an investigation into the allegations of harassment based on a Protected Class or retaliation within fifteen (15) calendar days of receiving the formal complaint.**~~

The investigation will include:

- A. interview(s) with the Complainant;
- B. interview(s) with the Respondent;
- C. interviews with any other witnesses who **may** reasonably **may** 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 which summarizes the evidence gathered during the investigation and provides recommendations based on the evidence and the definition of harassment as provided in Board policy and State and Federal law as to whether the **Respondent engaged in harassment/retaliation of the Complainant**~~**Complainant has been subject to harassment**~~. In determining if harassment occurred, a preponderance of evidence standard will be used. 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 matter 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 **must** issue a final decision regarding whether or not the complaint of harassment has been substantiated or request further investigation. A copy of the District Administrator's **written final** decision will be delivered to both the Complainant and the 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 shall be final. 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 ("DPI"), Pupil Nondiscrimination Program, or by contacting the DPI Pupil Nondiscrimination Program at (608) 267-9157.

If the decision of the District Administrator is that there is no finding of harassment pursuant to this policy, the student/parent will be informed of the provisions of Policy 5517.01 - Bullying.

The Board reserves the right to investigate and resolve a complaint or report of harassment regardless of whether the member of the School District community or ~~Third Party~~~~third party~~ alleging the harassment pursues 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.

The parties may be represented, at their own cost, at any of the above-described meetings/hearings.

The right of a person to a prompt and equitable resolution of the complaint shall not be impaired by the person's pursuit of other remedies such as the filing of a complaint with the Office for Civil Rights, the filing of charges with local law enforcement, or the filing of a civil action in court. Use of this internal complaint process is not a prerequisite to the pursuit of other remedies.

Additional School District Action

If the evidence suggests that the harassment at issue is a crime or requires mandatory reporting under the Children's Code (Sec. 48.981, Wis. Stat.), the CO or District Administrator shall report the harassment to the appropriate social service and/or law enforcement agency charged with responsibility for handling such investigations and crimes.

Any reports made to the local child protection service or to local law enforcement shall not terminate the CO's obligation and responsibility to continue to investigate a complaint of harassment. While the COs may work cooperatively with outside agencies to conduct concurrent investigations, in no event shall the harassment investigation be inhibited by the involvement of outside agencies without good cause after consultation with the District Administrator.

Privacy/Confidentiality

The District will make all reasonable efforts to protect the rights of the Complainant and the Respondent. The District will respect the privacy of the Complainant, the Respondent, and all witnesses in a manner consistent with the District's legal obligations under State and Federal law. Confidentiality cannot be guaranteed, however. Additionally, the Respondent must be provided the Complainant's identity. ~~All Complainants proceeding through the investigation process should be advised that as a result of the investigation, the Respondent may become aware of 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 a harassment investigation is expected not to disclose any information that is learned or provided~~s/he learns or that s/he provides~~ during the course of the investigation.

Remedial ActionSanctions and Monitoring

If warranted, appropriate remedial action shall be determined and implemented on behalf of the Complainant, including but not limited to counseling services, reinstatement of leave taken because of the discrimination, or other appropriate action.

The Board may appoint an individual, who may be a District employee, to follow up with the Complainant to ensure no further discrimination or retaliation has occurred and to take action to address any reported occurrences promptly.

Sanctions and Disciplinary Action

The Board shall vigorously enforce its prohibitions against harassment by taking appropriate action reasonably calculated to stop the harassment and prevent further misconduct~~such harassment~~.

While observing the principles of due process, a violation of this policy may result in disciplinary action up to and including the discharge of an employee or the suspension/expulsion of a student. All disciplinary action will be taken in accordance with applicable

law.

When imposing discipline, the District Administrator shall consider the totality of the circumstances involved in the matter, including the ~~age~~ages and maturity ~~level~~levels of ~~any student~~those involved. In those cases where harassment is not substantiated, the Board may consider whether the alleged conduct nevertheless warrants discipline in accordance with other Board policies.

Where the Board becomes aware that a prior ~~disciplinary~~remedial action has been taken against ~~the Respondent~~a member of ~~the School District community~~, all subsequent sanctions imposed by the Board and/or District Administrator shall be reasonably calculated to end such conduct, prevent its reoccurrence, and remedy its effects.

Retaliation

Retaliation against a person who makes a report or files a complaint alleging harassment/retaliation or participates as a witness in an investigation is prohibited. Neither the Board nor any other person may intimidate, threaten, coerce or interfere with any individual because the person opposed any act or practice made by any Federal or State civil rights law, or because that individual made a report, formal complaint, testified, assisted or participated or refused to participate in any manner in an investigation, proceeding, or hearing under those laws and/or this policy, or because that individual exercised, enjoyed, aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by those laws and/or this policy.

Retaliation against a person for making a report of discrimination, filing a formal complaint, or participating in an investigation or meeting is a serious violation of this policy that can result in imposition of disciplinary sanctions/consequences and/or other appropriate remedies.

Formal complaints alleging retaliation may be filed according to the internal complaint process set forth above.

The exercise of rights protected under the First Amendment of the United States Constitution does not constitute retaliation prohibited under this policy.

Reprisal

Submission of a good faith complaint or report of harassment will not affect the Complainant's status or educational environment. However, the Board also recognizes that false or fraudulent claims of harassment or false or fraudulent information about such claims may be filed. The Board reserves the right to discipline any person filing a false or fraudulent claim of harassment or false or fraudulent information about such a claim.

The District will discipline or take appropriate action against any member of the School District community who retaliates against any person who reports an incident of harassment prohibited by this policy or participates in a proceeding, investigation, or hearing relating to such harassment. Retaliation includes, but is not limited to, any form of intimidation, reprisal, or harassment.

Education and Training

In support of this policy, the Board promotes preventative educational measures to create greater awareness of discriminatory practices. The District Administrator will develop a method of discussing this policy with the School District community. Training on the requirements of non-discrimination and the appropriate responses to issues of harassment will be provided to the School District community at such times as the Board in consultation with the District Administrator determines is necessary or appropriate.

This policy shall be reviewed at least annually for compliance with local, State, and Federal law.

The District shall conspicuously post a notice including this policy against harassment in each school in a place accessible to the School District community and members of the public. This notice shall also include the name, mailing address and telephone number of the Compliance Officers, the name, mailing address and telephone number of the State agency responsible for investigating allegations of discrimination in educational opportunities, and the mailing address and telephone number of the United States Department of Education, Office for Civil Rights.

A summary of this policy shall appear in the student handbook and shall be made available upon request of parents, students, and other interested parties.

Retention of ~~Public Records, Student Records, and~~ Investigatory Records and Materials

The CO is responsible for overseeing retention of all records that must be maintained pursuant to this policy. 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 **or individuals contracted or appointed by the Board to fulfill its responsibilities;**
 - 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 pertaining 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 **supportive interim** measures offered and/or provided to **the Complainant and/or the Respondent/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 taken, both individual and systemic, to stop the discrimination or harassment, prevent its recurrence, eliminate any hostile environment, and remedy its discriminatory effects.
 - N. **copies of the Board policy and/or procedures/guidelines used by the District to conduct the investigation, and any documents used by the District at the time of the alleged violation to communicate the Board's expectations to students and staff with respect to the subject of this policy (e.g., Student Code of Conduct and/or Employee Handbooks);**
 - O. **copies of any documentation that memorializes any formal or informal resolutions to the alleged discrimination or harassment;**
 - P. **documentation of any training provided to District personnel related to this policy, including but not limited to, notification of the prohibitions and expectations of staff set forth in this policy and the role and responsibility of all District personnel involved in enforcing this policy, including their duty to report alleged violations of this policy and/or conducting an investigation of an alleged violation of this policy; [REMINDER: Documentation of training should be maintained regardless of whether there is an investigation of an alleged violation of this policy. It is best practice to maintain a log of all staff members who participate in a training, along with the date, time and location of the training, and a copy of the materials reviewed and/or presented during the training.]**
- It is suggested the following records also be maintained, as appropriate.**
- Q. **documentation that any rights or opportunities that the District made available to one party during the investigation were made available to the other party on equal terms;**
 - R. **copies of any notices sent to the alleged perpetrator/responding party of the allegations constituting a potential violation of this policy;**
 - S. **copies of any notices sent to the Complainant and the Respondent in advance of any interview or hearing;**
 - T. **copies of any documentation or evidence used during informal and formal disciplinary meetings and hearings, including the investigation report, and any written responses submitted by the Complainant or the Respondent.**

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

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Legal

- 48.981, Wis. Stats.
- 118.13, Wis. Stats.
- P.I. 9, Wis. Admin. Code
- P.I. 41 Wis. Admin. Code
- 20 U.S.C. 1400 et seq., the Individuals with Disabilities Education Act of 2004, as amended (IDEA)
- 29 U.S.C. 794, Section 504 of the Rehabilitation Act of 1973, as amended
- 42 U.S.C. 1983
- 42 U.S.C. 2000d et seq., Title VI of the Civil Rights Act of 1964
- 42 U.S.C. 12101 et seq., Americans with Disabilities Act of 1990, as amended
- 34 C.F.R. Part 104, Section 504 Regulations
- 34 C.F.R. Part 300, IDEA Regulations

Last Modified by Steve LaVallee on September 16, 2021



Book Administrative Guideline Manual
Section For Review - Administrative Guidelines - Vol. 30, No. 2 +
Title Copy of NONDISCRIMINATION AND EQUAL EMPLOYMENT OPPORTUNITY
Code ag1422 - Delete
Status
Adopted February 22, 2018

~~1422—NONDISCRIMINATION AND EQUAL EMPLOYMENT OPPORTUNITY~~

~~This administrative guideline is established to assist in the proper implementation of Policy 1422 and Policy 1422.02.~~

~~**Policy 1422 states:**~~

~~The Board does not discriminate in the employment of administrative staff on the basis of the Protected Classes of race, color, national origin, age, sex (including transgender status, change of sex, sexual orientation, or gender identity), pregnancy, creed or religion, genetic information, handicap or disability, marital status, citizenship status, veteran status, military service (as defined in 111.32, Wis. Stats.), national origin, ancestry, arrest record, conviction record, use or non-use of lawful products off the District's premises during non-working hours, or declining to attend an employer-sponsored meeting or to participate in any communication with the employer about religious matters or political matters, or any other characteristic protected by law in its programs and activities, including employment practices and opportunities.~~

~~The District's Compliance Officers identified in Policy 1422 shall handle inquiries regarding the Board's nondiscrimination policies and address any complaint of discrimination.~~

~~**Disability Discrimination And Reasonable Accommodation**~~

~~It is the policy of the Board that the District shall not discriminate on the basis of disability and shall provide reasonable accommodations to disabled individuals as required by State and Federal law.~~

~~In analyzing the District's duties and responsibilities under State and Federal law, it is important to note that the requirements of the Wisconsin Fair Employment Act and the Americans With Disabilities Act differ. The following chart summarizes and compares the major provisions of these two (2) laws and some of the important differences:~~

| Issue | ADA | WFEA |
|-------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Coverage | The ADA applies to employers with fifteen (15) or more employees | The WFEA covers any entity (with certain exceptions), including the State, engaged in any activity, enterprise, or business employing at least one (1) individual. |
| Definition of Disability | Physical or mental impairment that substantially limits one (1) or more of the major life activities of an individual, or being regarded as having such an impairment, or a records of having such an impairment. | Real or perceived impairment that: (a) makes (or is perceived to make) achievement unusually difficult or (b) limits (or is perceived to limit) the capacity to work. |

~~For purposes of defining disability, "impairment" means a deterioration, a~~

lessening, or damage to a normal bodily function or bodily condition."

Major Life Activities

EEOC regulations define "major life activities" as functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, eating, sleeping, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working.

Makes achievement unusually difficult—The limitations on an individual's ability to achieve and capacity to work must be beyond normal limitations that might render a person unable to make certain achievements or perform every possible job.

Major life activities also include the operation of a major bodily function, including, but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

The inquiry concerning the effect of an impairment is not about "mere difficulty," but about "unusual difficulty."

An impairment that is episodic in nature or in remission is considered a disability if it would substantially limit a major life activity when active.

Limits the Ability to Work—Refers to the ability to perform the particular job in question.

Asymptomatic Conditions

Asymptomatic HIV/AIDS is a disability where it substantially limits the major life activity of reproduction.

Diseases such as HIV/AIDS may be disabilities under the WFEA even if in remission or the person is not otherwise actively suffering from the effects of the disease.

Exclusions From Coverage

A person who is not a "qualified individual with a disability" is not covered by the ADA. A person who is currently engaging in the illegal use of drugs is not a "qualified individual." Homosexuality and bi-sexuality are not impairments, and therefore not disabilities. Other conditions that are specifically excluded from ADA coverage include:

It is not discrimination where the disability is reasonably related to the individual's ability to adequately undertake the job-related responsibilities of that individual's employment, membership, or licensure.

Transvestism, transexualism, pedophilia, exhibitionism, voyeurism, gender identity disorders not resulting from physical impairment, or other sexual behavior disorders.—Compulsive gambling, kleptomania, or pyromania.

—Psychoactive substance use disorders resulting from the current illegal use of drugs.

Reasonable Accommodation

The employer must demonstrate that accommodation would impose "undue hardship" on operation of business.

Employer has the burden of proving that an accommodation would pose a "hardship" on the employer's program, enterprise, or business.

It is inappropriate to conclude as a matter of law that any particular kind of action is not required as an

accommodation:

An accommodation may be "reasonable" and still pose a "hardship" to the employer.

Essential Functions

The fundamental job duties of the employment position which the disabled individual holds or desires, but not the marginal functions of the position.

No provision of the WFEA uses the term essential function.

A job function may be essential for the following reasons:

- The reason the position exists is to perform that function
- There are a limited number of employees available among whom the performance of that job function can be distributed
- The function may be highly specialized so that the incumbent in the position is hired for his/her expertise or ability to perform the job

Evidence of whether a particular function is essential includes:

- The employer's judgment as to which functions are essential advertising or interviewing applicants for the job
- The amount of time spent on the job performing the function
- The consequences of not requiring the incumbent to perform the functions
- The terms of the collective bargaining agreement
- The work experience of past incumbents in the job
- The current work experience of incumbents in similar jobs

Direct Threat

The employer has the burden of showing that the employee presents a "direct threat" (significant risk) to the health or safety of others that cannot be eliminated by reasonable accommodation.

To evaluate whether an employee can "adequately undertake the job-related responsibilities" of a particular job, the present and future safety of the individual, of the individual's co-workers and, if applicable, of the general public may be considered.

Medical Exams And Inquiries

The ADA specifically prohibits pre-employment disability-related inquiries.

There is no specific prohibition in the WFEA relating to pre-employment disability-related inquiries.

Sex-Based Discrimination

Discrimination against a transgender individual because that person is transgender is discrimination based on sex and therefore a violation of Title VII prohibited by Board policy. Specifically, discrimination against transgender individuals on the basis of sex stereotyping/gender nonconformity will be investigated as sex discrimination. This is true irrespective of the cause of the person's gender non-conforming behavior.

~~Additionally, employment actions based upon an individual's sexual orientation are prohibited under Board policy. Administrators are required to investigate allegations of conduct involving the discrimination or harassment of an employee or applicant based upon his/her transgender identity or sexual orientation.~~

~~Any questions concerning whether alleged conduct might violate this prohibition should be promptly brought to the District Administrator's attention.~~

Military Status

~~For purposes of this policy/administrative guideline, "military status" refers to a person's status in the uniformed services which includes the performance of duty, on a voluntary or involuntary basis, in a uniformed service including active duty, active duty for training, initial active duty for training, inactive duty for training, full-time National Guard duty. It also includes the period of time for which a person is absent from employment for the purpose of an examination to determine the fitness of the person to perform any such duty as listed above.~~

Investigation and Complaint Procedure (See Form 1422-F2)

~~Any employee who believes that s/he has been subjected to unlawful discrimination or retaliation may seek resolution of his/her complaint through the procedures described in Policy 1422—Nondiscrimination and Equal Employment Opportunity. The complaint procedures involve an investigation of the individual's claims and a process for rendering a decision regarding whether the charges are substantiated.~~

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| Section | For Review - Administrative Guidelines - Vol. 30, No. 2 + |
| Title | NONDISCRIMINATION AND ANTI-HARASSMENT - SECTION 504/ADA - PROHIBITION AGAINST DISABILITY DISCRIMINATION IN EMPLOYMENT |
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1623 - SECTION 504/ADA - PROHIBITION AGAINST DISABILITY DISCRIMINATION IN EMPLOYMENT

The Board prohibits discrimination against any employee or applicant based on **his/her** disability. As such, the Board will not engage in employment practices or adopt policies that discriminate on the basis of disability against qualified individuals with disabilities in every aspect of employment. Specifically, the Board does not discriminate on the basis of disability against a qualified individual in regard to:

- A. recruitment, advertising, and job application procedures;
- B. hiring, upgrading, promotion, award of tenure, demotion, transfer, layoff, termination, right of return from layoff, and rehiring;
- C. rates of pay or any other form of compensation and changes in compensation;
- D. job assignments, job classifications, organizational structures, position descriptions, lines of progression, and seniority lists;
- E. leaves of absence, sick leave, or any other leave;
- F. fringe benefits available by virtue of employment, whether or not administered by the **DistrictBoard**;
- G. selection and financial support for training, including: apprenticeships, professional meetings, conferences and other related activities, and selection for leaves of absence to pursue training;
- H. activities sponsored by the Board, including social and recreational programs; and
- I. any other term, condition, or privilege of employment.

The **DistrictBoard** will provide a reasonable accommodation to a qualified applicant and employee who has an actual disability or who has a record of a disability **that is needed for the employee/applicant to perform the essential functions of the position**, unless the accommodation would impose an undue hardship on the operation of the District's programs and/or activities. A reasonable accommodation is not required for an individual who is merely regarded as having a disability.

An individual with a disability is anyone who:

- A. has a physical or mental impairment that substantially limits one or more major life activities ("actual disability");
- B. has a record of **having** (i.e., has a history of, or has been misclassified as having) a physical or mental impairment that substantially limits one or more major life activities; or
- C. is regarded as having a physical or mental impairment that substantially limits one or more major life activities (i.e., has a physical or mental impairment that does not substantially limit major life activities but is treated by the District as

constituting such a limitation, or has a physical or mental impairment that substantially limits major life activities only as a result of the attitude of others toward such impairment, or has none of the physical or mental impairments recognized by Section 504 but is treated as having such an impairment).

Major life activities include, but are not limited to, caring for oneself, performing manual tasks, walking, seeing, hearing, eating, sleeping, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, sitting, reaching, interacting with others, and working.

Major life activities also include the operation of a major bodily function, including, but not limited to, functions of the immune system, special sense organs and skin, normal cell growth, and digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, hemic, lymphatic, musculoskeletal and reproductive functions. The operation of a major bodily function includes the operation of an individual organ within a body system.

Physical or mental impairment means:

A. any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems:

1. neurological;
2. musculoskeletal;
3. special sense organs;
4. respiratory, including speech organs;
5. cardiovascular;
6. reproductive;
7. digestive;
8. genitourinary;
9. hemic and lymphatic;
10. skin;
11. immune;
12. circulatory;
13. endocrine;

B. any mental or psychological disorder, such as an intellectual disability, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

While the determination of whether an impairment substantially limits a major life activity is an individualized one that is case specific, given the inherent nature of the following impairments, as a **practicalfactual** matter, they **almostwill-virtually** always **will** be found to impose a substantial limitation, at a minimum, on the major life activity indicated: deafness substantially limits hearing; blindness substantially limits seeing; an intellectual disability substantially limits brain function; partially or completely missing limbs or mobility impairments requiring the use of a wheelchair substantially **limitlimits** musculoskeletal function; autism substantially limits brain function; cancer substantially limits normal cell growth; cerebral palsy substantially limits brain function; diabetes substantially limits endocrine function; epilepsy substantially limits neurological function; Human Immunodeficiency Virus (HIV) infection substantially limits immune functions; multiple sclerosis substantially limits neurological function; muscular dystrophy substantially limits neurological function; and major depressive disorder, bipolar disorder, post-traumatic stress disorder, obsessive-compulsive disorder, and schizophrenia substantially **limitlimits** brain function.

Physical or mental impairments that are episodic in nature or in remission may constitute a disability for the purposes of Section 504/ADA if the impairment would substantially limit a major life activity when active, such as asthma, allergies, or cancer.

The determination of whether an impairment substantially limits a major life activity must be made without regard to the ameliorative effects of mitigating measures such as medication, medical supplies, equipment or appliances, low-vision devices (defined as devices that magnify, enhance, or otherwise augment a visual image, but not including ordinary eyeglasses or contact

lenses), prosthetics (including limbs and devices), hearing aids and cochlear implants or other implantable hearing devices, mobility devices, oxygen therapy equipment or supplies, use of assistive technology, reasonable accommodations or "auxiliary aids or services", learned behavioral or adaptive neurological modifications, psychotherapy, behavioral therapy, or physical therapy.

Individual with a disability does not include the following (i.e., Section 504 and/or the ADA specifically excludes):

- A. individuals who ~~are currently~~ are engaging in the ~~illegal~~ use of illegal drugs, when the District acts on the basis of such use;
- B. with respect to employment, any individual who is an alcoholic whose current use of alcohol prevents such individual from performing the duties of the job in question or whose employment, by reason of such current alcohol abuse, would constitute a direct threat to property or the safety of others;
- C. with respect to employment, an individual who ~~has a~~ currently has a contagious disease or infection and who, by reason of such disease or infection, would constitute a direct threat to the health or safety of other individuals or who, by reason of the ~~currently~~ contagious disease or infection, is unable to perform the duties of the job;
- D. an individual on the basis of homosexuality or bisexuality; and
- E. an individual on the basis of:
 - 1. transvestism, transsexualism, pedophilia, exhibitionism, voyeurism, gender identity disorders not resulting from physical impairment, or other sexual behavior disorders;
 - 2. compulsive gambling, kleptomania, or pyromania; or
 - 3. psychoactive substance use disorders resulting from current use of illegal ~~use of~~ drugs.

Individual with a disability includes an individual who:

- A. has ~~successfully~~ completed a supervised drug rehabilitation program successfully and is no longer engaging in the illegal use of drugs, or ~~has~~ otherwise has been rehabilitated successfully and is no longer engaging in such use;
- B. is participating in a supervised rehabilitation program and is no longer engaging in such use; or
- C. is erroneously regarded as engaging in the use of illegal ~~use of~~ drugs, but is not engaging in such use.

Under Wisconsin law, an "individual with a disability" means an individual who has a real or perceived physical or mental impairment "which makes achievement unusually difficult or limits the capacity to work." This definition has generally been interpreted as a broader definition than that which exists under Federal law discussed above.

Public Notice

Pursuant to policy, the identity of the District's Compliance Officers (COs) will be published on the District's website and posted throughout the District and included in all recruitment statements or general information publications.

Recruitment materials, job announcements and all other materials/publications published by the Board must contain the following statement:

T~~hat~~ the Board does not discriminate against **individuals with disabilities**~~disabled persons~~ in employment or the provision of services.

The~~This~~ requirement **regarding recruitment materials** may be met by including an insert in existing publications or revising and reprinting publications.

Equal Employment Opportunity Statement

The _____ School District **of Manawa** Board **of Education** does not discriminate on the basis of race, color, sex (including ~~trans~~gender status, change of sex, sexual orientation, or gender identity), religion, age, pregnancy, disability, national origin, ancestry, arrest record, conviction record, use or non-use of lawful products off the District's premises during non-working hours, declining to attend an employer-sponsored meeting or to participate in any communication with the employer about religious matters or political matters, or any other characteristic protected by law in its employment practices.

The Board ~~will~~ also will include a notice of reasonable accommodation requirements on District employment application forms and post notices that employee reasonable accommodation Request Forms may be obtained from the District's Section 504/ADA Coordinator(s) (hereinafter referred to as the Compliance Officer(s) or CO(s)) ~~(who also serves as its ADA Coordinator)~~ ~~(hereinafter referred to as the "CO")~~.

Decision-Making Process for Determining/Identifying Reasonable Accommodations and Undue Hardship

In determining the appropriate accommodation in the employment situation, the District will take into account two (2) factors:

- A. the specific abilities and functional limitations of the particular applicant or employee with a disability; and
- B. the specific functional requirements of the particular job.

A reasonable accommodation is "any change in the work environment or in the way things are customarily done that enables an individual with a disability to enjoy equal employment opportunities." Many times a reasonable accommodation will be obvious and made without difficulty and at little or no cost. The CO will first inquire of the individual with the disability as to any possible suggestions s/he may have for a simple change or adjustment that will serve as an effective accommodation. The District recognizes that employees with disabilities can be useful sources of the information on what type of accommodation they need, where to obtain information on appropriate accommodations, and where to purchase accommodations.

If, however, the identification of a reasonable accommodation proves difficult, the District will utilize an informal, interactive process whereby it and the individual will work together to identify the appropriate accommodation. The interactive process will include any and/or all of the following steps, as ~~may be~~ appropriate:

- A. Examination of the particular job involved and determination of its purpose and essential functions. The District will conduct an individual assessment of the particular job at issue in order to analyze the actual job duties ("essential functions") and determine the true purpose or object of the job. Preferably, a written job description already will be in place that lists the essential functions of the job.
- B. ~~The District will~~The District will then consult with the individual with a disability to find out the individual's~~his/her~~ specific physical or mental abilities and limitations as they relate to the essential job functions. This will help the parties ~~to~~ identify the barriers to job performance and assess how these barriers could be overcome with an accommodation.
- C. In consultation with the individual, the District will identify potential accommodations and assess how effective each would be in enabling the individual to perform essential job functions.
- D. If the parties ~~are~~ still are not able to identify an appropriate accommodation, the District will seek technical assistance.
- E. If there are several effective accommodations that would provide an equal employment opportunity, the District will select the accommodation that best serves the needs of the individual and the District. While the District will give the individual with a disability's preference first consideration, the District may choose among effective accommodations and select the accommodation that is less expensive or easier to provide. The District may consider the cost, efficiency and availability of the alternative accommodations in selecting an effective accommodation. The District does not have the obligation to provide the "best" accommodation possible, so long as it provides an accommodation that is sufficient to meet the job-related needs of the individual being accommodated.

The District will not provide an accommodation without first checking with the employee since the employee may not need or want an accommodation, or the unrequested accommodation may not meet the employee's functional limitations. The District will respect an individual with a disability's right not to accept an accommodation if the individual/s/he has not requested it and does not feel one is necessary. However, if this results in the individual failing to perform essential functions, the individual/s/he may be considered unqualified and ~~may~~ either may be refused employment or discharged.

