

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

[Join with Google Meet](#)

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(US) +1 316-789-6569 PIN: 920 971 493#

March 15, 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. Review, Discuss, and Endorse NEOLA Policy Updates Volume 31, No. 1 as Listed - Steve LaVallee (Information / Action)
 - a. Overview and Comments
 - b. PO0100 - Definitions
 - c. PO0142.1 - Electoral Process
 - d. PO0142.5 - Vacancies
 - e. PO0144.5 - Board Member Behavior and Code of Conduct
 - f. PO0152 - Officers
 - g. PO0165.1 - Notice of Regular Meetings
 - h. PO1421 - Criminal History Record Check and Employee Self-Reporting Requirement
 - i. PO1460 - Physical Examination
 - j. PO2210 - Curriculum Development
 - k. PO2414 - Human Growth and Development
 - l. PO3121 - Criminal History Record Check and Employee Self-Reporting Requirements
 - m. PO3122.01 - Drug-Free Workplace
 - n. PO3160 - Physical Examination
 - o. PO3340 - Grievance Procedure
 - p. PO4121 - Criminal History Record Check and Employee Self-Reporting Requirements
 - q. PO4122.01 - Drug-Free Workplace

- r. PO4160 - Physical Examination
 - s. PO4340 - Grievance Procedure
 - t. PO5113 - Open Enrollment Program
 - u. PO5200 - Attendance
 - v. PO5410 - Promotion, Placement, and Retention
 - w. PO5461 - Children At-Risk of Not Graduating From High School
 - x. PO5722 - School-Sponsored Publications and Promotions
 - i. Current Policy
 - ii. Revised Policy
 - iii. Tool Kit
 - y. PO6108 - Authorization to Make Electronic Fund Transfers
 - z. PO6114 - Cost Principles - Spending Federal Funds
 - aa. PO6146 - Post Issuance Tax Exempt Bond Compliance
 - bb. PO6152 - Student Fees, Fines, and Charges
 - cc. PO7100 - Facilities Planning
 - dd. PO8450 - Control of Casual - Contact Communicable Diseases
2. Review, Discuss, and Endorse NEOLA Administrative Guideline Updates Volume 31, No. 1 as Listed - Steve LaVallee (Information / Action)
- a. Overview and Comments
 - b. AG1630.01 - FMLA Leave
 - c. AG2260.02 - English Language Proficiency
 - d. AG2271 - Early College Credit Program
 - e. AG2411 - School Counseling
 - f. AG2430 - District Sponsored Clubs and Activities
 - g. AG2522.01 - Library Media Center - Support for Intellectual Freedom
 - h. AG3120B - Appointment of Personnel to Compensated Co-Curricular and Extra-Curricular Activities
 - i. AG3120.10 - Job Sharing
 - j. AG3122.02 - Drug-Free Workplace
 - k. AG3125 - Wisconsin Educator Licensing
 - l. AG3160B - Tuberculosis Examination
 - m. AG3231A - Participation in Political Activities
 - n. AG3231B - Research and Publishing
 - o. AG3430.01 - FMLA Leave
 - p. AG4122.01 - Drug-Free Workplace
 - q. AG4160B - Tuberculosis Examination
 - r. AG4231A - Participation in Political Activities
 - s. AG4430.01 - FMLA Leave
 - t. AG5111.01 - Homeless Students
 - u. AG5200 - Attendance
 - v. AG5330 - Administration of Medications
 - w. AG5460 - Graduation Requirements
 - i. District Specific
 - ii. Integrate with Current Policy and Delete

- x. AG5463 - Student and Credit Transfer from Nonpublic Schools
 - y. AG5517.01 - Bullying
 - z. AG5540 - Relationship with Governmental Agencies
 - aa. AG5610 - Suspension and Expulsion
 - bb. AG5722 - School-Sponsored Student Publications and Productions
 - cc. AG5751 - Education and Services for School-Age Parents
 - dd. AG5830 - Student Fund-Raising
 - ee. AG6605 - Crowdfunding
 - ff. AG6611 - Ticket Sales
 - gg. AG7440.03 - Small Unmanned Aircraft Systems
 - hh. AG7540.05 - Assistive Technology and Services
 - ii. AG8320 - Personnel Records
 - jj. AG8330 - Student Records
 - kk. AG8600 - Transportation
 - ll. AG8800D - Care, Custody, and Display of the United States Flag
 - mm. AG9270 - Home-Based Private Education Students
 - nn. AG9270A - Admission of Students from Nonapproved Schools
 - oo. AG9700 - Fund-Raising by Charitable Organizations
3. Review, Discuss, and Endorse the Use of NEOLA Forms as Listed
 - a. FM6605.F1 - Crowdfunding Solicitation Project Proposal Form
 - b. FM9160F1- Public Attendance at School Events
 4. Review, Discuss, and Endorse PO2431 - Interscholastic Athletics (Information / Action)
 5. Review, Discuss, and Endorse PO8510 Wellness (Information / Action)
 6. Review, Discuss, and Act on Teacher Request Regarding No Paraprofessional (Information / Action)
 7. Discuss and Act on Dean of Students Request for a Stipend Increase (Information / Action)
 8. Review the Revised Job Description for the MS/HS Administrative Assistant (Information)
 9. Discuss Job Description and Title for Special Assignment Teachers and Secondary Resource Courses (Information)
 10. Policy & Human Resources Committee Planning Guide (Information)
 11. Set Next Meeting Date _____
 12. Next Meeting Items:
 - a. PO4362.01 and PO3362.01 - Reporting Threatening Behavior: Staff are concerned with the increase in verbal aggression directed at them by parents and members of the public.
 - b.
 13. Adjourn



Book	Policy Manual
Section	For Board Review - Vol. 31, No. 1
Title	Overview & Comments
Code	01 - Information & Comments - Vol. 31, No. 1
Status	

WISCONSIN OVERVIEW AND COMMENTS

Volume 31, Number 1 December 2021

Notice Regarding Legal Accuracy

Neola is vigilant in providing policy language to clients that has been vetted for legal accuracy by outside legal counsel. Should questions arise as to the legal compliance or accuracy of Neola materials, it is our expectation that Neola's counsel would have the opportunity to assist in the resolution of such a claim. Please notify the Neola corporate office if an issue arises in which such a review or assistance is necessary.

Policies in this update have been reviewed by either Davis & Kuelthau, s.c. or Renning Lewis & Lacy, s.c. for consistency with Federal and State law.

Legal Alerts

U.S. Supreme Court Addresses Student Off-Campus Speech

The Alert discusses the *Mahanoy Area School District v. B.L.* U.S. Supreme Court decision involving student free speech issues. Although the Supreme Court affirmed the Third Circuit in finding a violation of the cheerleader's (student's) free speech rights, it is important to recognize that the Court rejected the Third Circuit's broader position that schools cannot regulate off-campus speech. The Supreme Court recognized that there can be circumstances where off-campus speech implicates the regulatory interests of schools. It concluded that the facts in Mahanoy did not rise to that level but going forward school districts are in a position to respond to such speech if they conclude it is creating a substantial disruption of learning or threatening the protection of the school population. The Court found that lacking in *Mahanoy*, but it could exist in future circumstances. It is clear from the decision that the characteristics of off-campus speech that differentiate it from speech at school or at a school function will make it more difficult to pass constitutional muster when dealing with off-campus speech. School administrators will have to analyze such issues carefully when contemplating responding to off-campus speech.

Diversity, Equity, and Inclusion in Public Schools

The Alert discusses the state of the Biden Administration's efforts to place a focus on Diversity, Equity, and Inclusion in the schools through deliberate consideration of different learning styles and needs of students from different backgrounds. The Administration has directed the Department of Education to develop plans to address these areas, to collect data to inform the development of programs, and to target specific areas of inequity at the local level. No concrete plan or requirements have yet been identified; however, the Administration's orders focus on increasing minority participation in advance placement and other college readiness courses, enhancing dropout prevention and recovery programs for Black and Hispanic students, and improving hiring practices to improve diversity among the teaching staff. This Alert provides an update on these efforts and resources related to the initiatives discussed so far; however there is as of yet no actual requirements for school board action.

Update of Title IX Implementation and Enforcement under the Biden Administration

The Alert discusses the Biden Administration's position on Title IX as it relates to gender identity as a protected classification. The Administration noted the U.S. Supreme Court in the *Bostock* decision had determined that gender identity was a protected classification with the definition of the term "sex" as used in Title VII and that there was no discernable distinction between the term in Title VII and Title IX. Accordingly, the Administration intends to enforce Title IX in the context of discrimination on the basis of gender identity and more broadly relative to the LGBTQ+ community. This analysis is consistent with the 7th Circuit Court of Appeals decision in the *Whittaker v. Racine Unified School District* case and therefore is not a significant change in Wisconsin. However, this does signify the federal government's intent to use its resources to enforce these protections.

Incompatibility of Office

This legal memo examines the concept behind incompatibility of office. Incompatibility of office is when a person who sits on the Board and also holds a position within the District could have conflicting duties and loyalties, particularly when the elected official position (Board member) is considered part of the ultimate supervisory body over all the other positions within the District. The legal memo reviews opinions from the Attorney General and distinguishes between incompatibility of office and conflict of interest.

School-Sponsored Publications and Productions Toolkit

This Toolkit presents an overview of applicable laws and cases that impact school districts' ability to engage in prior review and restraint with respect to school-sponsored student expressive activities. The Toolkit also provides relevant information concerning the options available to school boards and district administrators when considering the adoption and/or amendment of policies and/or administrative procedures related to school-sponsored student publications and productions. While school officials are generally familiar with student publications such as student newspapers and/or yearbooks and student productions that are broadcast on radio and television,

replacement Policy 5722 goes further and encompasses the many newer online electronic forms of school-sponsored student media outlined on page 1 of the Policy (e.g., students' school-related blogs, podcasts, and productions posted on Internet sites such as YouTube).

This toolkit is intended to provide guidance in reviewing the options provided in the templates for Policy 5722 and Administrative Guideline 5722.

Policy Revisions

Policy 0100 - Definitions (Revised)

The term "Administrator" has been added with a definition for when that term is used in policy or administrative guidelines. Districts have the option of using a general definition or listing specific positions for positions considered an administrator.

This revision is recommended but not required.

Policy 0142.1 - Electoral Process (Revised)

Pursuant to statutory changes to 120.06(6)(b)3m Wis. Stats., this policy has been revised to meet the new School Board Election Notice Requirement - *Public Notice of Incumbent Non-Candidacy Decisions*.

This revision is required to comply with statutory requirements.

120.06(6)(b)3m Wis. Stats.

3m. If, under subd. 3., an incumbent files written notification that the incumbent is not a candidate for reelection to his or her office or fails to file a declaration of candidacy within the time prescribed by this paragraph, the school district clerk shall promptly provide public notice of that fact on the school district's Internet site or, if the school district does not maintain an Internet site, by posting notices in at least 3 different locations within the school district.

Policy 0142.5 - Vacancies (Revised)

This policy has been revised to add clarity and linkage to other existing policies relating to quorums and voting to further guide the Board regarding the procedures when voting to fill a vacancy.

These revisions are recommended, but not required.

120.12(28), Wis. Stats.

(28) School board vacancies. By July 1, 2016, adopt a policy on how the school board will fill a vacancy on the school board if the remaining school board members do not fill the vacancy under s. 17.26 (1g) (a) within 60 days of the date on which the vacancy first exists.

Policy 0144.5 - Board Member Behavior and Code of Conduct (Revised)

This policy has been revised to specifically include attendance at meetings as a general expectation of Board members, acknowledge the doctrine of incompatibility of office, and require individual communications of Board members be distinct from Board-authorized messages.

The revision is recommended but not required.

Policy 0152 - Officers (Revised)

Specifies the process by which Board officers are selected by a majority vote of those members present and participating in such action.

Recommended for clarity and consistency with other related Bylaws.

Where the number of votes cast constitutes a quorum, a majority of those votes is sufficient to elect an officer. (WASB - Bob Butler (Staff Counsel) Presentation 04-20-202)

120.05 School board officials.

(1)

(a) The members of a school board shall be the officers of a school district.

19.88 Ballots, votes and records.

(1) Unless otherwise specifically provided by statute, no secret ballot may be utilized to determine any election or other decision of a governmental body except the election of the officers of such body in any meeting.

120.43 (1) Annually, on or within 30 days after the 4th Monday in April, the school board shall elect a school district president, vice president, clerk and treasurer from among its members and a school board secretary who need not be a member of the school board.

Policy 0165.1 - Notice of Meetings (Revised)

The revisions to this policy reflect new statutory language on how meetings of the Board or non-Board Committees that require public notice may be posted.

This revision is recommended for compliance with current law.

19.84 Public notice.

(1) Public notice of all meetings of a governmental body shall be given in the following manner:

(a) As required by any other statutes; and

(b) By communication from the chief presiding officer of a governmental body or such person's designee to the public, to those news media who have filed a written request for such notice, and to the official newspaper designated under ss. 985.04, 985.05 and 985.06 or, if none exists, to a news medium likely to give notice in the area. Communication from the chief presiding officer of a governmental body or such person's designee shall be made to the public using one of the following methods:

1. Posting a notice in at least 3 public places likely to give notice to persons affected.

2. Posting a notice in at least one public place likely to give notice to persons affected and placing a notice electronically on the governmental body's

Internet site.

3. By paid publication in a news medium likely to give notice to persons affected.

Policy 1421/Policy 3121/Policy 4121 - Criminal History Record Check and Employee Self-Reporting Requirement (New/Revised/Revised)

The title has been revised to include a reference to the new language that has been added to the policy regarding the "employee self-reporting requirement". The policy revisions require employees to report any arrest, indictment, conviction, no contest or guilty plea, or other adjudication for any criminal or municipal offense within a specific timeline.

This revision is highly recommended but not required.

Policy 1460/Policy 3160/Policy 4160 - Physical Examination (Revised)

The revisions to this policy are made to improve alignment with statute requirements. Further, additional options have been included that are permissible and may be considered by the Board. In addition, the physical examination exception is clarified as it pertains only to those who use faith exclusively for medical care. It should also be noted that those who file for the physical exemption still must be free of communicable tuberculosis as it is only a diagnosis and not a treatment.

The revisions are highly recommended.

118.25(b) The school board may not require physical examinations of any school employee who files with the school board an affidavit setting forth that the employee depends exclusively upon prayer or spiritual means for healing in accordance with the teachings of a bona fide religious sect, denomination, or organization and that the employee is to the best of the employee's knowledge and belief in good health and that the employee claims exemption from health examination on these grounds. Notwithstanding the filing of such affidavit, if there is reasonable cause to believe that such employee is suffering from an illness detrimental to the health of the pupils, the school board may require a health examination of such school employee sufficient to indicate whether or not such school employee is suffering from such an illness. No school employee may be discriminated against by reason of the employee's filing such affidavit.

Policy 2210 - Curriculum Development (Revised)

The policy is revised to reflect the requirements of 2021 Wisconsin Act 30 which amends Section 121.02(1)(L)8 to require instruction regarding the Holocaust and other genocides at least once between grades 5 through 8 and once in grades 9-12. This requirement will begin with the 2022-2023 school year.

This policy revision is recommended to assure compliance with state law.

121.02 8.

a. In this subdivision, " Holocaust" means the systematic state-sponsored killing of 6 million Jewish men, women, and children and millions of others by Nazi Germany and its collaborators between 1933 and 1945.

b. By July 1, 2022, as a part of the social studies curriculum, include instruction on the Holocaust and other genocides at least once in grades 5 to 8 and at least once in grades 9 to 12.

Policy 2414 - Human Growth and Development (Revised)

The policy is revised to include the requirements of 2021 Wisconsin Act 90 which requires that human growth and development instruction regarding the right to drop off a newborn child to various health care locations. This topic of instruction is required in the event a District's curriculum includes certain topics. The policy is also restructured to properly reflect the construct of the statute which requires additional subjects of instruction only if certain other subjects are included.

The policy revisions should be adopted and done so consistent with the District's curriculum to assure a legally compliant policy.

118.019(j) Explains the process under s. 48.195 under which a parent of a newborn child may relinquish custody of the child to a law enforcement officer, emergency medical services practitioner, or hospital staff member.

Policy 3122.01/Policy 4122.01 Drug-Free Workplace (Revised)

These policies were revised to make the language more user-friendly by inserting new headings, adding clarification, and adding references to the Drug-Free Workplace Act of 1988 and Policy 3161-Unrequested Leaves of Absence/Fitness for Duty. Language is also added to clarify that a prescription is an exception only to the extent the prescription is lawful in Wisconsin and under Federal law (i.e. medical marijuana prescriptions from providers in states that permit it are not an exception to drug-free workplace policies in Wisconsin because prescription marijuana remains illegal both in Wisconsin and under Federal law).

This revision is highly recommended but not required.

CHAPTER 81—DRUG-FREE WORKPLACE

Sec.

8101. Definitions and construction.

8102. Drug-free workplace requirements for Federal contractors.

8103. Drug-free workplace requirements for Federal grant recipients.

8104. Employee sanctions and remedies.

8105. Waiver.

8106. Regulations.

§8101. Definitions and construction

(a) Definitions.—In this chapter:

(1) Contractor.—The term "contractor" means the department, division, or other unit of a person responsible for the performance under the contract.

(2) Controlled substance.—The term "controlled substance" means a controlled substance in schedules I through V of section 202 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 812).

(3) Conviction.—The term "conviction" means a finding of guilt (including a plea of nolo contendere), an imposition of sentence, or both, by a judicial body charged with the responsibility to determine violations of Federal or State criminal drug statutes.

(4) Criminal drug statute.—The term "criminal drug statute" means a criminal statute involving manufacture, distribution, dispensation, use, or possession of a controlled substance.

(5) Drug-free workplace.—The term "drug-free workplace" means a site of an entity—

(A) for the performance of work done in connection with a specific contract or grant described in section 8102 or 8103 of this title; and

(B) at which employees of the entity are prohibited from engaging in the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance in accordance with the requirements of the Anti-Drug Abuse Act of 1988 (Public Law 100-690, 102 Stat. 4181).

(6) Employee.—The term "employee" means the employee of a contractor or grantee directly engaged in the performance of work pursuant to the contract or grant described in section 8102 or 8103 of this title.

(7) Federal agency.—The term "Federal agency" means an agency as defined in section 552(f) of title 5.

(8) Grantee.—The term "grantee" means the department, division, or other unit of a person responsible for the performance under the grant.

Policy 3340/Policy 4340 - Grievance Procedure (Revised)

Language has been added to provide options for the appointment of the IHO when the District Administrator files a grievance with the District.

This revision is required to provide policy coverage for all situations.

Policy 5113 - Open Enrollment Program (Revised)

The policy is revised to add the option for the Board to expressly authorize the District Administrator to approve or deny open enrollment applications on behalf of the Board. This authority is provided expressly in regulation and this revision provides the Board with an option for approving such authority.

The revisions, if the Board intends to delegate such authority, should be adopted.

Policy 5200 - Attendance (Revised)

This policy has been revised to include private school and home-based education students, who are attending the District under part-time open enrollment provisions, with the same excused absence as regular full-time high school students for serving as an election day official.

These revisions align with State statutes and are required.