The District may decline to provide desired accommodations if it determines such accommodations will result in an undue hardship. An undue hardship entails a significant difficulty or expense in, or resulting from, the provision of the accommodation.

Such hardship is not limited to financial difficulty but rather encompasses any accommodation that would be unduly costly, extensive, substantial or disruptive, or that would fundamentally alter the nature or operation of the program. If the cost of an accommodation would impose an undue hardship, the District will give the individual with the disability the option of paying that portion of the cost which would constitute an undue hardship or providing the accommodation. Further, the District will not consider employee morale or the attitudes of others when determining undue hardship.

Decisions not to provide a reasonable accommodation will be in writing and accompanied by an explanation of the decision ~~not to act~~.

Reasonable accommodations may include:

- A. making facilities used by employees readily accessible to and usable by individuals with disabilities;
- B. job restructuring, part-time or modified work schedule, acquisition or modification of equipment or devices, the provision of readers or interpreters, and other similar actions;
- C. making modifications to existing leave policies and providing leave when needed for a disability, even where an employer does not offer leave to other employees;
- D. reassignment to a new job because the disability prevents the employee from performing one (1) or more essential functions of the current job, even with a reasonable accommodation, or because any accommodation in the current job would result in undue hardship. If reassignment is required, the Board will place the employee in a vacant position for which s/he is qualified, without requiring the employee to compete with other applicants for open positions, except reassignment does not include promotion, and generally does not involve placing an employee in a vacant position when another employee is entitled to the position under a uniformly-applied seniority system, if any.

Factors to be considered when determining whether an accommodation would impose an undue hardship on the operation of the District's program or activity include:

- A. the overall size of the District's program or activity with respect to number of employees, number and type of facilities, and size of budget;
- B. the type of the District's operation, including the composition and structure of the District's workforce; and
- C. the nature and cost of the accommodation needed.

Accommodation obligations under the Wisconsin Fair Employment Act may be broader than that required under the ADA, as Wisconsin does not employ the "essential functions of the job" analysis as is used under Federal law.

Employment Criteria

The District will not use qualification standards, employment tests or other selection criteria that screen out or tend to screen out an individual with a disability or a class of individuals with disabilities, on the basis of disability, unless the standard, test or other selection criteria, as used by the Board, is shown to be job-related for the position in question and consistent with business necessity.

The District will select and administer tests concerning employment so that when administered to an applicant or employee who has a disability that impairs sensory, manual or speaking skills, the test results accurately reflect the applicant's or employee's job skills, aptitude, or whatever other factor the test purports to measure, rather than reflecting the applicant's or employee's impaired sensory, manual, or speaking skills (except where those skills are the factors that the test purports to measure).

Pre-employment Inquiries

Except as authorized by law, the District will not conduct a pre-employment medical examination or make pre-employment inquiry of an applicant as to whether the applicant is an individual with a disability or as to the nature or severity of a disability. The District will, however, make pre-employment inquiry into an applicant's ability to perform job-related functions; this includes requesting the applicant to describe or demonstrate how **the applicants/he** would perform the functions.

The District may give a physical agility test at any point in the application or employment process, since such tests are not medical exams. When the District decides to give such a test it must give the test to all similarly situated applicants or employees regardless of disability.

Some examples of alternative test formats and reasonable accommodations are:

- A. allowing people with certain learning or dexterity disabilities to take extra time on a test;
- B. assuring the test site is accessible to a person with a mobility impairment;
- C. allowing a person with a mental disability who cannot perform well with distractions to take a test in a separate room, if a group test setting is not relevant to the job; and
- D. providing Braille, large print, a reader or a computer for people with vision impairments.

If the District conditions an offer of employment on the results of a medical examination conducted prior to the employee's entrance on duty, the District will:

- A. subject all entering employees in the same job classification to such an examination regardless of disability; and
- B. use the results of the examination ~~will be used~~ only as authorized by law.

The successful candidate who is required to submit to a medical examination, as well as the medical provider that is designated by the District to conduct the examination, will be directed not to collect or provide any genetic information, including the candidate's medical history, in the report of the medical examination.

Information obtained as to the medical condition of the applicant, including any inadvertently provided genetic information, will be collected and maintained on separate forms that shall be accorded confidentiality as medical records, except that:

- A. supervisors and managers may be informed regarding restrictions on the work or duties of individuals with disabilities and ~~regarding~~ necessary accommodations;
- B. first aid and safety personnel may be informed whenwhere appropriate, if the condition might require emergency treatment; and
- C. government officials investigating compliance with Section 504, the ADA and/or the Genetic Information Nondiscrimination Act ("GINA") shall be provided relevant information upon request.

Interviews

All of the topics labeled off-limits with respect to job applications ~~are~~ likewise are prohibited as subjects of inquiry during job interviews. The District, however, may ask questions that relate to an applicant's ability to perform job-related functions so long as they do it does not phrase the questions in terms of disability. The interviewer may ask about an applicant's ability to perform both essential and marginal job functions. In addition, the interviewer may describe or demonstrate job function(s) and inquire whether the applicant can perform that function(s) with or without reasonable accommodation. Along the same lines, the interviewer may ask the applicant to describe or demonstrate how, with or without reasonable accommodation, the applicants/he will perform the job-related functions. Any questions concerning the need for reasonable accommodation ~~should~~ always should be linked with performance of a specific job function. The interviewer never should ~~never~~ ask an open-ended question such as, "Will you need a reasonable accommodation?"

Interviews should thus concentrate on how applicants will complete tasks that are essential functions, rather than on eliciting information about the applicant's physical or mental condition. Similarly, the District may inquire as to an applicant's ability to perform a job effectively and safely.

According to the EEOC, the following are examples of questions that cannot be asked on a job application or during an interview:

- A. Have you ever had or been treated for any of the following conditions or diseases?
- B. Please list any conditions or diseases for which you have been treated in the past three (3) years.
- C. Have you ever been hospitalized? If so, for what condition?
- D. Have you ever been treated by a psychiatrist or psychologist? If so, for what condition?
- E. Have you ever been treated for any mental condition?
- F. Is there any health-related reason you may not be able to perform the job for which you are applying?
- G. Have you had a major illness in the last five (5) years?
- H. How many days were you absent from work because of illness last year?
- I. Do you have any physical defects that preclude you from performing certain kinds of work? If yes, describe such defects and specific work limitations?
- J. Do you have any disabilities or impairments that may affect your performance in the position for which you are applying?
- K. Are you taking prescribed drugs?

L. Have you ever been treated for drug addiction or alcoholism?

M. Have you ever filed for workers' compensation insurance?

Interviewers should not ask a Reference question about an applicant that they could not ask the applicant **directly himself/herself** (i.e., previous employers cannot be asked about a former employee's disabilities, illness or workers' compensation history/claims).

The following are pre-employment questions that can be asked:

A. Can you meet the requirements of our attendance policy?

B. Can you perform the tasks of this position with or without an accommodation?

C. Describe or demonstrate how you would perform this function, with or without an accommodation? (Such a question can be asked of applicants who have a known disability that might prevent them from performing a job function. If the disability would not interfere with a job function, however, the person could **only** be asked to demonstrate job performance **only** if all other candidates must do so.)

If an applicant indicates **the applicants/he** has performed a particular function with an accommodation, the potential employer may inquire about it.

Investigation and Complaint Procedure

Any employee or applicant who believes that s/he has been subjected to **unlawful** discrimination, retaliation, or denied reasonable accommodation may seek resolution of his/her complaint through the procedures described in Policy 1623 - Section 504/ADA Prohibition Against Disability Discrimination In Employment. The complaint procedure involves an investigation of the individual's claims and a process for rendering a decision regarding whether the charges are substantiated.

Privacy/Confidentiality

The District will employ all reasonable efforts to protect the rights of the Complainant, the Respondent(s), and the witnesses as much as possible, consistent with the Board's legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations. All records generated under the terms of this policy shall be maintained as confidential to the extent permitted by law. Confidentiality, however, cannot be guaranteed. All Complainants will be advised that their identities may become known to the Respondent(s) through the investigation process.

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

All public records created as a part of an investigation of a complaint of discrimination/retaliation will be maintained in accordance with the Board's records retention policy.

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| Title | Copy of NONDISCRIMINATION AND ACCESS TO EQUAL EDUCATIONAL OPPORTUNITY |
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| Adopted | April 23, 2018 |

~~2260—NONDISCRIMINATION AND ACCESS TO EQUAL EDUCATIONAL OPPORTUNITY~~

~~This administrative guideline is established to assist in the proper implementation of Policy 2260. The District will follow the complaint procedures under Section 118.13, Wisconsin Statutes, unless the complaint relates to the provisions of a free appropriate public education (FAPE) under Part 104 of Section 504.~~

~~That policy states:~~

~~The Board of Education does not discriminate on the basis of Protected Classes of race; color; religion; national origin; sex (including transgender status; change of sex or gender identity); ancestry; creed; pregnancy; marital status; parental status; sexual orientation; or physical, mental, emotional, or learning disability, or any other characteristic protected by Federal or State law in its programs, or activities. (Collectively "Protected Classes") in its educational programs or activities.~~

~~The Board also does not discriminate on the basis of Protected Classes in its employment policies and practices as they relate to students, and does not tolerate harassment of any kind.~~

~~Equal educational opportunities shall be available to all students, without regard to the Protected Classes, age (unless age is a factor necessary to the normal operation or the achievement of any legitimate objective of the program/activity), place of residence within the boundaries of the District, or social or economic background, to learn through the curriculum offered in this District. Educational programs shall be designed to meet the varying needs of all students.~~

~~The District's Compliance Officers shall handle inquiries regarding the Board's nondiscrimination policies and address any complaint of discrimination.~~

~~The District will identify, evaluate and provide a free appropriate public education to students with disabilities (i.e., students who have a physical or mental impairment that substantially limits one or more major life activities).~~

~~GENDER-BASED HARASSMENT~~

~~The United States Department of Education, Office for Civil Rights ("OCR") considers gender-based harassment to be a form of sex discrimination. In 2010, OCR stated:~~

~~Title IX prohibits harassment of both male and female students regardless of the sex of the harasser — i.e., even if the harasser and target are members of the same sex. It also prohibits gender-based harassment, which may include acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex stereotyping. Thus, it can be sex discrimination if students are harassed either for exhibiting what is perceived as a stereotypical characteristic of their sex, or failing to conform to stereotypical notions of masculinity and femininity. Title IX also prohibits sexual harassment and gender-based harassment of all students, regardless of the actual or perceived sexual orientation or gender identity of the harasser or target.~~

~~Although Title IX does not prohibit discrimination based solely on sexual orientation, Title IX does protect all students, including lesbian, gay, bisexual, and transgender (LGBT) students, from sex discrimination. When students are subjected to harassment on the basis of their LGBT status, they may also be subjected to forms of sex discrimination prohibited under Title IX. The fact that the harassment includes anti-LGBT comments or is partly based on the target's actual or perceived sexual orientation does not relieve a school of its obligation under Title IX to investigate and remedy overlapping sexual harassment or gender-based harassment.~~

~~Courts have endorsed this interpretation of Title IX.~~

~~Administrators and professional staff are directed to thoroughly investigate any allegations of gender-based harassment.~~

~~Any questions concerning whether alleged conduct might involve gender-based harassment/sex discrimination should be promptly brought to the District Administrator's attention.~~

~~FACILITIES~~

~~The educational program of this District shall be accessible to all students. All programs need to be designed and scheduled so the location or nature of the facility or area will not deny an otherwise qualified student with a disability the opportunity to participate in the academic or other school program on the same basis as a nondisabled student.~~

~~Service animals for students who require this type of assistance shall be permitted access to all facilities, programs, and all events of the District. (See Policy 8390—Animals on District Property and AG 8390—Use of Service Animals.)~~

~~PROGRAM~~

~~The educational program includes the academic and nonacademic setting. Each qualified, disabled student shall be educated with nondisabled students to the maximum extent appropriate. In the nonacademic setting, the disabled student shall participate with the nondisabled students to the maximum extent appropriate.~~

~~Each principal shall verify that the procedures used with students and parents for selection of and participation in any part of the District's academic, co-curricular, or extra-curricular program do not discriminate on the basis of the Protected Classes (See AG 2411—Guidance and Counseling).~~

~~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 and the Complaint Procedure detailed in Policy 2260—Nondiscrimination and Access to Equal Educational Opportunity shall be followed.~~

~~-~~

~~School District~~

~~Due Process Procedures Under Section 504~~

~~-~~

~~The due process hearing is an administrative hearing held to resolve disagreements between the parent or guardian and the District. The District is required to establish and implement procedural safeguards that include notice, an opportunity for parents to review relevant records, an impartial hearing with opportunity for parents to review relevant records, an impartial hearing with opportunity for participation by the student's parent or guardian, representation by counsel and a review procedure. The parent or guardian has the right to request a due process hearing regarding the District's proposal to or refusal to identify, evaluate, educationally place, or deliver services in any aspect to a student pursuant to the Section 504 regulations. In addition, the District may request a due process hearing to obtain parental consent of an initial evaluation, prove that the District's evaluation was appropriate, and secure parental consent for initial special educational placement. Finally, the District is required to request a due process hearing when a parent or guardian refuses to provide written consent for a re-evaluation and to move a student to an interim alternative educational setting for up to forty five (45) days for behavior believed to be dangerous to the student or to others.~~

~~Requesting a Due Process Hearing~~

- ~~A. If a parent or guardian requests a due process hearing, the request will be forwarded to the Curriculum Director who chairs the Pupil Service Committee.~~
- ~~B. The Director will acknowledge the request in writing within five (5) school days and request the parent to complete a written request, if not already provided, which includes the following information:~~
 - ~~1. name of the parties requesting the hearing~~
 - ~~2. relationship to the child~~
 - ~~3. address of parties requesting the hearing~~
 - ~~4. name of the child~~
 - ~~5. address of the child~~
 - ~~6. school district of the child's residence~~

7. ~~school district where child is attending~~
 8. ~~description of the nature of the problem the child is experiencing related to the action proposed, including facts relating to the problem and the specific reasons for requesting a hearing~~
 9. ~~description of the proposed resolution of the problem (to the extent known and available to the parent(s))~~
- C. ~~The Director will forward the information provided by the parent or guardian to a neutral third party hearing officer knowledgeable in the Section 504 regulations and request that the hearing officer schedule a pre-hearing conference within five (5) school days of the request for purposes of scheduling a due process hearing.~~
- D. ~~The hearing officer will comply with the due process procedures under Federal law (IDEA where Section 504 is silent), and utilize the due process procedures set forth under Chapter 115, Wisconsin Statutes.~~

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| Title | NONDISCRIMINATION AND ANTI-HARASSMENT - SECTION 504/ADA PROHIBITION AGAINST DISCRIMINATION BASED ON DISABILITY, INCLUDING PROCEDURES FOR THE IDENTIFICATION, EVALUATION, AND PLACEMENT OF STUDENTS SUSPECTED OF HAVING A DISABILITY, AND THE RIGHT TO FAPE |
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2260.01A - SECTION 504/ADA PROHIBITION AGAINST DISCRIMINATION BASED ON DISABILITY, INCLUDING PROCEDURES FOR THE IDENTIFICATION, EVALUATION AND PLACEMENT OF STUDENTS SUSPECTED OF HAVING A DISABILITY, AND THE RIGHT TO FAPE

The District Administrator establishes these administrative guidelines for the identification, evaluation, and educational programming and placement of students with disabilities who qualify under Section 504/ADA. These guidelines, along with AG 2260.01B, further fulfill the Board's directive to adopt a system of procedural safeguards that includes the right to have a due process hearing.

Section 504 of the Rehabilitation Act of 1973 and its implementing regulations ("Section 504") prohibit discrimination against qualified persons with a disability in any program or activity receiving Federal financial assistance. No discrimination against any qualified person with a disability will be knowingly permitted in any of the programs, activities, and/or practices in the District.

Building principals shall serve as Building Section 504/ADA Compliance Officers (hereinafter referred to as the "Building CO").

A person with a disability is anyone who:

- A. has a physical or mental impairment that substantially limits one (1) or more major life activities;
- B. has a record of (i.e., has a history of, or has been misclassified as having) a physical or mental impairment that substantially limits one (1) or more major life activities; or
- C. is regarded as having a physical or mental impairment that substantially limits one (1) or more major life activities (i.e., has a physical or mental impairment that does not substantially limit major life activities but is treated by the District as constituting such a limitation, or has a physical or mental impairment that substantially limits major life activities only as a result of the attitude of others toward such impairment, or has none of the physical or mental impairments recognized by Section 504 but is treated as having such an impairment).

Major life activities include, but are not limited to, caring for oneself, performing manual tasks, walking, seeing, hearing, eating sleeping, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, sitting, reaching, interacting with others, and working.

Major life activities also include the operation of a major bodily function, including, but not limited to, functions of the immune system, special sense organs and skin, normal cell growth, and digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, hemic, lymphatic, musculoskeletal and reproductive functions. The operation of a major bodily function includes the operation of an individual organ within a body system.

Physical or mental impairment means:

A. any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one (1) or more of the following body systems:

1. neurological;
2. musculoskeletal;
3. special sense organs;
4. respiratory, including speech organs;
5. cardiovascular;
6. reproductive;
7. digestive;
8. genito-urinary;
9. hemic and lymphatic;
10. skin;
11. endocrine;

B. any mental or psychological disorder, such as intellectual disability, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

Physical or mental impairments that are episodic in nature or in remission may constitute a disability for the purposes of Section 504/ADA if the impairment would substantially limit a major life activity when active, such as asthma, allergies, or cancer.

The determination of whether an impairment substantially limits a major life activity must be made without regard to the ameliorative effects of mitigating measures such as medication, medical supplies, equipment or appliances, low-vision devices (not including ordinary eyeglasses or contact lenses), prosthetics (including limbs and devices), hearing aids and cochlear implants or other implantable hearing devices, mobility devices, oxygen therapy equipment or supplies, assistive technology, reasonable accommodations or auxiliary aids or services, or learned behavioral or adaptive neurological modifications.

Individual with a disability does not include the following (i.e., Section 504 specifically **excludes**):

- A. individuals who ~~are~~ currently are engaging in the ~~illegal~~ use of illegal drugs, when the District acts on the basis of such use
- B. an individual on the basis of homosexuality or bisexuality
- C. an individual on the basis of:
 1. transvestism, transsexualism, pedophilia, exhibitionism, voyeurism, gender identity disorders not resulting from physical impairment, or other sexual behavior disorders;
 2. compulsive gambling, kleptomania, or pyromania; or
 3. psychoactive substance use disorders resulting from current ~~illegal~~ use of illegal drugs.

Individual with a disability includes an individual who:

- A. has ~~successfully~~ completed a supervised drug rehabilitation program successfully and is no longer engaging in the illegal use of drugs, or ~~has~~ otherwise has been rehabilitated successfully and is no longer engaging in such use;
- B. is participating in a supervised rehabilitation program and is no longer engaging in such use; or
- C. is erroneously regarded as engaging in the ~~illegal~~ use of illegal drugs, but is not engaging in such use.

Notwithstanding the preceding, for purposes of programs and activities, providing educational services, the District may take disciplinary action pertaining to the use or possession of illegal drugs or alcohol against any student who is an individual with a

disability and who currently is engaging in the ~~illegal~~-use of illegal drugs or in the use of alcohol to the same extent that such disciplinary action is taken against students who are not individuals with disabilities.

The District will not discriminate against otherwise qualified students with disabilities (i.e., students who otherwise meet eligibility criteria – e.g., age – for participation in the educational program and/or activities) in the provision of its educational programs and activities. The District further will provide a free appropriate public education (FAPE) to qualified students with disabilities (i.e., students who have a physical or mental impairment that substantially limits one (1) or more major life activities). Said education shall entail the provision of regular or special education and related aids and services that are designed to meet the individual educational needs of students with disabilities as adequately as the needs of ~~non-disabled~~ students without disabilities are met. This includes providing academic and non-academic services to students with disabilities in the same setting as their ~~non-disabled~~ peers without disabilities to the maximum extent appropriate. In addition to its provision of educational services, the Board will not discriminate against otherwise qualified students with disabilities in its provision of non-educational academic and extra-curricular services and activities such as counseling services, ~~physical-recreational~~ athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the District, referrals to agencies that provide assistance to persons with disabilities, and employment of students, and will provide students with disabilities an equal opportunity to participate in such services and activities. Qualified students with disabilities will be afforded accommodations/modifications/interventions to the District's non-academic and extra-curricular services and activities, unless such accommodations/modifications/interventions would impose an undue financial burden, or service or activity. A determination that a particular accommodation/modification/intervention would constitute an undue burden must be made by the District Administrator after considering all resources available for use in the funding and operation of the service or activity, and ~~must be~~ accompanied by a written statement of the reasons for reaching that conclusion. In the event the District Administrator determines that an undue burden would result, the District will take any other action that would not result in such burden but would still allow, to the maximum extent possible, individuals with disabilities to receive the benefits of the District's non-academic and extra-curricular services and activities on an equal basis as individuals without disabilities.

If a parent disagrees with a determination made by the District's professional staff concerning the identification, evaluation, or placement of a student with a disability, the parent may request a hearing before an impartial hearing officer that is not employed by the District (see AG 2260.01B).

Alternatively, the parent may file an internal complaint. (See Policy 2260.01 - Section 504/ADA Prohibition Against Discrimination Based on Disability). A parent does not need to first exhaust the internal complaint process in order to file a request for a due process hearing. In fact, a due process hearing may be requested at any time and the parent does not waive that right if the parents/he first opts to try to resolve the his/her dispute through the internal complaint process. (see Policy 2260.01).

Procedures Applicable to Section 504 Referrals/Evaluations/Plans

Annually, the District will undertake efforts designed to identify and locate every qualified person with a disability residing in the District who is not receiving a public education, and notify the person and their parents of the District's duties and responsibilities under Section 504.

Referral

Referrals may be made by anyone (e.g., parents, teachers, or other knowledgeable professionals). Referrals shall be made on the Suspected Disability Referral form (Form 2260.01A F4) and submitted to the Building CO. Referrals may be made at any time. Parents may request a referral form by contacting the Building CO or a District CO.

Generally, a staff member should refer a student for an evaluation under Section 504 if the staff members/he suspects that the student ~~not only~~ has a mental or physical impairment ~~but also suspects an impairment~~ which substantially limits one (1) or more major life activities. Examples:

- A. A teacher knows only that a student has asthma, without any other information. Refer? No.
- B. A teacher knows that a student has asthma and has an inhaler that is kept in the nurse's office that the student occasionally uses, without any other information. Refer? No.
- C. A teacher knows that a student has asthma, uses an inhaler in school, is frequently absent for asthma-related illnesses, and is having trouble in gym. Refer? Yes.

Assessment/Evaluation

Upon receipt of a Suspected Disability Referral Form, the Building CO will notify the appropriate 504 Case Manager who will collect all relevant information on the student (e.g., medical reports, grade cards/report cards, school history, disciplinary action, etc.) to assist in documenting whether the student has a physical and/or mental impairment that substantially limits one (1) or more major life activities.

The 504 Case Manager should contact school staff who perform assessments and have them review existing pertinent information and determine whether additional assessments are needed. If an evaluation is needed, written parental consent shall be obtained within thirty (30) calendar days of the referral for an evaluation. ~~And a~~ copy of the Notice of Section 504/ADA Procedural Information and Rights (Form 2260.01A F3) shall be sent to the parents upon the referral and before obtaining written parental consent for the evaluation.

The evaluation must be sufficient to accurately and completely assess the nature and extent of the disability, and the recommended services and/or accommodations. Evaluations that are more limited than a full special education evaluation may be adequate in some circumstances. The evaluation or review of assessment information should include consideration of any behaviors that interfere with the otherwise qualified student's regular participation in the educational program and/or activities.

If the District does not suspect that a student has a mental or physical impairment that substantially limits one (1) or more major life activities and therefore determines not to evaluate, it will notify the parents of that decision through the issuance of a prior written notice (Form 2260.01A F18) and provide them with a copy of the Notice of Section 504/ADA Procedural Information and Rights.

Before any action is taken with respect to Section 504 accommodations for a student with a disability, an evaluation shall be conducted or assessment information reviewed to determine if the student has a disability~~is disabled~~ under Section 504.

Parents will be afforded the opportunity to meaningfully participate and provide input in the evaluation process. The assessment information may include, but will not be limited to, medical reports that document a physical/mental impairment, aptitude and achievement test scores, teacher observations, recommendations, and other data, including information on social or cultural background and adaptive behavior. The information obtained from all such sources shall be documented and carefully considered. Additionally, if an evaluation is conducted, the Building CO, in conjunction with the designated 504 Case Manager is responsible for verifying that:

- A. tests and other evaluation materials have been validated for the specific purpose for which they are used and are administered by trained personnel in conformance with the instructions provided by their producer;
- B. tests and other evaluation materials include those tailored to assess specific areas of educational need and not merely those that are designed to provide a single general intelligence quotient; and
- C. tests are selected and administered so that, when a test is administered to a student with impaired sensory, manual, or speaking skills, the test results accurately reflect the student's aptitude or achievement level or whatever other factor the test purports to measure, rather than reflecting the student's impaired sensory, manual, or speaking skills (except where those skills are the factors that the test purports to measure).

Re-Evaluations

Reevaluations are not required at specific intervals; however, assessments will be updated so that eligibility and accommodation planning is based on information that accurately defines the student's disability and reflects the student's current strengths and needs. At least every three (3) years appropriate school staff should determine whether updated evaluations are needed. A re-evaluation will be completed prior to a significant change in placement. When a reevaluation is needed, parents will be sent prior notice (Form 2260.01A F18) and a copy of the Notice of Section 504/ADA Procedural Information and Rights. Consistent with initial evaluations, parents will be afforded the opportunity to meaningfully participate and provide input in the re-evaluation process.

Eligibility Determination

Within a reasonable period of time (generally no more than sixty (60) calendar days), the Building CO will convene a Section 504an Intervention Assistance Team ("IAT") Conference. The student's parents will be sent a letter inviting them to attend and participate in the Section 504IAT conference (Form 2260.01A F9). The letter to the parents should be sent at least seven (7)calendar days prior to the Conference. Parents will also be sent a copy of the Notice of Section 504/ADA Procedural Information Rights. The Section 504 TeamIAT shall be composed of persons knowledgeable about the child, the meaning of the evaluation data, and the placement options, and should at a minimum include the Building CO, the designated 504 Case Manager, and the parents. The Section 504 TeamIAT may also include general education teacher(s), the student, guidance counselor, school psychologist, the District's Health Coordinator, school nurse, Director of Pupil Services/Special Education, and other persons with knowledge of the student or the suspected disability, and any other individual the parents may wish to bring to the Conference. The purpose of the Conference is to discuss the information gathered, determine whether the student has a disability that makes him/her eligible for specialized services and/or accommodations/modifications/interventions under Section 504 (i.e. review the impairment/condition and determine whether it substantially limits one (1) or more major life activities), and, if so, determines whether the student requires specialized services and/or accommodations/modifications/interventions in order to receive a free appropriate public education ("FAPE") and to access the District's programs and activities on an equal basis to students without disabilities.

The Building CO will serve as the Chairperson of the **Section 504 conferenceIAT-Conference**. The Chairperson has the following responsibilities:

- A. at each **Section 504 conferenceIAT-Conference**, to verbally explain and offer a written copy of the Notice of Section 504/ADA Procedural Information and Rights (Form 2260.01A F3)
- B. gather information
- C. organize the presentation of the data
- D. coordinate the deliberation of Section 504 eligibility (see Form 2260.01A F11):
 1. Does the student have a physical or mental impairment?
 2. Does that impairment "substantially limit one (1) or more major life activities"?
 3. Does the team have the data to justify a disability determination?
 4. Is the student a qualified individual with **a disabilitydisabilities** within the meaning of Section 504?

At the **Section 504 conferenceIAT-Conference**, the **Section 504 TeamIAT** will determine the needs, accommodations/modifications/interventions, services and placement for the student, which may include, but are not limited to:

- A. adjusting testing procedures;
- B. individualize classroom assignments, homework;
- C. provide staff interventions;
- D. utilize assistive technology;
- E. provide a buddy to take notes;
- F. provide an interpreter (for students or adults);
- G. modify materials;
- H. modify the student's day;
- I. facilitate or modify parents/student/teacher/staff communication;
- J. modify school procedures (e.g., provide additional time for passing between classes, adjust transportation, or approve early dismissal);
- K. develop and implement appropriate medical plans (e.g. emergency, asthma, seizure, or allergy plans) for eligible students whose physical or mental impairment impacts a major life activity other than learning.

~~The accommodations/modifications/interventions will be individualized to meet the needs of the student.~~

The special education or related services, including any accommodations/modifications/interventions, will be individualized to meet the needs of the student.

In interpreting data and making placement decisions, the District will draw upon information from a variety of sources, including aptitude and achievement tests, teacher observations and recommendations, medical reports that document a physical/mental condition, social or cultural background, and adaptive behavior. The information obtained from all such sources shall be documented and carefully considered.

Possible Outcomes of the **Section 504 ConferenceIAT-Meeting**

- A. Student is eligible for a Section 504 Plan (Form 2260.01A F13). The **Section 504 TeamIAT** documents this determination on the Section 504 Summary Evaluation Report (Form 2260.01A F10). Section 504 Plan is developed by the **Section 504 TeamIAT**. Parents will be given a copy of the Notice of Section 504/ADA Procedural Information and Rights (Form 2260.01A F3).

B. Student is ineligible for a Section 504 Plan. The **Section 504 Team IAT** documents this determination on the Section 504 Summary Evaluation Report (Form 2260.01A F10). Parents will be given a copy of the Notice of Section 504/ADA Procedural Information and Rights (Form 2260.01A F3).

1. The **Section 504 Team IAT** determines if the student needs interventions pursuant to a RtI Plan. If RtI is determined to be appropriate, the **Section 504 Team IAT** will develop strategies to provide necessary interventions. The interventions should be documented on RtI paperwork. A copy of the RtI plan should be filed in the student's cumulative record folder. A copy of the RtI plan is NOT required to be sent to the District CO.
2. Student will be served appropriately in the **general/regular** education program without written interventions.

C. The **Section 504 Team IAT** determines that it needs to collect more information before making an eligibility determination.

The Summary Evaluation Report (Form 2260.01A F10) shall reflect the determination on the issue of whether the student has been identified as **having a disability/disabled** under Section 504. This document should be reviewed periodically.

Section 504 Plan

If a student is identified as **having a disability/disabled** pursuant to Section 504, and the **Section 504 Team IAT** determines the student requires specialized services and/or accommodations/modifications/interventions in order to receive **a** FAPE and to access the District's programs and activities on an equal basis to students without disabilities, the **Section 504 Team IAT** will develop and complete the Section 504 Plan (Form 2260.01A F13). Aside from the description of the student's disability and the special education or related services and aids needed, the **Section 504** Plan will specify how the student will be provided **a** FAPE. The **Section 504** Plan will specify the accommodations/modifications/interventions necessary so that the student's needs are met as adequately as the needs of nondisabled students. The purpose of the Section 504 Plan is to provide the student with equal access to school activities, to remove barriers to educational opportunity, and provide, to the degree possible, a level playing field. The Section 504 Plan should be signed by the members of the **Section 504 Team IAT**, including the parents. A copy of the **Section 504** Plan will be sent to both of the District's COs (designated in Policy 2260.01) and the Building CO **as soon as possible**. A copy of the **Section 504** Plan also will be placed in the student's cumulative folder and given to school personnel who work with the student. If the parents are present, the Building CO will request written permission from the parents to implement the Section 504 Plan. For initial plans, parent consent is required prior to implementation by the District. If the parents do not attend the meeting to develop a Section 504 Plan, the District will make reasonable efforts to obtain parental input prior to finalizing the plan and (a) submitting the Plan to parents for consent or (b) implementing a subsequent **Section 504** Plan. After parents consent to the initial Section 504 Plan, the District may implement subsequent plans without written parental consent, but the parents must be provided with a copy of the Notice of Section 504/ADA Procedural Information and Rights (Form 2260.01A F3) that explains their right to challenge the District's actions. Regardless of whether it is an initial or subsequent plan, a copy of the **Section 504** Plan must be sent to the student's parents.

With respect to Section 504 Plans, the designated 504 Case Manager is responsible for:

- A. informing staff that the Section 504 Plan is a legal document;
- B. writing and distributing the Section 504 Plan;
- C. encouraging staff to request a **Section 504** review if they are concerned about or unable to follow the Section 504 plan;
- D. ensuring that reviews of Section 504 plans are held annually by October 15th, and that the results of the annual review are sent to a District CO.

Upon completion of the Section 504 Plan, the Building CO should follow the Additional Procedures Applicable to Students with Section 504 Plans (see below).

Additional Procedures Applicable to Students with Section 504 Plans

- A. Prior to the beginning of each school year:
 1. The Building CO is responsible for identifying the students in his/her building who have had Section 504 Plans in the past and designating a 504 Case Manager.
 2. The designated 504 Case Manager or his/her designee is responsible for obtaining a copy of the previous school year's Section 504 Plans and distributing them to all appropriate staff members.
- B. Within the first two (2) months of the school year:

1. The Building CO must notify the student's parents that the **Section 504 Team IAT** needs to meet to review the Section 504 Plan and to determine whether it is still necessary/appropriate for the new school year.
2. The Building CO must schedule a **Section 504 Team IAT** meeting to formulate a Section 504 Plan for the student for the new school year. The Section 504 Plan Review form must be completed at the meeting. The **Section 504 Team IAT**, including the parents, is charged with deciding whether to continue the existing Plan, discontinue the current **Section 504** Plan, or develop a new **Section 504** Plan.
3. If there is an "active" Section 504 Plan, a copy of the **Section 504** Plan needs to be forwarded to the District CO by October 15th of each school year and a copy of the Plan placed in the student's cumulative record folder.
4. Updated copies of the student's Section 504 Plan will be distributed to all of the students' teachers after review by the 504 Case Manager.

C. During the school year:

The Section 504 Plan can be reviewed by the **Section 504 Team IAT** at any time if concerns develop as to the appropriateness of the specialized services and/or accommodations/modifications/interventions being used with the student. This review can be initiated by staff or parents.

D. Procedural Safeguards:

Any time the written results of a **Section 504 Team IAT** meeting are provided to a student's parents, they should also be offered a copy of the Notice of Section 504/ADA Procedural Information and Rights (Form 2260.01A F3).

Parents' Options If They Disagree with the District's Identification, Evaluation and/or Placement of Their Child

The parents may challenge the actions of the **Section 504 Team IAT** regarding identification, evaluation or placement of their child by filing a request for an impartial due process hearing. Alternatively, the parents may file an internal complaint. If the parents elect the former, the Board must provide a due process hearing before an impartial hearing officer ("IHO") that is not employed by the District. See AG 2260.01B - Section 504/ADA Parents' Procedural Rights, including Due Process Hearing. A parent does not need to first exhaust the internal complaint process in order to file a request for a due process hearing. In fact, a due process hearing may be requested at any time and parents do not waive that right if they first opt to try to resolve their dispute through the internal complaint process. If a parent is not satisfied with the IHO's decision, **the parents/he** may appeal it to a Federal Court of competent jurisdiction.

The parents may also file a complaint with the **U.S. Department of Education, Office for Civil Rights (OCR)**. The **OCR Office for Civil Rights**, however, is not part of the District's internal complaint process or the system of procedural safeguards, and, absent extraordinary circumstances, will not review the results of individual placement and other educational decisions so long as the District complied with the "process" requirements of Section 504 (concerning identification and locations, evaluation, and due process procedures).

Facilities

With regard to accessibility of facilities, the District will meet its obligations through such means as redesign of equipment, reassignment of classes or other services to accessible building, assignment of aides to beneficiaries, alteration of existing facilities and/or construction of new facilities, or any other method that results in making its programs and activities accessible to persons with disabilities. In choosing among available methods for meeting its obligations, the District will serve persons with disabilities in the most integrated setting appropriate.

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Section For Review - Administrative Guidelines - Vol. 30, No. 2 +
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~~3122 – NONDISCRIMINATION AND EQUAL EMPLOYMENT OPPORTUNITY~~

~~This administrative guideline is established to assist in the proper implementation of Policy 3122 and Policy 3122.02 and Federal and State laws and regulations, particularly Part 104 of Section 504 of the Rehabilitation Act of 1973 (34 C.F.R.), the Americans with Disabilities Act (ADA), and the Wisconsin Fair Employment Act.~~

~~That policy states:~~

~~The Board does not discriminate in the employment of professional staff on the basis of the Protected Classes of race, color, national origin, age, sex (including transgender status, change of sex, sexual orientation, or gender identity), pregnancy, creed or religion, genetic information, handicap or disability, marital status, citizenship status, veteran status, military service (as defined in 111.32, Wis. Stats.), national origin, ancestry, arrest record, conviction record, use or non-use of lawful products off the District’s premises during non-working hours, or declining to attend an employer-sponsored meeting or participate in any communication with the employer about religious matters or political matters, or any other characteristic protected by law in its programs and activities, including employment practices and opportunities.~~

~~The District’s Compliance Officers identified in Policy 3122 shall handle inquiries regarding the Board’s nondiscrimination policies and address any complaint of discrimination.~~

~~Disability Discrimination And Reasonable Accommodation~~

~~It is the policy of the Board that the District shall not discriminate on the basis of disability and shall provide reasonable accommodations to disabled individuals as required by State and Federal law.~~

~~In analyzing the District’s duties and responsibilities under State and Federal law, it is important to note that the requirements of the Wisconsin Fair Employment Act and the Americans With Disabilities Act differ. The following chart summarizes and compares the major provisions of these two (2) laws and some of the important differences.~~

| Issue | ADA | WFEA |
|-------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Coverage | The ADA applies to employers with fifteen (15) or more employees | The WFEA covers any entity (with certain exceptions), including the State, engaged in any activity, enterprise, or business employing at least one (1) individual. |
| Definition of Disability | Physical or mental impairment that substantially limits one (1) or more of the major life activities of an individual, or being regarded as having such an impairment, or a records of having such an impairment. | Real or perceived impairment that: (a) makes (or is perceived to make) achievement unusually difficult or (b) limits (or is perceived to limit) the capacity to |

| | | |
|---------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | | work. |
| | | For purposes of defining disability, "impairment" means a deterioration, a lessening, or damage to a normal bodily function or bodily condition." |
| Major Life Activities | <p>EEOC regulations define "major life activities" as functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, eating, sleeping, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working.</p> <p>Major life activities also include the operation of a major bodily function, including, but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.</p> <p>An impairment that is episodic in nature or in remission is considered a disability if it would substantially limit a major life activity when active.</p> | <p>Makes achievement unusually difficult —The limitations on an individual's ability to achieve and capacity to work must be beyond normal limitations that might render a person unable to make certain achievements or perform every possible job.</p> <p>The inquiry concerning the effect of an impairment is not about "mere difficulty," but about "unusual difficulty."</p> <p>Limits the Ability to Work —Refers to the ability to perform the particular job in question.</p> |
| Asymptomatic Conditions | Asymptomatic HIV/AIDS is a disability where it substantially limits the major life activity of reproduction. | Diseases such as HIV/AIDS may be disabilities under the WFEA even if in remission or the person is not otherwise actively suffering from the effects of the disease. |
| Exclusions From Coverage | <p>A person who is not a "qualified individual with a disability" is not covered by the ADA. A person who is currently engaging in the illegal use of drugs is not a "qualified individual."</p> <p>Homosexuality and bi-sexuality are not impairments, and therefore not disabilities. Other conditions that are specifically excluded from ADA coverage include: Transvestism, transexualism, pedophilia, exhibitionism, voyeurism, gender identity disorders not resulting from physical impairment, or other sexual behavior disorders.—Compulsive gambling, kleptomania, or pyromania.—Psychoactive substance use disorders resulting from the current illegal use of drugs.</p> | It is not discrimination where the disability is reasonably related to the individual's ability to adequately undertake the job-related responsibilities of that individual's employment, membership, or licensure. |
| Reasonable Accommodation | The employer must demonstrate that accommodation would impose "undue hardship" on operation of business. | Employer has the burden of proving that an accommodation would pose a "hardship" on the employer's program, |

enterprise, or business.

It is inappropriate to conclude as a matter of law that any particular kind of action is not required as an accommodation.

An accommodation may be "reasonable" and still pose a "hardship" to the employer.

Essential Functions

The fundamental job duties of the employment position which the disabled individual holds or desires, but not the marginal functions of the position.

A job function may be essential for the following reasons:

- The reason the position exists is to perform that function
- There are a limited number of employees available among whom the performance of that job function can be distributed
- The function may be highly specialized so that the incumbent in the position is hired for his/her expertise or ability to perform the job

Evidence of whether a particular function is essential includes:

- The employer's judgment as to which functions are essential advertising or interviewing applicants for the job
- The amount of time spent on the job performing the function
- The consequences of not requiring the incumbent to perform the functions
- The work experience of past incumbents in the job
- The current work experience of incumbents in similar jobs

No provision of the WFEA uses the term essential function.

Direct-Threat

The employer has the burden of showing that the employee presents a "direct threat" (significant risk) to the health or safety of others that cannot be eliminated by reasonable accommodation.

To evaluate whether an employee can "adequately undertake the job-related responsibilities" of a particular job, the present and future safety of the individual, of the individual's co-workers and, if applicable, of the general public may be considered.

Medical Exams And Inquiries

The ADA specifically prohibits pre-employment disability-related inquiries.

There is no specific prohibition in the WFEA relating to pre-employment disability-related inquiries.

Sex-Based Discrimination

Discrimination against a transgender individual because that person is transgender is discrimination based on sex and therefore a violation of Title VII prohibited by Board policy. Specifically, discrimination against transgender individuals on the basis of sex stereotyping/gender nonconformity will be investigated as sex discrimination. This is true

~~irrespective of the cause of the person's gender non-conforming behavior.~~

~~Additionally, employment actions based upon an individual's sexual orientation are prohibited under Board policy. Administrators are required to investigate allegations of conduct involving the discrimination or harassment of an employee or applicant based upon his/her transgender identity or sexual orientation.~~

~~Any questions concerning whether alleged conduct might violate this prohibition should be promptly brought to the District Administrator's attention.~~

Military Status

~~For purposes of this policy/administrative guideline, "military status" refers to a person's status in the uniformed services which includes the performance of duty, on a voluntary or involuntary basis, in a uniformed service including active duty, active duty for training, initial active duty for training, inactive duty for training, full-time National Guard duty. It also includes the period of time for which a person is absent from employment for the purpose of an examination to determine the fitness of the person to perform any such duty as listed above.~~

Investigation and Complaint Procedure

~~Any employee who believes that s/he has been subjected to unlawful discrimination or retaliation may seek resolution of his/her complaint through the procedures described in Policy 3122—Nondiscrimination and Equal Employment Opportunity. The complaint procedures involve an investigation of the individual's claims and a process for rendering a decision regarding whether the charges are substantiated.~~

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Legal

42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act

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|---------|-----------------------------------------------------------------------------------------------------------------------|
| Book | Administrative Guideline Manual |
| Section | For Review - Administrative Guidelines - Vol. 30, No. 2 + |
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3123 - SECTION 504/ADA - PROHIBITION AGAINST DISABILITY DISCRIMINATION IN EMPLOYMENT

The Board prohibits discrimination against any employee or applicant based on **his/her** disability. As such, the Board will not engage in employment practices or adopt policies that discriminate on the basis of disability against qualified individuals with disabilities in every aspect of employment. Specifically, the Board does not discriminate on the basis of disability against a qualified individual in regard to:

- A. recruitment, advertising, and job application procedures;
- B. hiring, upgrading, promotion, award of tenure, demotion, transfer, layoff, termination, right of return from layoff, and rehiring;
- C. rates of pay or any other form of compensation and changes in compensation;
- D. job assignments, job classifications, organizational structures, position descriptions, lines of progression, and seniority lists;
- E. leaves of absence, sick leave, or any other leave;
- F. fringe benefits available by virtue of employment, whether or not administered by the **District Board**;
- G. selection and financial support for training, including: apprenticeships, professional meetings, conferences and other related activities, and selection for leaves of absence to pursue training;
- H. activities sponsored by the Board, including social and recreational programs; and
- I. any other term, condition, or privilege of employment.

The **District Board** will provide a reasonable accommodation to a qualified applicant and employee who has an actual disability or who has a record of a disability **that is needed for the employee/applicant to perform the essential functions of the position**, unless the accommodation would impose an undue hardship on the operation of the District's programs and/or activities. A reasonable accommodation is not required for an individual who is merely regarded as having a disability.

An individual with a disability is anyone who:

- A. has a physical or mental impairment that substantially limits one or more major life activities ("actual disability");
- B. has a record of **having** (i.e., has a history of, or has been misclassified as having) a physical or mental impairment that substantially limits one or more major life activities; or
- C. is regarded as having a physical or mental impairment that substantially limits one or more major life activities (i.e., has a physical or mental impairment that does not substantially limit major life activities but is treated by the District as

constituting such a limitation, or has a physical or mental impairment that substantially limits major life activities only as a result of the attitude of others toward such impairment, or has none of the physical or mental impairments recognized by Section 504 but is treated as having such an impairment).

Major life activities include, but are not limited to, caring for oneself, performing manual tasks, walking, seeing, hearing, eating, sleeping, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, sitting, reaching, interacting with others, and working.

Major life activities also include the operation of a major bodily function, including, but not limited to, functions of the immune system, special sense organs and skin, normal cell growth, and digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, hemic, lymphatic, musculoskeletal and reproductive functions. The operation of a major bodily function includes the operation of an individual organ within a body system.

Physical or mental impairment means:

A. any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems:

1. neurological;
2. musculoskeletal;
3. special sense organs;
4. respiratory, including speech organs;
5. cardiovascular;
6. reproductive;
7. digestive;
8. genitourinary;
9. hemic and lymphatic;
10. skin;
11. immune;
12. circulatory;
13. endocrine;

B. any mental or psychological disorder, such as an intellectual disability, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

While the determination of whether an impairment substantially limits a major life activity is an individualized one that is case specific, given the inherent nature of the following impairments, as a **practicalfactual** matter, they **almostwill-virtually** always **will** be found to impose a substantial limitation, at a minimum, on the major life activity indicated: deafness substantially limits hearing; blindness substantially limits seeing; an intellectual disability substantially limits brain function; partially or completely missing limbs or mobility impairments requiring the use of a wheelchair substantially **limitlimits** musculoskeletal function; autism substantially limits brain function; cancer substantially limits normal cell growth; cerebral palsy substantially limits brain function; diabetes substantially limits endocrine function; epilepsy substantially limits neurological function; Human Immunodeficiency Virus (HIV) infection substantially limits immune functions; multiple sclerosis substantially limits neurological function; muscular dystrophy substantially limits neurological function; and major depressive disorder, bipolar disorder, post-traumatic stress disorder, obsessive-compulsive disorder, and schizophrenia substantially **limitlimits** brain function.

Physical or mental impairments that are episodic in nature or in remission may constitute a disability for the purposes of Section 504/ADA if the impairment would substantially limit a major life activity when active, such as asthma, allergies, or cancer.

The determination of whether an impairment substantially limits a major life activity must be made without regard to the ameliorative effects of mitigating measures such as medication, medical supplies, equipment or appliances, low-vision devices (defined as devices that magnify, enhance, or otherwise augment a visual image, but not including ordinary eyeglasses or contact

lenses), prosthetics (including limbs and devices), hearing aids and cochlear implants or other implantable hearing devices, mobility devices, oxygen therapy equipment or supplies, use of assistive technology, reasonable accommodations or "auxiliary aids or services", learned behavioral or adaptive neurological modifications, psychotherapy, behavioral therapy, or physical therapy.

Individual with a disability does not include the following (i.e., Section 504 and/or the ADA specifically excludes):

- A. individuals who ~~are currently~~ are engaging in the ~~illegal~~ use of illegal drugs, when the District acts on the basis of such use;
- B. with respect to employment, any individual who is an alcoholic whose current use of alcohol prevents such individual from performing the duties of the job in question or whose employment, by reason of such current alcohol abuse, would constitute a direct threat to property or the safety of others;
- C. with respect to employment, an individual who ~~has a~~ currently has a contagious disease or infection and who, by reason of such disease or infection, would constitute a direct threat to the health or safety of other individuals or who, by reason of the ~~currently~~ contagious disease or infection, is unable to perform the duties of the job;
- D. an individual on the basis of homosexuality or bisexuality; and
- E. an individual on the basis of:
 - 1. transvestism, transsexualism, pedophilia, exhibitionism, voyeurism, gender identity disorders not resulting from physical impairment, or other sexual behavior disorders;
 - 2. compulsive gambling, kleptomania, or pyromania; or
 - 3. psychoactive substance use disorders resulting from current use of illegal ~~use of~~ drugs.

Individual with a disability includes an individual who:

- A. has ~~successfully~~ completed a supervised drug rehabilitation program successfully and is no longer engaging in the illegal use of drugs, or ~~has~~ otherwise has been rehabilitated successfully and is no longer engaging in such use;
- B. is participating in a supervised rehabilitation program and is no longer engaging in such use; or
- C. is erroneously regarded as engaging in the use of illegal ~~use of~~ drugs, but is not engaging in such use.

Under Wisconsin law, an "individual with a disability" means an individual who has a real or perceived physical or mental impairment "which makes achievement unusually difficult or limits the capacity to work." This definition has generally been interpreted as a broader definition than that which exists under Federal law discussed above.

Public Notice

Pursuant to policy, the identity of the District's Compliance Officers (COs) will be published on the District's website and posted throughout the District and included in all recruitment statements or general information publications.

Recruitment materials, job announcements and all other materials/publications published by the Board must contain the following statement:

~~T~~**hat** the Board does not discriminate against individuals with disabilities~~disabled persons~~ in employment or the provision of services.

The~~This~~ requirement regarding recruitment materials may be met by including an insert in existing publications or revising and reprinting publications.

Equal Employment Opportunity Statement

The _____ School District of Manawa Board of Education does not discriminate on the basis of race, color, sex (including ~~trans~~gender status, change of sex, sexual orientation, or gender identity), religion, age, pregnancy, disability, national origin, ancestry, arrest record, conviction record, use or non-use of lawful products off the District's premises during non-working hours, declining to attend an employer-sponsored meeting or to participate in any communication with the employer about religious matters or political matters, or any other characteristic protected by law in its employment practices.

The Board ~~will~~ also will include a notice of reasonable accommodation requirements on District employment application forms and post notices that employee reasonable accommodation Request Forms may be obtained from the District's Section 504/ADA Coordinator(s) (hereinafter referred to as the Compliance Officer(s) or CO(s)) ~~(who also serves as its ADA Coordinator)~~ ~~(hereinafter referred to as the "CO")~~.

Decision-Making Process for Determining/Identifying Reasonable Accommodations and Undue Hardship

In determining the appropriate accommodation in the employment situation, the District will take into account two (2) factors:

- A. the specific abilities and functional limitations of the particular applicant or employee with a disability; and
- B. the specific functional requirements of the particular job.

A reasonable accommodation is "any change in the work environment or in the way things are customarily done that enables an individual with a disability to enjoy equal employment opportunities." Many times a reasonable accommodation will be obvious and made without difficulty and at little or no cost. The CO will first inquire of the individual with the disability as to any possible suggestions s/he may have for a simple change or adjustment that will serve as an effective accommodation. The District recognizes that employees with disabilities can be useful sources of the information on what type of accommodation they need, where to obtain information on appropriate accommodations, and where to purchase accommodations.

If, however, the identification of a reasonable accommodation proves difficult, the District will utilize an informal, interactive process whereby it and the individual will work together to identify the appropriate accommodation. The interactive process will include any and/or all of the following steps, as ~~may be~~ appropriate:

- A. Examination of the particular job involved and determination of its purpose and essential functions. The District will conduct an individual assessment of the particular job at issue in order to analyze the actual job duties ("essential functions") and determine the true purpose or object of the job. Preferably, a written job description already will be in place that lists the essential functions of the job.
- B. ~~The District will~~The District will then consult with the individual with a disability to find out the individual's~~his/her~~ specific physical or mental abilities and limitations as they relate to the essential job functions. This will help the parties ~~to~~ identify the barriers to job performance and assess how these barriers could be overcome with an accommodation.
- C. In consultation with the individual, the District will identify potential accommodations and assess how effective each would be in enabling the individual to perform essential job functions.
- D. If the parties ~~are~~ still are not able to identify an appropriate accommodation, the District will seek technical assistance.
- E. If there are several effective accommodations that would provide an equal employment opportunity, the District will select the accommodation that best serves the needs of the individual and the District. While the District will give the individual with a disability's preference first consideration, the District may choose among effective accommodations and select the accommodation that is less expensive or easier to provide. The District may consider the cost, efficiency and availability of the alternative accommodations in selecting an effective accommodation. The District does not have the obligation to provide the "best" accommodation possible, so long as it provides an accommodation that is sufficient to meet the job-related needs of the individual being accommodated.