118.15(d) Any child excused in writing by his or her parent or guardian and by the principal of the school that the child attends, or by the administrator of the home-based private educational program in which the child is enrolled, for the purpose of serving as an election official under s. 7.30 (2) (am). Except as provided in s. 7.30 (2) (am), a principal or administrator may not excuse a child under this paragraph unless the child has at least a 3.0 grade point average or the equivalent. The principal or administrator shall allow the child to take examinations and complete course work missed during the child's absences under this paragraph. The principal or administrator shall promptly notify the municipal clerk or the board of election commissioners of the municipality that appointed the child as an election official if the child ceases to be enrolled in school or in a home-based private educational program or if the child no longer has at least a 3.0 grade point average or the equivalent.

118.145(4) The school board of a school district operating high school grades shall allow a pupil enrolled in a private school or a pupil enrolled in a tribal school, who has met the standards for admission to high school under sub. (1), to take up to 2 courses during each school semester if the pupil resides in the school district in which the public school is located and if the school board determines that there is sufficient space in the classroom.

Policy 5410 - Promotion, Placement, and Retention (Revised)

In accordance with State statute, specific criteria for promotion from 4th to 5th grade and from 8th to 9th grade are listed, along with the option for additional criteria specified by the District.

This revision is required for compliance.

Policy 5461 - Children At-Risk of Not Graduating from High School (Revised)

The policy is revised to clarify misleading language that appeared to require a plan for each individual student that falls into this category, rather than a District plan that addresses programs, services, and strategies to serve at-risk students.

The revision is recommended but not required.

Policy 5722 - School-Sponsored Publications and Productions (Replacement)

This policy has been revised to reflect the diverse types of student publications and productions currently available in the digital age. This replacement policy is proposed because of the wide variety of school-sponsored student media that are present in schools today and due to the many technological advances that have occurred.

The policy, as before, provides several options available to the Board regarding the type of forum that will be provided and what level of review and regulation will occur. The language in the policy has been modified to encompass the newer online electronic forms of school-sponsored student media. The policy provides four options to consider for the classification and regulation of such publications and production.

Neola has developed an extensive Toolkit that should be used to inform and guide District personnel as they make revisions to the policy. The Toolkit presents an overview of applicable laws and cases that impact the District's ability to engage in prior review and restraint with regard to school-sponsored student expressive activities.

The recommendations made in this policy should be carefully considered when addressing the evolving student media environment and language should be adopted that best fits the District's needs.

Policy 6108 - Authorization to Make Electronic Fund Transfers (Revised)

The policy is revised to add a reference to ACH payments as a form of electronic funds transfer (EFT) to account for the growing use of that form of payment.

The revisions are recommended but not required.

Policy 6114 - Cost Principles - Spending Federal Funds (Revised)

This policy has been revised to provide greater detail in allowability guidance for Districts regarding the expenditure of Federal funds. There has been a significant increase in funding for school districts through the third pandemic stimulus bill (a/k/a, the American Rescue Plan), providing \$122 billion in Elementary and Secondary

School Emergency Relief (or ESSER III) funds. While the policy has accurately referenced definitions and restrictions cited in various sections of 2 C.F.R. 200, greater specificity has been requested by program reviewers and auditors.

Revisions to this policy should be adopted in order to maintain accurate policies.

<https://www.ecfr.gov/current/title-2/subtitle-A/chapter-II/part-200?toc=1>

Policy 6146 - Post-Issuance Tax-Exempt Bond Compliance (Revised)

This policy has been revised to meet Federal law with regard to the issuance of tax-exempt obligations and/or obligations eligible for tax credits.

Adoption of the revisions is required to be in compliance with applicable law.

https://www.novoco.com/sites/default/files/atoms/files/p5091_tax-exempt_and_tax_credit_bonds_071213.pdf#:~:text=Tax-advantaged%20bonds%20%28tax-exempt%2C%20tax%20credit%20and%20direct%20pay%29,bonds%20jeopardizes%20the%20preferentialtax%20status%20of%20those%20bonds.

Policy 6152 - Student Fees, Fines, and Charges (Revised)

This policy has been revised to include reference to the DPI fee categories based upon the *Board of Education v. Sinclair* case, added statutes, and opinions of the Attorney General. While this policy generally frames student fees, it is recommended that the Board develop and share clearly delineated fee information for parents on all student fees, consistent with the user fee categories provided in this policy update.

These revisions are recommended, but not required.

Policy 7100 - Facilities Planning (Revised)

The policy is revised to update language and to account for current analytical processes relative to evaluating space needs and enrollment projections. In addition, the inclusion of this policy revision is intended to prompt review of the District's facilities maintenance and management plans so as to take the opportunity to determine whether such plans need to be updated, revisited, or completed.

These revisions are recommended but not required.

Policy 8450 - Control of Casual-Contact Communicable Diseases (Revised)

The policy has been revised to describe a procedure to be followed in the event an initial or isolated communicable disease is identified in a child in the school setting. Certain staff members are designated to contact a child's parents and the local county Health Department. School-wide protocols aligned with Policy 8420.01 – Epidemics and Pandemics are provided as an option. Legal citation is added (252.10, Wis. Stat.). The purpose of these revisions is to differentiate between the obligation to comply with health department directives in an outbreak linked to the facility as compared to generalized mitigation efforts recommended by the health department.

Revisions are recommended but not required.

252.21 Communicable diseases; schools; duties of teachers, parents, officers.

(1) If a teacher, school nurse, or principal of any school or child care center knows or suspects that a communicable disease is present in the school or center, he or she shall at once notify the local health officer.

(6) Any teacher, school nurse or principal may send home pupils who are suspected of having a communicable disease or any other disease the department specifies by rule. Any teacher, school nurse or principal who sends a pupil home shall immediately notify the parents of the pupil of the action and the reasons for the action. A teacher who sends a pupil home shall also notify the principal of the action and the reasons for the action.

Last Modified by Steve LaVallee on March 1, 2022



Book	Policy Manual
Section	For Board Review - Vol. 31, No. 1
Title	Policy Checklist for Internal Review
Code	03 - Equity Related Policies
Status	

Policy Checklist for Internal Review (Neola Clients)

This document was developed to assist school districts that are in the process of identifying and reviewing district policies that may have implications for the purpose of overall equity. The policy titles below were identified after a brief review of online policies and are not an all-inclusive list. Policy titles may differ from district to district. Policy templates are reviewed on a regular basis (indicates when the template was last revised).

0000 Bylaws

0144.5 Board Member Behavior and Code of Conduct (2021)

1000 Administration

1130 Ethics and Conflict of Interest (2021)
1422 Nondiscrimination and Equal Employment Opportunity(2021)
1662 Anti-Harassment(2021)

2000 Program

2260 Nondiscrimination and Access to Equal Education Opportunity (2021)
2266 Nondiscrimination on the Basis of Sex in Education Programs or Activities (2021)
2430 District-Sponsored Clubs and Activities (2021)
2430.01 Special Programs by Community Volunteers (1997)
2431 Interscholastic Athletics (2021)
2521 Selection of Instructional Materials and Equipment (2014)

3000 Professional Staff

3122 Nondiscrimination and Equal Employment Opportunity (2021)
3210 Staff Ethics (2016)
3362 Anti-Harassment/Threatening Behavior Toward Staff Members/Work Place Safety (2021)

4000 Classified Staff

4122 Nondiscrimination and Equal Employment Opportunity (2021)
4210 Staff Ethics (2020)
4362 Anti-Harassment/Threatening Behavior Toward Staff Members/Work Place Safety (2021)

5000 Students

5111 Enrollment in District Schools (2021)
5120 Assignment within District (1998)
5136 Personal Communication Devices (2017)
5500 Student Conduct (2019)
5511 Dress and Grooming (2021)
5516 Student Hazing (2018)
5517 Anti-Harassment/Bullying and Other Aggressive Behavior Toward Students (2021)
5517.01 Bullying and Other Forms of Aggressive Behavior (2020)
5730 Equal Access for Non-District Sponsored, Student Clubs and Activities (2015)
5780 Student/Parent Rights (2016)

6000 Finances

6152 Student Fees, Fines, and Charges (2021)
6152.01 Waiver of School Fees or Fines (2021)

7000 Property

7510 Use of District Facilities (2015)
7540.02 Web Content, Apps, and Services (2019)

8000 Operations

8330 Student Records (2021)
8350 Confidentiality (2/02)
8462 Student Abuse and Neglect (8/19)
8500 Food Services (2021)

9000 Relations

9140 Citizen's Advisory Committees (1/09)
9210 Parent Organizations (1/09)
9211 District Support Organizations (8/15)

Last Modified by Steve LaVallee on February 23, 2022



Book Policy Manual
Section For Board Review - Vol. 31, No. 1
Title U.S. Supreme Court Addresses Student Off-Campus Speech
Code 04 - Legal Alert
Status

Ennis Britton co, l.p.a.
Attorneys At Law

Legal Alert

To: Neola Clients
From: Ennis Britton
Re: U.S. Supreme Court Addresses Student Off-Campus Speech
Date: August 2021

In a lengthy decision, the Supreme Court of the United States recently found that a Pennsylvania high school overstepped its authority when it suspended a student from the cheerleading squad for using social media (Snapchat) off-campus to criticize her exclusion from a spot on the varsity team and a private softball team. While the Court found the school's actions to be a violation of the student's First Amendment rights, it stopped well short of declaring that all off-campus speech is protected from school-based regulation – which had been the conclusion of the Third Circuit Court of Appeals.

After discovering that she did not make the varsity squad, and while shopping in a convenience store the following weekend, a student ("B.L.") took to social media to express her displeasure with the decision in two brief Snapchat posts – one of which included (now infamous) profanities. The posts were initially shared with her social media friends, who shared the posts with other friends, including the child of the cheerleading squad coach. This allegedly "upset" some team members and became a topic of chatter in a class taught by another coach. In response, B.L. was suspended from the JV squad for the upcoming year. This spurred the student and her parents to file suit in Federal Court.

After first granting a temporary restraining order and a preliminary injunction ordering the student's reinstatement to the squad, the trial court ultimately ruled in B.L.'s favor, determining that there was no substantial disruption at the school. Further finding that the discipline violated B.L.'s First Amendment rights, the court awarded nominal damages, attorneys fees, and ordered the school to expunge the discipline from her record. The decision was upheld on appeal, with the extraordinary pronouncement that schools within the Third Circuit were never free to discipline for off-campus speech, which was partially defined in the opinion as "speech that is outside school-owned, -operated, or -supervised channels." In essence, the Court of Appeals determined that since the speech here occurred off-campus, the standard handed down in the oft-referenced case of *Tinker v. Des Moines Independent Community School District* (speech that materially disrupts classwork or involves substantial disruption or invasion of the rights of others) simply did not apply.

This very narrow reading of *Tinker* is likely what prompted the U.S. Supreme Court to accept review to clarify, among other things, the application of the *Tinker* standard to student speech that occurs off-campus. In its June 23, 2021 opinion delivered by Justice Breyer in *Mahanoy Area School District v. B.L.*, 594 U.S. ____ (2021), the Supreme Court held that school districts may have a special interest in regulating some off-campus student speech. However, that interest primarily exists only when the *Tinker* test is applied and in so applying finds that the student speech materially disrupts classwork or involves substantial disorder or invasion of the rights of others. However, unrestricted regulation of any

speech that may relate to the school is unauthorized. In this case, the Court opined that the student's speech was not disruptive to the school environment and therefore was subject to First Amendment protection.

Despite media portrayals of a "victory" for the student, the truth is that this decision has not changed much of anything in student speech jurisprudence, nor did the court significantly advance our understanding of what school districts can and cannot do with respect to student off-campus expression. In reality, the decision is a carefully worded affirmation that, especially in the present technology age, student expression away from school may have a disruptive impact at school. *Tinker* still has meaning and the onus remains with the school to show how that disruption is manifested.

For our purposes, it is not insignificant that the Court also affirmed a school's authority to apply discipline to extracurricular activities only. Under Ohio law (3313.664) and NEOLA Policy 5610.05, districts can prohibit students from participation for violations of the student code of conduct and, more likely, violations of any adopted athletic or extracurricular activity code of conduct. As such, we recommend that all districts pay close attention to the language of these documents to assure that expectations for student conduct and the consequences for same are clearly delineated. That process should include careful review of and attention to off-campus speech in addition to the predictable onslaught of political expression fomented by the current culture wars, generally. To be sure, despite the Supreme Court's somewhat innocuous decision in *Mahanoy*, parents, and students will be more likely than before to challenge discipline for any off-campus expression.

Disclaimer: This Alert is provided for informational purposes only. It does not constitute legal advice and does not create an attorney-client relationship.

Last Modified by Steve LaVallee on February 23, 2022



Book Policy Manual
Section For Board Review - Vol. 31, No. 1
Title Diversity, Equity, and Inclusion in Public Schools
Code 05 - Legal Alert
Status

LEGAL ALERT

To: Neola Clients

From: Renning, Lewis & Lacy, s.c., Davis & Kuelthau, s.c. & Peters Kalail & Markakis Co., L.P.A.

Re: Diversity, Equity, and Inclusion in Public Schools

Date: November 2021

The Biden Administration signaled its intent to emphasize advancing racial equity in the President's *Executive Order On Advancing Racial Equity and Support for Underserved Communities Through the Federal Government*,¹ which he signed on his first day in office. In the Order, President Biden states it is the policy of his Administration that the "Federal Government should pursue a comprehensive approach to advancing equity for all, including people of color and others who have been historically underserved, marginalized, and adversely affected by persistent poverty and inequality." The Order continues, "The Federal Government's goal in advancing equity is to provide everyone with the opportunity to reach their full potential."

In early June, 2021, the U.S. Department of Education (USDOE) "announced a series of actions it is taking to advance equity in education and ensure schools across the nation are serving all students."² Included in the list of actions it is taking are (1) releasing a report highlighting the disparate impacts of COVID-19 on K-12 and postsecondary students in underserved communities,³ and (2) holding an Equity Summit Series over the coming months. The USDOE stated its actions aim to "encourage schools more broadly to reimagine their education systems and practices and infuse equity into all of their work, so that every student has access to rigorous, culturally responsive, and fulfilling instruction." U.S. Secretary of Education Miguel Cardona stated, "Our mission at the Department is to...reimagine our schools so that all students have their needs met. We must take bold action together to ensure our nation's schools are defined not by disparities, but by equity and opportunity for all."⁴

The First Installment of the Equity Summit Series occurred on June 22, 2021, and explored how schools and communities can reimagine school systems so that "every student has a voice in their school and classroom, particularly students from underserved communities, including communities of color, students with disabilities, and multilingual learners. The event [also featured] discussions on how all students can access a high-quality education responsive to their needs, and how schools can create more culturally and linguistically responsive and inclusive learning environments for all students."⁵ To date, there has not been a second Equity Summit Series meeting.

With the preceding as backdrop, it is no wonder several Neola clients have inquired whether Neola intends to release a Diversity, Equity, and Inclusion (DEI) Policy. After much deliberation, Neola has decided not to provide a generic or "model" DEI policy to its clients.⁶ This decision is based on the recognition that a meaningful policy needs to be uniquely tailored to each individual school community and a one-size fits all approach is not appropriate in this area.

While Neola has decided not to issue a template policy specifically addressing DEI, Neola has numerous policies that address the topics of equity, nondiscrimination, and the promotion and fostering of a diverse and inclusive work and learning environment. See "Policy Checklist for Internal Review", included in this update, which identifies Neola policies that have implications for LGBTQ+ students and overall equity in a district's programs.

In addition, the Biden Administration continues to issue additional Executive Orders that direct additional work groups to develop strategies to address more targeted areas of inequity. Specifically, the Biden Administration has issued two additional executive orders: (1) *Executive Order on White House Initiative on Advancing Educational Equity, Excellence, and Economic Opportunity for Hispanics* issued September 13, 2021⁷; and (2) *Executive Order on White House Initiative on Advancing Educational Equity, Excellence, and Economic Opportunity for Black Americans* issued October 19, 2021.⁸ Both Orders establish an initiative to accomplish the equity goals described in the Orders and designate the Secretary of Education to lead the initiatives to target educational inequity including efforts to improve access to early childhood programming, increase participation in advanced placement and college-readiness courses, enhancing dropout prevention and recovery programs targeting Black and Hispanic students, and improving hiring practices targeting diversity among the teaching staff. Many of these initiatives may include requirements that are appropriate or requirements for policy; however, no actual guidance or direction has yet been provided.

This is not to suggest that Boards cannot consider and/or develop Diversity, Equity, and Inclusion strategies or begin to consider initiatives at the local level that address the target areas described in the President's Executive Orders. These efforts will likely differ depending on the particular locality and community. The Wisconsin Department of Public Instruction has materials and resources available to assist in the development of strategies related to DEI considerations, specifically in the context of culturally responsive education,⁹ and equity considerations in the context of civil rights compliance.¹⁰

The preceding serves as an introduction to and an overview of current initiatives relative to the myriad topics that fall under the umbrella of Diversity, Equity, and Inclusion. When it is the correct time for a board of education to begin to address issues involving DEI in their district will depend on the local community and on the continued development of federal and state requirements. Similarly, Neola will continue to monitor developments in this area and continue to evaluate the appropriateness of developing template policy language. Finally, while Boards across Wisconsin will take up this issue on different schedules, all Boards are reminded that next school year (2022-2023) is the next time every Board in Wisconsin is required to produce a written self-evaluation on their district's non-discrimination and equal educational opportunity efforts and compliance.¹¹ It may be appropriate to give consideration to addressing DEI related efforts prior to or in conjunction with that self-evaluation process.

This legal alert is intended as general information and not legal advice. No attorney-client relationship exists.

¹Executive Order 13985. See <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/20/executive-order-advancing-racial-equity-and-support-for-underserved-communities-through-the-federal-government/>

²See <https://www.ed.gov/news/press-releases/department-education-announces-actions-advance-equity-education>

³See <https://www2.ed.gov/about/offices/list/ocr/docs/20210608-impacts-of-covid19.pdf>

⁴See <https://www.ed.gov/news/press-releases/department-education-announces-actions-advance-equity-education>

⁵See <https://www.ed.gov/news/press-releases/department-education-announces-actions-advance-equity-education>

⁶As always, Neola will process and publish on Board Docs any policy and/or administrative guideline that a Board sends to it.

⁷<https://www.whitehouse.gov/briefing-room/presidential-actions/2021/09/13/executive-order-on-white-house-initiative-on-advancing-educational-equity-excellence-and-economic-opportunity-for-hispanics/>

⁸<https://www.whitehouse.gov/briefing-room/presidential-actions/2021/10/19/executive-order-on-white-house-initiative-on-advancing-educational-equity-excellence-and-economic-opportunity-for-black-americans/>

⁹<https://dpi.wi.gov/families-students/programs-initiatives/responsive>

¹⁰<https://dpi.wi.gov/crc/equity>

¹¹ Wis. Admin Code §PI 9.06; <https://dpi.wi.gov/sped/pupil-nondiscrimination/self-evaluation>



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Section For Board Review - Vol. 31, No. 1
Title Update on Title IX Implementation and Enforcement Under the Biden Administration
Code 06 - Legal Alert
Status

PETERS KALAIL & MARKAKIS CO., L.P.A.
ATTORNEYS AT LAW

LEGAL ALERT

To: Neola Clients

From: Peters Kalail & Markakis Co., L.P.A.

Re: Update on Title IX Implementation and Enforcement Under the Biden Administration

Date: August 2021

It has been over a year since the United States Department of Education Office for Civil Rights (OCR) promulgated its Title IX regulations concerning the definition of sexual harassment and the procedures applicable to investigating and addressing allegations of sexual harassment under Title IX¹. It also has been a year since the United States Supreme Court issued its decision in *Bostock v. Clayton County*, 140 S.Ct. 1731, 590 U.S. ____ (2020), in which the Court held that discrimination based on an individual's gender identity and sexual orientation are prohibited forms of sex-based employment discrimination under Title VII. In the intervening year, school districts have awaited guidance from the U.S. Department of Education (USDOE) concerning whether Title IX's prohibition against discrimination "on the basis of sex" should be interpreted consistent with the Court's pronouncement in *Bostock*.

Shortly after Secretary DeVos resigned in early January 2021, and in the final days of the Trump Administration, the USDOE's Office of the General Counsel issued a memorandum explicitly stating *Bostock's* reasoning and holding did not apply to Title IX.² As noted in the memorandum, however, this interpretation was contrary to a number of federal circuit court rulings that applied *Bostock's* holding to Title IX cases – see *Adams v. School Bd. of St. Johns County*, 968 F.3d 1286 (11th Cir. 2020); *Grimm v. Gloucester County Sch. Bd.*, 972 F.3d 586 (4th Cir. 2020) (the Fourth Circuit joins a "growing consensus of courts" holding that "Title IX can protect transgender students from school bathroom policies that prohibit them from affirming their gender.").

On January 20, 2021, President Biden signed *Executive Order on Preventing and Combating Discrimination on the Basis of Gender Identity or Sexual Orientation*.³ In the Executive Order, President Biden signals his Administration's intent to extend Title IX protections to transgender students. Specifically, the executive action affirms that gender identity and sexual orientation are protected classes under federal sex discrimination laws, including Title IX. The President further directs that within 100 days federal agencies must develop plans to ensure their policies and procedures protect individuals from sexual orientation and gender discrimination. With respect to educational environments, the Executive Order states: "Children should be able to learn without worrying about whether they will be denied access to the restroom, the locker room, or school sports."

President Biden followed the January 20, 2021 general applicability pronouncement with a more specific order applicable to schools on March 8, 2021 – *Executive Order on Guaranteeing an Educational Environment Free From Discrimination on the Basis of Sex, Including Sexual Orientation or Gender Identity*.⁴ In the Executive Order, the President states that it is his Administration's policy that "all students should be guaranteed an educational environment free from discrimination on the basis

of sex, including discrimination in the form of sexual harassment, which encompasses sexual violence, and including discrimination on the basis of sexual orientation or gender identity.”

To achieve this end, President Biden directs the USDOE, through Secretary of Education Miguel Cardona, in consultation with the Attorney General, to review existing regulations and other guidance that may be inconsistent with the Biden Administration’s stated policy and report those findings to the Director of the Office of Management and Budget. The Executive Order expressly directs that the review encompass the 2020 Title IX regulation – “Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance” – 85 Fed. Reg. 30.026 (May 19, 2020) – and directs the Secretary of Education to issue new guidance as needed to implement the Executive Order “as soon as practicable” and suspend, revise, rescind, or publish for notice and comment proposed rules suspending, revising, or rescinding agency actions that are inconsistent with the stated purpose of the Executive Order.

The Executive Order further reiterates that LGBTQ+ individuals are protected under Title IX and acknowledges the disproportionate rates of sexual harassment and violence suffered by the LGBTQ+ community. To address such harassment/violence, the Executive Order requires educational institutions to provide “appropriate support for students who have experienced sex discrimination; and to ensure that their school procedures are fair and equitable for all.”

Finally, the March 8, 2021 Executive Order directs Secretary Cardona to “account for intersecting forms of prohibited discrimination that can affect the availability of resources and support for students who have experienced sex discrimination, including discrimination on the basis of race, disability, and national origin.”

On April 5, 2021, the Civil Rights Division of the U.S. Department of Justice (DOJ) published a three page memorandum (dated 3/26/2021) confirming that Title IX prohibits discrimination on the basis of sexual orientation and gender identity in educational settings, adopting the Supreme Court’s reasoning from *Bostock*. This memorandum is significant because the DOJ is charged with coordination of the implementation and enforcement of Title IX by Executive agencies (including the USDOE). Based on the DOJ’s 3/26/2021 memorandum, Federal agencies that implement and enforce Title IX are obligated to implement and enforce the Law’s prohibition against sex-based discrimination on behalf of LGBTQ+ individuals. The DOJ further notified Federal Agency Civil Rights Directors and General Counsel that anti-LGBTQ+ discrimination falls within the scope of Title IX’s protections, so schools should review and update their anti-discrimination policies and programs accordingly and as appropriate. The DOJ’s conclusion that the *Bostock* holding applies to Title IX is based on the DOJ’s consideration of the Title IX statutory text, Supreme Court case law, and circuit court case law. In particular, the DOJ states that the operative language from Title IX (prohibiting discrimination “on the basis of sex”) is substantially similar to Title VII language prohibiting discrimination “because of sex.” The DOJ expressly recognized that the Supreme Court repeatedly used these phrases interchangeably in *Bostock* and other cases. Thus, the DOJ concluded: “the best reading of Title IX’s prohibitions on discrimination ‘on the basis of sex’ is that it includes discrimination on the basis of gender identity and sexual orientation.” The DOJ also noted that federal courts routinely rely on Title VII interpretations to inform Title IX decisions.

The following day – April 6, 2021 – the Acting Assistant Secretary for Civil Rights at OCR issued a Letter that outlines the steps the USDOE plans to take to implement the 3/8/2021 Executive Order. The Letter begins by recognizing that LGBTQ+ students are subject to sexual harassment, including sexual violence, at significant rates. It then states that the Office for Civil Rights is undertaking a comprehensive review of the Department’s existing regulations, orders, guidance, policies, and any other similar agency actions, including the amendments to the Department’s Title IX regulations that took effect on August 14, 2020 (2020 Amendments) to determine whether any changes or additions to the Title IX regulations are necessary to fulfill the 3/8/2021 Executive Order and the Department’s commitment to ensuring equal and nondiscriminatory access to education for students at all educational levels. The Acting Assistant Secretary states that the review will also focus on ensuring that students who have experienced discrimination based on sexual orientation or gender identity have their legal rights fully met.

While the Letter emphasizes that the Department’s current Title IX regulations, as amended in 2020, remain in effect, it states that OCR plans to issue a question-and-answer document soon to “provide additional clarity about how OCR interprets schools’ existing obligations under the 2020 amendments, including the areas in which schools have discretion in their procedures for responding to reports of sexual harassment”.⁹ The Letter concludes by stating that ultimately OCR intends to publish in the Federal Register a notice of proposed rulemaking to amend the Department’s Title IX regulations. This document is significant because it reintroduces in an USDOE document the reference to sexual violence being a form of sexual harassment;⁶ a term that the prior Administration intentionally avoided using.

In order to facilitate its review of the existing rules and prepare to issue a public notice of rulemaking, the USDOE stated it would conduct public hearings in early June 2021, at which it would solicit the public’s input (through oral or written comments) on issues of sexual harassment in school environments, including discrimination based on sexual orientation and gender identity.⁷

The USDOE followed up on its April 6, 2021 Letter by issuing a Notice of Interpretation on June 16, 2021, concerning The Department’s Enforcement of Title IX of the Education Amendments of 1972 with Respect to Discrimination Based on Sexual Orientation and Gender Identity in Light of *Bostock v. Clayton County*. The interpretation seeks to clarify the Department’s enforcement authority over discrimination based on sexual orientation and discrimination based on gender identity under Title

IX in light of the U.S. Supreme Court's *Bostock* decision. The interpretation is for the purpose of guiding the Department in processing complaints and conducting investigations.

By way of background, the Notice affirms that OCR has "long recognized that Title IX protects all students, including students who are lesbian, gay, bisexual, and transgender, from harassment and other forms of sex discrimination." It continues, "OCR also has long recognized that Title IX prohibits harassment and other forms of discrimination against all students for not conforming to stereotypical notions of masculinity and femininity." The Notice then acknowledges that at times OCR has "stated that Title IX's prohibitions on sex discrimination does not encompass discrimination based on sexual orientation and gender identity." Thus, the purpose of the Notice of Interpretation is to clearly articulate the Department's conclusion that in light of *Bostock* it will interpret Title IX prohibition on sex discrimination to cover discrimination based on sexual orientation and gender identity.⁸ The explanation and rationale offered in the Letter for reaching this conclusion is consistent with the reasoning set forth in the DOJ's March 26, 2021 memorandum (see above).

The Biden Administration and the USDOE's repeated communications during the first six months of 2021 demonstrate a strong commitment to protecting individuals from sex-based discrimination resulting from the individual's sexual orientation or gender identity. Since the topic is not specifically addressed in the 2020 Amendments, OCR is compelled to follow the DOJ's 3/26/2021 interpretation that the *Bostock* holding applies to Title IX and not just Title VII. As such, school districts should be prepared to take prompt and appropriate action when confronted by allegations of sex discrimination involving misconduct purportedly based upon a person's sexual orientation or gender identity. Further, it is imperative that boards of education contact local counsel when addressing requests by transgender students to access restroom or locker rooms aligned with their gender identities. Finally, it will be interesting to watch what action the Administration takes if complaints are filed with OCR by transgender student athletes residing in states that have prohibited them from participating on sports teams that align with their gender identities.⁹

This legal alert is intended as general information and not legal advice. No attorney-client relationship exists.

¹See Title IX of the Education Amendments of 1972, as amended, 20 U.S.C. § 1681, *et seq.*, and its implementing regulations at 34 C.F.R. Part 106.

²The memorandum goes on to state: (1) Title IX requires a recipient providing separate athletic teams to separate participants solely based on their biological sex, male or female, and not based on transgender status or homosexuality; and (2) Title IX requires a recipient providing "separate toilet, locker room, and shower facilities on the basis of sex" to regulate access based on biological sex.

³Executive Order 13988.

⁴Executive Order 14021.

⁵ The promised Q&A was issued on July 20, 2021. The document – Questions and Answers on the Title IX Regulations on Sexual Harassment (July 2021) – offers 66 questions and answers, covering 17 topics. The Q&A purports to represent "OCR's interpretation of schools' responsibilities under Title IX, and the USDOE's current implementing regulations related to sexual harassment, as enforced by OCR." While affirming the 2020 amendments remain in effect, the document asserts the USDOE is undertaking a comprehensive review of its current Title IX regulations as amended in 2020, in light of President Biden's Executive Order 14021. Many of the Answers cite to and rely upon the extensive preamble to the 2020 amendments (see 85 Fed. Reg. 30,026 – 30,570), despite the preamble not having the force or effect of law. The Q&A concludes with an extensive Appendix that illuminates the type of policy language OCR considers compliant with the 2020 Title IX regulations.

⁶In more than one location in the Letter, the author states "all students should be guaranteed an educational environment free from discrimination on the basis of sex, including in the form of sexual harassment, which encompasses sexual violence, and discrimination based on sexual orientation or gender identity."

⁷The hearing took place on June 7-11, 2021. The USDOE promises to release transcripts of the testimony and feedback it received at the hearing.

⁸The USDOE's Acting Assistant Secretary for Civil Rights reiterated the Department's interpretation in her Letter to Educator that was issued on June 23, 2021 to celebrate the 49th Anniversary of the passage of Title IX of the Education Amendments of 1972. Also on June 23, 2021, the U.S. Department of Justice Civil Rights Division (CRT) and the U.S. Department of Education Office for Civil Rights (OCR) jointly released a resource entitled "Confronting Anti-LGBTQ+ Harassment in Schools," which sets forth examples of the kinds of incidents that CRT and OCR can investigate.

⁹To date, the following states have enacted laws that prohibit transgender student athletes from playing on sports teams that correspond with their gender identities: Alabama, Arkansas, Florida, Idaho, Mississippi, Montana, Tennessee, and West Virginia. Additionally, the Governor of South Dakota issued two executive orders to limit participation in women's and girls' school sports teams to only people assigned female at birth.



Book Policy Manual
Section For Board Review - Vol. 31, No. 1
Title Incompatibility of Office
Code 07 - Legal Alert - For Board Members
Status

To: Wisconsin Clients

From: Robert W. Burns, Davis & Kuelthau, s.c.

Date: November 19, 2021

Subject: Incompatibility of Office

There is often confusion regarding the concepts of conflict of interest and incompatibility of office when applied to school board members. Conflict of interest is largely (although not exclusively) based on statutory provisions, while incompatibility of office is primarily rooted in Wisconsin common law. The purpose of this memo is to address incompatibility of office.

The concept behind incompatibility of office is that a person who sits on the board and also holds a position within the district could have conflicting duties and loyalties, particularly when the elected official position is part of the ultimate supervisor over all the other positions within the district. The Wisconsin Attorney General has opined:

Where there are substantial potential areas of conflict between two offices or an office, such as alderperson, and a position of employment, the rule of common-law incompatibility would preclude the same person from holding both. See general rules as to incompatibility in 58 Op. Att’y Gen. 247 (1969), and 67 C.J.S. Officers sec. 23a, at 133.

Whereas the common-law doctrine of incompatibility has generally been applied only where two offices are involved, there is a trend to apply the doctrine to positions, or an office and a position if there are many potential conflicts of interest between the two, such as salary negotiations, supervision and control of duties and obligations to the public to exercise independent judgment.

Issues can arise not only because the board is the ultimate supervisor of the position, but also because the board supervises those who are in the role of supervising the position. Thus, if a board member were to be employed as a teacher, there is an issue not only because the board is the ultimate supervisor of the teacher, but the board also supervises the principal who would be expected to supervise the board member-teacher. Wisconsin courts have also held that mere abstention from votes is not sufficient to remedy the incompatibility issue:

The public detriment in having one person hold incompatible public offices can also exist when one person holds a public office and a position of public employment with duties that might conflict. As a member of the common council, Otradovec has the power to vote on contracts setting the terms of his own employment. He may also vote on approval of the appointment of the assessor in whose officer he must work. These potential conflicts are substantial and establish the incompatibility of the public office and position of public employment that Otradovec holds. It does not matter that he may be permitted to abstain from voting in these areas or whether conflicts exist in all or a greater part of the functions of his officer and position. It is sufficient that substantial conflicts might arise that would be detrimental to the public. *Otradovec v. City of Green Bay*, 118 Wis. 2d 393, 397, 347 N.W.2d

(1984) (Emphasis added.)

It should be noted that Wisconsin law does provide a limited statutory exception to incompatibility in Section 120.20, Wis. Stat., which allows a board member to serve as an unpaid coach or supervisor of an extra-curricular activity if certain conditions set forth in the statute are satisfied. (That provision is included as an option in NEOLA policy 8120 – Volunteers.) Other than that, unlike conflict of interest laws, there are no dollar limits associated with incompatibility issues, as it is the nature of the positions, not the compensation, which creates the legal impediment to serving on the board and being employed by the district.

Also, instances where the board member is performing some function but is not employed by, or performing services under the supervision of district personnel (such as a referee contracted through the WIAA), would likely not trigger incompatibility issues, but reviewing such relationships with district legal counsel is advisable.

Last Modified by Steve LaVallee on February 23, 2022



Book	Policy Manual
Section	For Board Review - Vol. 31, No. 1
Title	Copy of DEFINITIONS
Code	po0100 - R
Status	
Adopted	April 25, 2016
Last Revised	January 17, 2022

0100 - **DEFINITIONS**

The bylaws of the Board of Education of this District incorporate quotations from the laws and administrative code of the State of Wisconsin. Such quotations may be substantively altered only by appropriate legislative, judicial, or administrative action.

Whenever the following items are used in these bylaws, policies, and administrative guidelines, they shall have the meaning set forth below:

Administrative Guideline

A statement, based on policy, usually written, which outlines and/or describes the means by which a policy should be implemented and which provides for the management cycle of planning, action, and assessment or evaluation. The District previously referred to administrative guidelines as rules.

Administrator

An employee who holds a position of leadership over a defined function or department of the District and who reports directly to the () District Administrator () Superintendent.

[] Administrators may include the following positions: () School Business Manager, () Director of Special Education and Pupil Services, () Director of Instruction, () Instructional Program Coordinator, () Principal, () Associate/Assistant Principal, () _____ . [END OF OPTION]

In policy () and administrative guidelines [END OF OPTION], capitalization of the term Administrator may imply delegation of responsibilities, as appropriate, to staff members.

Agreement

A collectively negotiated contract with a recognized bargaining unit.

Apps and Services

Apps and services are software (i.e., computer programs) that support the interaction of personal communication devices (as defined in Bylaw 0100, above) over a network, or client-server applications in which the user interface runs in a web browser. Apps and services are used to communicate/transfer information/data that allow students to perform actions/tasks that assist them in attaining educational achievement goals/objectives, enable staff to monitor and assess their students' progress, and allow staff to perform other tasks related to their employment. Apps and services also are used to facilitate communication to, from and among and between, staff, students, and parents, Board members, and/or other stakeholders and members of the community.

Board

The School Board also commonly referred to as the Board of Education **shall take action that is within the comprehensive meaning of the terms "duties and powers" provided that such action is not prohibited by State or Federal law. (Chapter 118, Wis. Stats. and Chapter 120, Wis. Stats.).**

Within these bylaws and policies, the terms Board and District may be used interchangeably, depending on the context of the policy.

Bylaw

Rule of the Board for its own governance.

Clerk

The chief clerk of the Board. (See Bylaw 0170)

District

The School District. Within these bylaws and policies, the terms Board and District may be used interchangeably, depending on the context of the policy.

District Administrator

The administrative head of the School District of Manawa.

In policy **and administrative guidelines**, capitalization of the term District Administrator **may imply** **implies** delegation of responsibilities, **as appropriate**, to **appropriate** staff members.

Due Process

Procedural due process requires prior knowledge (a posted discipline code), notice of offense (accusation), and the opportunity to respond. Specific due process requirements are dependent upon the circumstances and may vary depending on such circumstances.

Full Board

Authorized number of voting members entitled by law to govern the District. The full Board is the total number of Board members authorized by law regardless of the number of current sitting members.

Information Resources

The Board defines information resources to include any data/information in electronic, audio-visual or physical form, or any hardware or software that makes possible the storage and use of data/information. This definition includes but is not limited to electronic mail, voice mail, social media, text messages, databases, CD-ROMs/DVDs, web sites, motion picture film, recorded magnetic media, photographs, digitized information, or microfilm. This also includes any equipment, computer facilities, or online services used in accessing, storing, transmitting or retrieving electronic communications.

Law Enforcement Officer(s) or Agencies

These terms include any local, State, or Federal law enforcement agency of competent jurisdiction and its officers acting within their legal authority.

Legal Custodian of Records

The School District will designate one (1) District Records Custodian (DRC) to be the legal custodian of records for the District. The DRC shall keep and preserve the public records of the District and is granted authority to render a decision and carry out duties related to those public records. The DRC is designated in Policy 8310 - Public Records.

May

This word is used when an action by the Board or its designee is permitted but not required.

Medical Advisor

The School District is required to appoint a medical advisor. The medical advisor shall be a licensed physician and will participate in the annual review of the District emergency nursing services plan. The School District may also have the medical advisor fulfill other roles. (PI 8.01(g)(3))

Meeting

Any gathering which is attended by or open to all of the members of the Board, held with the intent on the part of the members of the body present to discuss or act as a unit upon the specific public business of that body. Wis. Stat. 19.82(2).

Parent

The natural, adoptive, or surrogate parents or the party designated by the courts as the legal guardian or custodian of a student. Both parents will be considered to have equal rights unless a court of law decrees otherwise.

Personal Communication Devices

Personal communication devices ("PCDs") include computers, laptops, tablets, e-readers, cellular/mobile phones, smartphones, and/or other web-enabled devices of any type.

Policy

A general, written statement by the governing Board which defines its expectations or position on a particular matter and authorizes appropriate action that must or may be taken to establish and/or maintain those expectations.