The District will not provide an accommodation without first checking with the employee since the employee may not need or want an accommodation, or the unrequested accommodation may not meet the employee's functional limitations. The District will respect an individual with a disability's right not to accept an accommodation if the individual/s/he has not requested it and does not feel one is necessary. However, if this results in the individual failing to perform essential functions, the individual/s/he may be considered unqualified and ~~may~~ either may be refused employment or discharged.

The District may decline to provide desired accommodations if it determines such accommodations will result in an undue hardship. An undue hardship entails a significant difficulty or expense in, or resulting from, the provision of the accommodation.

Such hardship is not limited to financial difficulty but rather encompasses any accommodation that would be unduly costly, extensive, substantial or disruptive, or that would fundamentally alter the nature or operation of the program. If the cost of an accommodation would impose an undue hardship, the District will give the individual with the disability the option of paying that portion of the cost which would constitute an undue hardship or providing the accommodation. Further, the District will not consider employee morale or the attitudes of others when determining undue hardship.

Decisions not to provide a reasonable accommodation will be in writing and accompanied by an explanation of the decision ~~not to act~~.

Reasonable accommodations may include:

- A. making facilities used by employees readily accessible to and usable by individuals with disabilities;
- B. job restructuring, part-time or modified work schedule, acquisition or modification of equipment or devices, the provision of readers or interpreters, and other similar actions;
- C. making modifications to existing leave policies and providing leave when needed for a disability, even where an employer does not offer leave to other employees;
- D. reassignment to a new job because the disability prevents the employee from performing one (1) or more essential functions of the current job, even with a reasonable accommodation, or because any accommodation in the current job would result in undue hardship. If reassignment is required, the Board will place the employee in a vacant position for which s/he is qualified, without requiring the employee to compete with other applicants for open positions, except reassignment does not include promotion, and generally does not involve placing an employee in a vacant position when another employee is entitled to the position under a uniformly-applied seniority system, if any.

Factors to be considered when determining whether an accommodation would impose an undue hardship on the operation of the District's program or activity include:

- A. the overall size of the District's program or activity with respect to number of employees, number and type of facilities, and size of budget;
- B. the type of the District's operation, including the composition and structure of the District's workforce; and
- C. the nature and cost of the accommodation needed.

Accommodation obligations under the Wisconsin Fair Employment Act may be broader than that required under the ADA, as Wisconsin does not employ the "essential functions of the job" analysis as is used under Federal law.

Employment Criteria

The District will not use qualification standards, employment tests or other selection criteria that screen out or tend to screen out an individual with a disability or a class of individuals with disabilities, on the basis of disability, unless the standard, test or other selection criteria, as used by the Board, is shown to be job-related for the position in question and consistent with business necessity.

The District will select and administer tests concerning employment so that when administered to an applicant or employee who has a disability that impairs sensory, manual or speaking skills, the test results accurately reflect the applicant's or employee's job skills, aptitude, or whatever other factor the test purports to measure, rather than reflecting the applicant's or employee's impaired sensory, manual, or speaking skills (except where those skills are the factors that the test purports to measure).

Pre-employment Inquiries

Except as authorized by law, the District will not conduct a pre-employment medical examination or make pre-employment inquiry of an applicant as to whether the applicant is an individual with a disability or as to the nature or severity of a disability. The District will, however, make pre-employment inquiry into an applicant's ability to perform job-related functions; this includes requesting the applicant to describe or demonstrate how **the applicants/he** would perform the functions.

The District may give a physical agility test at any point in the application or employment process, since such tests are not medical exams. When the District decides to give such a test it must give the test to all similarly situated applicants or employees regardless of disability.

Some examples of alternative test formats and reasonable accommodations are:

- A. allowing people with certain learning or dexterity disabilities to take extra time on a test;
- B. assuring the test site is accessible to a person with a mobility impairment;
- C. allowing a person with a mental disability who cannot perform well with distractions to take a test in a separate room, if a group test setting is not relevant to the job; and
- D. providing Braille, large print, a reader or a computer for people with vision impairments.

If the District conditions an offer of employment on the results of a medical examination conducted prior to the employee's entrance on duty, the District will:

- A. subject all entering employees in the same job classification to such an examination regardless of disability; and
- B. use the results of the examination ~~will be used~~ only as authorized by law.

The successful candidate who is required to submit to a medical examination, as well as the medical provider that is designated by the District to conduct the examination, will be directed not to collect or provide any genetic information, including the candidate's medical history, in the report of the medical examination.

Information obtained as to the medical condition of the applicant, including any inadvertently provided genetic information, will be collected and maintained on separate forms that shall be accorded confidentiality as medical records, except that:

- A. supervisors and managers may be informed regarding restrictions on the work or duties of individuals with disabilities and ~~regarding~~ necessary accommodations;
- B. first aid and safety personnel may be informed whenwhere appropriate, if the condition might require emergency treatment; and
- C. government officials investigating compliance with Section 504, the ADA and/or the Genetic Information Nondiscrimination Act ("GINA") shall be provided relevant information upon request.

Interviews

All of the topics labeled off-limits with respect to job applications ~~are~~ likewise are prohibited as subjects of inquiry during job interviews. The District, however, may ask questions that relate to an applicant's ability to perform job-related functions so long as they do it does not phrase the questions in terms of disability. The interviewer may ask about an applicant's ability to perform both essential and marginal job functions. In addition, the interviewer may describe or demonstrate job function(s) and inquire whether the applicant can perform that function(s) with or without reasonable accommodation. Along the same lines, the interviewer may ask the applicant to describe or demonstrate how, with or without reasonable accommodation, the applicants/he will perform the job-related functions. Any questions concerning the need for reasonable accommodation ~~should~~ always should be linked with performance of a specific job function. The interviewer never should ~~never~~ ask an open-ended question such as, "Will you need a reasonable accommodation?"

Interviews should thus concentrate on how applicants will complete tasks that are essential functions, rather than on eliciting information about the applicant's physical or mental condition. Similarly, the District may inquire as to an applicant's ability to perform a job effectively and safely.

According to the EEOC, the following are examples of questions that cannot be asked on a job application or during an interview:

- A. Have you ever had or been treated for any of the following conditions or diseases?
- B. Please list any conditions or diseases for which you have been treated in the past three (3) years.
- C. Have you ever been hospitalized? If so, for what condition?
- D. Have you ever been treated by a psychiatrist or psychologist? If so, for what condition?
- E. Have you ever been treated for any mental condition?
- F. Is there any health-related reason you may not be able to perform the job for which you are applying?
- G. Have you had a major illness in the last five (5) years?
- H. How many days were you absent from work because of illness last year?
- I. Do you have any physical defects that preclude you from performing certain kinds of work? If yes, describe such defects and specific work limitations?
- J. Do you have any disabilities or impairments that may affect your performance in the position for which you are applying?
- K. Are you taking prescribed drugs?

L. Have you ever been treated for drug addiction or alcoholism?

M. Have you ever filed for workers' compensation insurance?

Interviewers should not ask a Reference question about an applicant that they could not ask the applicant **directly himself/herself** (i.e., previous employers cannot be asked about a former employee's disabilities, illness or workers' compensation history/claims).

The following are pre-employment questions that can be asked:

A. Can you meet the requirements of our attendance policy?

B. Can you perform the tasks of this position with or without an accommodation?

C. Describe or demonstrate how you would perform this function, with or without an accommodation? (Such a question can be asked of applicants who have a known disability that might prevent them from performing a job function. If the disability would not interfere with a job function, however, the person could **only** be asked to demonstrate job performance **only** if all other candidates must do so.)

If an applicant indicates **the applicants/he** has performed a particular function with an accommodation, the potential employer may inquire about it.

Investigation and Complaint Procedure

Any employee or applicant who believes that s/he has been subjected to **unlawful** discrimination, retaliation, or denied reasonable accommodation may seek resolution of his/her complaint through the procedures described in Policy 3123 - Section 504/ADA Prohibition Against Disability Discrimination In Employment. The complaint procedure involves an investigation of the individual's claims and a process for rendering a decision regarding whether the charges are substantiated.

Privacy/Confidentiality

The District will employ all reasonable efforts to protect the rights of the Complainant, the Respondent(s), and the witnesses as much as possible, consistent with the Board's legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations. All records generated under the terms of this policy shall be maintained as confidential to the extent permitted by law. Confidentiality, however, cannot be guaranteed. All Complainants will be advised that their identities may become known to the Respondent(s) through the investigation process.

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

All public records created as a part of an investigation of a complaint of discrimination/retaliation will be maintained in accordance with the Board's records retention policy.

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Last Modified by Melanie Oppor on October 8, 2021



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|---------|-----------------------------------------------------------|
| Book | Administrative Guideline Manual |
| Section | For Review - Administrative Guidelines - Vol. 30, No. 2 + |
| Title | Copy of PHYSICAL EXAMINATION |
| Code | ag3160A |
| Status | |
| Adopted | May 21, 2018 |

3160A - **PHYSICAL EXAMINATION**

After the District makes a conditional offer of employment, each professional staff member shall be asked to take a physical examination from a physician designated by the Board.

The District will pay for the cost of this required, post-offer examination, when performed by a District-assigned physician.

In the event the District Administrator is concerned that a professional staff member is unable to perform the duties of their position, the District Administrator may require that the professional staff member submit to an appropriate examination by a healthcare provider of the professional staff member's choice, a healthcare provider designated and compensated by the District, or both. The sole purpose of the examination shall be to determine whether the professional staff member can perform the duties of their position with or without reasonable accommodation. ~~Written evidence of good physical and mental health may be required periodically by the District from a physician of the District's choosing with the District assuming the expense of such an examination, when there is a reasonable basis to suspect that a mental or physical condition is adversely affecting performance.~~

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Last Modified by Steve LaVallee on July 25, 2021



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| Book | Administrative Guideline Manual |
| Section | For Review - Administrative Guidelines - Vol. 30, No. 2 + |
| Title | Copy of IMPORTANT NOTICE OF EMPLOYEES' RIGHT TO DOCUMENTATION OF HEALTH COVERAGE |
| Code | ag3421A - DELETE |
| Status | |
| Adopted | May 21, 2018 |

~~3421A—IMPORTANT NOTICE OF EMPLOYEES' RIGHT TO DOCUMENTATION OF HEALTH COVERAGE~~

~~The Health Insurance Portability and Accountability Act of 1996 (HIPAA) limits the circumstances under which coverage may be excluded for medical conditions present before the employee enrolls. Under the law, a pre-existing condition exclusion generally may not be imposed for more than twelve (12) months (eighteen (18) months for a late enrollee after the enrollment date). The twelve (12) month (or eighteen (18) month) exclusion period may be reduced by a new employee's prior health coverage. A new employee is entitled to a certificate from his/her former health insurance provider that will show evidence of the person's prior health coverage.~~

~~To obtain a certificate, the employee should mail or email a written request to:~~

~~School District of Manawa~~

~~800 Beech Street~~

~~Manawa, WI 54949~~

~~cobrien@manawaschools.org~~

~~For additional information contact: District Business Manager~~

~~920-596-5332~~

~~The certificate must be provided promptly. The employee should keep a copy of this completed form. S/He may also request certificates for any dependents (including a spouse) who were enrolled under the employee's health coverage.~~

~~The Business Manager will be responsible for providing a Certificate of Health Insurance Coverage to an employee when:~~

- ~~A. s/he no longer is covered by the District's plan;~~
- ~~B. s/he is no longer covered under COBRA;~~
- ~~C. s/he requests a certificate no later than twenty-four (24) months after cessation of coverage.~~

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Book Administrative Guideline Manual
Section For Review - Administrative Guidelines - Vol. 30, No. 2 +
Title Copy of NONDISCRIMINATION AND EQUAL EMPLOYMENT OPPORTUNITY
Code ag4122 - DELETE
Status
Adopted June 18, 2018

~~4122 – NONDISCRIMINATION AND EQUAL EMPLOYMENT OPPORTUNITY~~

~~This administrative guideline is established to assist in the proper implementation of Policy 4122 and Policy 4122.02 and Federal and State laws and regulations, particularly Part 104 of Section 504 of the Rehabilitation Act of 1973 (34 C.F.R.), the Americans with Disabilities Act (ADA), and the Wisconsin Fair Employment Act.~~

~~That policy states:~~

~~The Board does not discriminate in the employment of support staff on the basis of to the Protected Classes of race, color, national origin, age, sex (including transgender status, change of sex, sexual orientation, or gender identity), pregnancy, creed or religion, genetic information, handicap or disability, marital status, citizenship status, veteran status, military service, (as defined in 111.32, Wis. Stats.), national origin, ancestry, arrest record, conviction record, use or declining to attend an employer-sponsored meeting or participate in any communication with the employer about religious matters or political matters, or non-use of lawful products off the District's premises during non-working hours, or any other characteristic protected by law in its programs and activities, including employment practices and opportunities.~~

~~The District's Compliance Officers identified in Policy 4122 shall handle inquiries regarding the Board's nondiscrimination policies and address any complaint of discrimination.~~

~~Disability Discrimination And Reasonable Accommodation~~

~~It is the policy of the Board that the District shall not discriminate on the basis of disability and shall provide reasonable accommodations to disabled individuals as required by State and Federal law.~~

~~In analyzing the District's duties and responsibilities under State and Federal law, it is important to note that the requirements of the Wisconsin Fair Employment Act and the Americans With Disabilities Act differ. The following chart summarizes and compares the major provisions of these two (2) laws and some of the important differences.~~

| Issue | ADA | WFEA |
|-------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Coverage | The ADA applies to employers with fifteen (15) or more employees | The WFEA covers any entity (with certain exceptions), including the State, engaged in any activity, enterprise, or business employing at least one (1) individual. |
| Definition of Disability | Physical or mental impairment that substantially limits one (1) or more of the major life activities of an individual, or being regarded as having such an impairment, or a records of having such an impairment. | Real or perceived impairment that: (a) makes (or is perceived to make) achievement unusually difficult or (b) limits (or is perceived to limit) the capacity to |

| | | | |
|--------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------|
| | | work. | For purposes of defining disability, "impairment" means a deterioration, a lessening, or damage to a normal bodily function or bodily condition." |
| Major Life Activities | <p>EEOC regulations define "major life activities" as functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, eating, sleeping, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working.</p> <p>Major life activities also include the operation of a major bodily function, including, but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.</p> <p>An impairment that is episodic in nature or in remission is considered a disability if it would substantially limit a major life activity when active.</p> | <p>Makes achievement unusually difficult — The limitations on an individual's ability to achieve and capacity to work must be beyond normal limitations that might render a person unable to make certain achievements or perform every possible job.</p> <p>The inquiry concerning the effect of an impairment is not about "mere difficulty," but about "unusual difficulty."</p> <p>Limits the Ability to Work — Refers to the ability to perform the particular job in question.</p> | |
| Asymptomatic Conditions | <p>Asymptomatic HIV/AIDS is a disability where it substantially limits the major life activity of reproduction.</p> | <p>Diseases such as HIV/AIDS may be disabilities under the WFEA even if in remission or the person is not otherwise actively suffering from the effects of the disease.</p> | |
| Exclusions From Coverage | <p>A person who is not a "qualified individual with a disability" is not covered by the ADA.</p> <p>A person who is currently engaging in the illegal use of drugs is not a "qualified individual."</p> <p>Homosexuality and bi-sexuality are not impairments, and therefore not disabilities.</p> <p>Other conditions that are specifically excluded from ADA coverage include: Transvestism, transexualism, pedophilia, exhibitionism, voyeurism, gender identity disorders not resulting from physical impairment, or other sexual behavior disorders. — Compulsive gambling, kleptomania, or pyromania.</p> <p>— Psychoactive substance use disorders resulting from the current illegal use of drugs.</p> | <p>It is not discrimination where the disability is reasonably related to the individual's ability to adequately undertake the job-related responsibilities of that individual's employment, membership, or licensure.</p> | |
| Reasonable | The employer must demonstrate that | Employer has the burden | |

| | | |
|---------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Accommodation | <p>accommodation would impose "undue hardship" on operation of business.</p> | <p>of proving that an accommodation would pose a "hardship" on the employer's program, enterprise, or business.</p> |
| | | <p>It is inappropriate to conclude as a matter of law that any particular kind of action is not required as an accommodation.</p> |
| | | <p>An accommodation may be "reasonable" and still pose a "hardship" to the employer.</p> |
| Essential Functions | <p>The fundamental job duties of the employment position which the disabled individual holds or desires, but not the marginal functions of the position.</p> <p>A job function may be essential for the following reasons:</p> <ul style="list-style-type: none"> -The reason the position exists is to perform that function -There are a limited number of employees available among whom the performance of that job function can be distributed -The function may be highly specialized so that the incumbent in the position is hired for his/her expertise or ability to perform the job <p>Evidence of whether a particular function is essential includes:</p> <ul style="list-style-type: none"> -The employer's judgment as to which functions are essential advertising or interviewing applicants for the job -The amount of time spent on the job performing the function -The consequences of not requiring the incumbent to perform the functions -The work experience of past incumbents in the job -The current work experience of incumbents in similar jobs | <p>No provision of the WFEA uses the term essential function.</p> |
| Direct Threat | <p>The employer has the burden of showing that the employee presents a "direct threat" (significant risk) to the health or safety of others that cannot be eliminated by reasonable accommodation.</p> | <p>To evaluate whether an employee can "adequately undertake the job-related responsibilities" of a particular job, the present and future safety of the individual, of the individual's co-workers and, if applicable, of the general public may be considered.</p> |
| Medical Exams | <p>The ADA specifically prohibits pre-</p> | <p>There is no specific</p> |

And Inquiries **employment disability-related inquiries:**

prohibition in the WFEA relating to pre-employment disability-related inquiries:

Sex-Based Discrimination

Discrimination against a transgender individual because that person is transgender is discrimination based on sex and therefore a violation of Title VII prohibited by Board policy. Specifically, discrimination against transgender individuals on the basis of sex stereotyping/gender nonconformity will be investigated as sex discrimination. This is true irrespective of the cause of the person's gender non-conforming behavior.

Additionally, employment actions based upon an individual's sexual orientation are prohibited under Board policy. Administrators are required to investigate allegations of conduct involving the discrimination or harassment of an employee or applicant based upon his/her transgender identity or sexual orientation.

Any questions concerning whether alleged conduct might violate this prohibition should be promptly brought to the District Administrator's attention.

Military Status

For purposes of this policy/administrative guideline, "military status" refers to a person's status in the uniformed services which includes the performance of duty, on a voluntary or involuntary basis, in a uniformed service including active duty, active duty for training, initial active duty for training, inactive duty for training, full-time National Guard duty. It also includes the period of time for which a person is absent from employment for the purpose of an examination to determine the fitness of the person to perform any such duty as listed above.

Investigation and Complaint Procedure

Any employee who believes that s/he has been subjected to unlawful discrimination or retaliation may seek resolution of his/her complaint through the procedures described in Policy 4122—Nondiscrimination and Equal Employment Opportunity. The complaint procedures involve an investigation of the individual's claims and a process for rendering a decision regarding whether the charges are substantiated.

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Legal

42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act

Last Modified by Steve LaVallee on July 25, 2021



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|---------|-----------------------------------------------------------------------------------------------------------------------|
| Book | Administrative Guideline Manual |
| Section | For Review - Administrative Guidelines - Vol. 30, No. 2 + |
| Title | NONDISCRIMINATION AND ANTI-HARASSMENT - SECTION 504/ADA - PROHIBITION AGAINST DISABILITY DISCRIMINATION IN EMPLOYMENT |
| Code | ag4123 |
| Status | |
| Adopted | February 22, 2018 |

4123 - SECTION 504/ADA - PROHIBITION AGAINST DISABILITY DISCRIMINATION IN EMPLOYMENT

The Board prohibits discrimination against any employee or applicant based on **his/her** disability. As such, the Board will not engage in employment practices or adopt policies that discriminate on the basis of disability against qualified individuals with disabilities in every aspect of employment. Specifically, the Board does not discriminate on the basis of disability against a qualified individual in regard to:

- A. recruitment, advertising, and job application procedures;
- B. hiring, upgrading, promotion, award of tenure, demotion, transfer, layoff, termination, right of return from layoff, and rehiring;
- C. rates of pay or any other form of compensation and changes in compensation;
- D. job assignments, job classifications, organizational structures, position descriptions, lines of progression, and seniority lists;
- E. leaves of absence, sick leave, or any other leave;
- F. fringe benefits available by virtue of employment, whether or not administered by the **DistrictBoard**;
- G. selection and financial support for training, including: apprenticeships, professional meetings, conferences and other related activities, and selection for leaves of absence to pursue training;
- H. activities sponsored by the Board, including social and recreational programs; and
- I. any other term, condition, or privilege of employment.

The **DistrictBoard** will provide a reasonable accommodation to a qualified applicant and employee who has an actual disability or who has a record of a disability **that is needed for the employee/applicant to perform the essential functions of the position**, unless the accommodation would impose an undue hardship on the operation of the District's programs and/or activities. A reasonable accommodation is not required for an individual who is merely regarded as having a disability.

An individual with a disability is anyone who:

- A. has a physical or mental impairment that substantially limits one or more major life activities ("actual disability");
- B. has a record of **having** (i.e., has a history of, or has been misclassified as having) a physical or mental impairment that substantially limits one or more major life activities; or
- C. is regarded as having a physical or mental impairment that substantially limits one or more major life activities (i.e., has a physical or mental impairment that does not substantially limit major life activities but is treated by the District as

constituting such a limitation, or has a physical or mental impairment that substantially limits major life activities only as a result of the attitude of others toward such impairment, or has none of the physical or mental impairments recognized by Section 504 but is treated as having such an impairment).

Major life activities include, but are not limited to, caring for oneself, performing manual tasks, walking, seeing, hearing, eating, sleeping, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, sitting, reaching, interacting with others, and working.

Major life activities also include the operation of a major bodily function, including, but not limited to, functions of the immune system, special sense organs and skin, normal cell growth, and digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, hemic, lymphatic, musculoskeletal and reproductive functions. The operation of a major bodily function includes the operation of an individual organ within a body system.

Physical or mental impairment means:

A. any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems:

1. neurological;
2. musculoskeletal;
3. special sense organs;
4. respiratory, including speech organs;
5. cardiovascular;
6. reproductive;
7. digestive;
8. genitourinary;
9. hemic and lymphatic;
10. skin;
11. immune;
12. circulatory;
13. endocrine;

B. any mental or psychological disorder, such as an intellectual disability, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

While the determination of whether an impairment substantially limits a major life activity is an individualized one that is case specific, given the inherent nature of the following impairments, as a **practicalfactual** matter, they **almostwill-virtually** always **will** be found to impose a substantial limitation, at a minimum, on the major life activity indicated: deafness substantially limits hearing; blindness substantially limits seeing; an intellectual disability substantially limits brain function; partially or completely missing limbs or mobility impairments requiring the use of a wheelchair substantially **limitlimits** musculoskeletal function; autism substantially limits brain function; cancer substantially limits normal cell growth; cerebral palsy substantially limits brain function; diabetes substantially limits endocrine function; epilepsy substantially limits neurological function; Human Immunodeficiency Virus (HIV) infection substantially limits immune functions; multiple sclerosis substantially limits neurological function; muscular dystrophy substantially limits neurological function; and major depressive disorder, bipolar disorder, post-traumatic stress disorder, obsessive-compulsive disorder, and schizophrenia substantially **limitlimits** brain function.

Physical or mental impairments that are episodic in nature or in remission may constitute a disability for the purposes of Section 504/ADA if the impairment would substantially limit a major life activity when active, such as asthma, allergies, or cancer.

The determination of whether an impairment substantially limits a major life activity must be made without regard to the ameliorative effects of mitigating measures such as medication, medical supplies, equipment or appliances, low-vision devices (defined as devices that magnify, enhance, or otherwise augment a visual image, but not including ordinary eyeglasses or contact

lenses), prosthetics (including limbs and devices), hearing aids and cochlear implants or other implantable hearing devices, mobility devices, oxygen therapy equipment or supplies, use of assistive technology, reasonable accommodations or "auxiliary aids or services", learned behavioral or adaptive neurological modifications, psychotherapy, behavioral therapy, or physical therapy.

Individual with a disability does not include the following (i.e., Section 504 and/or the ADA specifically excludes):

- A. individuals who ~~are currently~~ are engaging in the ~~illegal~~ use of illegal drugs, when the District acts on the basis of such use;
- B. with respect to employment, any individual who is an alcoholic whose current use of alcohol prevents such individual from performing the duties of the job in question or whose employment, by reason of such current alcohol abuse, would constitute a direct threat to property or the safety of others;
- C. with respect to employment, an individual who ~~has a~~ currently has a contagious disease or infection and who, by reason of such disease or infection, would constitute a direct threat to the health or safety of other individuals or who, by reason of the ~~currently~~ contagious disease or infection, is unable to perform the duties of the job;
- D. an individual on the basis of homosexuality or bisexuality; and
- E. an individual on the basis of:
 - 1. transvestism, transsexualism, pedophilia, exhibitionism, voyeurism, gender identity disorders not resulting from physical impairment, or other sexual behavior disorders;
 - 2. compulsive gambling, kleptomania, or pyromania; or
 - 3. psychoactive substance use disorders resulting from current use of illegal ~~use of~~ drugs.

Individual with a disability includes an individual who:

- A. has ~~successfully~~ completed a supervised drug rehabilitation program successfully and is no longer engaging in the illegal use of drugs, or ~~has~~ otherwise has been rehabilitated successfully and is no longer engaging in such use;
- B. is participating in a supervised rehabilitation program and is no longer engaging in such use; or
- C. is erroneously regarded as engaging in the use of illegal ~~use of~~ drugs, but is not engaging in such use.

Under Wisconsin law, an "individual with a disability" means an individual who has a real or perceived physical or mental impairment "which makes achievement unusually difficult or limits the capacity to work." This definition has generally been interpreted as a broader definition than that which exists under Federal law discussed above.

~~Public~~-Notice

Pursuant to policy, the identity of the District's Compliance Officers (COs) will be published on the District's website and posted throughout the District and included in all recruitment statements or general information publications.

Recruitment materials, job announcements and all other materials/publications published by the Board must contain the following statement:

~~T~~**hat** the Board does not discriminate against individuals with disabilities~~disabled persons~~ in employment or the provision of services.

The~~This~~ requirement regarding recruitment materials may be met by including an insert in existing publications or revising and reprinting publications.

Equal Employment Opportunity Statement

The _____ School District of Manawa Board of Education does not discriminate on the basis of race, color, sex (including ~~trans~~gender status, change of sex, sexual orientation, or gender identity), religion, age, pregnancy, disability, national origin, ancestry, arrest record, conviction record, use or non-use of lawful products off the District's premises during non-working hours, declining to attend an employer-sponsored meeting or to participate in any communication with the employer about religious matters or political matters, or any other characteristic protected by law in its employment practices.

The Board ~~will~~ also will include a notice of reasonable accommodation requirements on District employment application forms and post notices that employee reasonable accommodation Request Forms may be obtained from the District's Section 504/ADA Coordinator(s) (hereinafter referred to as the Compliance Officer(s) or CO(s)) ~~(who also serves as its ADA Coordinator)~~ ~~(hereinafter referred to as the "CO")~~.

Decision-Making Process for Determining/Identifying Reasonable Accommodations and Undue Hardship

In determining the appropriate accommodation in the employment situation, the District will take into account two (2) factors:

- A. the specific abilities and functional limitations of the particular applicant or employee with a disability; and
- B. the specific functional requirements of the particular job.

A reasonable accommodation is "any change in the work environment or in the way things are customarily done that enables an individual with a disability to enjoy equal employment opportunities." Many times a reasonable accommodation will be obvious and made without difficulty and at little or no cost. The CO will first inquire of the individual with the disability as to any possible suggestions s/he may have for a simple change or adjustment that will serve as an effective accommodation. The District recognizes that employees with disabilities can be useful sources of the information on what type of accommodation they need, where to obtain information on appropriate accommodations, and where to purchase accommodations.

If, however, the identification of a reasonable accommodation proves difficult, the District will utilize an informal, interactive process whereby it and the individual will work together to identify the appropriate accommodation. The interactive process will include any and/or all of the following steps, as ~~may be~~ appropriate:

- A. Examination of the particular job involved and determination of its purpose and essential functions. The District will conduct an individual assessment of the particular job at issue in order to analyze the actual job duties ("essential functions") and determine the true purpose or object of the job. Preferably, a written job description already will be in place that lists the essential functions of the job.
- B. ~~The District will~~The District will then consult with the individual with a disability to find out the individual's~~his/her~~ specific physical or mental abilities and limitations as they relate to the essential job functions. This will help the parties ~~to~~ identify the barriers to job performance and assess how these barriers could be overcome with an accommodation.
- C. In consultation with the individual, the District will identify potential accommodations and assess how effective each would be in enabling the individual to perform essential job functions.
- D. If the parties ~~are~~ still are not able to identify an appropriate accommodation, the District will seek technical assistance.
- E. If there are several effective accommodations that would provide an equal employment opportunity, the District will select the accommodation that best serves the needs of the individual and the District. While the District will give the individual with a disability's preference first consideration, the District may choose among effective accommodations and select the accommodation that is less expensive or easier to provide. The District may consider the cost, efficiency and availability of the alternative accommodations in selecting an effective accommodation. The District does not have the obligation to provide the "best" accommodation possible, so long as it provides an accommodation that is sufficient to meet the job-related needs of the individual being accommodated.

The District will not provide an accommodation without first checking with the employee since the employee may not need or want an accommodation, or the unrequested accommodation may not meet the employee's functional limitations. The District will respect an individual with a disability's right not to accept an accommodation if the individual/s/he has not requested it and does not feel one is necessary. However, if this results in the individual failing to perform essential functions, the individual/s/he may be considered unqualified and ~~may~~ either may be refused employment or discharged.

The District may decline to provide desired accommodations if it determines such accommodations will result in an undue hardship. An undue hardship entails a significant difficulty or expense in, or resulting from, the provision of the accommodation.

Such hardship is not limited to financial difficulty but rather encompasses any accommodation that would be unduly costly, extensive, substantial or disruptive, or that would fundamentally alter the nature or operation of the program. If the cost of an accommodation would impose an undue hardship, the District will give the individual with the disability the option of paying that portion of the cost which would constitute an undue hardship or providing the accommodation. Further, the District will not consider employee morale or the attitudes of others when determining undue hardship.

Decisions not to provide a reasonable accommodation will be in writing and accompanied by an explanation of the decision ~~not to act~~.

Reasonable accommodations may include:

- A. making facilities used by employees readily accessible to and usable by individuals with disabilities;
- B. job restructuring, part-time or modified work schedule, acquisition or modification of equipment or devices, the provision of readers or interpreters, and other similar actions;
- C. making modifications to existing leave policies and providing leave when needed for a disability, even where an employer does not offer leave to other employees;
- D. reassignment to a new job because the disability prevents the employee from performing one (1) or more essential functions of the current job, even with a reasonable accommodation, or because any accommodation in the current job would result in undue hardship. If reassignment is required, the Board will place the employee in a vacant position for which s/he is qualified, without requiring the employee to compete with other applicants for open positions, except reassignment does not include promotion, and generally does not involve placing an employee in a vacant position when another employee is entitled to the position under a uniformly-applied seniority system, if any.

Factors to be considered when determining whether an accommodation would impose an undue hardship on the operation of the District's program or activity include:

- A. the overall size of the District's program or activity with respect to number of employees, number and type of facilities, and size of budget;
- B. the type of the District's operation, including the composition and structure of the District's workforce; and
- C. the nature and cost of the accommodation needed.

Accommodation obligations under the Wisconsin Fair Employment Act may be broader than that required under the ADA, as Wisconsin does not employ the "essential functions of the job" analysis as is used under Federal law.

Employment Criteria

The District will not use qualification standards, employment tests or other selection criteria that screen out or tend to screen out an individual with a disability or a class of individuals with disabilities, on the basis of disability, unless the standard, test or other selection criteria, as used by the Board, is shown to be job-related for the position in question and consistent with business necessity.

The District will select and administer tests concerning employment so that when administered to an applicant or employee who has a disability that impairs sensory, manual or speaking skills, the test results accurately reflect the applicant's or employee's job skills, aptitude, or whatever other factor the test purports to measure, rather than reflecting the applicant's or employee's impaired sensory, manual, or speaking skills (except where those skills are the factors that the test purports to measure).

Pre-employment Inquiries

Except as authorized by law, the District will not conduct a pre-employment medical examination or make pre-employment inquiry of an applicant as to whether the applicant is an individual with a disability or as to the nature or severity of a disability. The District will, however, make pre-employment inquiry into an applicant's ability to perform job-related functions; this includes requesting the applicant to describe or demonstrate how **the applicants/he** would perform the functions.

The District may give a physical agility test at any point in the application or employment process, since such tests are not medical exams. When the District decides to give such a test it must give the test to all similarly situated applicants or employees regardless of disability.

Some examples of alternative test formats and reasonable accommodations are:

- A. allowing people with certain learning or dexterity disabilities to take extra time on a test;
- B. assuring the test site is accessible to a person with a mobility impairment;
- C. allowing a person with a mental disability who cannot perform well with distractions to take a test in a separate room, if a group test setting is not relevant to the job; and
- D. providing Braille, large print, a reader or a computer for people with vision impairments.

If the District conditions an offer of employment on the results of a medical examination conducted prior to the employee's entrance on duty, the District will:

- A. subject all entering employees in the same job classification to such an examination regardless of disability; and
- B. use the results of the examination ~~will be used~~ only as authorized by law.

The successful candidate who is required to submit to a medical examination, as well as the medical provider that is designated by the District to conduct the examination, will be directed not to collect or provide any genetic information, including the candidate's medical history, in the report of the medical examination.

Information obtained as to the medical condition of the applicant, including any inadvertently provided genetic information, will be collected and maintained on separate forms that shall be accorded confidentiality as medical records, except that:

- A. supervisors and managers may be informed regarding restrictions on the work or duties of individuals with disabilities and ~~regarding~~ necessary accommodations;
- B. first aid and safety personnel may be informed whenwhere appropriate, if the condition might require emergency treatment; and
- C. government officials investigating compliance with Section 504, the ADA and/or the Genetic Information Nondiscrimination Act ("GINA") shall be provided relevant information upon request.

Interviews

All of the topics labeled off-limits with respect to job applications ~~are~~ likewise are prohibited as subjects of inquiry during job interviews. The District, however, may ask questions that relate to an applicant's ability to perform job-related functions so long as they do it does not phrase the questions in terms of disability. The interviewer may ask about an applicant's ability to perform both essential and marginal job functions. In addition, the interviewer may describe or demonstrate job function(s) and inquire whether the applicant can perform that function(s) with or without reasonable accommodation. Along the same lines, the interviewer may ask the applicant to describe or demonstrate how, with or without reasonable accommodation, the applicants/he will perform the job-related functions. Any questions concerning the need for reasonable accommodation ~~should~~ always should be linked with performance of a specific job function. The interviewer never should ~~never~~ ask an open-ended question such as, "Will you need a reasonable accommodation?"

Interviews should thus concentrate on how applicants will complete tasks that are essential functions, rather than on eliciting information about the applicant's physical or mental condition. Similarly, the District may inquire as to an applicant's ability to perform a job effectively and safely.

According to the EEOC, the following are examples of questions that cannot be asked on a job application or during an interview:

- A. Have you ever had or been treated for any of the following conditions or diseases?
- B. Please list any conditions or diseases for which you have been treated in the past three (3) years.
- C. Have you ever been hospitalized? If so, for what condition?
- D. Have you ever been treated by a psychiatrist or psychologist? If so, for what condition?
- E. Have you ever been treated for any mental condition?
- F. Is there any health-related reason you may not be able to perform the job for which you are applying?
- G. Have you had a major illness in the last five (5) years?
- H. How many days were you absent from work because of illness last year?
- I. Do you have any physical defects that preclude you from performing certain kinds of work? If yes, describe such defects and specific work limitations?
- J. Do you have any disabilities or impairments that may affect your performance in the position for which you are applying?
- K. Are you taking prescribed drugs?

L. Have you ever been treated for drug addiction or alcoholism?

M. Have you ever filed for workers' compensation insurance?

Interviewers should not ask a Reference question about an applicant that they could not ask the applicant **directly himself/herself** (i.e., previous employers cannot be asked about a former employee's disabilities, illness or workers' compensation history/claims).

The following are pre-employment questions that can be asked:

A. Can you meet the requirements of our attendance policy?

B. Can you perform the tasks of this position with or without an accommodation?

C. Describe or demonstrate how you would perform this function, with or without an accommodation? (Such a question can be asked of applicants who have a known disability that might prevent them from performing a job function. If the disability would not interfere with a job function, however, the person could **only** be asked to demonstrate job performance **only** if all other candidates must do so.)

If an applicant indicates **the applicants/he** has performed a particular function with an accommodation, the potential employer may inquire about it.

Investigation and Complaint Procedure

Any employee or applicant who believes that s/he has been subjected to **unlawful** discrimination, retaliation, or denied reasonable accommodation may seek resolution of his/her complaint through the procedures described in Policy 4123 - Section 504/ADA Prohibition Against Disability Discrimination In Employment. The complaint procedure involves an investigation of the individual's claims and a process for rendering a decision regarding whether the charges are substantiated.

Privacy/Confidentiality

The District will employ all reasonable efforts to protect the rights of the Complainant, the Respondent(s), and the witnesses as much as possible, consistent with the Board's legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations. All records generated under the terms of this policy shall be maintained as confidential to the extent permitted by law. Confidentiality, however, cannot be guaranteed. All Complainants will be advised that their identities may become known to the Respondent(s) through the investigation process.

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

All public records created as a part of an investigation of a complaint of discrimination/retaliation will be maintained in accordance with the Board's records retention policy.

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Last Modified by Melanie Oppor on October 8, 2021



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|---------|-----------------------------------------------------------|
| Book | Administrative Guideline Manual |
| Section | For Review - Administrative Guidelines - Vol. 30, No. 2 + |
| Title | Copy of PHYSICAL EXAMINATION |
| Code | ag4160A |
| Status | |
| Adopted | June 18, 2018 |

4160A - **PHYSICAL EXAMINATION**

After the District makes a conditional offer of employment, each support staff member shall be asked to take a physical examination from a physician designated by the Board.

The District will pay for the cost of this required, post-offer examination, when performed by a District-assigned physician.

In the event the District Administrator is concerned that the support staff member is unable to perform the duties of their position, the District Administrator may require that the support staff member submit to an appropriate examination by a healthcare provider of the support staff member's choice, a healthcare provider designated and compensated by the District, or both. The sole purpose of the examination shall be to determine whether the support staff member can perform the duties of their position with or without reasonable accommodation. ~~Written evidence of good physical and mental health may be required by the District from a physician of the District's choosing with the District assuming the expense of such an examination when there is a reasonable basis to suspect that a mental or physical condition is adversely affecting performance.~~

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| Title | Copy of IMPORTANT NOTICE OF EMPLOYEES' RIGHT TO DOCUMENTATION OF HEALTH COVERAGE |
| Code | ag4421A - DELETE |
| Status | |
| Adopted | June 18, 2018 |

~~**4421A—IMPORTANT NOTICE OF EMPLOYEES' RIGHT TO DOCUMENTATION OF HEALTH COVERAGE**~~

~~The Health Insurance Portability and Accountability Act of 1996 (HIPAA) limits the circumstances under which coverage may be excluded for medical conditions present before the employee enrolls. Under the law, a pre-existing condition exclusion generally may not be imposed for more than twelve (12) months (eighteen (18) months for a late enrollee after the enrollment date). The twelve (12) month (or eighteen (18) month) exclusion period may be reduced by a new employee's prior health coverage. A new employee is entitled to a certificate from his/her former health insurance provider that will show evidence of the person's prior health coverage.~~

~~To obtain a certificate, the employee should mail or email a written request to:~~

~~School District of Manawa~~

~~800 Beech Street~~

~~Manawa, WI 54949~~

~~cobrien@manawaschools.org~~

~~For additional information contact: Business Manager~~

~~920-596-2332~~

~~The certificate must be provided promptly. The employee should keep a copy of this completed form. S/He may also request certificates for any dependents (including a spouse) who were enrolled under the employee's health coverage.~~

~~The Business Manager will be responsible for providing a Certificate of Health Insurance Coverage to an employee when:~~

- ~~A. s/he no longer is covered by the District's plan;~~
- ~~B. s/he is no longer covered under COBRA;~~
- ~~C. s/he requests a certificate no later than twenty-four (24) months after cessation of coverage.~~

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|---------|-----------------------------------------------------------|
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| Section | For Review - Administrative Guidelines - Vol. 30, No. 2 + |
| Title | Copy of ADMISSION TO THE DISTRICT |
| Code | ag5111 |
| Status | |
| Adopted | August 20, 2018 |

5111 - ADMISSION TO THE DISTRICT

Students who qualify for admission to District schools, in accordance with Board of Education Policy 5111, shall be accepted when the following documents have been submitted:

- A. a birth certificate or other appropriate documentary evidence
- B. court orders or placement papers, if applicable
- C. proof of residency consisting of a deed, building permit, rental agreement, or tax statement.

If a birth certificate is not available, the parent is to submit the documentary evidence. If custody has been established by the courts, a copy of the court order must be submitted. If such verification is not received within thirty (30) days or the document appears to be inaccurate or suspicious, the principal shall notify local law enforcement.

The sending school shall be contacted within twenty-four (24) hours of the student's entry into the school and requested to send all appropriate records.

Immunization requirements are to be in accordance with AG 5320. The staff member enrolling the student is to check the immunization record the parent submits against the requirements listed in AG 5320 to determine if there are any discrepancies or missing inoculations. If so, the parent is to be informed that the needed inoculations must be completed within the next two calendar weeks or as soon thereafter as the schedule for the missing inoculations permits. The principal is to be provided the names of all children who have not met the immunization requirements and the dates by which missing inoculations are to be completed.

~~A student shall be considered homeless under Federal law (42 U.S.C. 11431 et seq) if s/he is an individual who:~~

- ~~A. lacks a fixed, regular, and adequate nighttime residence;~~
- ~~B. has a primary nighttime residence that is:~~
 - ~~1. a supervised publicly or privately operated shelter designed to provide temporary living accommodations (including welfare hotels, congregate shelters, or transitional housing for the mentally ill);~~
 - ~~2. an institution that provides temporary residence for individuals intended to be institutionalized;~~
 - ~~3. a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.~~

Homeless children and youth are defined under Federal law (42 U.S.C. 11431 et seq.) as individuals who lack a fixed, regular, and adequate nighttime residence, and include children and youth who meet any of the following criteria:

- 1. share the housing of other persons due to loss of housing, economic hardship, or similar reason;**
- 2. live in motels, hotels, trailer parks, or camping grounds due to a lack of alternative adequate accommodations;**

3. live in emergency or transitional shelters;
4. are abandoned in hospitals;
5. have a primary night time residence that is a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings; or
6. live in a car, park, public space, abandoned building, substandard housing¹, bus or train station, or similar setting.

Pursuant to the McKinney-Vento Act, an unaccompanied youth includes a homeless child or youth not in the physical custody of a parent or guardian.

High school students transferring from another school district must submit an official transcript from the sending school in order for the student to receive credit for course work. Report cards will not be considered sufficient evidence for granting credit toward graduation.

If a parent (or adult student) presents information to the District certifying that the parent (or adult student), his/her child, or a member of the parent's household is a participant in the Safe at Home/Address Confidentiality Program administered by the Wisconsin Department of Justice, the Board shall use the address designated by the Department of Justice to serve as the student's address for enrollment purposes. The District shall place a copy of any certification provided by the parent in the enrollment files.

Note:

¹ According to nonregulatory guidance from the U.S. Department of Education (ED), standards for adequate housing may vary by locality. Please see ED guidance for factors to consider when determining whether a child or youth is living in "substandard housing."

Education for Homeless Children and Youth Programs, Non-Regulatory Guidance, U.S. Department of Education (ED), Title VII-B of the McKinney-Vento Homeless Assistance Act, as amended by the Every Student Succeeds Act, at A-3 (July 27, 2016).

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Legal 42 U.S.C. 11431 et seq. (McKinney Vento Homeless Act)
69.24, Wis. Stats.

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| Status | |
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5112A - ADMISSION TO KINDERGARTEN

Kindergarten Registration

The following guidelines shall be followed for the registration of all kindergarten students.

- A. **Children must be four (4) years old on or before September 1st to be enrolled in four (4) year old kindergarten (4K).**
- B. Children must be five (5) years old on or before September 1st **to be enrolled in five (5) year old kindergarten (5K).**
- C. Children must be registered by their parent(s) or guardian(s). Guardians must present proper certification of legal guardianship and, when applicable, a parent is to provide a copy of any custody arrangements.

If a birth certificate is not provided, the parent is to submit documentary evidence. If custody has been established by the courts, a copy of the court order must be provided.
- D. Children transferring from another public or private kindergarten who do not meet the age requirements may be admitted.
- E. All registrants shall receive a kindergarten screening as determined by the principal.
- F. Individual classroom assignments will be made by the building principal.

Early Entrance Criteria

A. Rationale

The District shall provide for early admission to kindergarten and first grade for qualified students.

B. Application

Referrals are made by school principals or directly by parent request at the time of kindergarten screening but no later than May 15th.

The evaluation shall be made prior to the enrollment date.

C. Early Entrance to Kindergarten

The parent or guardian of a child who will not be five (5) years of age by September 1st in the school year the child proposes to enter kindergarten, may apply to have their child admitted to kindergarten at the onset of the upcoming school year.

The following procedures shall be followed:

1. A referral for evaluation shall be completed by the parent/guardian and submitted to the Special Education Director. Completion of this document shall include rationale for early entrance, summary of the child's strengths/weaknesses and serve as the application for early admission. The completed referral shall be discussed with parent/guardian by the Special Education Director and/or other pupil services personnel. The intent is to review Board Policy on early entrance, ensure all appropriate information has been obtained and explain rationale for the ensuing school psychological evaluation.
2. At the discretion of the Special Education Director, it is possible that other District personnel may be asked to complete an evaluation.
3. A written report summarizing results and recommendation for or against early entrance to kindergarten shall be provided to and discussed with parent/guardian.
4. The child must participate in the District's kindergarten screening if the child has not been a participant in the District's 4K program.
5. Screening must be completed and results explained to parents/guardian prior to parents requesting an early entrance to kindergarten evaluation.
6. An evaluation of the child's potential to benefit from early admission to kindergarten shall be the focus of the school psychological evaluation and, ultimately, central to the decision for early admission. This evaluation will be conducted by School District of Manawa personnel. The evaluation shall address the child's emotional stability, social/emotional/mental maturity, physical health and pre-academic readiness skills (i.e., cognitive, motor, language, letter/number concepts), all of which must be exceedingly well established.
7. This evaluation shall be at no cost to the parent/guardian.
8. Subsequent to the evaluation being completed, a conference shall be held with parent/guardian to review results and consider the appropriateness of early entrance into kindergarten. Participants shall include the Building Administrator, Special Education Director and where appropriate, other District personnel may participate. If the conclusion is to allow early entrance to kindergarten, a written recommendation will be made to the District Administrator and Board of Education.
9. If the conclusion is to not allow early entrance to kindergarten, the parent/guardian may provide a written appeal to the Board of Education. The Board of Education has the final authority for deciding whether or not the child is to be admitted for early entrance to kindergarten. The Building Administrator will provide the parent/guardian a written summary of the Board of Education's conclusion.
10. Early admission to kindergarten may be granted if the child has started a certified kindergarten program. This will generally apply to transfer students from states with a later entrance date than Wisconsin's. The same will apply to children who request early admission to first grade.

D. Early Entrance to First Grade

The parent or guardian of a child who will not be six (6) years of age by September 1st in the school year the child proposes to enter first grade, may apply to the Board of Education to have their child admitted to first grade at the onset of the upcoming school year.

The following procedures shall be followed:

1. The child who has been approved for early admission to kindergarten and successfully completed kindergarten, started first grade in another school or completed a program the District deems equivalent to kindergarten may be approved for early admission to first grade. Given the latter scenario, the parent/guardian will have responsibility to provide the Building Administrator with all necessary documentation pertaining to the curriculum provided the child. Subsequently, a conference shall be held with the parent/guardian and district personnel to review information provided and consider the appropriateness of early entrance to first grade.
2. The child who has not met the aforementioned conditions but who has, nevertheless, met standards outlined in other sections of this guideline and whose educational welfare would best be served by placement in first grade may be considered for early admission to first grade. Procedures in the Early Entrance to Kindergarten of this guideline shall then be followed.



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5113 - **ADMISSION OF STUDENTS PARTICIPATING UNDER OPEN ENROLLMENT**

The School District will participate in the Wisconsin Public School Open Enrollment Program in accordance with applicable law and the relevant policies and rules of the District, all as amended from time-to-time. More specifically, the District, in administering its participation will:

- A. harmonize to the extent possible Sections 118.145(4), 118.51, 118.52;
- B. give priority to its resident students regarding intra-District open enrollment opportunities;
- C. take account, as appropriate, of individual rights under the Wisconsin and United States Constitution.

Full-Time Open Enrollment

A. Application Procedures for Nonresident Students

Applications from nonresidents for full-time open enrollment into a District school must:

1. be submitted on the form provided by the Department of Public Instruction ("DPI"); **and**
2. be received between the first Monday in February and the last weekday in April, unless otherwise provided by the DPI or as described in Section K, below - Alternative Application Procedures.

If a student submits applications to more than three (3) nonresident school districts, all applications submitted are invalid.

Untimely applications will not be processed nor will the review process be delayed by failure to submit supporting documentation. Copies of all nonresident student applications will be sent to the resident school district of each nonresident student and the DPI no later than the first weekday after the last weekday in April unless otherwise provided by the DPI.

The District shall provide to any nonresident district to which a resident student with a disability has applied for open enrollment a copy of the student's Individualized Education Program no later than the first Friday following the first Monday in May.

B. Timetable for Decisions on Applications

District decisions on full-time open enrollment applications will be made after April 30th and no later than the Friday following the first Monday in June, unless otherwise provided by the DPI and/or (waiting list provisions of this guideline).

C. Procedure for Processing of Open Enrollment Applications

If there are more applications than spaces, the Board will fill the available spaces by random selection, provided that first priority will be given to nonresident students already attending District schools and their siblings.

If the District determines that space is not otherwise available for open enrollment students in the grade or program to which an individual has applied, the District may nevertheless accept an applicant, who is already attending school in the District.

The District will establish a numbered waiting list of all applicants. When all available slots have been filled by randomly selecting names from all applicants, the remaining names will be drawn randomly and placed on the waiting list in order of selection. The District may approve attendance by non-resident students on the waiting list up to the third Thursday in September, provided that the student will be in attendance in the District by the third Friday in September.

D. Decisional Criteria for Nonresident Applications

Decisions on nonresident open enrollment applications will be based only on the following criteria:

1. The availability of space in the schools, programs, classes, or grades within the District. In determining the amount of space available, the District will count resident students, students attending the District for whom tuition is paid under 121.78(1)(a), Wis. Stats. and may include in its counted occupied spaces students and siblings of students who have applied under Section 118.51(3)(a) or (3m)(a) and are already attending public school in the District. Other factors the District Administrator may consider include:
 - a. District practices, policies, procedures or other factors regarding class size ranges for particular programs or classes.
 - b. District practices, policies, procedures or other factors regarding faculty-student ratio ranges for particular programs, classes, or buildings.
 - c. Enrollment projections for the schools of the District which include, but are not limited to, the following factors: the likely short and long-term economic development in the community, projected student transfers in and out of the District, preference requirements for siblings of nonresident open enrollment students, the required length of K-12 attendance opportunities for open enrollment students and current and future space needs for special programs, laboratories (e.g. in technology or foreign languages) or similar District educational initiatives.
2. Whether an applicant for a pre-kindergarten, four (4) year old kindergarten, early childhood or school operated daycare program resides in a district which offers the program for which application is made.
3. Whether the nonresident student has been expelled from any school district within the current school year or the two (2) preceding school years, or has any pending disciplinary proceeding, based on any of the following activities:
 - a. Conveying or causing to be conveyed any threat or false information concerning an attempt or alleged attempt being made or to be made to destroy school property by means of explosives.
 - b. Engaging in conduct while at school or under school supervision that endangered the health, safety or property of others.
 - c. Engaging in conduct while not at school or while not under the supervision of a school authority that endangered the health, safety, or property of others at school or under the supervision of a school authority or of any school employee or Board member.
 - d. Possessing a dangerous weapon (as defined in Section 939.22(10), Wis. Stats.) while on school property or under school supervision.

~~(Note 1-~~ Notwithstanding the Board's acceptance of a nonresident student's application, the Board may withdraw acceptance if, prior to the beginning of the first school year in which the nonresident student will attend a school in the District, s/he is determined to fall under any of the above paragraph D-3-)

~~(Note 2-~~ The Board may request a copy of a nonresident student's disciplinary records from the resident School Board).
4. Whether the special education program or related services described in the nonresident student's individualized education program ("IEP") are available in the District.
5. Whether there is space available in the District to provide the special education or related services identified in the nonresident student's IEP, after consideration of class size limits, student-teacher ratios, and enrollment projections.
6. Whether the non-resident student has been referred to his or her resident school board under Wis. Stat. § 115.777(1) or identified by his or her resident school board under Wis. Stat. 115.77(1m) (a), but not yet evaluated by an

individualized education program team.