President

The chief executive officer of the Board of Education. (See Bylaw 0170)

Principal

The educational leader and head administrator of one (1) or more District schools.

In policy and administrative guidelines, **capitalization of the term Principal may imply implies delegation of authority to delegate** responsibilities, **as appropriate**, to **appropriate members of his/her** staff **members**.

Professional Staff Member

District employees who are either certified teachers employed in a position for which certification is a requirement of employment or administrative employees who are responsible for oversight or supervision of a component or components of the District's operation, or serve as assistants to such persons, regardless of whether they hold an administrative contract or are required to have administrator certification, but excluding the District Administrator/Superintendent.

Relative

The mother, father, sister, brother, spouse, domestic partner, parent of spouse/domestic partner, child or step-child, grandparents, grandchild, dependent or member of the immediate household.

School Nurse

A school nurse is a registered nurse who meets the requirements of Wis. Stat. Sec. 115.001(11). A school nurse has the authority to exclude students for signs of illness.

School Official

Except if otherwise defined in policy, a school official is a person employed by the Board as an administrator, supervisor, teacher/instructor (including substitutes), or support staff member (including health or medical staff and law enforcement unit personnel); **or** a person serving on the Board; ~~a person or company with whom the Board has contracted to perform a special task (such as an attorney, auditor, or medical consultant); a contractor, consultant, volunteer or other party to whom the Board has outsourced a service otherwise performed by Board employees (e.g. a therapist); or a parent or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his/her tasks (including volunteers).~~ **[DRAFTING NOTE: The term school official is inclusive of other parties, such as attorney, contractor, consultant, volunteer, or other party to whom the Board has outsourced a service otherwise performed by Board employees (e.g., a therapist); or a parent or student serving on an official committee, such as a disciplinary or grievance committee, or assisting**

another school official in performing his/her tasks (including volunteers) pursuant to the Family Educational Rights and Privacy (FERPA) definition - See Policy 8330 - Student Records.]

Shall

This word is used when an action by the Board or its designee is required. (The word "will" or "must" also signifies a required action.)

Social Media

Social media are online platforms where users engage with another and/or share information and ideas through text, video, or pictures. Social media consists of any form of online publication or presence that allows interactive communication, including, but not limited to, text messaging, instant messaging, websites, web logs ("blogs"), wikis, online forums (e.g., chat rooms), virtual worlds, and social networks. Examples of social media include, but are not limited to, Facebook, Facebook Messenger, Google Hangouts, Twitter, LinkedIn, YouTube, Flickr, Instagram, Pinterest, Skype, and Facetime. Social media does not include sending or receiving e-mail through the use of District-issued e-mail accounts. Apps and web services shall not be considered social media unless they are listed on the District's website as District-approved social media platforms/sites.

Student

A person who is officially enrolled in a school or program of the District.

Superintendent

Sometimes the administrative head of the School District is referred to as Superintendent but has the authority of the District Administrator by law.

In policy and administrative guidelines, capitalization of the **term "S" in Superintendent** **may imply implies** delegation of responsibilities, **as appropriate**, to **appropriate** staff members.

Support Staff

Any employee who provides support to the District's program and whose position does not require a professional certificate. This category includes special education paraprofessionals, even though it is a requirement to hold a special education program aide license issued by the Wisconsin Department of Public Instruction (DPI) or another valid and current DPI license or permit.

Technology Resources

The Board defines technology resources to include computers, laptops, tablets, e-readers, cellular/mobile telephones, smartphones, web-enabled devices, video and/or audio recording equipment, SLR and DSLR cameras, projectors, software and operating systems that work on any device, copy machines, printers and scanners, information storage devices (including mobile/portable storage devices such as external hard drives, CDs/DVDs, USB thumb drives and memory chips), the computer network, Internet connection, and online educational services and apps.

Treasurer

The chief financial officer of the Board (See Bylaw 0170)

Vice-President

The Vice-President of the Board. (See Bylaw 0170)

Voting

A vote at a meeting of the Board. The law requires that Board members must be present in order to have their vote officially recorded in the Board minutes, and to be available for a roll call vote. A Board member's presence at a meeting includes his/her presence if attending by telephone or other manner of remote access, so long as such remote access is compliant with State law. No voting by Proxy may be recorded or counted in an official vote of the Board. Remote access during quasi-judicial functions (e.g. termination hearings, expulsions) may be permitted after consultation with legal counsel.

Citations to Wisconsin statutes are shown by the Section Number (e.g., 120.11, Wis. Stats.). Citations to the Wisconsin Administrative Code are prefaced P.I. (e.g., P.I. 11). Citations to the United States Code are noted as U.S.C., Federal Register are noted as F.R., and the Code of Federal Regulations as C.F.R.

Revised 8/22/16
Revised 7/17/17
Revised 12/18/17
Revised 4/27/20
Revised 3/15/21

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Book Policy Manual
Section For Board Review - Vol. 31, No. 1
Title Copy of ELECTORAL PROCESS
Code po0142.1 - L
Status
Adopted April 25, 2016
Last Revised November 16, 2020

0142.1 - ELECTORAL PROCESS

Members of the Board shall be elected annually at the spring election on the first Tuesday in April in a manner that is consistent with State law.

The Board shall consist of seven (7) members elected by the voters of the District by ballot in compliance with State law at the Spring election. The number of members elected each year shall maintain a two-two-three (2-2-3) sequence.

Board member representation shall be according to the established plan of apportionment, with six (6) members representing specific geographical areas and one (1) member representing the full District. Representation shall be apportioned with one (1) Board member from each of the following:

ÿ	Zone 1	City of Manawa
ÿ	Zone 2	Township of Little Wolf
ÿ	Zone 3	Townships of Helvetia and Union
ÿ	Zone 4	Townships of St. Lawrence and Ogdensburg
ÿ	Zone 5	Townships of Royalton and Mukwa
ÿ	Zone 6	Townships of Bear Creek and Lebanon
ÿ	At-Large	Represents Entire District

Declaration of Candidacy

If an incumbent fails to file a Declaration of Candidacy by the 5:00 P.M. deadline on the first Tuesday in January, candidates may file a Declaration of Candidacy within seventy-two (72) hours following the original Tuesday deadline.

In addition, if an incumbent files written notification that the incumbent is not a candidate for reelection to their office or fails to file a declaration of candidacy within the time prescribed by this paragraph, the District Clerk shall promptly provide public notice of that fact on the District's website or, if the District does not maintain a website, by posting notices in at least three (3) different locations within the District.

Declaration of Non-Candidacy

If an incumbent files a Declaration of Non-Candidacy no later than 5:00 P.M. on the second Friday preceding the Tuesday deadline, there is no extension of the Tuesday deadline.

When the first Tuesday in January is a holiday the deadline becomes 5:00 P.M. the next day.

Legal 10.68 (5)(2b), Wis. Stats.
120.06 (1), 120.06 (6)(b), 120.06(6)(b)3m, Wis. Stats.

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Book	Policy Manual
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Title	Copy of VACANCIES
Code	po0142.5 - L
Status	
Adopted	April 25, 2016
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0142.5 - **VACANCIES**

The office of a Board member shall become vacant immediately upon the occurrence of any one (1) of the following events:

- A. the death of the incumbent, or the incumbent's being found mentally incompetent by the proper court;
- B. the incumbent's resignation;
- C. the incumbent's removal from office;
- D. the incumbent's conviction of a felony or imprisonment for one (1) or more years;
- E. the incumbent's election or appointment being declared void by a competent tribunal;
- F. the incumbent's neglect or failure to file the oath of office or to give or renew an official bond, if required;
- G. the incumbent's ceasing to possess the legal qualifications for holding office;
- H. the incumbent moving his/her residence out of the District;
- I. the incumbent is absent from the territory of the District for a period of sixty (60) continuous days, unless such absence is due to active duty in the armed forces, in which case the vacancy shall be temporary for the remainder of the term or until the incumbent returns and files a notice of his/her intent to return to his/her unexpired term.

The incumbent moving his/her residence out of the zone to which the person was elected may complete the term and would run for the position in their new zone after the completion of their elected term.

A vacancy shall be filled by the remaining members of the Board in accordance with 17.26, Wis. Stats.

Filling a Board Vacancy

Vacancies on the Board shall be filled by appointment made by the remaining Board members in accordance with State law and the guidelines in this policy.

Public notice of the Board vacancy shall be given by the District Administrator and shall include a deadline for filing letters of interest.

Any qualified elector of the District, and a resident of the apportioned geographical area when applicable, who is interested in filling the vacancy may submit a letter of interest to District Administrator or designee by the date specified in the vacancy notice. If one (1) or no letter of interest is received by the deadline, the deadline may be extended by a majority vote of the Board.

Candidates for a vacancy on the Board shall be considered at a properly noticed open meeting of the Board, unless there are exceptional reasons to consider the candidates in closed session. The Board may consider candidate(s) in a closed session only if the discussion involves financial, medical, social or personal histories or disciplinary data that, if discussed in public, would be likely to have a substantial adverse effect upon the reputation of the candidate(s).

A majority vote shall be required for all appointments to the Board. All votes shall be recorded, preserved and open to public inspection to the extent prescribed in Wis. Stat. Chapter 19. Secret ballots may only be used when Board members are electing officers. When making the appointment, Board members should consider the candidate's residency in the appropriate zone and interest and devotion to public education.

Appointment by the Board to fill a vacancy shall be by the **members majority vote** of the **remaining existing** Board **consistent with Bylaw 0162 - Quorum and Bylaw 0167.1 - Voting**. All votes shall be recorded, preserved and open to public inspection to the extent prescribed in ~~Wis. Stat.~~ Chapter 19, **Wis. Stats**. Secret ballots may only be used when Board members are electing officers.

If the vacancy is not filled within sixty (60) days of the date on which the vacancy first exists, the vacancy shall be filled by appointment of the Board President from among the applicants who completed the process noted above.

The appointee shall hold office until a successor is elected and takes office under ~~Wis. Stats.,~~ 120.06(4), **Wis. Stats**. When a vacancy occurs in the office of a Board member who is in the last year of his/her term, or when a vacancy occurs after the spring election but on or before the last Tuesday in November in the office of a Board member who is not in the last year of his/her term, the successor shall be elected at the next spring election. When a vacancy occurs after the last Tuesday in November and on or before the date of the next spring election in the office of a Board member who is not in the last year of his/her term, the successor shall be elected at the 2nd following spring election. Elections to fill unexpired terms shall be held simultaneously with the elections for regular terms.

Any person upon being notified of his/her appointment shall be deemed to have accepted the appointment unless within five (5) days s/he files with the Clerk a written refusal to serve. Any newly appointed Board member shall, pending the filing of the oath of office, be seated on the Board and shall hold office until a successor is elected and takes office in accordance with State law.

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Legal 17.03 et seq., Wis. Stats
 17.26 (1g)(a), Wis. Stats.
 120.12(28), Wis. Stats.

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Title	Copy of BOARD MEMBER BEHAVIOR AND CODE OF CONDUCT
Code	po0144.5 - R
Status	
Adopted	March 15, 2021
Last Revised	January 17, 2022

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. **Attend all scheduled Board meetings insofar as possible, and become informed concerning the issues to be considered at those meetings.**
- B. Be familiar with and follow applicable local, State, and Federal laws and regulations.
- C. Be familiar with and comply with Board policies, including policies governing Board member conduct and Board member ethics, **rules of incompatibility of office**, and conflicts of interest (see Bylaw 0144.3).
- D. Conduct themselves with integrity, honesty, and in a manner that reflects positively on the Board and on the District.
- E. 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.
- F. Establish and maintain a high level of honesty, credibility, and truthfulness in all matters dealt with by the Board.
- G. 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.
- H. 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.

- I. Recognize that they should endeavor to make policy decisions only after full discussion at publicly held Board meetings.
- J. Render all decisions based on the available facts and independent judgment.
- K. 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.
- L. 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.
- M. 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.
- N. Communicate to other Board members and the District Administrator expressions of public reaction to Board policies and school programs.
- O. 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.
- P. 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.
- Q. 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.
- R. Support the employment of those persons best qualified to serve as school staff, and insist on a regular and impartial evaluation of all staff.
- S. Refrain from using their Board positions for personal partisan gain.
- T. Take no private action that will compromise the Board or administration, and respect the confidentiality of information that is privileged under applicable law.
- U. Work continually with the administration to identify the needs, goals, and priorities of the District.
- V. Remember always that their first and greatest concern must be for the educational welfare of the students attending the public schools.
- W. No Board member shall act or fail to act **in his/her position** as a **member of the** 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. **The Board member must specify that any statement is not sponsored by the District and is a personal viewpoint.**

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 they are 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 **they create** **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 **they** **he/she** can investigate the matter or **if it necessary to** 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

17.13, Wis. Stats.

946.12, Wis. Stats.

The National Association of School Boards

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Title	Copy of OFFICERS
Code	po0152 - L
Status	
Adopted	October 1, 2015
Last Revised	April 23, 2018

0152 - **OFFICERS**

The Board shall elect, from among its members, a President, Vice-President, Treasurer, and a Clerk. Such election shall occur at the Annual Reorganization Meeting on or within thirty (30) days after the fourth Monday in April.

Election of officers shall be by a majority **vote of existing Board members present at a Board meeting of voting members**. Secret ballots may be utilized only for the election of officers. Where no such majority exists on the first ballot vote, a second vote shall be cast for the two (2) candidates who received the greatest number of ballot votes.

Except for those appointed to fill a vacancy, officers shall serve for one (1) year and until their respective successors are elected and shall qualify. In the event of an officer's absence or inability to act, or a Board officer vacancy, the Board shall elect another Board member to discharge the officer's duties using the same voting method as outlined above. When an officer is elected to fill a vacancy, the person shall serve until the next organizational meeting. The Vice President shall automatically carry out the duties and responsibilities of the President in his/her temporary absence or inability to act.

Removal of any Board officer from his/her position as an officer prior to the expiration of his/her term as an officer shall be handled in accordance with the requirements of State law and upon advice of legal counsel regarding the appropriate procedures.

Except for those appointed to fill a vacancy, officers shall serve for one (1) year and until their respective successors are elected and shall qualify.

The Board shall, in addition to other statutory requirements:

- A. designate depositories for school funds;
- B. designate those persons authorized to sign checks, contracts, agreements, and purchase orders;
- C. designate a day, place, and time for regular meetings which shall be held at least once a month.

Revised 6/19/17

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Legal	19.88(1), Wis. Stats. 120.05, Wis. Stats.
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Title	Copy of NOTICE OF REGULAR MEETINGS
Code	po0165.1 - L - Official Newspaper?
Status	
Adopted	April 25, 2016
Last Revised	June 21, 2021

0165.1 - NOTICE OF REGULAR MEETINGS

Public notice of all **Board meetings, () and other meetings subject to Policy 8309 - Open Meetings for Non-Board Committees, [END OF OPTION]** shall be given pursuant to statute. **Such notice shall be given, without cost, to any news media which submits a written request for meeting notices and to a news medium likely to give notice in the District's geographic area. In addition, such notice shall be made public in at least one of the following ways:**

- A. **posting the notice in at least three (3) public places likely to give notice to persons affected;**
- B. **posting the notice in at least one (1) public place likely to give notice to persons affected and on the governmental body's website; or**
- C. **by paid publication in a news medium likely to give notice to persons affected.**

[] The notice shall be given, without cost, to the District's official newspaper, the _____ . [DRAFTING NOTE: The official newspaper of the District, if required according to criteria in 985.05, Wis. Stats.]

The **notice shall list**~~Board shall cause to be posted at the Board office and in other locations considered appropriate by the Board, a notice listing~~ the date, time, place, and subject matter of each regularly-scheduled meeting of the Board, including subjects intended for the consideration at any closed session, in the form which is reasonably likely to inform members of the public and the news media. To assure that notice of a meeting is specific enough to apprise the public of the purpose of the meeting, the following factors shall be considered: (1) the time and effort required to provide detailed notice; (2) the level of public interest in the particular subject; and (3) whether the meeting will involve routine or novel issues. The notice shall contain the name and address of the District and its telephone number. The notice shall be given at least twenty-four (24) hours prior to the meeting unless for good cause such notice is impossible or impractical, but in no case may the notice be less than two (2) hours in advance of the meeting.

The notice shall also contain the following statement:

"Upon request to the District Administrator, submitted twenty-four (24) hours in advance, the District shall make reasonable accommodation including the provision of informational material in an alternative format for a disabled person to be able to attend this meeting."

Notices of postings will be as follows: Manawa City Hall, Sturm Memorial Public Library, First State Bank of Manawa, the District Office bulletin board, and the School District of Manawa website.

The notice shall be given upon written request, to an individual, organization, firm, or corporation. The news media shall be entitled to receive, at their request, copies of such notices free of charge.

Revised 11/18/19

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Legal

19.84, Wis. Stats.

120.11(4), Wis. Stats.

985.05(3), Wis. Stats.

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Book Policy Manual
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Status

1421 - CRIMINAL HISTORY RECORD CHECK AND EMPLOYEE SELF-REPORTING REQUIREMENTS

Criminal History Record Check

To more adequately safeguard students and staff members, the Board requires an inquiry into the background of each applicant the District Administrator recommends for employment on the District's administrative staff. Any contracts with outsourced services, employment agencies, or temporary services must require such providers to conduct and retain a criminal history record check of individuals providing service to the District.

Such an inquiry shall also be made for substitutes who may be employed by the District and for volunteers assisting District staff.

The District Administrator shall establish the necessary procedures for obtaining any criminal history on the applicant.

Should it be necessary to employ a person in order to maintain continuity of the program prior to receipt of the report, the District Administrator may employ the person on a provisional basis until the report is received.

All information and records obtained from such inquiries are to be considered confidential and shall not be released or disseminated to those not directly involved in evaluating the applicant's qualifications.

Employee Self-Reporting Requirement

All District employees shall notify the District Administrator as soon as possible, but no more than three (3) calendar days, after any arrest, indictment, conviction, no contest or guilty plea, or other adjudication of the employee for any criminal or municipal offense.

The District Administrator, as soon as possible, but no more than three (3) calendar days, after any arrest, indictment, conviction, no contest or guilty plea, or other adjudication shall notify the () Board President () _____ for any criminal or municipal offense.

The requirement to report a conviction or deferred adjudication shall not apply to minor traffic offenses. However, an offense of operating under the influence, revocation or suspension of license, and driving after revocation or suspension must be reported if the employee drives or operates a District vehicle or piece of mobile equipment or transports students or staff in any vehicle. Failure to report under this section may result in disciplinary action, up to and including termination. All employment decisions by the District based on such information must comply with Wisconsin's arrest and conviction discrimination law.

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Legal 111.335, Wis. Stats.

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Code	po1460 - L - Board Review
Status	
Adopted	October 17, 2016
Last Revised	January 17, 2022

1460 - PHYSICAL EXAMINATION

The Board requires any candidate who has been offered employment **in a position that involves contact with children or the preparation of food for children**, as a condition of employment, to submit to an examination, including a tuberculosis screening questionnaire, ~~subject to further tests, in order to determine the physical capacity to perform assigned duties. Additional testing may be required to assure freedom from tuberculosis in communicable form. Such examinations shall be done in accordance with the District Administrator's guidelines and applicable law.~~

[] The Board requires every employee to undergo a physical examination as a condition of ongoing employment every _____ years of employment. [END OF OPTION]

No physical examination may be required of any employee who has filed an affidavit with the _____ requesting such exemption on the basis that the employee relies exclusively on prayer or spiritual healing in accordance with the teaching of a bona fide religious sect, denomination, or organization and that the employee is to the best of his or her knowledge and belief in good health. An employee exempt from the physical examination requirement may still be required to submit to an examination if there is reason to believe the employee may have an illness that is detrimental to the health of students. Such examination shall be only to the extent sufficient to determine whether the employee suffers from such illness.