(Note: If a nonresident student's IEP is developed or changed after starting in the District, and it is then discovered that the District does not have necessary programs available or does not have space in the special education program, the District may notify the student's parent and the student's resident school board. If such notice is provided, the nonresident may be transferred to his/her resident school district.)

7. If the Board has made a determination that a non-resident student attending the District under the Open Enrollment Program is habitually truant from the District during either semester of the current school year, the Board may prohibit the student from attending in the succeeding semester or school year.

E. Notice of Decisions

Written notice of acceptance or denial of nonresident applications must be sent to all applicants on or before the first Friday following the first Monday in June. Nonresident students whose applications are accepted shall be notified of the specific school or program that the student may attend the following school year.

The District shall notify any resident student and the nonresident school district if the Board denies enrollment in the nonresident district in writing by the second Friday following the first Monday in June.

Notices of denial will include a reason for the determination. Notice of denial for nonresident students will also include notice as to the student's specific place on the waiting list.

1. Additional Notices When a Nonresident Student is Accepted

If the Board approves an open enrollment application of a nonresident student it will also send the following notices:

- a. written notice to the applicant no later than the first Friday following the first Monday in June of the specific school or program that the applicant may attend during the following school year; **and**
- b. notice to the resident School Board no later than July 7th stating the name of the student.

The parents or guardians of an accepted nonresident student must notify the Board no later than the last Friday in June of the student's intent to attend school in the District during the following school year.

- c. If an accepted nonresident student has not attended school in the district by the third Friday in September, the open enrollment is terminated.

2. Additional Notice When a Nonresident Student is Not Accepted but Placed on the Established Waiting List

If space becomes available, the student on the waiting list will be notified in the order in which s/he appears on the list. The student will be sent notice that space is now available and the school to which the student will be placed. The notice will also state that the applicant has ten (10) days to accept the offer of open enrollment from the postmarked date on the notice.

When a selected applicant notifies the District that the open enrollment position is being rejected or fails to respond within ten (10) days, the offer will be rescinded and the space will be offered to the next applicant on the waiting list. The District will continue to notify students on the waiting list of available spaces up to the third Thursday in September of the school year for which the waiting list applies, provided that the student will begin attendance no later than the third Friday in September. A non-resident student accepted for enrollment once the school year has begun may attend the District even if the student has already attended school in the resident school district, but not if the student has enrolled in the current term in another non-resident school district.

Disciplinary Records

The District shall provide the disciplinary records of any resident student that applies for enrollment in a non-resident school district. Such disciplinary records should include but are not limited to: A copy of any expulsion findings and orders pertaining to the student; a copy of any records of any pending disciplinary proceedings and the length of term of the expulsion; or the possible outcomes of the pending disciplinary proceedings. Such records shall be provided no later than the first Friday following the first Monday in May or within ten (10) days of an application under the Alternative Application Procedures (Section K below).

F. Reapplication Procedures

The Board will not require accepted non-resident students to reapply under the open enrollment policy as long as the student is continuously enrolled in the District. ~~The Board does not require accepted nonresident students~~

~~to reapply under the open enrollment policy when the nonresident student enters middle school, junior high school, or high school. A nonresident student may be required to reapply only once.~~

G. Transportation

The parents or guardians of a student attending a nonresident school district will be solely responsible for providing transportation to and from the school site or if space is available, or to a scheduled in-District bus stop, **The District will provide transportation for a non-resident student with an identified disability for whom transportation is required by his/her IEP, unless the nonresident student is a special education student and transportation is required by his/her IEP.**

H. Tuition Waivers

Students are eligible for tuition waivers as follows:

1. Current Year Permissive

When the student was:

- a. a resident of the School District on July 1st;
- b. enrolled in the School District on July 1st of the current school year; and
- c. after July 1st changes residence by moving to a new school district.

The District may permit the student to complete the school year. The school district of attendance (the nonresident school district) counts the student in membership.

2. Current Year Mandatory

When the student:

- a. was a resident of the School District and enrolled on either the third Friday in September or the second Friday in January of the current school year;
- b. was enrolled in the School District for at least twenty (20) school days during the current school year; and
- c. changes residence by moving to a new school district.

The District must permit the student to complete the school year. The school district of attendance (the nonresident school district) counts the student in membership.

3. "Additional Year" Mandatory

When the student:

- a. was a resident of the School District on the second Friday in January of the previous school year;
- b. was enrolled in the School District continuously from the second Friday in January of the previous school year to the end of the school term of the previous school year;
- c. ceased to be a resident of the School District after the first Monday in February of the previous school year; and
- d. continues to be a resident of Wisconsin.

The District must permit the student to attend the school year following the year in which the criteria are met. The resident district counts the student in membership and DPI transfers the open enrollment amount to the nonresident district.

I. Rights and Privileges of Nonresident Students

Nonresident students attending school in the District on a full-time basis will have all of the rights and privileges of resident students and will be subject to the same rules and regulations as resident students.

J. Alternative Application Procedures

1. Basis for Open Enrollment Outside Regular Deadlines:

The parent of a non-resident student who wishes to attend a school in the District may apply at any time throughout the year by submitting an application under this alternative application procedure if the student satisfies at least one of the following criteria and has not applied to more than three (3) non-resident school districts:

- a. The resident school board determines that the non-resident student has been the victim of a violent criminal offense, as defined by the Department of Public Instruction. An application is not valid unless the District receives the application within thirty (30) days after the determination of the resident school board.
- b. The student is or has been a homeless student in the current or immediately preceding school year. In this subdivision, "homeless student" means an individual who is included in the category of homeless children and youths, as defined in Policy 5111.01 – Homeless Students.
- c. The non-resident student has been the victim of repeated bullying or harassment and all of the following apply:
 1. The student's parent has reported the bullying or harassment to the resident school board.
 2. Despite action taken by the parents and/or the resident school district the repeated bullying and harassment continues.
- d. The place of residence of the student's parent or guardian and of the student has changed as a result of military orders. An application is not valid unless the District receives the application no later than thirty (30) days after the date on which the military orders changing the place of residence were issued.
- e. The student moved into the state, but resides in another District. An application made on the basis is not valid unless the District receives the application no later than thirty (30) days after moving into this state.
- f. The place of residence of the student has changed as a result of a court order or custody agreement or because the student was placed in a foster home or with a person other than the student's parent, or removed from a foster home or from the home of a person other than the student's parent. An application is not valid unless the District receives the application no later than thirty (30) days after the student's change in residence.
- g. The parent of the non-resident student, the resident school board, and the Board agree that attending school in the District is in the best interests of the student.
- h. The parent of a non-resident student and the Board agree, upon application by the parent, that attending school in the District is in the best interests of the student. The District shall immediately forward a copy of the application to the student's resident district and shall inform the parent of its decision regarding the student's best interests within twenty (20) days of receipt of the application. If approved, the written decision shall include a designation of which school and/or program the student may enroll in.

2. Decisions Regarding Resident Students Seeking Enrollment out of the District under the Alternative Procedure.

The Board shall review all applications received for Open Enrollment out of the District under this section upon receipt. The District shall allow such student's enrollment in a non-resident district unless the District determines that the criteria relied on by the applicant to qualify for the alternative application procedure does not apply to the student.

3. Appeal Procedures

If the District rejects the application of a resident student despite agreement by the parent and a nonresident school district that the interests of the student are best served by enrollment in the non-resident school district, the parent may appeal the decision to the State Department of Public Instruction. The decision of the State Superintendent will be final.

If the District rejects the application because a special education or a related service is not available, the student's parent(s) may appeal the decision to the State Department of Public Instruction within thirty days after the receipt of the notice.

4. If a non-resident student is notified that the Board has approved his or her application to enroll in the District because it is in the best interests of the student, the student may immediately begin attending the school or program in the nonresident school district and shall begin attending the school or program no later than the 15th day following receipt by the parent or the student of the notice of acceptance from the District. If the nonresident student has not enrolled in or attended school in the District by then, the District may notify the student's parent in writing, that the student is no longer authorized to attend the school or program in the District.

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Legal Secs. 118.145(4), 118.51, 118.52, Wis. Stats.
 Subchapter VI of Chapter 121, Wis. Stats.

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5600A—STUDENT DISCIPLINE

Guidelines for District and Building Administrators

~~The administration shall take a shared role in the establishment and maintenance of appropriate discipline in the school and in the enforcement of appropriate student conduct in accordance with the following guidelines.~~

Each principal should:

- ~~A. Annually review the behavioral expectations and corresponding consequences;~~
- ~~B. in concert with teachers, plan and conduct in-service activities on classroom management, discipline procedures, follow-up, and any other strategies which will help the staff use effective discipline;~~
- ~~C. provide for supervision for all school-sponsored activities;~~

~~A copy of the behavioral expectations and consequences should be sent to the District Administrator for review and approval.~~

Guidelines for Teachers

~~Teacher effectiveness and purposeful, well-planned activities are prerequisites to good discipline. Most students will exhibit "good" behavior when they perceive the teacher is competent, consistent, fair, and supportive of school policies.~~

The following guidelines should contribute to effective discipline:

- ~~A. Establish fair, workable, consistent, and educationally productive procedures by which the classroom and other areas of learning will operate, based on an analysis of the program, the maturity level of the students, and their needs, abilities, and interests.~~
- ~~B. Plan and conduct learning activities that contribute to accomplishing specified objectives and goals, stimulate and encourage application of thought, and require the active participation of the students. Long and frequent activities of data-gathering through lectures, readings, film, etc., without planned opportunities for students to process and apply the information can lead to boredom and indifference—a seedbed for discipline problems.~~
- ~~C. Help set the tone for good discipline by modeling the behaviors expected of students.~~
- ~~D. Inform students of the high expectations regarding discipline and persist in their fulfillment.~~
- ~~E. Initiate parental contact where appropriate and necessary.~~
- ~~F. Support District and building administrators in disciplinary matters and avoid undermining the supervisory guidelines.~~

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~~8405A—USE OF ANIMALS IN THE CLASSROOM AND ON SCHOOL PREMISES~~

~~The Board of Education and administration support the idea that animals can provide a variety of productive learning experiences for students at almost every level. It is important, however, that the following guidelines be observed when instituting an activity or program involving the use of animals. Teachers are encouraged to contact such organizations as the Wisconsin Veterinary Association, the National Wildlife Federation, etc. regarding resource materials and suggested learning activities that may be available to help students increase their understanding of the animal world.~~

- ~~A. Students are to be instructed not to bring personal pets to school at any time without prior written approval of the principal.~~
- ~~B. Upon the approval of the principal, it is permissible for the class to have one or more animals as classroom pets under the following conditions:
 - ~~1. the animal is not venomous or vicious~~
 - ~~2. no one is allergic to the particular animal~~
 - ~~3. proper examination/immunization has been done by a qualified veterinarian~~
 - ~~4. arrangements have been made for housing the animal safely, comfortably, cleanly, and in a manner that does not disrupt the classroom environment~~
 - ~~5. arrangements have been made for the proper care of the animal when school is not in session~~
 - ~~6. rules have been established and understood regarding when and how the animal is to be treated by the students~~~~
- ~~C. When animals are to be brought into the school or classroom on an ad hoc basis as part of a lesson or series of lessons, all of the conditions stated above apply, and in addition, the teacher is to ensure the proper pick-up and return of the animal.~~
- ~~D. Except as set forth above and/or in the case of "service animals" required for use by a person with a disability, no other animals may be on school premises at any time without the approval of building principal.~~
- ~~E. The District may have a service animal removed from the school premises if the animal is out of control and the animal's handler does not take effective action to control it or the animal is not housebroken. The District is not responsible for the care or supervision of a service animal. The service animal is allowed to accompany its human in all areas the human is permitted to go.~~
- ~~F. Owners of pets (see AG 8405A) and service animals (see AG 9160B) brought on school property are responsible for any harm or injury caused by the animal to other students, staff, visitors, and/or property.~~

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5320 - **IMMUNIZATION OF STUDENTS IN SCHOOL**

Principals are to use the following guidelines in addition to those provided in AG 5111.

Immunizations Which are Medically Contraindicated

- A. A written statement from any licensed physician that an immunization is medically contraindicated for a specified period of time and the reasons for the medical contraindications will exempt a student from the specific immunization requirements for the period of time specified in the physician's statement.
- B. The physician's statement shall be maintained by the school as part of the immunization record of the student.

Specific annual immunization requirements are available from the Wisconsin Department of Health Services and are published and made available to each school district annually. The standards are also available at the Department of Health Services website at - <https://www.dhs.wisconsin.gov/immunization/index.htm>.

If the District conducts a preschool or day-care program, all children must be immunized in accordance with the regulations provided by the Wisconsin Department of Health Services (~~DHS~~)~~Department~~.

Admission to School

Before a student can be admitted to school, the parents must present documentation that their child has received all required doses of vaccines or that their child has received at least one (1) dose of each of the required vaccines and is waiting to receive the subsequent doses at the appropriate time intervals.

Exemptions: Parent Objections

- A. A student shall be exempted from mandatory immunization if the parent objects in a written signed statement upon the grounds that the proposed immunization interferes with the free exercise of the student's religious rights.
- B. This statement will be kept by the school as part of the student's immunization record.

Documents Accepted as Evidence of Immunization

The following documents will be accepted as evidence of a student's immunization history provided they comply with State requirements and contain the date when each immunization was administered.

- A. an official school record from any school
- B. a record from any public health department or the Wisconsin Immunization Registry (WIR)

C. a certificate signed by a licensed physician

If a parent cannot provide any of the above documentation, their child **may**is not **to** be admitted until such documentation is provided or until the child has received at least one (1) dose of each required vaccine **by the 30th day of school**. Such vaccinations, if not covered by medical insurance may be available from the Waupaca County Health Department free of charge. **The child may then attend school and must follow guidance from DHS and their health care professional for subsequent vaccinations in accordance to the applicable State laws. Details of student immunization requirements are found each year in the DHS publication entitled Wisconsin School Immunization Requirements.**~~The child may then come to school for a period of two (2) months, after which time either the documentation of previous vaccinations shall have been submitted or the child shall have received the second required dose. The child is then eligible to attend school for another two (2) months. If, at the end of that two (2) month period, documentation still has not been received, the child must receive the third required dose in order to remain in school.~~

Required Records

Each school shall maintain a record of immunization for every student which shall include the date of each individual immunization.

If a student transfers to another school, this record or a copy thereof shall be sent to the new school **in accordance with Policy 8330 - Student Records**.

Report to be Sent to Local Health Department

A summary report of the immunization status of the students in each school, by total and without students names, shall be sent within forty (40) school days of the start of the school term to the local Department of Health by the Principal.

Records Available for Inspection

The Principal shall make immunization records available for inspection by authorized representatives of the Wisconsin Department of Health Services or the local or County Health Departments, only with parental consent, in the event of an emergency, or as otherwise permitted under State or Federal student record laws.

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Legal
118.125(3), 252.04, Wis. Stats.
DHS 144 and 146, Wis. Adm. Code

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2240 - **CONTROVERSIAL ISSUES IN THE CLASSROOM**

A teacher may express his/her own personal opinion as long as the teacher makes it clear that it is a personal opinion and does not try to persuade student to his/her way of thinking when discussing a controversial issue, as defined in Policy 2240, in the classroom.

The following guidelines are designed to assist teachers in the instruction of controversial issues in the classroom:

- A. When a controversial issue is not part of a course of study, its use in the classroom must be approved by the principal.
- B. **(.) Differing viewpoints regarding a controversial issue should be respectfully explored so that students are engaged in a balanced discussion that is focused on developing critical thinking skills.**
- C. Before introducing a controversial issue, teachers should consider:
 1. the chronological and emotional maturity of the students;
 2. the appropriateness and timeliness of the issue as it relates to the course and the students;
 3. the extent to which they can successfully handle the issue from a personal standpoint;
 4. the amount of time needed and available to examine the issue fairly.
- D. The teacher should encourage student views on issues as long as the expression of those views is not derogatory, malicious, or abusive toward other student views or toward a particular group.
- E. Teachers should help students use a critical thinking process such as the following to examine different sides of an issue:

For each stated position:

1. What is the person (group) saying?
2. What evidence is there that what is being said is true?
3. What is said that would lead you to think the position is valid?
4. What are the strengths and weaknesses of this position?
5. What do you think would happen if this point of view was accepted and was put into practice?

For reaching conclusions:

1. On balance, what do you think is the most reasoned statement? the most valid position?

2. What is there in the statements that supports your conclusion? What other things, beside what is being said, leads you to your conclusion?

(See also Policy 3310 – Freedom of Speech in Noninstructional Settings)

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2260.01B - SECTION 504/ADA PARENTS' PROCEDURAL RIGHTS, INCLUDING DUE PROCESS HEARING

Procedural Information and Rights – Students and Parents

In accordance with various Federal laws (including Section 504, the Americans with Disabilities Act of 1990, as amended ("ADA"), and Federal Educational Rights and Privacy Act (FERPA), ~~and Title VII~~), the following procedural safeguards will be provided with respect to decisions or actions regarding the identification, evaluation, educational program or placement, ~~and~~ content of a Section 504 Plan of a student who is or may be disabled under Section 504, but not also disabled under the Individual with Disability Education Improvement Act (IDEIA):

- A. students with disabilities have the right to take part in, and receive benefits from, public education programs without discrimination because of their disabilities;
- B. parents have the right to be advised of their rights under Section 504;
- C. parents have the right to receive written notice of any decision regarding the identification, evaluation, or educational placement of their child;
- D. parents have the right to have their child receive a free appropriate public education ("FAPE") if the child has a physical or mental impairment that substantially limits one or more major life activities;

This includes the right to be educated with students without disabilities ~~who are not disabled~~ to the maximum extent appropriate (i.e., the student's education will be provided in the general ~~regular~~ education classroom unless it is demonstrated that education in the general education ~~regular~~ environment with the use of supplementary aids and services cannot be achieved satisfactorily) and to receive regular or special education and related aids/services that are designed to meet the individual educational needs of students with disabilities as adequately as the needs of ~~nondisabled~~ students without disabilities are met.

- E. parents have the right to have their child educated in facilities and receive services comparable to those provided to students without disabilities;
- F. parents have the right to have evaluation and educational placement decisions made based upon a variety of informational sources, and by persons who know the student, and are knowledgeable about the evaluation data and placement options;
- G. parents have the right to have their child transported in a non-discriminatory manner;

If the District refers a student for aids, benefits, or services outside the District, the District will ensure that adequate transportation is provided at no greater cost to the parents than if the aids, benefits, or services were provided within the District.

- H. parents have the right to place their child in a private school or alternative educational program;

However, if the District makes a FAPE available to the student that conforms to the requirements of Section 504 and ~~nevertheless~~ the parents ~~nevertheless~~ choose to place the student elsewhere, the District is not required to pay for the student's education at the private school or alternative program, including costs associated with transportation.

- I. parents have the right to have their child ~~receive~~~~given~~ an equal opportunity to participate in nonacademic and extracurricular activities offered by the District;
- J. parents have the right to examine all relevant education records, including, but not limited to, those documents related to decisions regarding their child's identification, evaluation, educational program and placement;
- K. parents have the right to obtain, at their own expense, an independent educational evaluation of their child;
- L. parents have the right to obtain copies of education records at a reasonable cost unless the fee would effectively deny the parents access to the records;
- M. parents have the right to a response from the District to reasonable requests for explanations and interpretations of their child's education records;
- N. parents have the right to receive all information in the parents' native language and mode of communication;
- O. parents have the right to periodic re-evaluations and ~~a reevaluation~~~~an evaluation~~ before any significant change in program/service modifications;
- P. parents have the right to request ~~amendment~~~~amendments~~ of their child's education record(s) if there is reasonable cause to believe that information contained in the record(s) is inaccurate, misleading or otherwise in violation of the privacy rights of their child;

If the District refuses to amend the record(s), the parents have the right to request a hearing and/or to attach to the record(s) a statement of why they disagree with the information it contains.

- Q. parents have the right to request mediation or an impartial due process hearing related to decisions or actions concerning their child's identification, evaluation, educational program or placement;
- R. parents have the right to file an internal complaint;
- S. parents have the right to be represented at any point in the process by an attorney;
- T. parents have the right to recover reasonable attorney fees as authorized by law (i.e., if the parents are successful on their due process claim);
- U. parents have the right to be notified of their Section 504 rights:
 - 1. when evaluations are conducted;
 - 2. when consent for an evaluation is withheld;
 - 3. when eligibility is determined;
 - 4. when a Section 504 Plan is developed; and
 - 5. before there is significant change in the Section 504 Plan.

Reports and Complaints of Discrimination and Retaliation

Students and District employees are required, and all other members of the District community and Third Parties are encouraged, to promptly report incidents of discrimination and/or retaliation to an administrator, supervisor, or other District official so that the Board may address the conduct. Any teacher, administrator, supervisor, or other District employee or official who receives such a complaint shall file it with the Compliance Officer (hereinafter "CO(s)) within two (2) business days. [NOTE: While students are advised to report discrimination/retaliation to administrators, supervisors, or other District officials, the Board recognizes that some students may report discrimination/retaliation to a teacher. When a teacher receives such a report, the teacher must file it with the CO as indicated above.]

Members of the District community, which includes students or Third Parties, who believe they have been discriminated/retaliated against on the basis of disability are entitled to utilize the complaint process set forth in

Policy 2260.01 - Section 504/ADA Prohibition Against Discrimination Based on Disability. Initiating a complaint, whether formally or informally, will not adversely affect the Complainant's employment or participation in educational or extra-curricular programs. While there are no time limits for initiating complaints under this policy, individuals should make every effort to file a complaint as soon as possible after the conduct occurs while the facts are known and potential witnesses are available.

A student and/or parent may initiate the investigation and complaint procedures when they believe that a violation, misapplication or misinterpretation of Section 504 has occurred. Additionally, the investigation and complaint procedure may be used for any disagreement with respect to actions regarding the identification, evaluation, or educational program or placement of students who are identified as having a disability or believed to have a disability pursuant to Section 504 and are not eligible under the IDEA, except in the case of disciplinary actions where the provisions of the Student Code of Conduct apply. Use of the investigation and complaint procedure is not a prerequisite to the pursuit of other remedies, including the filing of a complaint with the Office for Civil Rights (hereinafter OCR) or requesting an impartial due process hearing.

If during an investigation of alleged bullying, aggressive behavior and/or harassment in accordance with Policy 5517.01 - Bullying, the Principal believes that the reported misconduct may constitute discrimination based on disability, the Principal shall report the act to one of the COs, who shall investigate the allegation in accordance with Policy 2260.01 - Section 504/ADA Prohibition Against Discrimination Based on Disability. While the CO investigates the allegation, the Principal shall suspend the Policy 5517.01 investigation to await the CO's written report. The CO shall keep the principal informed of the status of the Policy 2260.01 - Section 504/ADA Prohibition Against Discrimination Based on Disability investigation and provide the Principal with a copy of the resulting written report.

The COs will be available during regular school/work hours to discuss concerns related to discrimination/retaliation. COs shall accept reports of discrimination/retaliation directly from any member of the District community or a Third Party and such reports that initially are made to another District employee. Upon receipt of a report of alleged discrimination/retaliation, the CO will contact the Complainant and begin either an informal or formal complaint process (depending on the Complainant's request and the nature of the alleged discrimination/retaliation) or designate a specific individual to conduct such a process.

The CO will provide a copy of Policy 2260.01 - Section 504/ADA Prohibition Against Discrimination Based on Disability to the Complainant and the Respondent. In the case of a formal complaint, the CO will prepare recommendations for the District Administrator or oversee the preparation of such recommendations by a designee. All members of the District community must report incidents of discrimination/retaliation that are reported to them to the CO within two (2) business days of learning of the incident/conduct.

Any District employee who directly observes discrimination/retaliation of a student is obligated, in accordance with this policy, to report such observations to one of the COs within two (2) business days. Additionally, any District employee who observes an act of discrimination/retaliation is expected to intervene to stop the misconduct unless circumstances make such an intervention dangerous, in which case the staff member should immediately notify other District employees and/or local law enforcement officials, as necessary, to stop the misconduct. Thereafter, the CO/designee must contact the Complainant if age eighteen (18) or older or the Complainant's parents/guardians if the student is under the age eighteen (18) within two (2) school days to advise of the Board's intent to investigate the alleged wrongdoing.

Investigation and Complaint Procedures (See Form 2260.01B F2)

Any person who alleges to have been subjected to discrimination or retaliation on the basis of disability may seek resolution of the complaint through the procedures described in Policy 2260.01 - Section 504/ADA Prohibition Against Discrimination Based on Disability. The formal complaint procedures involve an investigation of the individual's claims of discrimination/retaliation and a process for rendering a decision regarding whether the charges are substantiated.

Due to the sensitivity surrounding complaints of discrimination or retaliation, timelines are flexible for initiating the complaint process; however, individuals are encouraged to file a complaint within thirty (30) calendar days after the conduct occurs. Once the formal complaint process is begun, the investigation will be completed in a timely manner (ordinarily, within fifteen (15) business days of the complaint being received).

The procedures set forth in Policy 2260.01 - Section 504/ADA Prohibition Against Discrimination Based on Disability are not intended to interfere with the rights of any individual to pursue a complaint of discrimination or retaliation with the OCR, the Wisconsin Civil Rights Commission or the Equal Employment Opportunity Commission ("EEOC").

Impartial Due Process Hearing

- A. Students and their parents will be advised of their right to request **an impartial** due process hearing before an Impartial Hearing Officer (IHO) regarding the identification, evaluation or educational placement of persons with disabilities, including

the right to participation by the student's parents and representation of counsel, and their right to examine relevant education records.

When a request for a due process hearing is received, the aggrieved party will have the opportunity to receive a hearing conducted by an impartial hearing officer ("IHO") (i.e., by a person not employed by the Board ~~of Education~~, not involved in the education or care of the child, and not having a personal or professional interest that would conflict with his/her objectivity in the hearing).