[] The District Administrator may establish additional physical examination requirements for positions requiring particular demands or as may otherwise be required by law. Any fitness for duty examination shall be job related and out of necessity for safe and proper performance of job duties. [END OF OPTION]

Freedom from tuberculosis in a communicable form is a condition of employment.

The Board shall also require the candidate, based on a contingent job offer, to submit to a test for controlled substances the results of which must indicate there is no evidence of unlawful drug use. Such examinations shall be done in accordance with the District Administrator's guidelines and applicable law.

Employees will be required to execute a release that complies with the requirements of the Health Insurance Portability and Accountability Act in order to allow the report of the medical examination to be released to the Board/District Administrator and to allow the District Administrator ~~or his/her designee~~ to speak to the health care provider who conducted the medical examination in order to get clarification.

Reports of all such examinations or evaluations shall be delivered to the District Administrator, who shall protect their confidentiality. Reports will be discussed with the employee or candidate. In compliance with the Genetic Information Nondiscrimination Act (GINA) and Board Policy 1422.02 the successful candidate who is required to submit to a medical examination, as well as the health care provider who is designated by the Board to conduct the examination, are directed not to collect genetic information or provide any genetic information, including the candidate's family medical history, in the report of the medical examination.

Employees will be notified of the results of the medical examination upon receipt. Any and all reports of such examination will be maintained in a separate confidential personnel file in accordance with the Americans with Disabilities Act, as amended ("ADA") and the Genetic Information Nondiscrimination Act (GINA).

The results of any physical examination conducted in the course of the employment process shall be solely for the purpose of determining employment eligibility or as may otherwise be required by law. Consideration of physical information in employment shall be consistent with the American's with Disabilities Act (ADA) as amended and the Wisconsin Fair Employment Act (WFEA).~~In the event of a report of a condition that could influence job performance of the District Administrator, the Board President shall base a non-employment recommendation to the Board upon a conference with the examining physician and substantiation that the condition is directly correlated to defined job responsibilities and reasonable accommodation will not allow the employee or prospective employee to adequately fulfill those responsibilities.
In the event of a report of a condition that could influence job performance of an administrator other than the District Administrator, the District Administrator shall base a non-employment recommendation to the Board upon a conference with the examining physician and substantiation that the condition is directly correlated to defined job responsibilities and reasonable accommodation will not allow the employee or prospective employee to adequately fulfill those responsibilities.
Freedom from tuberculosis in a communicable form is a condition of employment.~~

The Board shall assume any fees for required examinations.

Revised 4/23/18
Revised 11/19/18
T.C. 1/17/22

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Legal	118.25, Wis. Stats.
	118.25(2)(a), Wis. Stats.
	121.52(3), Wis. Stats.
	29 C.F.R. Part 1630
	29 C.F.R. Part 1635
	42 U.S.C. 12101 et seq. Americans with Disabilities Act of 1990, as amended
	42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act

Last Modified by Steve LaVallee on February 23, 2022



Book	Policy Manual
Section	For Board Review - Vol. 31, No. 1
Title	Copy of CURRICULUM DEVELOPMENT
Code	po2210 - L
Status	
Adopted	October 17, 2016
Last Revised	April 27, 2020

2210 - **CURRICULUM DEVELOPMENT**

The District's curriculum and instruction programs shall be developed to support the District's mission, to align with Board adopted academic standards, and in accordance with State legal requirements. The Board shall provide the resources to develop and implement the curriculum within the financial capabilities of the District.

Professional staff, under the direction and supervision of the District Administrator or designee, shall be delegated the responsibility for proposing and developing a written, sequential curriculum plan for the District. The plan shall include those subject areas and grade levels as required by State regulations. Each subject area plan shall specify objectives, course sequence, course content, resources, a student assessment process, and an allocation of instructional time. Each plan shall include a program evaluation method that provides that the components of the plan shall be monitored continuously.

Communication and coordination among grade level and subject area staff members shall be emphasized on a four-(4)-year-old-kindergarten-through-grade-12 basis whenever curriculum is developed or reviewed.

The Board directs that the curriculum of this District:

- A. provides instruction in courses consistent with statute and regulations of the Department of Public Instruction or appropriate State agency;
- B. ensures, consistent with 115 Wis. Stats. and other applicable Federal and State laws and regulations, that special learning needs of students are provided for in the context of the regular program or classroom and provides for effective coordination with programs or agencies that are needed to meet those needs that cannot be dealt with in the regular program or classroom;
- C. be consistent with the District's philosophy and goals and ensure the possibility of their achievement;
- D. consistent with 118.30 Wis. Stats. by incorporating State-recommended performance standards for students as the basis for determining how well each student is achieving curriculum objectives;
- E. allows for the development of individual talents and interests as well as recognizes that learning styles of students may differ;
- F. provides a strategy for continuous and cumulative learning through effective articulation at all levels, particularly of those skills identified as essential and life-role skills;
- G. utilizes a variety of learning resources to accomplish the educational goals;
- H. encourages students to utilize guidance and counseling services in their academic and career planning;
- I. in the elementary grades, provides regular instruction in reading, language arts, social studies, mathematics, science, health, physical education, art and music;

- J. in grades 5 to 8, provides regular instruction in language arts, social studies, mathematics, science, health, physical education, art and music;
- K. in grades 9 to 12, provides access to an educational program that enables students each year to study English, social studies, mathematics, science, vocational education, foreign language, physical education, art and music;
- L. provides regular instruction in foreign language in grades 7 and 8;
- M. in one of grades 5 to 8 and in one of grades 10 to 12, provide students with the instruction on shaken baby syndrome and impacted babies described in ~~Wis. Stats.~~ 253.15 (5), Wis. Stats.;
- N. incorporates instruction in financial literacy into the curriculum in grades kindergarten to 12;
- O. **at least once in grades 5 to 8 and at least once in grades 9 to 12, include instruction on the Holocaust and other genocides effective with the 2022-23 school year;**
- P. provides that, in the social studies curriculum, instruction in the history, culture, and tribal sovereignty of Federally recognized American Indian tribes and bands located in Wisconsin takes place at least twice in the elementary grades and once in the high school grades;
- Q. provides for multi-cultural education by including, at each level, courses or units that help students understand the culture and contributions of various ethnic groups comprising American society, including, but not limited to Euro-Americans, African-Americans, Asian-Americans, Hispanic-Americans, and Native-Americans.

As the educational leader of this District, the District Administrator shall be responsible to the Board for the development and evaluation of curriculum and the preparation of courses of study.

The District Administrator shall make progress reports to the Board periodically.

The District Administrator may conduct such innovative programs as are deemed to be necessary to the continuing growth of the instructional program and to better ensure accomplishment of the District's educational goals. Each such innovative program must be consistent with Chapter 118 and appropriate State regulations and receive the approval of the Board.

The District Administrator shall report each such innovative program to the Board.

Unless the Board disapproves, the District Administrator may proceed to conduct the program.

The Board encourages, where it is feasible and in the best interests of the District, participation in programs of educational research.

The Board directs the District Administrator to pursue actively State and Federal aid in support of the District's innovative activities.

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Legal 118.01, 118.24, 121.02(1)(L), Wis. Stats.
 PI 8.01(2)(L)

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Book	Policy Manual
Section	For Board Review - Vol. 31, No. 1
Title	Copy of HUMAN GROWTH AND DEVELOPMENT
Code	po2414 - Board Review
Status	
Adopted	October 17, 2016

2414 - HUMAN GROWTH AND DEVELOPMENT

The Board directs that students receive instruction in human growth and development, consistent with Chapter 118.019(2), Wis. Stats.

[NOTE: Per 118.019(2), Wis. Stats., if instruction in human growth and development is provided, the following instructional program is recommended.]

Such instruction will, ~~to~~ include the following:

A. Medically accurate and age-appropriate instruction in the following topics:

1. the importance of communication about sexuality between the student and the student's parents or guardians
2. reproductive and sexual anatomy and physiology, including biological, psychosocial, emotional, and intellectual changes that accompany maturation
3. ~~puberty, pregnancy, parenting, body image, and gender stereotypes~~
4. ~~the skills needed to make responsible decisions about sexuality and sexual behavior throughout the student's life, including how to refrain from making inappropriate verbal, physical, and sexual advances and how to recognize, rebuff, and report any unwanted or inappropriate verbal, physical, and sexual behaviors~~
5. the benefits of and reasons for abstaining from sexual activity, **which shall stress the value of abstinence as the only reliable way to prevent pregnancy and sexually transmitted infections, and shall identify the skills necessary to remain abstinent**
~~Instruction under this subdivision shall stress the value of abstinence as the only reliable way to prevent pregnancy and sexually transmitted infections and shall identify the skills necessary to remain abstinent~~
6. methods for developing healthy life skills, including setting goals, making responsible decisions, communicating, and managing stress
7. how alcohol and drug use affect responsible decision making
8. the impact of media and one's peers on thoughts, feelings, and behaviors related to sexuality
9. adoption resources, prenatal care, and postnatal supports
10. the nature and treatment of sexually transmitted infections

B. **The instructional program will also include the following:**

1. **address self-esteem and personal responsibility, positive interpersonal skill, and healthy relationships**

2. identify counseling, medical, and legal resources for survivors of sexual abuse and assault, including resources for escaping violent relationships
3. () address the positive connection between marriage and parenting
4. () present information about avoiding stereotyping and bullying, including how to refrain from making inappropriate remarks, avoiding engaging in inappropriate physical or sexual behaviors, and how to recognize, rebuff, and report any unwanted or inappropriate remarks or physical or sexual behaviors

[Note: If the District chooses to provide instruction in any of the areas listed under Section A above, they must also include instruction in the following areas, when age-appropriate, in the same course, and during the same year]

The following shall also be incorporated into the above subjects in the same course and during the same year:

- A. presents abstinence from sexual activity as the preferred choice of behavior for unmarried students;
- B. emphasizes that abstinence from sexual activity before marriage is the only reliable way to prevent pregnancy and sexually transmitted diseases, including human immunodeficiency virus and acquired immunodeficiency syndrome;
- C. provides instruction in parental responsibility and the socioeconomic benefits of marriage for adults and their children;
- D. explains pregnancy, prenatal development, and childbirth;
- E. explains the criminal penalties for engaging in sexual activities involving a child under Ch. 948, Wis. Stats.;
- F. explains the sex offender registration requirements under 301.45, Wis. Stats.; which shall include who is required to report, what information must be reported, who has access to the information reported, and the implications of being registered;
- G. provides medically accurate information about the human papillomavirus and the human immunodeficiency virus and acquired immunodeficiency syndrome; and
- H. explains the process under 48.195, Wis. Stats., under which a parent of a newborn child may relinquish custody of the child to a law enforcement officer, emergency medical services practitioner, or hospital staff member

The District shall use instructional methods and materials that do not discriminate against a student based upon the student's race, gender, religion, sexual orientation, or ethnic or cultural background or against sexually active students or children with disabilities

A citizens' advisory committee shall be established, in accordance with Board Policy 9140 and 118.019(5), Wis. Stats., in order to ensure the effective participation of staff, parents, health-care professionals, members of clergy, and other residents of the District in the design and implementation of this program area. The Board authorizes the curriculum to include separating students on the basis of gender as determined by the District Human Growth and Development Committee.

The District shall provide parents annually with an outline of the human growth and development program used in their child's grade level as well as information regarding how the parent may inspect the complete program and instructional materials. Prior to use in the classroom, the program shall be made available to parents for inspection.

The District shall notify the parents, in advance of the instruction and give them an opportunity, prior to instruction, to review the complete program and instructional materials and of their right to have their child excused from the instruction. The notice shall state that in the event a student is excused, that student will still receive instruction under 118.01(2)(d)2c, Wis. Stats. unless exempted and under 118.01(2)(d)8, Wis. Stats.

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Legal 115.35, 118.019, Wis. Stats.
P.I. 8.01(2)(j), Wis. Adm. Code

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Book	Policy Manual
Section	For Board Review - Vol. 31, No. 1
Title	CRIMINAL HISTORY RECORD CHECK AND EMPLOYEE SELF-REPORTING REQUIREMENTS
Code	po3121 - R
Status	
Adopted	May 16, 2016
Last Revised	November 16, 2020

3121 - **CRIMINAL HISTORY RECORD CHECK AND EMPLOYEE SELF-REPORTING REQUIREMENTS**

Criminal History Record Check

To more adequately safeguard students and staff members, the Board requires an inquiry into the background of each applicant the District Administrator recommends for employment on the District's professional staff. Any contracts with outsourced services, employment agencies or temporary services must require such providers to conduct and retain a criminal history record check of individuals providing service to the District.

Such an inquiry shall also be made for substitutes who may be employed by the District and for volunteers assisting District staff.

The District Administrator shall establish the necessary procedures for obtaining any criminal history on the applicant.

Should it be necessary to employ a person in order to maintain continuity of the program prior to receipt of the report, the District Administrator may employ the person on a provisional basis until the report is received.

All information and records obtained from such inquiries are to be considered confidential and shall not be released or disseminated to those not directly involved in evaluating the applicant's qualifications.

Employee Self-Reporting Requirement

All District employees shall notify the District Administrator as soon as possible, but no more than three (3) calendar days, after any arrest, indictment, conviction, no contest or guilty plea, or other adjudication of the employee for any criminal or municipal offense.

The requirement to report a conviction or deferred adjudication shall not apply to minor traffic offenses. However, an offense of operating under the influence, revocation or suspension of license, and driving after revocation or suspension must be reported if the employee drives or operates a District vehicle or piece of mobile equipment or transports students or staff in any vehicle. Failure to report under this section may result in disciplinary action, up to and including termination. All employment decisions by the District based on such information must comply with Wisconsin's arrest and conviction discrimination law.

T.C. 11/16/2020

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Legal 111.335, Wis. Stats.

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Book	Policy Manual
Section	For Board Review - Vol. 31, No. 1
Title	Copy of DRUG-FREE WORKPLACE
Code	po3122.01 - L/R
Status	
Adopted	October 1, 2015
Last Revised	November 16, 2020

3122.01 - DRUG-FREE WORKPLACE

The Board believes that quality education is not possible in an environment affected by the use of illegal drugs and alcohol as well as the abuse of prescription drugs. It will seek, therefore, to establish and maintain a drug-free workplace~~an educational setting which is free from alcohol and other drug abuse.~~

Prohibited Acts

The Board prohibits any member of the District's staff from any of the following at any time while on or in District property or while performing duties at a District-related activity or event:~~the manufacture, possession, use, distribution, or dispensing of any controlled substance or alcohol, by any member of the District's professional staff at any time while on District property or while involved in any District-related activity or event.~~

- A. manufacturing, possessing, using, distributing, dispensing, or being under the influence of any controlled substance or alcohol;
- B. using, distributing, or possessing drug paraphernalia; or
- C. unlawfully possessing, using, distributing, dispensing, or abusing a prescribed or over-the-counter medication.

Permitted Acts

~~S~~**Professional** staff members who use or possess a prescription drug that has been lawfully prescribed to the staff member according to Wisconsin and Federal law, and take the prescription~~taken~~ in accordance with the prescribed dosage, shall not be deemed to be in violation of this policy. Staff members who use or possess over-the-counter medications and take them in accordance with the recommended dosage, shall not be deemed to be in violation of this policy. Wherever possible, a staff member should take prescribed and/or over-the-counter medications at home and not bring them to school. Where that cannot be accomplished, any staff member in possession of prescribed and/or over-the-counter medications while at school is responsible for taking appropriate precautions to assure that the drugs remain in the staff member's possession at all times and are taken only in private, out of the view of students. ~~Nothing in this policy shall prohibit the District Administrator from evaluating a staff member's fitness for duty pursuant to Policy 3161—Unrequested Leaves of Absence/Fitness for Duty.~~

CBD products are prohibited on District grounds and at school events.

Reasonable Suspicion Testing

Staff members shall be required to undergo alcohol and/or drug testing at any time the District has reasonable suspicion to believe that the staff member may have violated this policy.

Disciplinary Action

Any staff member who violates this policy shall be subject to disciplinary action, up to and including termination from District employment in accordance with the Employee Handbook and District policies. In addition to disciplinary action, the District may, at its discretion, refer the staff member to drug and alcohol counseling or to employee assistance or rehabilitation programs and/or may refer the matter to law enforcement.

The District Administrator shall establish whatever programs and procedures are necessary to meet the Federal certification requirements under the Drug-Free Workplace Act of 1988 and shall provide these to staff. Nothing in this policy shall prohibit the District Administrator from evaluating a staff member's fitness for duty pursuant to Policy 3161 - Unrequested Leaves of Absence/Fitness for Duty.

Off Work Conduct

Disciplinary action may result from conduct related to drug and alcohol usage even on the staff member's personal time if the circumstances create a connection to or nexus with the staff member's role with the District. Disciplinary action may result if a staff member's conduct involves the depiction of the staff member engaging in use of alcohol or drugs with involvement of minors. If the District administration becomes aware of such circumstances, the matter will be investigated even though the events occurred on one's personal time and not on District property or at a District event.

Use of Resources for Treatment

The District makes available resources to assist staff members in overcoming ~~alcohol, illegal drug use, or controlled~~ substance abuse. However, the decision to seek diagnosis and accept treatment for ~~alcohol, illegal drug use, or controlled~~ substance abuse is primarily the individual staff member's responsibility. Any costs associated with treatment in excess of those costs covered by the staff member's medical insurance plan shall be borne by the individual.

Revised 6/19/17
Revised 12/18/17
Revised 6/15/2020

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Legal Drug-Free Workplace Act of 1988, 41 U.S.C. 8101 et seq.

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Book	Policy Manual
Section	For Board Review - Vol. 31, No. 1
Title	PHYSICAL EXAMINATION
Code	po3160 - L
Status	
Adopted	October 17, 2016
Last Revised	January 17, 2022

3160 - PHYSICAL EXAMINATION

The Board requires any candidate who has been offered employment **in a position that involves contact with children or the preparation of food for children**, as a condition of employment, to submit to an examination, including a tuberculosis screening questionnaire, ~~subject to further tests, in order to determine the physical capacity to perform assigned duties. Additional testing may be required to assure freedom from tuberculosis in communicable form. Such examinations shall be done in accordance with the District Administrator's guidelines and applicable law.~~

[] The Board requires every employee to undergo a physical examination as a condition of ongoing employment every _____ years of employment. [END OF OPTION]

No physical examination may be required of any employee who has filed an affidavit with the _____ requesting such exemption on the basis that the employee relies exclusively on prayer or spiritual healing in accordance with the teaching of a bona fide religious sect, denomination, or organization and that the employee is to the best of his or her knowledge and belief in good health. An employee exempt from the physical examination requirement may still be required to submit to an examination if there is reason to believe the employee may have an illness that is detrimental to the health of students. Such examination shall be only to the extent sufficient to determine whether the employee suffers from such illness.

[] The District Administrator may establish additional physical examination requirements for positions requiring particular demands or as may otherwise be required by law. Any fitness for duty examination shall be job related and out of necessity for safe and proper performance of job duties. [END OF OPTION]

Freedom from tuberculosis in a communicable form is a condition of employment.

The Board shall also require the candidate, based on a contingent job offer, to submit to a test for controlled substances the results of which must indicate there is no evidence of unlawful drug use. Such examinations shall be done in accordance with the District Administrator's guidelines and applicable law.