- B. The District will maintain a list of trained IHOs that may include IDEIA hearing officers, attorneys, and Directors of Special Education outside the District. The District Compliance Officer will appoint an IHO from that list, and the costs of the hearing shall be borne by the District. The appointment of an IHO will be made within fifteen (15) school days after the request for a due process hearing is received.
- C. A party to such a due process hearing shall have:
1. the right, at his/her/their own cost, to be accompanied and advised by legal counsel and by individuals with special knowledge or training with respect to the problems of children with disabilities;
 2. the right to present evidence, and confront, cross-examine and compel the attendance of witnesses;
 3. the right to a written or electronic verbatim record of such hearing; and
 4. the right to written findings of fact and the reasons for the decision.
- D. The IHO shall conduct the due process hearing within a reasonable period of time (i.e., not to exceed ninety (90) calendar days of the request for such a hearing, unless this time-frame is mutually waived by the parties or is determined by the IHO to be impossible to comply with due to extenuating circumstances).
- E. The IHO will give the parent and/or student written notice of the date, time and place of the hearing. Notice will be given no less than twenty-one (21) calendar days prior to the date of the hearing, unless otherwise agreed to by the parent and/or student. The notice shall include:
1. a statement of time, place and nature of the hearing;
 2. a statement of the legal authority and jurisdiction under which the hearing is being held;
 3. a reference to the particular section of the statutes and rules involved;
 4. a statement of the availability of relevant records for examination;
 5. a short and plain statement of the matters asserted; and
 6. a statement of the right to be represented by counsel.
- F. The IHO shall conduct the hearing in a manner that will afford all parties a full and fair opportunity to present evidence and to otherwise be heard. The parent and/or student may be represented by another person of his/her choice, including an attorney.
- G. The IHO shall make a full and complete record of the proceedings.
- H. The IHO shall render a decision in writing to the parties within thirty (30) calendar days following the conclusion of the hearing. The decision will be based solely on the testimony and demonstrative evidence presented at the hearing and include a summary of the evidence (i.e., findings of fact) and the reason for the decision.
- The notification shall include a statement that either party may appeal the decision.
- I. Appeal of the IHO's decision may be made to a Federal court of competent jurisdiction.

Retaliation

~~Retaliation against a person who makes a report or files a complaint alleging unlawful discrimination/retaliation, or participates as a witness in an investigation is prohibited. Specifically, the Board will not retaliate against, coerce, intimidate, threaten or interfere with any individual because the person opposed any act or practice made unlawful by Section 504 or the ADA, or because that individual made a charge, testified, assisted or participated in any manner in~~

~~an investigation, proceeding, or hearing under those laws, or because that individual exercised, enjoyed, aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by those laws.~~

Retaliation against a person who makes a report or files a complaint alleging harassment/retaliation or participates as a witness in an investigation is prohibited. Neither the Board nor any other person may intimidate, threaten, coerce or interfere with any individual because the person opposed any act or practice made by any Federal or State civil rights law, made a report/formal complaint, testified, assisted or participated, or refused to participate in any manner in an investigation, proceeding, or hearing under those laws and/or Policy 2260.01 - Section 504/ADA Prohibition Against Discrimination Based on Disability, or exercised, enjoyed, aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by those laws and/or this policy.

Retaliation against a person for making a report of discrimination, filing a formal complaint, or participating in an investigation or meeting is a serious violation of Policy 2260.01 - Section 504/ADA Prohibition Against Discrimination Based on Disability that can result in imposition of disciplinary sanctions/consequences and/or other appropriate remedies.

Formal complaints alleging retaliation may be filed according to the internal complaint process set forth in Policy 2260.01 - Section 504/ADA Prohibition Against Discrimination Based on Disability.

The exercise of rights protected under the First Amendment of the United States Constitution does not constitute retaliation prohibited under Policy 2260.01 - Section 504/ADA Prohibition Against Discrimination Based on Disability.

Education and Training

The District Administration shall provide appropriate information to all members of the District community related to the implementation of Policy 2260.01 - Section 504/ADA Prohibition Against Discrimination Based on Disability and shall provide training for District students and staff where appropriate. All training and information provided regarding the Board's policy and discrimination in general will be age and content appropriate.

Retention of Investigatory Records and Materials

The CO is responsible for overseeing retention of all records that must be maintained pursuant to Policy 2260.01 - Section 504/ADA Prohibition Against Discrimination Based on Disability. All individuals charged with conducting investigations under Policy 2260.01 - Section 504/ADA Prohibition Against Discrimination Based on Disability shall retain all documents, electronically stored information ("ESI"), and electronic media (as defined in Policy 8315) created and/or received as part of an investigation, which may include but are not limited to:

- A. all written reports/allegations/complaints/grievances/statements/responses pertaining to an alleged violation of Policy 2260.01 - Section 504/ADA Prohibition Against Discrimination Based on Disability;
- B. any narratives that memorialize oral reports/allegations/complaints/grievances/statements/responses pertaining to an alleged violation of Policy 2260.01 - Section 504/ADA Prohibition Against Discrimination Based on Disability;
- C. any documentation that memorializes the actions taken by District personnel or individuals contracted or appointed by the Board to fulfill its responsibilities related to the investigation and the District's response to the alleged violation of Policy 2260.01 - Section 504/ADA Prohibition Against Discrimination Based on Disability;
- D. written witness statements;
- E. narratives, notes from, and audio, video, or digital recordings of witness interviews/statements;
- F. e-mails, texts, and social media posts that directly relate to or constitute evidence pertaining to an alleged violation of Policy 2260.01 - Section 504/ADA Prohibition Against Discrimination Based on Disability (i.e., not after-the-fact commentary about or media coverage of the incident);
- G. notes and summaries prepared contemporaneously by the investigator in whatever form made (e.g., handwritten, keyed into a computer or tablet, etc.), but not including transitory notes whose content is otherwise memorialized in other documents;
- H. written disciplinary sanctions issued to students or employees and other documentation that memorializes oral disciplinary sanctions issued to students or employees for violations of Policy 2260.01 - Section 504/ADA Prohibition Against Discrimination Based on Disability;
- I. dated written determinations/reports (including summaries of relevant exculpatory and inculpatory evidence) and other documentation that memorializes oral notifications to the parties concerning the outcome of the

investigation, including any consequences imposed as a result of a violation of Policy 2260.01 - Section 504/ADA Prohibition Against Discrimination Based on Disability;

- J. documentation of any supportive measures offered and/or provided to the Complainant or the Respondent, including no-contact orders issued to both parties, the dates the no-contact orders were issued, and the dates the parties acknowledged receipt of the no-contact orders;
- K. documentation of all actions taken, both individual and systemic, to stop the discrimination or harassment, prevent its recurrence, eliminate any hostile environment, and remedy its discriminatory effects;
- L. copies of the Board policy and procedures/guidelines used by the District to conduct the investigation and any documents used by the District at the time of the alleged violation to communicate the Board's expectations to students and staff with respect to the subject of Policy 2260.01 - Section 504/ADA Prohibition Against Discrimination Based on Disability (e.g., Student Codes of Conduct and/or Employee Handbooks);
- M. copies of any documentation that memorializes any formal or informal resolutions to the alleged discrimination or harassment;

[DRAFTING NOTE: The following options should be selected if they were selected by the Board in Policy 2260.01 - Section 504/ADA Prohibition Against Discrimination Based on Disability.]

- N. () documentation of any training provided to District personnel related to Policy 2260.01 - Section 504/ADA Prohibition Against Discrimination Based on Disability, including but not limited to notification of the prohibitions and expectations of staff set forth in Policy 2260.01 and the role and responsibility of all District personnel involved in enforcing Policy 2260.01, including their duty to report alleged violations of Policy 2260.01, and/or conducting an investigation of an alleged violation of Policy 2260.01 - Section 504/ADA Prohibition Against Discrimination Based on Disability; [REMINDER: Documentation of training should be maintained regardless of whether there is an investigation of an alleged violation of Policy 2260.01 - Section 504/ADA Prohibition Against Discrimination Based on Disability. It is best practice to maintain a log of all staff members who participate in a training, along with the date, time, and location of the training, the name and title (or credentials) of the presenter, and a copy of the materials reviewed or presented during the training.]
- O. () documentation that any rights or opportunities that the District made available to one party during the investigation were made available to the other party on equal terms;
- P. () copies of any notices sent to the Respondent of the allegations constituting a potential violation of Policy 2260.01 - Section 504/ADA Prohibition Against Discrimination Based on Disability;
- Q. () copies of any notices sent to the Complainant and the Respondent in advance of any interview or meeting;
- R. () copies of any documentation or evidence used during informal and formal disciplinary meetings and hearings, including the investigation report and any written responses submitted by the Complainant or the Respondent.

Additionally, the CO shall retain copies of any written request for an impartial due process hearing, the IHO's notices to the parties, the evidence entered in the hearing, any transcript of the hearing, and the IHO's decision.

The documents, ESI, and electronic media (as defined in Policy 8315) retained may include public records and records exempt from disclosure under Federal (e.g., FERPA, ADA) and/or State (e.g., I.C. 5-14-3-4) law, such as student records and confidential medical records.

The 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, and Policy 8330 for not less than three (3) years and longer if required by the District's records retention schedule.

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| Book | Administrative Guideline Manual |
| Section | For Review - Administrative Guidelines - Vol. 30, No. 2 + |
| Title | Copy of SUMMER SCHOOL |
| Code | ag2440 - Board Review |
| Status | |
| Adopted | April 23, 2018 |

2440 - **SUMMER SCHOOL**

In accordance with Board policy, the District's summer school curriculum will consist of remedial programs for grades Kindergarten through 12th grade, enrichment programs for grades four (4) year old kindergarten through 12th grade, recreational programs.

Staff members are requested to notify the Principal with regard to those students who could benefit most from summer classes. Parents of said children will be contacted about the recommendation for attendance, but are not required to attend.

A. **Eligibility**

1. **All school-age children residing in the District have the right to attend a summer or interim session program, including home-school and private-school students.** ~~Summer school is open to those who are residents of the School District of Manawa.~~
2. **Students who have been enrolled in full-time open enrollment must be allowed to attend summer, even if they do not intend to return in the fall. They are eligible to attend summer or interim session school following their first year of full-time attendance.** ~~Staff members are requested to contact the parents of children who could benefit from summer school classes but are not required to attend.~~
3. **() Children who are legal residents of the state, living in the District during the summer session may be given the status of residents of the District for the purpose of attendance at summer or interim session classes, even though the children were not regular residents of the District during the preceding regular school session.**

B. **Supervision**

In accordance with guidelines for summer schools established by the Department of Public Instruction which generally follow those required of regular school sessions, the coordinator(s) of Summer School shall carry the same responsibilities as those generally accepted by the Principal of the regular school session. S/He is responsible for the total operation of the school and should give particular attention to the quality of instruction and supervision of his/her staff.

C. **Assignments**

The assignment of students to summer school courses will be based on the District procedures.

D. **Course Offerings**

1. To receive advanced credit for a subject not previously taken in high school, the student shall receive class instruction in summer equivalent to an amount not less than the minimum customarily required in high school.
2. Courses to be offered in a summer school will be selected by the District Administrator on the advice of the Principals and Summer School Coordinator(s) and with the approval of the Board.
3. The District Administrator, acting upon the recommendation of the Principal and Summer School Coordinator(s) may discontinue any course for reasons of insufficient enrollment.

E. Tuition/Fees

1. Nonresident students shall be charged tuition as determined by the District.
2. All students shall be assessed fees for materials as permitted by DPI regulations and may be charged a reasonable fee for any social, recreational, or extra-curricular activity.
3. A refund may be requested within the first day of school.
4. Payment in full should be received before school starts, however, a fee waiver may be requested.

F. Performance Responsibilities

1. The Summer School Coordinator(s) shall recommend all personnel, subject to the approval of the Board of Education.
2. The Principals of all participating schools should be consulted for professional staffing recommendations.
3. The Summer School Coordinator(s) shall be responsible for obtaining equipment, supplies, and instructional materials.
4. The Summer School Coordinator(s) shall direct the activities of the professional and support staff members in the performance of their responsibilities.

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Book Administrative Guideline Manual
Section For Review - Administrative Guidelines - Vol. 30, No. 2 +
Title NONDISCRIMINATION AND ANTI-HARASSMENT - REPORTING THREATENING BEHAVIORS
Code ag3362.01 - Board Review
Status

3362.01 - REPORTING THREATENING BEHAVIORS

Threatening behavior may take different forms including, but not limited to the following:

- A. () face-to-face encounters in which words are used that indicate to the staff member that the staff member's his/her safety and well-being are in jeopardy
- B. () any conduct or written/oral communications that include comments toward the staff member or the staff member's his/her family which would imply or state explicitly that the staff member and/or the staff member's his/her family may be subject to some form of physical or psychological abuse or violence
- C. () written or spoken comments to a staff member which could subject the staff member him/her to blackmail or extortion
- D. () written or spoken communication that would imply or explicitly state that some form of damage may be done to the staff member's property or that of the staff member's his/her family
- E. () written or spoken communication that causes a dwelling, a building, another structure, or a vehicle to be evacuated

Definitions

Words used in this guideline shall have those meanings defined herein; words not defined herein shall be construed according to their plain and ordinary meanings.

Complainant is the individual who alleges, or is alleged, to have been subjected to harassing, threatening, and/or intimidating behavior, regardless of whether the person files a formal complaint or is pursuing an informal resolution to the alleged harassment.

Respondent is the individual who is alleged to have engaged in harassing, threatening, and/or intimidating behavior, regardless of whether the Reporting Party files a formal complaint or is seeking an informal resolution to the alleged harassment.

District community means students, District employees (i.e., administrators, and professional and support staff), and Board members, agents, volunteers, contractors, or other persons subject to the control and supervision of the Board.

Third Parties include but are not limited to guests and/or visitors on District property (e.g., visiting speakers, participants on opposing athletic teams, parents), vendors doing business with, or seeking to do business with, the Board, and other individuals who come in contact with members of the District community at school-related events/activities (whether on or off District property).

Day(s): Unless expressly stated otherwise, the term "day" or "days" as used in this policy means business day(s) (i.e., a day(s) that the District office is open for normal operating hours, Monday – Friday, excluding State-recognized holidays).

Any staff member who believes that **the staff members/he** is the victim of any of the above actions or has observed such actions taken by a student, parent, fellow staff member, supervisor, co-worker, ~~or other member of person associated with~~ the District **community, or Third Parties, such as a vendor, contractor, volunteer, or school official should promptly should immediately** take the following steps:

- A. If the **Respondent would be alleged threatener is** the staff member's supervisor **or a member of the central office staff, the affected employee should,** as soon as possible after the incident, **the Complainant should** contact the _____ **or the District's Compliance Officer (see Policy 3362 - Anti-Harassment).**
- B. If the **Respondent alleged threatener** is not the staff member's supervisor **or member of the central office staff, the Complainant affected staff member should,** as soon as possible after the incident, **the Complainant should the Complainant may** contact his/her supervisor **or the District Compliance Officer.**
- C. If the **Respondent threatener** is a student of the District, the supervisor, if not the student's principal, should immediately inform the student's principal of the alleged threat.

The staff member may make contact either by a written report or by telephone or personal visit. During this contact, the reporting staff member should provide the name of the person(s) whom **the staff members/he** believes to be responsible for the threatening behavior and the nature of the threatening behavior incident(s). A written summary of each report is to be prepared promptly by the staff member receiving the report and forwarded to the _____. In the event that a staff member hears or receives a threat of violence in, or targeted at, any school, the staff member shall immediately refer to Policy 8462.01 - Threats of Violence and proceed accordingly.

Each report received by the supervisor or _____ as provided above shall be investigated in a timely and confidential manner. While a charge is under investigation, no information is to be released to anyone who is not involved with the investigation, except as may be required by law or in the context of a legal or administrative proceeding. No one involved is to discuss the subject outside of the investigation.

The purpose of this provision is to:

- A. protect the confidentiality of the staff member who files a complaint, **except that a Respondent must be informed of the Complainant's identity;**
- B. encourage the reporting of any incidents of threat;
- C. protect the reputation of any party wrongfully charged with threatening conduct.

Investigation of a complaint ~~will~~ normally **will** include conferring with the parties involved and any named or apparent witnesses. All staff members and others involved are to be protected from coercion, intimidation, retaliation, or discrimination for filing a complaint or assisting in an investigation.

If the investigation reveals that the complaint is valid, then prompt, appropriate, remedial and/or disciplinary action will be taken immediately to prevent the continuance of the threat or its recurrence.

The District recognizes that determining whether a particular action or incident is a threat must be based on all of the facts in the matter. Given the nature of this type of intimidation, the District recognizes that false accusations of a threat can have serious effects on innocent individuals. Accordingly, all staff members are expected to act responsibly, honestly, and with the utmost candor whenever they present threat allegations or charges against fellow staff members, students, or others associated with the District.

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| Book | Administrative Guideline Manual |
| Section | For Review - Administrative Guidelines - Vol. 30, No. 2 + |
| Title | RENUMBERED/REPLACEMENT GUIDELINE - MOVED FROM 8405A - VOL. 30, NO. 2 - USE OF ANIMALS IN THE CLASSROOM AND ON SCHOOL PREMISES |
| Code | ag8390 - Board Review |
| Status | |
| Adopted | July 22, 2019 |

RENUMBERED/REPLACEMENT GUIDELINE - MOVED FROM 8405A - VOL. 30, NO. 2

8390 - USE OF ANIMALS IN THE CLASSROOM AND ON SCHOOL PREMISES

The Board and administration support the idea that animals can provide a variety of productive learning experiences for students at almost every level. It is important, however, that the following guidelines be observed when instituting an activity or program involving the use of animals. Teachers are encouraged to contact such organizations as the Wisconsin Veterinary Association, the National Wildlife Federation, etc. regarding resource materials and suggested learning activities that may be available to help students increase their understanding of the animal world.

- A. Students are to be instructed not to bring personal pets to school at any time () without the approval of the principal.
- B. Owners of pets brought onto school property are responsible for any harm or injury caused by the animal to other students, staff, visitors, and/or property.
- C. Owners of service animals brought onto school property must comply with Policy 8390 and AG 8390.
- D. () Owners of therapy dogs brought onto school property must comply with Policy 8390.
- E. Upon the approval of the principal, it is permissible for the class to have one or more animals as classroom pets under the following conditions:
 - 1. () the animal is not venomous or vicious
 - 2. () no one is allergic to the particular animal
 - 3. () proper examination/immunization has been done by a qualified veterinarian
 - 4. () arrangements have been made for housing the animal safely, comfortably, cleanly, and in a manner that does not disrupt the classroom environment
 - 5. () arrangements have been made for the proper care of the animal when school is not in session
 - 6. () rules have been established and understood regarding when and how the animal is to be treated by the students
- F. When animals are to be brought into the school or classroom on an ad hoc basis as part of a lesson or series of lessons, all of the conditions stated above apply, and in addition, the teacher is to ensure the proper pick-up and return of the animal.
- G. Except as set forth above and/or in the case of "service animals" required for use by a person with a disability, no other animals may be on school premises at any time () without the approval of the _____.
- H. The District may have a service animal removed from the school premises if the animal is out of control and the animal's handler does not take effective action to control it or the animal is not housebroken. The District is not responsible for the

care or supervision of a service animal. The service animal is allowed to accompany its human in all areas the human is permitted to go. (see Policy 8390)

I. [NOTE: The following option should be included in this AG only if the District intends to require this of any animal brought onto District property for official purposes or on a regular/recurring basis.]

[] Vaccination, Licensing and/or Veterinary Requirements

Animals housed on or brought on to District property for any school purpose, such as to conduct random searches for illegal substances or to support classroom activities, or brought on to District property on a regular basis for any purpose, including service animals, must meet every veterinary requirement set forth in State law and County and/or local regulation/ordinance, including but not limited to rabies vaccination or other inoculations required to be properly licensed.

[END OF OPTION]

Use of Service Animals

The Board shall comply with the provisions of the American with Disabilities Act (ADA), as amended, and applicable Wisconsin law regarding an individual with disability's use of a service animal.

It is imperative that representatives of the Board do not ask about the nature or extent of a person's disability; however, they may make inquiries to determine whether an animal qualifies as a service animal. While the representatives of the Board cannot ask about the individual's disability, they may ask if the animal is required because of a disability and what tasks or work the animal can perform. When the work or tasks the service animal will perform is readily apparent, the representatives of the Board should not ask.

Under no circumstances should the representatives of the Board require documentation, such as proof that the animal has been certified, trained, or licensed as a service animal.

The definition of a service animal, as established by the ADA and applicable Wisconsin law is as follows:

- A. Service animal means any dog or other animal that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. No animal that is not properly trained may be allowed as a Service animal. The work or tasks performed by a service animal must be directly related to the handler's disability. Examples of work or tasks include, but are not limited to, assisting individuals who are blind or have low vision with navigation and other tasks, alerting individuals who are deaf or hard of hearing to the presence of people or sounds, providing non-violent protection or rescue work, pulling a wheelchair, assisting an individual during a seizure, alerting individuals to the presence of allergens, retrieving items such as medicine or the telephone, providing physical support and assistance with balance and stability to individuals with mobility disabilities, and helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors. The crime deterrent effects of an animal's presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for the purposes of this definition.
 1. The ADA has also defined a miniature horse as an animal that can serve as a service animal, so long as the miniature horse has been individually trained to do work or perform tasks for the benefit of the individual with a disability. To better determine whether the Board must allow for the use of a miniature horse or make modifications to buildings, the Board should refer to Section 35.136 (c) through (h) of the ADA.
 2. A service animal that meets the above definition shall be under the control of its handler (e.g., a student with a disability). A service animal shall have a harness, leash, or other tether, unless either the handler is unable because of a disability to use a harness, leash, or other tether, or the use of a harness, leash, or other tether would interfere with the service animal's safe, effective performance of work or tasks, in which case the service animal must be otherwise under the handler's control (e.g., voice control, signals, or other effective means).
 - a. The service animal's trainer can help to develop a plan to assist the student with the dog (e.g., the student's aide might transfer the service dog's leash from a student's wheelchair to a tree during recess). Additionally, a younger student might need reminders from school staff about controlling the dog until s/he is comfortable handling the service animal at school.
 - b. While the student is responsible for the service animal's care, including feeding and supervision, the District should develop a plan to provide the student with the necessary time to care for the animal and designate a location for the animal's toileting needs.
 3. Additionally, the Board is not responsible for the care or supervision of a service animal.

Service Animal Procedures

- A. A request for an individual who is not a student, staff member, or previously approved volunteer, who is a person with a disability requesting to be accompanied by a service animal while in a school, District facility, or at a District-sponsored activity or event that is not open for general public attendance (i.e. is an invited guest speaker, or invited to attend an in-school assembly, etc.) shall be handled as follows:
1. The request must be made in writing at least ten (10) school days prior to bringing the service animal to the school, facility, or activity/event. Requests shall be submitted to the building principal.
 2. If necessary to determine whether the animal qualifies as a service animal, the District may ask if the animal is required because of a disability and what work or task(s) the animal is trained to perform. However, the District shall not ask about the nature or extent of the individual's disability, and the District shall not require documentation, such as proof that the animal has been certified, trained, or licensed as a service animal unless the animal when present does not appear to be trained to perform tasks for an individual with a disability. () Any decision to deny the use of a service animal must be reviewed with the District Administrator before communicating with the requestor. **[END OF OPTION]**
- B. Individuals with disabilities shall be permitted to be accompanied by their service animals in all areas of the District's facilities where members of the public, participants in services, programs, or activities, or approved invitees, as relevant, are allowed to go. An individual with a disability who attends a school event will be permitted to be accompanied by his/her service animal in accordance with Policy 9160 – Public Attendance at School Events.
- C. A representative of the Board shall not ask or require an individual with a disability to pay a surcharge, even if people accompanied by pets are required to pay fees, or to comply with other requirements generally not applicable to people without pets. If a public entity normally charges individuals for the damage they cause, an individual with a disability may be charged for damage caused by his/her service animal.
- D. Visitors, including parents, volunteers, vendors, and others, who will access any area of the District's facilities with their service animals shall follow the building's standard visitor registration procedures and are encouraged to notify the building principal that their service animal will accompany them during their visit.
- E. A service animal must be under the control of its handler. A service animal shall have a harness, leash, or other tether, unless either the handler is unable because of a disability to use a harness, leash, or other tether, or the use of a harness, leash, or other tether would interfere with the service animal's safe, effective performance of work or tasks, in which case the service animal must be otherwise under the handler's control (e.g., voice control, signals, or other effective means). If a student with a disability is unable to control the service animal and another person serves as the animal's handler, that individual shall be treated as a volunteer and, as such, will be subject to Policy 8120.
- F. A service animal is considered the personal property of the individual requesting to be accompanied by the service animal. The individual requesting to be accompanied by the service animal is responsible for:
1. Ensuring that the service animal is licensed and up to date on vaccinations as required by State law or local ordinance; and
 2. Handling, caring for, and supervising the service animal, which includes toileting, feeding, and grooming.
- G. The individual requesting to be accompanied by the service animal is encouraged to provide proof of insurance against any liability for any actions, accidents, or property damage caused by the service animal. The individual requesting to be accompanied by the service animal shall remain liable for damage, harm, or injury caused by the service animal to other students, staff, visitors, or property.
- H. The District shall make reasonable accommodations if the presence of an animal results in health concerns for other students. These accommodations may include assignment of the student(s) to a different classroom in the District.

Removing and/or Excluding a Service Animal

- A. A service animal may be temporarily removed from District premises if:
1. The animal is out of control and the handler does not take effective action to control it;
 2. The animal is not housebroken;

3. Allowing the service animal would fundamentally alter the nature of the service, program, or activity; or

4. The animal is a direct threat to the health or safety of others.

- B. The principal or other administrator is responsible for determining if and when a service animal is to be temporarily removed and/or excluded from District property. The principal or administrator shall notify the District Administrator prior to or as soon thereafter as is practicable when a service animal has been removed and/or excluded, and, immediately subsequent to such notification, document the reasons for the removal and/or exclusion.
- C. If a service animal has been removed and/or excluded from District property, the administration shall contact the parents to address the reason(s) that the service animal was removed and to determine appropriate steps to assure that the student continues to have access to the educational program and that resolutions are reached regarding the use of the service animal.
- D. The ADA also provides that if a service animal is properly excluded from the premises, the Board shall give the individual with a disability the opportunity to participate in the service, program, or activity without having the service animal on the premises.

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Book Administrative Guideline Manual
Section For Review - Administrative Guidelines - Vol. 30, No. 2 +
Title MANAGEMENT OF CASUAL-CONTACT DISEASES
Code ag8450 - Review - School Nurse
Status
Adopted July 22, 2019

8450 - MANAGEMENT OF ~~SELECTED~~-CASUAL-CONTACT DISEASES

Diseases spread by airborne and/or direct contact with germs from sneezing, coughing, and speaking shall be managed according to the current guidelines set forth by the Wisconsin Department of Health Services (DHS), the _____ Health Department, the District's Medical Advisor, and a student or staff member's health care provider. District staff shall use the Wisconsin Childhood Communicable Diseases Chart (<https://www.dhs.wisconsin.gov/publications/p4/p44397.pdf>) provided by DHS as a general guide for school-based management of various communicable diseases.