Employees will be required to execute a release that complies with the requirements of the Health Insurance Portability and Accountability Act in order to allow the report of the medical examination to be released to the Board/District Administrator and to allow the District Administrator ~~or his/her designee~~ to speak to the health care provider who conducted the medical examination in order to get clarification.

Reports of all such examinations or evaluations shall be delivered to the District Administrator, who shall protect their confidentiality. Reports will be discussed with the employee or candidate. In compliance with the Genetic Information Nondiscrimination Act (GINA) and Board Policy 1422.02 the successful candidate who is required to submit to a medical examination, as well as the health care provider who is designated by the Board to conduct the examination, are directed not to collect genetic information or provide any genetic information, including the candidate's family medical history, in the report of the medical examination.

Employees will be notified of the results of the medical examination upon receipt. Any and all reports of such examination will be maintained in a separate confidential personnel file in accordance with the Americans with Disabilities Act, as amended ("ADA") and the Genetic Information Nondiscrimination Act (GINA).

The results of any physical examination conducted in the course of the employment process shall be solely for the purpose of determining employment eligibility or as may otherwise be required by law. Consideration of physical information in employment shall be consistent with the American's with Disabilities Act (ADA) as amended and the Wisconsin Fair Employment Act (WFEA).~~In the event of a report of a condition that could influence job performance of the District Administrator, the Board President shall base a non-employment recommendation to the Board upon a conference with the examining physician and substantiation that the condition is directly correlated to defined job responsibilities and reasonable accommodation will not allow the employee or prospective employee to adequately fulfill those responsibilities.~~
~~In the event of a report of a condition that could influence job performance of an administrator other than the District Administrator, the District Administrator shall base a non-employment recommendation to the Board upon a conference with the examining physician and substantiation that the condition is directly correlated to defined job responsibilities and reasonable accommodation will not allow the employee or prospective employee to adequately fulfill those responsibilities.~~
~~Freedom from tuberculosis in a communicable form is a condition of employment.~~

The Board shall assume any fees for required examinations.

Revised 7/17/17
Revised 4/23/18
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T.C. 11/16/20
T.C. 1/17/22

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Legal 118.25, Wis. Stats.
 118.25(2)(a), Wis. Stats.
 121.52(3), Wis. Stats.
 29 C.F.R. Part 1630
 29 C.F.R. Part 1635
 42 U.S.C. 12101 et seq. Americans with Disabilities Act of 1990, as amended
 42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act

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Book	Policy Manual
Section	For Board Review - Vol. 31, No. 1
Title	Copy of GRIEVANCE PROCEDURE
Code	po3340 - Board Review
Status	
Adopted	May 16, 2016
Last Revised	January 17, 2022

3340 - **GRIEVANCE PROCEDURE**

It is the policy of the District to treat all employees equitably and fairly in matters affecting their employment. This section shall apply to all regular full-time, part-time, limited, temporary, and seasonal employees shall be provided an opportunity to resolve certain matters affecting employment that the employee believes to be unjust.

This procedure is available in the case of any employee's disagreement with discipline or termination of employment, as well as a matter relating to workplace safety.

A grievance shall imply a dispute concerning an employee's discipline or termination of employment or a dispute concerning workplace conditions that affect workplace safety. Only one subject matter shall be covered in any one grievance. A written grievance shall contain:

- A. the name and position of the grievant;
- B. a clear and concise statement of the grievant, including the category of the grievance (i.e., employee termination, discipline, or workplace safety);
- C. the issue involved;
- D. the relief sought;
- E. the date the incident or violation took place;
- F. the specific section of the Policy Manual alleged to have been violated;
- G. the signature of the grievant and the date.

All employee grievances must be filed by the aggrieved employee(s). The grievance must be filed within five (5) business days after the employee knew or should have known of the cause of such grievance. The following procedures shall be followed:

A. **Principal/Supervisor:**

If anAny employee **believes they have**~~that believes s/he has~~ a matter subject to the grievance procedure **they** shall present the grievance to **their**~~his/her~~ immediate supervisor. If applicable, the employee shall perform the assigned task and grieve later. The Principal/Supervisor shall, within five (5) business days, inform the employee in writing of **their**~~his/her~~ decision.

B. **District Administrator:**

In the event the Principal's/Supervisor's decision does not resolve the problem, the employee may, within five (5) business

days of the date the Principal's/Supervisor's written decision is issued, present their grievance in writing to the District Administrator. This grievance shall fully state the details of the problem and suggest a remedy. The District Administrator shall, within five (5) business days of receipt of the grievance, meet and discuss the grievance with the employee and then reply in writing within ten (10) business days. This step does not apply to any grievance related to action by the Board that directly affects the grievant.

C. Hearing Before an Impartial Hearing Officer:

In the event the matter is not resolved to the employee's satisfaction by the District Administrator, the employee may, within five (5) business days of the date of the written decision of the District Administrator, request in writing that the matter be referred for a hearing before an impartial hearing officer. The Board of Education shall appoint a hearing officer for the purpose of conducting the hearing. If the District Administrator denies the grievance based on whether the grievance is timely or relates to a covered matter (i.e. workplace safety, discipline or termination), the matter shall be referred to the Board for determination of whether the grievance may proceed. If the Board determined that the grievance may proceed, it will then be referred to the Impartial Hearing Officer. The Board may appoint a hearing officer or panel of potential hearing officers from which to select an officer for this purpose either on an ad hoc basis or by resolution adopted for a school year and delegate to the District Administrator the responsibility to arrange for such hearing with one of the selected officers. **When the grievant is the District Administrator, the () Board President () Board's legal counsel [END OF OPTIONS] shall be responsible for selection of the hearing officer and arranging a hearing.**

Each grievance shall be heard by a single hearing officer and such hearings shall be private. The employee and the District may present witnesses, and each side may select one (1) individual to attend the hearing as a representative. Any employee representative selected shall be at no expense to the District.

The Hearing Officer may only consider the matter presented to him/her in the initial grievance filed by the employee. The decision will apply exclusively to the employee presenting the grievance. The Impartial Hearing Officer shall have authority to run the hearing, including administering oaths, admitting evidence into the record, providing for transcription, etc. The Officer may not modify any Board policy and may not issue decisions on matters not presented to the Principal/Supervisor in the initial grievance. Any fees or costs charged by the impartial hearing officer shall be paid by the District.

D. Board:

In the event that either party is dissatisfied with the hearing officer's decision, that party may within ten (10) business days, present the grievance in writing to the Board, who shall consider the matter within thirty (30) business days after its receipt, unless postponed by mutual agreement. The Board shall revise the decision of the impartial hearing officer and may either issue a decision or determine that additional evidence or testimony is necessary and provide for a hearing for that purpose.

The Board's decision shall be by a majority vote of a quorum present, which shall be final.

This procedure constitutes the exclusive process for the redress of employee grievances for the subject matter referred to herein. However, nothing in this grievance procedure shall prevent any employee from addressing concerns regarding matters not subject to the grievance procedure with administration and employees are encouraged to do so. Matters not subject to the grievance procedure that are raised by employees shall be considered by administration has final authority, subject to any applicable Board policy or directive, to resolve the matter.

Time limits contained in this grievance procedure outlined above may be extended by mutual consent of the parties. If any applicable time limit for advancing the grievance to the next step in the process is not met, the grievance shall be deemed resolved. Each employee shall be afforded any opportunity to be represented at each step of the grievance procedure by a representative of the employee's choice and at no expense to the District.

For purposes of this grievance procedure, the following definitions shall apply:

- A. "Workplace safety" means those conditions related to physical health and safety of employees enforceable under Federal or State law, or District rule related to: safety of the physical work environment, the safe operation of workplace equipment and tools, provision of protective equipment, training and warning requirements, workplace violence and accident risks.
- B. "Termination" does not include voluntary resignation or retirement, or the nonrenewal of an employment contract pursuant to 118.22 and 118.24 Wis. Stats., nor does it include position elimination due to a reduction in force under Policy 3131 - Reduction in Staff.
- C. "Employee discipline" refers to unpaid suspensions written reprimands, or demotion, but excludes performance conferences/evaluations, staff assignments, improvement plans, or oral counseling or reprimand unless a written record of the reprimand is placed in the employee's file.
- D. "Business days" means weekdays, excluding any District recognized holiday that falls on a weekday, but does not exclude weekdays during schedule break periods.

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Revised 4/27/20
T.C. 3/15/21
T.C. 1/17/22

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Legal 66.0509(1m), 118.22, 118.24 Wis. Stats.

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Book	Policy Manual
Section	For Board Review - Vol. 31, No. 1
Title	CRIMINAL HISTORY RECORD CHECK AND EMPLOYEE SELF-REPORTING REQUIREMENTS
Code	po4121 - R
Status	
Adopted	May 16, 2016
Last Revised	November 16, 2020

4121 - **CRIMINAL HISTORY RECORD CHECK AND EMPLOYEE SELF-REPORTING REQUIREMENTS**

Criminal History Record Check

To more adequately safeguard students and staff members, the Board requires an inquiry into the background of each applicant the District Administrator recommends for employment on the District's professional staff. Any contracts with outsourced services, employment agencies or temporary services must require such providers to conduct and retain a criminal history record check of individuals providing service to the District.

Such an inquiry shall also be made for substitutes who may be employed by the District and for volunteers assisting District staff.

The District Administrator shall establish the necessary procedures for obtaining any criminal history on the applicant.

Should it be necessary to employ a person in order to maintain continuity of the program prior to receipt of the report, the District Administrator may employ the person on a provisional basis until the report is received.

All information and records obtained from such inquiries are to be considered confidential and shall not be released or disseminated to those not directly involved in evaluating the applicant's qualifications.

Employee Self-Reporting Requirement

All District employees shall notify the District Administrator as soon as possible, but no more than three (3) calendar days, after any arrest, indictment, conviction, no contest or guilty plea, or other adjudication of the employee for any criminal or municipal offense.

The requirement to report a conviction or deferred adjudication shall not apply to minor traffic offenses. However, an offense of operating under the influence, revocation or suspension of license, and driving after revocation or suspension must be reported if the employee drives or operates a District vehicle or piece of mobile equipment or transports students or staff in any vehicle. Failure to report under this section may result in disciplinary action, up to and including termination. All employment decisions by the District based on such information must comply with Wisconsin's arrest and conviction discrimination law.

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Legal 111.335, Wis. Stats.

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Code	po4122.01
Status	
Adopted	October 1, 2015
Last Revised	November 16, 2020

4122.01 - DRUG-FREE WORKPLACE

The Board believes that quality education is not possible in an environment affected by the use of illegal drugs and alcohol as well as the abuse of prescription drugs. It will seek, therefore, to establish and maintain a drug-free workplace~~an educational setting which is free from alcohol and other drug abuse.~~

Prohibited Acts

The Board prohibits any member of the District's staff from any of the following at any time while on or in District property or while performing duties at a District-related activity or event:~~the manufacture, possession, use, distribution, or dispensing of any controlled substance or alcohol, by any member of the District's professional staff at any time while on District property or while involved in any District-related activity or event.~~

- A. manufacturing, possessing, using, distributing, dispensing, or being under the influence of any controlled substance or alcohol;
- B. using, distributing, or possessing drug paraphernalia; or
- C. unlawfully possessing, using, distributing, dispensing, or abusing a prescribed or over-the-counter medication.

Permitted Acts

~~Professional~~ staff members who use or possess a prescription drug that has been lawfully prescribed to the staff member according to Wisconsin and Federal law, and take the prescription~~taken~~ in accordance with the prescribed dosage, shall not be deemed to be in violation of this policy. Staff members who use or possess over-the-counter medications and take them in accordance with the recommended dosage, shall not be deemed to be in violation of this policy. Wherever possible, a staff member should take prescribed and/or over-the-counter medications at home and not bring them to school. Where that cannot be accomplished, any staff member in possession of prescribed and/or over-the-counter medications while at school is responsible for taking appropriate precautions to assure that the drugs remain in the staff member's possession at all times and are taken only in private, out of the view of students. ~~Nothing in this policy shall prohibit the District Administrator from evaluating a staff member's fitness for duty pursuant to Policy 4161—Unrequested Leaves of Absence/Fitness for Duty.~~

CBD products are prohibited on District grounds and at school events.

Reasonable Suspicion Testing

Staff members shall be required to undergo alcohol and/or drug testing at any time the District has reasonable suspicion to believe that the staff member may have violated this policy.

Disciplinary Action

Any staff member who violates this policy shall be subject to disciplinary action, up to and including termination from District employment in accordance with the Employee Handbook and District policies. In addition to disciplinary action, the District may, at its discretion, refer the staff member to drug and alcohol counseling or to employee assistance or rehabilitation programs and/or may refer the matter to law enforcement.

The District Administrator shall establish whatever programs and procedures are necessary to meet the Federal certification requirements under the Drug-Free Workplace Act of 1988 and shall provide these to staff. Nothing in this policy shall prohibit the District Administrator from evaluating a staff member's fitness for duty pursuant to Policy 4161 - Unrequested Leaves of Absence/Fitness for Duty.

Off Work Conduct

Disciplinary action may result from conduct related to drug and alcohol usage even on the staff member's personal time if the circumstances create a connection to or nexus with the staff member's role with the District. Disciplinary action may result if a staff member's conduct involves the depiction of the staff member engaging in use of alcohol or drugs with involvement of minors. If the District administration becomes aware of such circumstances, the matter will be investigated even though the events occurred on one's personal time and not on District property or at a District event.

Use of Resources for Treatment

The District makes available resources to assist staff members in overcoming ~~alcohol, illegal drug use, or controlled~~ substance abuse. However, the decision to seek diagnosis and accept treatment for ~~alcohol, illegal drug use, or controlled~~ substance abuse is primarily the individual staff member's responsibility. Any costs associated with treatment in excess of those costs covered by the staff member's medical insurance plan shall be borne by the individual.

Revised 6/19/17
Revised 12/18/17
Revised 6/15/2020

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Legal Drug-Free Workplace Act of 1988, 41 U.S.C. 8101 et seq.

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Book	Policy Manual
Section	For Board Review - Vol. 31, No. 1
Title	PHYSICAL EXAMINATION
Code	po4160 - L
Status	
Adopted	October 17, 2016
Last Revised	January 17, 2022

4160 - PHYSICAL EXAMINATION

The Board requires any candidate who has been offered employment **in a position that involves contact with children or the preparation of food for children**, as a condition of employment, to submit to an examination, including a tuberculosis screening questionnaire, ~~subject to further tests, in order to determine the physical capacity to perform assigned duties. Additional testing may be required to assure freedom from tuberculosis in communicable form. Such examinations shall be done in accordance with the District Administrator's guidelines and applicable law.~~

[] The Board requires every employee to undergo a physical examination as a condition of ongoing employment every _____ years of employment. [END OF OPTION]

No physical examination may be required of any employee who has filed an affidavit with the _____ requesting such exemption on the basis that the employee relies exclusively on prayer or spiritual healing in accordance with the teaching of a bona fide religious sect, denomination, or organization and that the employee is to the best of his or her knowledge and belief in good health. An employee exempt from the physical examination requirement may still be required to submit to an examination if there is reason to believe the employee may have an illness that is detrimental to the health of students. Such examination shall be only to the extent sufficient to determine whether the employee suffers from such illness.

[] The District Administrator may establish additional physical examination requirements for positions requiring particular demands or as may otherwise be required by law. Any fitness for duty examination shall be job related and out of necessity for safe and proper performance of job duties. [END OF OPTION]

Freedom from tuberculosis in a communicable form is a condition of employment.

The Board shall also require the candidate, based on a contingent job offer, to submit to a test for controlled substances the results of which must indicate there is no evidence of unlawful drug use. Such examinations shall be done in accordance with the District Administrator's guidelines and applicable law.

Employees will be required to execute a release that complies with the requirements of the Health Insurance Portability and Accountability Act in order to allow the report of the medical examination to be released to the Board/District Administrator and to allow the District Administrator ~~or his/her designee~~ to speak to the health care provider who conducted the medical examination in order to get clarification.

Reports of all such examinations or evaluations shall be delivered to the District Administrator, who shall protect their confidentiality. Reports will be discussed with the employee or candidate. In compliance with the Genetic Information Nondiscrimination Act (GINA) and Board Policy 1422.02 the successful candidate who is required to submit to a medical examination, as well as the health care provider who is designated by the Board to conduct the examination, are directed not to collect genetic information or provide any genetic information, including the candidate's family medical history, in the report of the medical examination.

Employees will be notified of the results of the medical examination upon receipt. Any and all reports of such examination will be maintained in a separate confidential personnel file in accordance with the Americans with Disabilities Act, as amended ("ADA") and the Genetic Information Nondiscrimination Act (GINA).

The results of any physical examination conducted in the course of the employment process shall be solely for the purpose of determining employment eligibility or as may otherwise be required by law. Consideration of physical information in employment shall be consistent with the American's with Disabilities Act (ADA) as amended and the Wisconsin Fair Employment Act (WFEA).~~In the event of a report of a condition that could influence job performance of the District Administrator, the Board President shall base a non-employment recommendation to the Board upon a conference with the examining physician and substantiation that the condition is directly correlated to defined job responsibilities and reasonable accommodation will not allow the employee or prospective employee to adequately fulfill those responsibilities.~~
~~In the event of a report of a condition that could influence job performance of an administrator other than the District Administrator, the District Administrator shall base a non-employment recommendation to the Board upon a conference with the examining physician and substantiation that the condition is directly correlated to defined job responsibilities and reasonable accommodation will not allow the employee or prospective employee to adequately fulfill those responsibilities.~~
~~Freedom from tuberculosis in a communicable form is a condition of employment.~~

The Board shall assume any fees for required examinations.

Revised 7/17/17
Revised 4/23/18
Revised 11/19/18
T.C. 11/16/20
T.C. 1/17/22

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Legal

- 118.25, Wis. Stats.
- 118.25(2)(a), Wis. Stats.
- 121.52(3), Wis. Stats.
- 29 C.F.R. Part 1630
- 29 C.F.R. Part 1635
- 42 U.S.C. 12101 et seq. Americans with Disabilities Act of 1990, as amended
- 42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act

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Book	Policy Manual
Section	For Board Review - Vol. 31, No. 1
Title	GRIEVANCE PROCEDURE
Code	po4340
Status	
Adopted	May 16, 2016
Last Revised	January 17, 2022

4340 - **GRIEVANCE PROCEDURE**

It is the policy of the District to treat all employees equitably and fairly in matters affecting their employment. This section shall apply to all regular full-time, part-time, limited, temporary, and seasonal employees shall be provided an opportunity to resolve certain matters affecting employment that the employee believes to be unjust.

This procedure is available in the case of any employee's disagreement with discipline or termination of employment, as well as a matter relating to workplace safety.

A grievance shall imply a dispute concerning an employee's discipline or termination of employment or a dispute concerning workplace conditions that affect workplace safety. Only one subject matter shall be covered in any one grievance. A written grievance shall contain:

- A. the name and position of the grievant;
- B. a clear and concise statement of the grievant, including the category of the grievance (i.e., employee termination, discipline, or workplace safety);
- C. the issue involved;
- D. the relief sought;
- E. the date the incident or violation took place;
- F. the specific section of the Policy Manual alleged to have been violated;
- G. the signature of the grievant and the date.

All employee grievances must be filed by the aggrieved employee(s). The grievance must be filed within five (5) business days after the employee knew or should have known of the cause of such grievance. The following procedures shall be followed:

A. **Principal/Supervisor:**

If anAny employee **believes they have**~~that believes s/he has~~ a matter subject to the grievance procedure **they** shall present the grievance to **their**~~his/her~~ immediate supervisor. If applicable, the employee shall perform the assigned task and grieve later. The Principal/Supervisor shall, within five (5) business days, inform the employee in writing of **their**~~his/her~~ decision.

B. **District Administrator:**

In the event the Principal's/Supervisor's decision does not resolve the problem, the employee may, within five (5) business

days of the date the Principal's/Supervisor's written decision is issued, present their grievance in writing to the District Administrator. This grievance shall fully state the details of the problem and suggest a remedy. The District Administrator shall, within five (5) business days of receipt of the grievance, meet and discuss the grievance with the employee and then reply in writing within ten (10) business days. This step does not apply to any grievance related to action by the Board that directly affects the grievant.

C. Hearing Before an Impartial Hearing Officer:

In the event the matter is not resolved to the employee's satisfaction by the District Administrator, the employee may, within five (5) business days of the date of the written decision of the District Administrator, request in writing that the matter be referred for a hearing before an impartial hearing officer. The Board of Education shall appoint a hearing officer for the purpose of conducting the hearing. If the District Administrator denies the grievance based on whether the grievance is timely or relates to a covered matter (i.e. workplace safety, discipline or termination), the matter shall be referred to the Board for determination of whether the grievance may proceed. If the Board determined that the grievance may proceed, it will then be referred to the Impartial Hearing Officer. The Board may appoint a hearing officer or panel of potential hearing officers from which to select an officer for this purpose either on an ad hoc basis or by resolution adopted for a school year and delegate to the District Administrator the responsibility to arrange for such hearing with one of the selected officers. **When the grievant is the District Administrator, the () Board President () Board's legal counsel [END OF OPTIONS] shall be responsible for selection of the hearing officer and arranging a hearing.**

Each grievance shall be heard by a single hearing officer and such hearings shall be private. The employee and the District may present witnesses, and each side may select one (1) individual to attend the hearing as a representative. Any employee representative selected shall be at no expense to the District.

The Hearing Officer may only consider the matter presented to him/her in the initial grievance filed by the employee. The decision will apply exclusively to the employee presenting the grievance. The Impartial Hearing Officer shall have authority to run the hearing, including administering oaths, admitting evidence into the record, providing for transcription, etc. The Officer may not modify any Board policy and may not issue decisions on matters not presented to the Principal/Supervisor in the initial grievance. Any fees or costs charged by the impartial hearing officer shall be paid by the District.

D. Board:

In the event that either party is dissatisfied with the hearing officer's decision, that party may within ten (10) business days, present the grievance in writing to the Board, who shall consider the matter within thirty (30) business days after its receipt, unless postponed by mutual agreement. The Board shall revise the decision of the impartial hearing officer and may either issue a decision or determine that additional evidence or testimony is necessary and provide for a hearing for that purpose.

The Board's decision shall be by a majority vote of a quorum present, which shall be final.

This procedure constitutes the exclusive process for the redress of employee grievances for the subject matter referred to herein. However, nothing in this grievance procedure shall prevent any employee from addressing concerns regarding matters not subject to the grievance procedure with administration and employees are encouraged to do so. Matters not subject to the grievance procedure that are raised by employees shall be considered by administration has final authority, subject to any applicable Board policy or directive, to resolve the matter.

Time limits contained in this grievance procedure outlined above may be extended by mutual consent of the parties. If any applicable time limit for advancing the grievance to the next step in the process is not met, the grievance shall be deemed resolved. Each employee shall be afforded any opportunity to be represented at each step of the grievance procedure by a representative of the employee's choice and at no expense to the District.

For purposes of this grievance procedure, the following definitions shall apply:

- A. "Workplace safety" means those conditions related to physical health and safety of employees enforceable under Federal or State law, or District rule related to: safety of the physical work environment, the safe operation of workplace equipment and tools, provision of protective equipment, training and warning requirements, workplace violence and accident risks.
- B. "Termination" does not include voluntary resignation or retirement, or the nonrenewal of an employment contract pursuant to 118.22 and 118.24 Wis. Stats., nor does it include position elimination due to a reduction in force under Policy 3131 - Reduction in Staff.
- C. "Employee discipline" refers to unpaid suspensions written reprimands, or demotion, but excludes performance conferences/evaluations, staff assignments, improvement plans, or oral counseling or reprimand unless a written record of the reprimand is placed in the employee's file.
- D. "Business days" means weekdays, excluding any District recognized holiday that falls on a weekday, but does not exclude weekdays during schedule break periods.

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Revised 4/27/20
T.C. 3/15/21
T.C. 1/17/22

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Book	Policy Manual
Section	For Board Review - Vol. 31, No. 1
Title	Copy of OPEN ENROLLMENT PROGRAM (Inter-District)
Code	po5113 - Board Review
Status	
Adopted	June 20, 2016
Last Revised	March 15, 2021

5113 - **OPEN ENROLLMENT PROGRAM (Inter-District)**

The District will participate in the Wisconsin Public School Open Enrollment Program in accordance all with applicable law and the relevant policies and rules of the District, all as amended from time-to-time.

DEFINITIONS

The following definitions will apply to the District's Open Enrollment Program.

A. Non-Resident District

A school district located in Wisconsin that is not a student's district of residence.

B. Non-Resident Student

A student who is a legal resident or otherwise legally entitled to attend school in another school district in Wisconsin and who seeks admission to this District under the Open Enrollment Program.

C. Tuition Student

A non-resident student who is a resident of the State of Wisconsin and who pays tuition in accordance with State law.

D. Full-Time Enrollment

A student is enrolled for the entire school day and receives all of required education in this District.

E. Class Size

The District's determination of the maximum number of students who can be accommodated properly in a particular classroom without jeopardizing the quality of the instructional program. Circumstances such as enrollment projections for a particular school, class, or program may influence optimum class size.

F. Program Size

The enrollment or size restrictions in a specific program within a class or building. The District reserves the exclusive right to establish program size and to limit enrollment based upon the capability to properly allocate available resources, create and maintain a proper learning environment, and comply with contracts, grants, and applicable laws and regulations.

G. Resident Student

A student who is a legal resident of this District and is consequently entitled to attend school in this District in accordance with Policy 5111 - Eligibility of Resident/Non-resident Students.

FULL-TIME OPEN ENROLLMENT

A. Procedures 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 non-resident 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 a student or the sibling of a student who is already attending 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.

After the date specified in s. 118.51(3)(a)3., Wis. Stats., the nonresident school board may approve applications it had initially denied if any of the following cause spaces to become available:

In accordance with 118.51(3)(a)3, Wis. Stats., except as provided under sub. (5)(d)1., on or before the first Friday following the first Monday in June following receipt of the application, the nonresident school board shall notify the applicant, in writing, whether it has accepted the application.

1. A parent notifies the nonresident school board that the student will not attend the nonresident school district.
2. A parent fails to provide the notification required in s. 118.51(3)(a)6., Wis. Stats.
3. The Board determines that additional spaces have become available since its determination at the January Board meeting.

B. Decisional Criteria for Non-Resident Applications

Decisions on non-resident open enrollment applications will be based only on the following criteria:

1. Whether the Board has determined there is space in the schools, programs, classes, or grades within the District for non-resident students. The Board shall determine during a regular meeting each January the number of regular education and special education spaces available at each level, each building, and in each program, or shall determine that it will not set space limitations for open enrollment at any building, level, or program. In determining the amount of space available, the District will count resident students, tuition waiver students under 121.84 Wis. Stats., and may include in its counted occupied spaces students and siblings of students who have applied under Section 118.51(3)(a) and are already attending public school in the District.

Other factors the District Administrator shall consider include, but shall not be limited to the following:

- 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 that 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 non- resident 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.
- d. The number of non-resident students currently attending the schools of the District for whom tuition is paid by another district under Section 121.78(1)(a), Wis. Stats.
- e. The number of resident home schooled or private school students likely to attend the schools of the District in accordance with Section 118.415, Wis. Stats.

2. Whether an applicant for a pre-kindergarten, early childhood resides in a district that offers the program for which application is made.
3. Whether the non-resident student has been expelled from any school district within the current school year or the two (2) preceding school years, or is pending any 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.

Notwithstanding the Board's acceptance of a non-resident student's application, the Board may withdraw acceptance if, prior to the beginning of the first school year in which the non-resident student will attend a school in the District, the student is determined to fall under paragraph B. 3.

The Board may request a copy of a non-resident student's disciplinary records from the resident School Board.

4. Whether the special education program or related services described in the non-resident student's Individualized Education Program ("IEP") are available in the District. Whether a service is available depends on whether existing staff in the District are qualified to provide the service or whether the district has facilities and/or equipment required for the service. A service is not available in the District if that service is currently provided to resident students through contract with a third party. Whether a service is available is not a function of whether there is space available in any program or service. A service may be unavailable even if no space limitations have been established.
5. Whether there is space available in the District to provide the special education or related services identified in the non-resident 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 **the non-resident student's his/her** resident board under Wis. Stat. 115.777(1) or identified by **his/her the non-resident student's** resident school board under Wis. Stat. 115.77(1m)(a), but not yet evaluated by an individualized education program team.

If a non-resident 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 board. If such notice is provided, the non-resident may be transferred to **their 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, after complying with the requirements of PI 36.09(2).

The truancy determination shall be made on the sole basis of enrollment in the non-resident district. Open enrollment may not be denied based on the student's truancy from any other district.

C. 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.

D. Transportation

The parents of a student attending a non-resident school district will be solely responsible for providing transportation to and from the school site. The District will permit a non-resident student to ride District transportation if space is available on a regularly-scheduled bus route. The District will provide transportation for a non-resident student with an identified disability for whom transportation is required by **their his/her** IEP.

The Board will not permit a neighboring District to bus resident students from within its boundaries for attendance at the non-resident neighboring District.

ALTERNATIVE APPLICATION PROCEDURES

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 the alternative application procedure if the student satisfies at least one of the statutory criteria and has not applied to more than three non-resident school districts. (See AG 5113 – Admission of Students Participating Under Open Enrollment)

Applications from a non-resident student under the alternative application procedures received after the Board's January meeting, at which it sets open enrollment space availability numbers for the subsequent year, may be approved for the current year if the Board has not imposed a space limitation for the student's current year grade level and also has not imposed a space limitation for the subsequent school year in the student's subsequent grade level. Alternative applications received prior to the 3rd Friday in September may be approved if the Board has approved all applications for that grade level which were received during the regular period, including the offer of enrollment to applicants placed on the waiting list, if any.

DELEGATION TO DISTRICT ADMINISTRATOR

The Board delegates to the District Administrator the authority to approve or deny open enrollment applications () including under the alternative procedures [END OF OPTION] consistent with the criteria in this policy and based on the Board's space determinations approved in January of each year.

ANNUAL REVIEW

The Board shall review its Open Enrollment Program annually.

General Provisions

- A. A student, who has been accepted under this program, who has not met the academic prerequisites for participation in a particular program in which the student wishes to enroll shall not be placed in that program.
- B. The District's Policy 2260 – Nondiscrimination and Access to Equal Educational Opportunity shall apply to all applicants under this program. In addition, the District will not discriminate on the basis of an applicant's intellectual, academic, artistic, athletic, or other ability, talent, or accomplishment, or based on a mental or physical disability, except as provided for in the statute authorizing this program.

Application of Emergency Orders

All timelines or other procedures described in this policy and in any implementing administrative guidelines are subject to modification in the event that the State or Federal government issues emergency or other temporary orders affecting any of the subject matter of this policy. The policy automatically incorporates the contents of any such order or proclamation, including any discretionary authority provided, and delegates by policy the authority to exercise that discretion to the District Administrator.

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Legal 118.51, Wis. Stats.

Wis. Adm. Code Ch. P.I. 36

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Book	Policy Manual
Section	For Board Review - Vol. 31, No. 1
Title	Copy of ATTENDANCE
Code	po5200 - L
Status	
Adopted	June 20, 2016
Last Revised	November 16, 2020

5200 - **ATTENDANCE**

The Board will enforce regular student attendance in the District's program in which each student is enrolled as required pursuant to State law. Further, the Board recognizes that the District's educational program is predicated upon the participation of each student in the program of instruction in which the student is enrolled and required to attend. Student success requires continuity of instruction and program participation. For purposes of this policy, the regular period and hours of instruction including both those periods and hours a student's program require that they are in school as well as any attendance requirements defined as part of a course of virtual instruction, or a combination of the more than one type of instructional delivery.

All children between six (6) and eighteen (18) years of age shall attend school regularly during the full period and hours, religious holidays excepted, that the school in which the child is enrolled is in session until the end of the term, quarter, or semester of the school year in which the child becomes eighteen (18) years of age, unless s/he falls under an exception under State law, this policy, or administrative guideline issued under this policy. A child who is enrolled in five (5) year-old kindergarten shall attend school regularly, religious holidays excepted, during the full period and hours that kindergarten is in session until the end of the school term.

Excuse Required

The District Administrator shall require, from the parent or guardian of each student or from an adult student, who has been absent for any reason a phone call or a written, signed, and dated letter stating the reason for the absence and the time period covered by the absence. The Board reserves the right to verify such statements and to investigate the cause of each absence and instance of tardiness.

School Attendance Officer

The District Administrator shall designate an administrator at each school to be the School Attendance Officer. The School Attendance Officer shall perform any duties and responsibilities ~~as s/he is~~ required ~~to perform~~ by State law, this policy, and any administrative guidelines issued by the school. The duties of the School Attendance Officer shall include, but not be limited to, the following:

- A. Determining daily from attendance reports submitted by teachers which students enrolled in the school are absent from school, or failed to fulfill the attendance requirements of a virtual instruction program component, and whether the absence is excused.
- B. Submitting to the District Administrator, on or before August 1st of each year, a report of the number of students enrolled in the school who were absent in the previous year and whether the absences were excused. The District Administrator shall then submit this information to the State Superintendent and the Board. To the extent feasible, absentee data shall be separated by absences for in-person instruction periods and absences based on virtual instruction attendance requirements.
- C. Providing student attendance information to individuals and agencies for purposes authorized by State law and the Board's Policy 8330 - Student Records.

Excused Absences

As required under State law, a student shall be excused from school for the following reasons:

A. Physical or Mental Condition

The student is temporarily not in proper physical or mental condition to attend a school program.

B. Obtaining Religious Instruction

To enable the student to obtain religious instruction outside the school during the required school period (see Policy 5223 - Absences for Religious Instruction).

C. Permission of Parent or Guardian

The student has been excused by their parent(s) before the absence for any or no reason. A student may not be excused for more than ten (10) days per school year under this paragraph and must complete any course work missed during the absence. Examples of reasons for being absent that should be counted under this paragraph include, but are not limited to, the following:

1. professional and other necessary appointments (e.g., medical, dental, and legal) that cannot be scheduled outside of the school day
2. to attend the funeral of a relative
3. legal proceedings that require the student's presence
4. college visits
5. job fairs
6. vacations

D. Religious Holiday

For observance of a religious holiday consistent with the student's creed or belief.

E. Suspension or Expulsion

The student has been suspended or expelled.

F. Program or Curriculum Modification

The Board has excused the student from regular school attendance to participate in a program or curriculum modification leading to high school graduation or a high school equivalency diploma as provided by State law.

G. High School Equivalency – Secured Facilities

The Board has excused a student from regular school attendance to participate in a program leading to a high school equivalency diploma in a secured correctional facility, a secured child caring institution, a secure detention facility, or a juvenile portion of a county jail, and the student and their parent(s) or guardian agree that the student will continue to participate in such a program.

H. Child at Risk

The student is a "child at risk" as defined under State law and is participating in a program at a technical college on either a part-time or full-time basis leading to high school graduation, as provided under State law.

I. Election Day Official

A high school student, **including students enrolled in private schools and students enrolled in home-based private education**, age sixteen (16) or seventeen (17) is permitted to be excused to serve as an election official provided that the following criteria are met: (1) the student has the permission of **his/her/their** parent to serve as an election official on election day; (2) the student has signed up and the municipal clerk has informed the principal that the student has been

assigned to serve in this capacity; and (3) the student has at least a 3.0 grade point average or equivalent, or has met alternative criteria established by Board, if any. The principal shall promptly notify the municipal clerk or the board of election commissioners of the municipality that appointed the child as an election official if the child no longer has at least a 3.0 grade point average or the equivalent, or no longer meets the established alternative requirements. A student's absence to serve as an election official under this policy shall be treated as an excused absence. Where possible students are encouraged to provide advance notice as much as possible. Students are responsible for completing any missed school work and responsible for making appropriate arrangements to do so.

J. Virtual Access

The student is unable to access virtual instruction programming due to a temporary disruption in the student's access to necessary technological systems (i.e. internet outage, computer failure, software malfunction, etc.) as communicated by the student's parent.

A student may be excused from school, as determined by the School Attendance Officer, or their designee, for quarantine of the student's home by a public health officer.

Unexcused Absences

Unexcused absences demonstrate a deliberate disregard for the educational program and are considered a serious matter. The District Administrator shall develop administrative guidelines to address unexcused absences.

The Board authorizes, but does not encourage the District Administrator, to suspend a student from a particular class or from school if sincere efforts by the staff and parents cannot rectify the pattern of absence. In keeping with its philosophy, the Board supports efforts to provide out-of-school alternative educational opportunities for truant students rather than aggravate the effects of absence through suspension.

Truancy Plan

The Board will issue a Truancy Plan based upon the recommendations of the County Truancy Committee convened under State law, and the Board's policies and guidelines. The Board will review and, if appropriate, revise the Truancy Plan at least once every two (2) years.

The Truancy Plan will include, at a minimum, the following:

- A. guidelines for notifying the parents or guardians of the unexcused absences of a student and for meeting and conferring with such parents or guardians
- B. plans and procedures for identifying truant children of all ages and returning them to school and identifying the identity of school personnel to whom a truant child shall be returned
- C. methods to increase and maintain public awareness of truancy issues within the school district and enhance public involvement in reducing truancy.
- D. a guideline addressing the immediate response to be made by school personnel when a truant child is returned to school
- E. the types of truancy cases to be referred to the District Attorney and the time periods within which the District Attorney will respond to and take action on the referrals
- F. plans and procedures to coordinate the responses to the problems of habitual truants, as defined under Sec. 118.16(1)(a), Wis. Stats., with public and private social services agencies
- G. methods to involve the truant child's parent or guardian in dealing with and solving the child's truancy problem.

A student will be considered truant if s/he is absent for part or all of one (1) or more days from school during which the School Attendance Officer, principal, or a teacher has not been notified of the legal cause of such absence by the parent or guardian of the absent student. A student who is absent intermittently for the purpose of defeating the intent of the Wisconsin Compulsory Attendance Statute Sec. 118.15, Wis. Stats., will also be considered truant.

A student will be considered a habitual truant if they are absent from school without an acceptable excuse for part or all of five (5) or more days on which school is held during a school semester.

Notice of Truancy

The School Attendance Officer shall notify a truant student's parent or guardian of the student's truancy and direct the parent or guardian to return the student to school no later than the next day on which school is in session or to provide an excuse for the

absence. The notice under this paragraph shall be given before the end of the second school day after receiving a report of an unexcused absence. The notice may be made by electronic communication, personal contact, telephone call or 1st class mail and a written record of this notice shall be kept. The School Attendance Officer shall attempt to give notice by personal contact, telephone call, or unless the parent has refused to receive electronic communication, notice by 1st class mail may be given. This notice must be given every time a student is truant until the student becomes a habitual truant.