School staff are not qualified to diagnose a communicable disease. However, any school staff member who knows or suspects that a certain communicable disease is present must immediately notify the

() school nurse.

() Principal.

() student's parent(s).

() _____.

Students identified to have symptoms of a communicable disease will follow the exclusion and return to school guidelines set forth by DHS, the _____ Health Department, and their individual health plan (IHP). The parent(s) will be immediately notified for the reason of the exclusion.

The () school nurse () Principal () _____ [END OF OPTION] will notify the () school custodian () Facility Director () _____ [END OF OPTION] as needed for any services related to the disinfection of contaminated areas/surfaces.

If an outbreak of a communicable disease is suspected, the () school nurse () Principal () _____ [END OF OPTION] will work directly with the _____ Health Department and the District's Medical Advisor, as needed, to properly manage the outbreak, which may include closure of a classroom/grade/school as warranted. () Such a closure is a joint effort and decision by a Response Team that will include the

() District Administrator.

() Principal.

() school nurse.

() Facility Director.

() _____ Health Department.

Timely communications to staff, students, parents, and the community shall be issued as deemed by the District Administrator to be necessary and appropriate. Any communications related to the disease must preserve confidentiality according to State law.

DISEASE

SYMPTOMS

**INCUBATION
PERIOD**

CONTAGIOUS PERIOD

RETURN-TO-SCHOOL

| | | | | |
|----------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------|-------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------|
| CHICKENPOX(Varicella) | General discomfort, slight to high fever, headache, and loss of appetite. Lesions appear in bunches with most on upper body. Face and extremities are less affected. Typical lesions have teardrop shape surrounded by reddened area. Blistered (new) and broken and crusted (old) eruptions are on the skin at the same time. | 10-21 days av: 13-17 | 5 days before rash to 6 days after rash first starts. | When lesions are dry and crusted and no new eruptions. At least 5 days after rash first appears. |
| FIFTH DISEASE(Erythema Infectiosum) (Hungarian measles) | Rash begins as a solid red area on cheeks ("slapped cheek" appearance), spreading to upper arms and legs, trunk, hands and feet. | 4-20 days | Exact duration unknown. Greatest before rash onset. Probably not communicable after rash onset. | Fever and signs of illness other than rash are no longer present. |
| INFLUENZA(Viral Influenza) | Fever, headache, muscles aches, sore throat, and cough (25% of school age children may have nausea, vomiting, and diarrhea). | 1-5 days | Probably 3 to 5 days from onset in adults; up to 7 days in young children. | Symptoms subside. |
| SCARLET FEVER(Scarletina) | Begins with fever and sore throat. Rash appears as a pink red flush which looks like a sunburn with goose pimples, that spreads to all parts of the body. Afterward, the skin peels off like a sunburn. Often the tongue has a "strawberry" appearance. | 1-3 days | In untreated, uncomplicated cases, 10-21 days or until under adequate antibiotic treatment for 24-48 hours. | Adequate treatment for 24-48 hours, and symptoms subside. |
| SPINAL MENINGITIS (Meningococcal) and (Haemophilus) | Sudden onset of high fever, headache, and stiff neck. In severe cases, delirium stupor or coma can also occur. In meningococcal meningitis small purplish spots are occasionally seen in skin and mucous membranes. | 1-10 days av: 2-4 days | Unknown. Probably throughout the duration of symptoms. | Requires doctor's note for re-admittance. |
| STREP THROAT(Streptococcal sore throat) | Similar to scarlet fever but without a rash. A sore throat and fever are the most pronounced symptoms. | 1-3 days av: 2-4 days. | Weeks or months without medical treatment or with antibiotic treatment 24-48 hours. | Adequate treatment for 24-48 hours, and symptoms subside. |
| ROSEOLA(Exanthem Subitum) | Sudden high fever (104°-105°F.) which falls with the appearance of a rash on about the third or fourth day. Rash consists of small rose pink spots which first appear on the chest and abdomen but may spread to the face, legs, and arms. Rash is usually limited to only one or two days. | 5-15 days | Unknown. The disease does not appear very contagious. | Until no symptoms. |
| RUBELLA(German Measles) | Rash begins on the face and spreads to the rest of the body within 24 hours and is usually gone by the end of the third day. Often present is a pronounced swelling of the lymph nodes behind the ear and at the base of the skull. Mild coughing, sneezing, and reddened eyes are common early in the course of the illness. | 14-23 days av: 16-18 days | 7 days before to 4 days after rash onset. | 5 days after rash onset. |
| MEASLES(Rubeola) | Begins 3 to 4 days of gradually increasing fever, runny nose, (red) inflamed eyes, and especially coughing. Rash usually begins around | 7-18 days av: 10 days | 4 days before rash and for up to 4 days after disappearance of the rash. | 5 days after disappearance of the rash. |

ears and hairline, spreading down to cover face, trunk and arms by second day. Rash is initially bright pink with distinct raised spots. Tiny blue-white pinpoint-sized swelling inside the cheeks may be observed a day before the rash first appears. The rash usually last about five days. Sensitivity to light is also common.

MUMPS (Infectious Parotitis)

Onset is gradual. There may be chills, discomfort, headache, pain below ears accompanied by a moderate fever of 101°-102°F, or higher followed by swelling of one or both salivary glands. Swelling is below and in front of ear. Usually swelling in one gland subsides as the other begins to swell. The ear lobe is often pushed forward by the swelling of the gland. Swelling usually lasts 5 to 7 days.

2 to 3 weeks
av: 18 days

Usually 5 but may be as long as 7 to 9 days prior to the onset of salivary gland swelling.

9 days after onset and no symptoms.

TUBERCULOSIS (TB)

Starts with fever, night sweats, and weight loss early. Later symptoms include a persistent non-productive cough, chest pain, hoarseness, and coughing of blood.

2-10 weeks

Variable. After starting treatment with anti-TB drugs, a patient may become non-infectious in as little as two weeks.

Requires a doctor's note for re-admittance.

WHOOPIING COUGH (Pertussis)

Coughing and sneezing followed 1 to 2 weeks later by breathing characterized by a series of short convulsive-like coughs, and a high pitched gasp of air called a whoop.

7-14 days
av: 7-10 days

Untreated from early throat inflammation to 3 weeks after typical cough symptoms occur. Treated the period of infectiousness extends 5 days onset of treatment.

3 weeks from onset of cough symptoms, if untreated or until after 5 days of treatment.

Diseases spread by contact with tiny parasites on contaminated belongings of others.

| DISEASE | SYMPTOMS | INCUBATION PERIOD | CONTAGIOUS PERIOD | RETURN TO SCHOOL |
|-------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|-----------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| RINGWORM (Tinea Capitis; Tinea Corporis) | Ringworm of the scalp begins as a small pimple which grows and spreads, leaving scaly patches of temporary baldness. Ringworm of the body appears as flat, spreading, ring-shaped lesions. The outside is usually reddish and filled with pus while the skin on the inside tends to return to normal. | 10-14 days | As long as any untreated lesions are present and spores persist on contaminated materials. | Under medical care. While under treatment, infected children should be excluded from gymnasiums, swimming pools and activities likely to lead to exposure of others. |
| PINWORM | Itching in anal areas, disturbed sleep, irritability and local irritation due to scratching | 2-6 weeks | As long as eggs are being laid on perianal skin. Eggs remain infective indoors about 2 weeks. | Under medical care. |

Diseases spread by the fecal-oral route—contamination of food, drink or objects placed in the mouth:

| DISEASE | SYMPTOMS | INCUBATION PERIOD | CONTAGIOUS PERIOD | RETURN TO SCHOOL |
|-----------------------------------------------------|--------------------------------------------------------------------|---------------------------|----------------------------------------------------------------|------------------|
| CAMPYLOBACTER (Vibriosis Vibronic-Enteritis) | Sudden onset of fever and abdominal pain and diarrhea which may be | 1-10 days av: 3-5 days | Throughout the illness (1 to 4 days). If not treat R Shroyer"> | |

| | | | | |
|-----------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------|--------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------|
| | severe. May also be vomiting and sometimes blood in the stools. | | | |
| SALMONELLOSIS (Acute Gastro-Enteritis)(Food Poisoning) | Sudden onset of fever, Abdominal cramps, diarrhea, and possibly vomiting. | 6-72 hours av: 12-36 hours | During acute infection and until organism no longer in feces. Usually several weeks. | Exclude until symptoms are gone. Exclude from certain activities based on Health Department recommendation. |
| SHIGELLOSIS (Bacillary Dysentery) | Sudden onset of fever, diarrhea, abdominal pain. Loss of appetite and vomiting may also occur. There may be blood, mucous, or pus in the stools. | 1-7 days av: 1-3 days | During acute infection and until organism no longer in feces. Usually several weeks. | Exclude until symptoms are gone. Exclude from certain activities based on Health Department recommendation. |
| VIRAL GASTROENTERITIS (Viral Diarrhea; Winter Vomiting-Rotoviral Diarrhea) | Abrupt onset of nausea, vomiting, diarrhea, abdominal pain, and discomfort. Fever, if present, is usually low grade. Very contagious. | 24-48 hours | From onset of illness until symptoms subside. | Same as above. |
| Hepatitis A (Infectious Hepatitis) (Epidemic Jaundice) | Onset is usually abrupt with fever, malaise, anorexia, nausea, and abdominal discomfort, followed within a few days by jaundice. | 15-50 days av: 28-30 days | Latter half of incubation period to approximately 1 week after onset of jaundice. | Same as above. |

Diseases spread by direct skin contact with wounds or discharges from an infected person.

| DISEASE | SYMPTOMS | INCUBATION PERIOD | CONTAGIOUS PERIOD | RETURN TO SCHOOL |
|--------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------|
| IMPETIGO (Impetigo Contagiosa) | Isolated pus-filled spots which become crusted and break releasing a straw-colored fluid. Occurs principally around the mouth and nostrils. | 4-10 days | As long as pus-filled lesions continue to drain. | Under medical care and lesions are healing and no new lesions appear. |
| PINKEYE (Epidemic Form of Acute Conjunctivitis) | Irritation of the eye accompanied by tears, swelling of the lids, extreme sensitivity to light, and a buildup of a sticky fluid that dries to a straw-colored, crusty material accumulating at the corners of the eye. | Variable, dependent upon infecting agent. | During the period of active infection. Some children recover in only a few days but many cases take 2 to 3 weeks. | Under medical care and drainage from eyes has cleared. |
| MONONUCLEOSIS , (Infectious) | Fever, sore throat, and enlarged lymph glands. | 4-6 weeks | Prolonged; pharyngeal excretions may persist for 1 year or more after infection. | Under medical care and physician has given permission to return. |
| PEDICULOSIS (Head Lice) | Appearance of lice and/or nits in the hair, commonly at nape of neck and/or behind the ears. Nits are fastened to the hair. | Eggs hatch in 7 days; maturity reached 8-10 days after hatching. | Until lice and viable eggs are destroyed. | Treated and nit-free. |

Diseases spread by direct skin contact with wounds or discharges from an infected person.

| DISEASE | SYMPTOMS | INCUBATION PERIOD | CONTAGIOUS PERIOD | RETURN TO SCHOOL |
|-----------------------|----------------------------------------------------------------------------------|-------------------|---------------------------------------------------------------------------|-------------------|
| HERPES SIMPLEX | Superficial clear blisters on a red base which crust and heal within a few days. | 2-12 days | Secretion of virus in the saliva has been reported for as long as 7 weeks | None recommended. |

| | | | after recovery from infection: | |
|--------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------|-----------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------|
| SCABIES | Rash, small raised bumps, blisters or linear tracts containing mites or their eggs; found commonly between the fingers, on wrists or waistline. Causes severe itching especially at night. | First exposure, 2-6 weeks; subsequent exposure, 1-4 days | Until mites and eggs are destroyed, usually after 1-2 treatments. | Day after treatment is completed. Occasionally a second treatment is needed. |
| HAND, FOOT, and MOUTH | Papulovesicular lesions appear on the buccal surfaces of cheek and gums and on sides of the tongue. Lesions may also appear on palms, fingers, and soles and last 7-10 days. Fever may also occur. | 3-5 days | Acute stage of illness and perhaps longer. | Exclude until lesions have begun to heal and the fever is gone and physician approves return. |
| HEPATITIS B (Serum Hepatitis) | Onset is usually insidious with anorexia, vague abdominal discomfort, nausea, and vomiting sometimes arthralgias and rash, often progressing to jaundice. Fever may be absent or mild. | 45-180 days; av. is 60-90 days. | Weeks before onset and throughout clinical course. Carrier state may persist for years. | Healthy enough to return without danger to self. Carrier status should be individually. Note from physician is recommended. |

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| Book | Policy Manual |
| Section | For Board Review - Vol. 30, No. 2 + Special Update |
| Title | Copy of FOOD SERVICES |
| Code | po8500 |
| Status | Proposed to Policy & Human Resources Committee |
| Adopted | November 1, 2015 |
| Last Revised | March 15, 2021 |

8500 - **FOOD SERVICES**

The Board shall provide cafeteria facilities in all school buildings where space permits, and will provide food service for the purchase and consumption of lunch for all students.

The Board shall also provide a breakfast program in accordance with procedures established by the Department of Public Instruction.

The Board does not discriminate on the race, color, national origin, age, sex (including gender status, change of sex, sexual orientation, or gender identity), pregnancy, creed or religion, genetic information, handicap or disability, marital status, citizenship status, veteran status, military service (as defined in 111.32, Wis. Stats.), ancestry, arrest record, conviction record, use or non-use of lawful products off the District's premises during non-working hours, declining to attend an employer-sponsored meeting or to participate in any communication with the employer about religious matters or political matters, or any other legally protected category in its programs and activities, including employment opportunities in its educational programs or activities, including the Food Service program. Students and all other members of the District community and Third Parties are encouraged to promptly report incidents of unlawful discrimination and/or retaliation related to the Food Service program to a teacher, administrator, supervisor, or other official so that the Board may address the conduct. See Policy 2260 – Nondiscrimination and Access to Equal Educational Opportunity.

The food-service program shall comply with Federal and State regulations pertaining to the selection, preparation, delivery, consumption, and disposal of food and beverages, including but not limited to the current USDA's school meal pattern requirements and the USDA Smart Snacks in School nutrition standards, as well as to the fiscal management of the program. Further, the food-service program shall comply with Federal and State regulations pertaining to the fiscal management of the program as well as all the requirements pertaining to food service hiring and food service manager/operator licensure and certification. In addition, as required by law, a food safety program based on the principles of the Hazard Analysis and Critical Control Point (HACCP) system shall be implemented with the intent of preventing food-borne illnesses. For added safety and security, access to the facility and the food stored and prepared therein shall be limited to food service staff and other authorized persons.

The Board shall approve and implement nutrition standards governing the types of food and beverages that may be sold on the premises of its schools and shall specify the time and place each type of food or beverage may be sold. In adopting such standards, the Board shall:

- A. consider the nutritional value of each food or beverage;
- B. consult and incorporate to the maximum extent possible the dietary guidelines for Americans jointly developed by the United States Department of Agriculture (USDA) and the United States Department of Health and Human Services; and
- C. consult and incorporate the USDA Smart Snacks in School nutrition guidelines.

No food or beverage may be sold on any school premises except in accordance with the standards approved by the Board.

~~In addition, as required by law, a food safety program based on the principles of the Hazard Analysis and Critical Control Point (HACCP) system shall be implemented with the intent of preventing food-borne illnesses. For added safety and security, access to the facility and the food stored and prepared therein shall be limited to food service staff and other authorized persons.~~

Dietary Modifications

~~Substitutions to the standard meal requirements shall be made, at no additional charge, for students for whom a health care provider who has prescriptive authority in the State of Wisconsin has provided medical certification that the student's medical condition restricts his/her diet, in accordance with the criteria set forth in 7 C.F.R. Part 15b. Substitutions to the standard meal requirements shall be made, at no additional charge, for students who are certified by a licensed physician to have a disability that restricts his/her diet, in accordance with applicable State and Federal requirements. To qualify for such substitutions the medical certification must identify:~~

A request for substitutions to the standard meal requirements shall be made, at no additional charge, for students for whom a health care provider with prescriptive authority in the State of Wisconsin has provided medical certification that the student's medical condition necessitates dietary restrictions for the student. The individual making such a request of the Food Service Director shall be informed that medical certification that the student has a restricted diet, in accordance with the criteria set forth in 7 C.F.R. Part 15b., must be submitted within two (2) school days from a health care provider with prescriptive authority in the State of Wisconsin or the dietary modification may be discontinued until such statement is received.

The medical certification must identify:

- A. the student's medical condition or symptoms of a condition that restricts one (1) or more major life activity or function;
- B. an explanation of how the condition or symptom affects the student's diet; and
- C. the food(s) to be omitted from the student's diet, and the food or choice of foods that must be substituted (e.g., caloric modifications or use of liquid nutritive formula).

On a case by case basis, substitutions to the standard meal requirements may be made, at no additional charge, for students who are not "disabled persons", but have a signed statement from a qualified medical authority that the student cannot consume certain food items due to medical or other special dietary needs. To qualify for such consideration and substitutions the medical statement must identify:

- A. the medical or dietary need that restricts the student's diet; and
- B. the food(s) to be omitted from the student's diet and the food(s) or choice of foods that may be substituted

For non-disabled students who need a nutritional equivalent milk substitute, only a signed request by a parent is required.

Meal Charges

Lunches sold by the school may be purchased by students and staff members and community residents in accordance with the rules of the District's school lunch program.

The operation and supervision of the food-service program shall be the responsibility of the Business Manager. Food services shall be operated on a self-supporting basis with revenue from students, staff, Federal reimbursement, and surplus food. The Board shall assist the program by furnishing available space, initial major equipment, and utensils. Maintenance and replacement of equipment is the responsibility of the program.

A periodic review of the food-service accounts shall be made by the Business Manager. Any surplus funds from the National School Lunch Program shall be used to reduce the cost of the service to students or to purchase cafeteria equipment. Surplus funds from a-la-carte foods purchased using funds from the nonprofit food service account must accrue to the nonprofit food service account.

Bad Debt

Bad debt incurred through the inability to collect lunch payment from students is not an allowable cost chargeable to any Federal program. Any related collection cost, including legal cost, arising from such bad debt after they have been determined to be uncollectible are also unallowable. District efforts to collect bad debt shall be in accordance with Policy 6152 - Student Fees, Fines, and Charges.

Bad debt is uncollectable/delinquent debt that has been determined to be uncollectible no sooner than the end of the school year in which the debt was incurred. If the uncollectable/delinquent debt cannot be recovered by the School Meals Program in the year

when the debt was incurred, then this is classified as bad debt. Once classified as bad debt, non-Federal funding sources must reimburse the NSFSA for the total amount of the bad debt. The funds may come from the District general fund, State or local funding, school or community organizations such as the PTA, or any other non-federal source. Once the uncollectable/delinquent debt charges are converted to bad debt, records relating to those charges must be maintained in accordance with the record retention requirements in 7 CFR 210.9(b) (17) and 7 CFR 210.15(b).

Negative Account Balances

Students will be permitted to purchase meals from the District's food service using either cash on hand or a food service account. A student may be allowed to incur a negative food service account balance subject to the following conditions.

Students may be permitted to accumulate negative food service account balance as determined by the **Business Manager**~~District Administrator~~. The **Business Manager**~~District Administrator~~ shall determine the manner of determining permissible account balances by grade level. A student shall not be permitted to purchase a la carte items without sufficient account balance or cash on hand. Likewise, any student that has a negative account balance may not purchase a la carte items with cash unless the student is also able to bring his/her account current.

A student who has exceeded the permissible negative balance amount in his/her account and does not have cash on hand sufficient to purchase a meal will be treated respectfully. The District will provide meals to students with unpaid meal balances without stigmatizing them, will provide parents of students who charge meals with notification when a student charges a meal, and will make efforts to collect the charges incurred by the students so that the unpaid charges are not classified as "bad debt" at the end of the school year.

-
[X.] [Option-A]

-
If a student has a significant negative lunch account balance, s/he shall be provided a regular reimbursable meal that follows the USDA meal pattern, the cost of which shall continue to accrue to his/her negative lunch account balance.

-
{End-of-Option-A}

-
{ } [Option-B]

-
~~If a student has a significant negative lunch account balance, s/he shall be provided an alternate meal at a reduced price recommended by the District Administrator and approved by the Board END-OF-OPTION], the cost of which shall continue to accrue to his/her negative lunch account balance, and his/her parent(s) shall be contacted to collect the outstanding charges. The alternate meal will be a low-cost alternative to the regular reimbursable meal and shall meet USDA nutritional standards or the Smart Snacks in Schools Regulations so that it qualifies for reimbursement under the National School Lunch/Breakfast Program.(-)~~

-
{End-of-Option-B}

~~Students that are receiving free or reduced price meals will be permitted to purchase a USDA approved meal if the student has the necessary funds with him/her to purchase the meal, regardless of whether the student has a negative account balance.~~

This policy and any implementing guidelines shall be provided in writing to all households at the start of each school year and to households transferring to the school or School District during the school year. The policy and implementing guidelines will also be provided to all District staff with responsibility for enforcing the policies.

The food-service program may participate in the "Farm to School Program" using locally grown food in school meals and snacks.

No foods or beverages, other than those associated with the District's food-service program, are to be sold during food-service hours.

The District's food service program shall serve only food items and beverages determined by the Food Service Department to be in compliance with the current USDA Dietary Guidelines for Americans and the USDA Smart Snacks in School nutrition guidelines. Any competitive food items and beverages that are available for sale to students a la carte in the dining area between midnight and thirty (30) minutes following the end of the last lunch period shall also comply with the current USDA Dietary Guidelines for Americans and the USDA Smart Snacks in School nutrition guidelines, and may only be sold in accordance with Board Policy 8550. Foods and beverages unassociated with the food-service program may be vended in accordance with the rules and regulations set forth in Board Policy 8540.

The District Administrator will require that the food service program serve foods in the schools of the District that are wholesome and nutritious and reinforce the concepts taught in the classroom.

The **Business Manager**~~District Administrator~~ is responsible for implementing the food service program in accordance with the adopted nutrition standards and shall provide a report regarding the District's compliance with the standards at one of its regular meetings annually.

Nondiscrimination Statement

The following statement applies to all programs administered by the District that are funded in whole or in part by the U.S. Department of Agriculture (USDA):

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, sex, disability, age, or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA.

Persons with disabilities who require alternative means of communication for program information (e.g. Braille, large print, audiotape, American Sign Language, etc.), should contact the Agency (State or local) where they applied for benefits. Individuals who are deaf, hard of hearing or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, (AD-3027) found online at: http://www.ascr.usda.gov/complaint_filing_cust.html, and at any USDA office, or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by:

1. Mail: U.S. Department of Agriculture

Office of the Assistant Secretary for Civil Rights

1400 Independence Avenue, SW

Washington, D.C. 20250-9410;

2. Fax: (202) 690-7442; or

3. E-mail: program.intake@usda.gov.

This institution is an equal opportunity provider.

All verbal or written civil rights complaints regarding the school nutrition programs that are filed with the District must be forwarded to the Civil Rights Division of USDA Food and Nutrition Service within three (3) days.

Revised 11/21/16

Revised 7/17/17

Revised 11/19/18

T.C. 3/15/21

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Legal

SP 32-2015 Statements Supporting Accommodations for Children with Disabilities in the Child Nutrition Programs

SP 59-2016 Modifications to Accommodate Disabilities in the School Meal Program

OMB Circular No. A-87 USDA Smart Snacks in School Food Guidelines (effective July 1, 2014)

Child Nutrition Act of 1966, 42 U.S.C. 1771 et seq.

Healthy, Hunger-Free Kids Act of 2010 and Richard B. Russell National School Lunch Act, 42 U.S.C. 1751 et seq.

42 U.S.C. 1758

15.137, 93.49, 115.34 -115.345, 120.10(16), 120.13(10), Wis. Stats.

7 C.F.R. Parts 15b, 210, 215, 220, 225, 226, 227, 235, 240, 245

42 U.S.C., Chapter 13

Last Modified by Melanie Oppor on January 7, 2022



Students choosing to excel; realizing their strengths.

To: Board of Education
From: Dr. Melanie J. Oppor
Date: January 7, 2022
Re: COVID-19 Protocols

The purpose of this memo is to ask if the Board of Education wishes to approve the new CDC guidelines for isolation practices for use in the School District of Manawa.

The Omicron variant now makes up about 82% of cases in Wisconsin. Growing evidence suggests the Omicron variant is most transmissible one to two days before the onset of symptoms and during the two to three days afterward, but can be transmissible up to ten days after the start of symptoms.

Per the CDC:

Isolation is used to separate people with confirmed or suspected COVID-19 from those without COVID-19. People who are in isolation should stay home until it's safe for them to be around others. At home, anyone sick or infected should separate from others, or wear a [well-fitting mask](#) when they need to be around others. People in isolation should stay in a specific "sick room" or area and use a separate bathroom if available. Everyone who has presumed or confirmed COVID-19 should stay home and isolate from other people for at least 5 full days (day 0 is the first day of symptoms or the date of the day of the positive viral test for asymptomatic persons). They should wear a mask when around others at home and in public for an additional 5 days.

The School District of Manawa currently requires individuals identified with COVID-19 to isolate for ten (10) days from the onset of the symptoms or the date of the positive test result. Would the SDM Board of Education want to move to a five (5) day isolation period from the onset of symptoms or date of the positive viral test (for asymptomatic people) and then permit the individual back on the school site with the caveat that the individual must mask for an added five (5) days. If the individual is unwilling or unable to mask, the individual would complete the full ten (10) day isolation.

Area school districts are divided in whether to proceed with the new CDC guidance or maintain their current ten-day isolation period due to the current surge of active COVID-19 cases and concerns over supervising the masking requirement. Updates on what area districts are doing will be presented at the Policy and Human Resources Committee meeting as information becomes available.

Thank you for your thoughtful consideration of this matter. Please do not hesitate to contact me with questions.



School District of Manawa

Students Choosing to Excel, Realizing Their Strengths

To: Dr. Melanie J. Oppor, BOE
From: Danni Brauer
Date: 1/7/22
Re: Special Ed Need

This memo is to request an additional Special Education Paraprofessional for the 2021-22 school year.

On January 17, 2020, we will welcome a student to MES who has been attending school at New Horizons Alternative School. This additional student created a need for a 3 hour/day special education paraprofessional at MES.

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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