Notice of Habitual Truancy

When a student initially becomes a habitual truant, the School Attendance Officer shall provide a notice to the student's parent or guardian, by registered or certified mail, or by first-class mail. The School Attendance Officer may simultaneously notify the parent of the habitually truant student by an electronic communication. The notice must contain the following:

- A. a statement of the parent's or guardian's responsibility under State law to cause the student to attend school regularly
- B. a statement that the parent, guardian, or student may request program or curriculum modifications for the student under State law and that the student may be eligible for enrollment in a program for children at risk
- C. a request that the parent or guardian meet with the appropriate school personnel to discuss the student's truancy

The notice shall include the name of the school personnel with whom the parent or guardian should meet, a date, time, and place for the meeting as well as the name, address, and telephone number of a person to contact to arrange a different date, time, or place. The date for the meeting shall be within five (5) school days after the notice is sent with the consent of the student's parent or guardian the meeting date may be extended for an additional five (5) school days.

- D. a statement of the penalties, under State law or local ordinances that may be imposed on the parent **if s/he upon failure fails** to cause the child to attend school regularly as required by State law.

The School Attendance Officer will also continue to notify the parent or guardian of a habitual truant's subsequent unexcused absences.

Referral to the District Attorney

Truancy cases will be referred to the District Attorney as provided in the County Truancy Committee Plan. The School Attendance Officer will ensure that appropriate school personnel have done the following before any case is referred to the District Attorney:

- A. met with the student's parent or guardian to discuss the student's truancy or attempted to meet with the student's parent or guardian and received no response or were refused
- B. provided an opportunity for educational counseling to the student to determine whether a change in the student's curriculum would resolve the student's truancy and have curriculum modifications under State law
- C. evaluated the student to determine whether learning problems may be a cause of the student's truancy and, if so, have taken steps to overcome the learning problems if tests administered to the student within the previous year indicate that the student is performing at their grade level, the student need not be evaluated.
- D. conducted an evaluation to determine whether social problems may be a cause of the student's truancy and, if so, have taken appropriate action or made appropriate referrals.

Note that paragraph A. is not required if the meeting between school personnel, the student, and the student's parent or guardian, which was requested in the Notice of Habitual Truancy to the parent or guardian, did not occur within ten (10) school days after the Notice was sent. Paragraphs B., C., and D. are not required if appropriate school personnel were unable to carry out the activity due to the student's absences from school.

Make-up Course Work and Examinations

Students who are absent from school, whether the absence was excused or unexcused, shall be permitted to make-up course work and examinations missed when they return to school. It is the student's responsibility to contact their teachers to determine what course work and examinations must be made-up. Teachers shall have the discretion to assign substitute course work and examinations. Teachers shall also have the discretion to specify where and when examinations and course work shall be completed, including outside regular school hours. The time for completing the work shall be commensurate with the length of the absence unless extended by the principal based upon extenuating circumstances.

District Administrator Guidelines

The District Administrator shall develop administrative guidelines concerning the attendance of students which:

- A. ensure a school session that is in conformity with the requirement of the law;
- B. ensure that students absent for an excusable reason have an opportunity to make-up work they missed;
- C. govern the keeping of attendance records in accordance with State law;
- D. facilitate implementation of the Truancy Plan;
- E. identify the habitual truant, investigate the cause(s) of his/her behavior, and consider modification of his/her educational program to meet particular needs and interests;
- F. ensure that any student who, due to a specifically identifiable physical or mental impairment, exceeds or may exceed the District's limit on excused absence is referred for evaluation for eligibility either under the Individuals with Disabilities Education Act (IDEA) or Section 504 of the Rehabilitation Act of 1973 and Chapter 115, Wis. Stats.;
- G. provide that a student's grade in any course is based on his/her performance in the instructional setting and is not reduced for reasons of conduct. If a student violates the attendance or other rules of the school, s/he should be disciplined appropriately for the misconduct, but his/her grades should be based upon what the student can demonstrate s/he has learned;
- H. ensure that all parents and students are informed of the District's Attendance Policy and related guidelines;
- I. enable the School Attendance Officer to perform his/her duties under State law and this policy; and
- J. address unexcused absences.

Revised 8/22/16
Revised 11/19/18
Revised 4/27/2020

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Legal 7.30(2)(am), Wis. Stats.
 118.15, Wis. Stats.
 118.153, Wis. Stats.
 118.16, Wis. Stats.
 118.162, Wis. Stats.

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Book	Policy Manual
Section	For Board Review - Vol. 31, No. 1
Title	Copy of PROMOTION, PLACEMENT, AND RETENTION
Code	po5410 - Board Review - L
Status	Proposed to Policy & Human Resources Committee
Adopted	June 20, 2016
Last Revised	July 19, 2021

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

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

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

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

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

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

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

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

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

Promotion from Grade 4 and Grade 8

A student shall be promoted from 4th to 5th grade when the student meets the following criteria:

- A. **the student's score on the 4th grade examination, unless the student has been excused from taking the examination;**
- B. **the student's academic performance;**
- C. **recommendations of teachers, which are based solely on the student's academic performance.**
- D. **(.) additional criteria specified by the Board. [END OF OPTION]**

A student shall be promoted from 8th to 9th grade when the student meets the following criteria:

- A. **the student's score on the 8th grade examination, unless the student has been excused from taking the examination;**
- B. **the student's academic performance;**
- C. **recommendations of teachers, which are based solely on the student's academic performance.**
- D. **(.) additional criteria specified by the Board. [END OF OPTION]**

Students that do not meet the above criteria will not be promoted to 5th or 9th grade.

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Legal 118.33 (6a), Wis. Stats.

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Book	Policy Manual
Section	For Board Review - Vol. 31, No. 1
Title	Copy of CHILDREN AT-RISK OF NOT GRADUATING FROM HIGH SCHOOL
Code	po5461 - L
Status	
Adopted	June 20, 2016
Last Revised	November 16, 2020

5461 - **CHILDREN AT-RISK OF NOT GRADUATING FROM HIGH SCHOOL**

The Board shall establish programs to serve children in the District who are identified as "children-at-risk" in compliance with State statutes. This policy meets the requirements of State law which includes identifying and serving "children-at-risk" students as defined below:

Students who are at risk of not graduating high school because they are dropouts or are at least two (2) of the following:

- A. one (1) or more years behind their age group in the number of high school credits attained
- B. two (2) or more years behind their age group in basic skill level (math and reading)
- C. habitually truant
- D. parents
- E. adjudicated delinquents, and
- F. eighth grade students whose score in each area of the student assessment was below basic level of failing and eighth grade students that were not promoted to ninth grade

The District shall identify all children at-risk enrolled in the District. **The District shall annually develop a plan describing how the Board will meet the needs of such students, and assure that a plan is developed for each such student that describes how the District will meet each student's needs.** Each plan shall be completed on or before August 15th of each year.

All programs and services developed for "children-at-risk" shall be designed to improve and expand educational opportunities for these children on an individualized basis, through a variety of means (e.g., additional instruction, differentiation, intervention), and provide alternative courses or program modifications which satisfactorily meet the District's graduation requirements.

Principals are responsible for identifying and addressing barriers to learning through a variety of strategies. The plan will communicate the structure, strategies, and program offerings for students at-risk which will vary by individual. Strategies for support, interventions, programs, and alternative educational options are made available to all students and at all levels as needed.

The Board uses a Equitable Multi-Level System of Supports (EMLSS) Model that is designed as a continuum for Literacy, Mathematics, and Behavior. E MLSS is defined as a systemic process for achieving high levels of academic and behavioral success for all students through:

- A. multi-level, high-quality instructional approach for general, at-risk, advanced learners, and special education student needs;
- B. a balanced assessment system;

C. collaborative practices.

The Board will make reasonable efforts to help each student acquire the necessary skills, concepts, and content of course or subject area ~~they are~~/he is enrolled through systemic practices of EMLSS. Student capabilities will be identified for RtI using multiple criteria in accordance with District guidelines. These guidelines are aligned with the Wisconsin Department of Public Instruction's recommendations.

The District will maintain a EMLSS Continuum and supporting documents which outline specific implementation procedures and guidelines that will be reviewed annually.

Parent involvement will be actively solicited to improve student success. Community service agencies' participation and partnerships will be encouraged and actively sought to meet student needs.

Students shall be identified and referred to these programs and services in accordance with State regulations and guidelines established by the administration. An annual report concerning "children-at-risk" shall be made to the Board.

Revised 4/27/2020

T.C. 11/16/2020

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Legal 118.153, Wis. Stats.

P.I. 15

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Book	Policy Manual
Section	For Board Review - Vol. 31, No. 1
Title	Copy of SCHOOL-SPONSORED PUBLICATIONS AND PRODUCTIONS
Code	po5722 - Current Policy
Status	
Adopted	June 20, 2016

5722 - **SCHOOL-SPONSORED PUBLICATIONS AND PRODUCTIONS**

The Board of Education sponsors student publications and productions as means by which students learn, under adult direction/supervision, the rights and responsibilities inherent to public expression of ideas and dissemination of information in our democratic society.

For purposes of this policy, "school-sponsored student media" shall include both student publications and productions. "Student publications" shall include any written materials, (including, but not limited to, banners, flyers, posters, pamphlets, notices, newspapers, playbills, yearbooks, literary journals, books, and t-shirts and other school-sponsored clothing), as well as material in electronic or on-line form (including, but not limited to, websites, web logs ("blogs"), video or audio clips, and newsletters or announcements transmitted by e-mail, wireless broadcast or other similar distribution/dissemination). "Student productions" shall include vocal and theatrical performances, impromptu dramatic presentations, or any electronic media (including, but not limited to, radio and television programs, podcasts, and other video or audio productions that are recorded for re-broadcast or broadcast in real time using any available broadcast technology). Further, the term "publication" shall include distribution and dissemination of a student publication; and the term "performance" shall include presentation and broadcast of a student production.

The following speech is unprotected and prohibited in all school-sponsored student publications and productions: speech that is defamatory, libelous, obscene or harmful to juveniles; speech that is reasonably likely to cause substantial disruption of or material interference with school activities or the educational process; speech that infringes upon the privacy or rights of others; speech that violates copyright law; speech that promotes activities, products or services that are unlawful (illegal) as to minors as defined by State or Federal law; and speech that otherwise violates school policy and/or State or Federal law. The Board authorized the administration to engage in prior review and restraint of school-sponsored publications and productions to prevent the publication or performance of unprotected speech.

All school-sponsored student publications and productions are nonpublic forums. While students may address matters of interest or concern to their readers/viewers, as nonpublic forums, the style and content of the student publications and productions can be regulated for legitimate pedagogical, school-related reasons. School officials shall routinely and systematically review and, if necessary, restrict the style and/or content of all school-sponsored student publications and productions prior to publication/performance in a reasonable manner that is neutral as to the viewpoint of the speaker. Legitimate pedagogical concerns are not confined to academic issues, but include the teaching by example of the shared values of a civilized social order, which consists of not only independence of thought and frankness of expression but also discipline, courtesy/civility, and respect for authority. School officials may **further** prohibit speech that is grammatically incorrect, poorly written, inadequately researched, biased or prejudiced, vulgar or profane, or unsuitable for immature audiences.

The Board expressly authorizes the publication/performance of student media outside the school community (i.e. to the general public). See Board Policy 9160.

The building principal shall designate one or more professional staff members to serve as advisors for the purpose of establishing guidelines for appropriate subject matter for publication and with responsibility for compliance with established guidelines. The staff member shall review proposed content and promptly notify the student writers whether their proposed article will or will not be published.

Students shall not be disciplined and/or retaliated against for exercising and/or asserting their free speech rights as defined in this policy. Nothing in this policy, however, restricts the Board's ability to impose post-publication/performance discipline related to a student engaging in the impermissible publication/performance of unprotected speech.

Advertising is permitted in some school-sponsored student publications/productions as determined by the building administrator.

Advertisements submitted for publication or inclusion in a production shall be reviewed by the building principal for a determination that they are appropriate for juveniles. The District Administrator retains the final authority to determine whether an advertisement is appropriate and will be included in a publication/production. Advertisements may be rejected for legitimate pedagogical school-related reasons unrelated to the viewpoint of the advertiser (e.g., the advertisement encourages action that would endanger the health and safety of students).

General Prohibitions

Regardless of their status as non-public or limited-purpose public forums, the Board prohibits publications, productions and advertisements that:

- A. promote, favor, or oppose any candidate for election or the adoption of any bond issue, proposal, or question submitted at any election;
- B. fail to identify the student or organization responsible for the publication/performance;
- C. solicit funds for nonschool organizations or institutions when such solicitations have not been approved by the Board.

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Book	Policy Manual
Section	For Board Review - Vol. 31, No. 1
Title	SCHOOL-SPONSORED PUBLICATIONS AND PRODUCTIONS
Code	po5722 - Review with Admin Team/Board (See Tool Kit)
Status	
Adopted	June 20, 2016

5722 - SCHOOL-SPONSORED PUBLICATIONS AND PRODUCTIONS

The Board sponsors student publications and productions as means by which students learn, under adult direction/supervision, the rights and responsibilities inherent when engaging in the public expression of ideas and information in our democratic society.

For purposes of this policy, school-sponsored student media shall include both student publications and productions. School-sponsored student media does not include student expression related to classes that are not directly associated with student publications/productions. The term publication shall include distribution, transmission, and dissemination of a student publication regardless of its medium. Student publications shall include any written materials, (including, but not limited to, banners, flyers, posters, pamphlets, notices, newspapers, playbills, yearbooks, literary journals, books, and t-shirts and other school-sponsored clothing)

(), as well as material in electronic or on-line form (including, but not limited to, apps and services (as defined in Bylaw 0100, webpages/sites, web logs ('Blogs), video or audio clips, () (postings of social media (as defined in Bylaw 0100), and newsletters of announcements transmitted by e-mail, () text, wireless broadcast, or other similar distribution/dissemination).

[] The Board expressly prohibits the use of social media related to student publications.

The term performance shall include presentation and broadcast of a student production. Student productions shall include vocal, musical, and/or theatrical performance, impromptu dramatic presentation, or any electronic media (including, but not limited to, radio and television programs, videoblogs (vlogs), podcasts,

() social media (as defined in Bylaw 0100), and other video or audio productions that are recorded for re-broadcast or broadcast in real time using any available broadcast technology).

() and other video or audio productions that are recorded for re-broadcast or broadcast in real time using any available broadcast technology). The Board expressly prohibits the use of social media related to student productions.

[DRAFTING NOTE: A Board should only select the following OPTION if it selected either or both of the first OPTIONS under student publication or student production.]

Only District-approved social media (as defined in Bylaw 0100) may be used to host school-sponsored student media, in accordance with Policy 7544. School-sponsored student media must also comply with Policy 7540.02.

For purposes of this policy, school community is defined to include students, Board employees (i.e., administrators, and professional and support staff), parent/family members

() and other individuals who are

() invited by the District Administrator

() authorized or otherwise permitted by the District Administrator

to view a performance or receive directly from the District a publication

and those who have been issued credentials to access the District's secure portal.

The following speech is unprotected and prohibited in all school-sponsored student publications and productions: speech that is defamatory, libelous, obscene, or harmful to minors (as that term is defined in Children's Internet Protection Action (CIPA)); speech that is reasonably likely to cause substantial disruption of or material interference with school activities or the educational process; speech that infringes upon the privacy or rights of others; speech that violates copyright law; speech that promotes activities, products or services that are unlawful (illegal) as to minors as defined by State or Federal law; and speech that otherwise violates school policy and/or State or Federal law. The Board authorizes the administration to engage in prior review and restraint of school-sponsored publications and productions to prevent the publication or performance of unprotected speech.

Student expression relates to classrooms or educational settings not otherwise directly associated with school-sponsored student publications/productions are nonpublic forums. As nonpublic forums, the content of such student expression can be regulated for legitimate pedagogical school-related reasons. School officials shall routinely and systematically review and, if necessary, restrict the content of these student expressions prior to publication/performance in a reasonable manner that is neutral as to the viewpoint of the speaker.

[DRAFTING NOTE: With respect to student expression related to classrooms or educational settings not otherwise directly associated with school-sponsored student publications/productions, select OPTION #1, OPTION #2, OPTION #3, OPTION #4, or OPTION #5.]

[] OPTION #1

Nonpublic forum student expression may be published/performed outside the school community (i.e., to the general public). See Board Policy 9160 – Public Attendance at School Events.

[END OF OPTION #1]

[] OPTION #2

While nonpublic forum student expression generally may be published/performed outside the school community (i.e., to the general public), the following nonpublic forum student expression may only be published/performed to members of the school community: _____ [identify] See Board Policy 9160 – Public Attendance at School Events.

[END OF OPTION #2]

[] OPTION #3

While ordinarily nonpublic forum student expression may only be published/performed to members of the school community, the District Administrator may authorize specific nonpublic forum student expression to be published/performed outside the school community (i.e., to the general public). A teacher, student, or group of students who wish to have nonpublic forum student expression published/performed outside the school community must submit to the District Administrator a request for prior written approval for such publication/performance. See Board Policy 9160 – Public Attendance at School Events.

[END OF OPTION #3]

[] OPTION #4

[DRAFTING NOTE: The Board should select either OPTION #2 or OPTION #3 if it has authorized the limited use of District-approved Social Media to publish/perform nonpublic forum student expression.]

While ordinarily nonpublic forum student expression may only be published/performed to members of the school community, the following nonpublic forum student expression may be published/performed outside the school community (i.e. to the general public): _____ [identify]. See Board Policy 9160 – Public Attendance at School Events.

[END OF OPTION #4]

[] OPTION #5

[DRAFTING NOTE: The Board should select this OPTION if it has prohibited the use of District-approved Social Media to publish/perform nonpublic forum student media, with the exception of nonpublic forum student media that is disseminated through District-approved Social Media that employs a secure portal that restricts access to members of

the school community through the use of a User ID and Password (or other form of biometric authentication security).]

[] Nonpublic forum student expression may only be published/performed to members of the school community. () See Board Policy 9160 – Public Attendance at School Events.

[END OF OPTION#5]

[DRAFTING NOTE: PLEASE CHOOSE ONE (1) OF THE FOLLOWING FOUR (4) OPTIONS (A-D). The order in which the below four (4) OPTIONS are listed is not meant to convey a preference or recommendation. Boards should select the OPTION that best reflects their current practice or a new practice they which to henceforth follow. As they consider the following OPTIONS, Board and administrators are encouraged to consult the accompanying Toolkit for a discussion of the different types of forums - e.g., nonpublic forum and limited public forum.]

[] OPTION A [Select if the Board intends to designate all school-sponsored student media, to be limited-purpose public forums (i.e., not subject to prior review/restraint) and allows them to be generally published/performed outside the school community. This is the most permissive of the OPTIONS.]

[] The Board designates all school-sponsored student media as limited-purpose public forums where students can address matters of concern and/or interest to their readers/viewers. All school-sponsored student media may be published/performed outside the school community. The student journalists, content-creators and/or performers involved in these publications/productions have the right to determine the content of the student media.

[] The content may address general matters of public concern and is open to the public at large for comment at the discretion of the student journalists/content-creators/performers. School officials will not review or restrict the content of school-sponsored student media prior to publication/performance, except with respect to unprotected speech.

[] Each medium should provide a full opportunity for students to inquire, question, and exchange ideas.

[] Content should reflect all areas of student interest and may include topics about which there may be dissent and/or controversy.

All school-sponsored student media shall contain a notice to the reader/viewer that the material, while school-sponsored, is student-directed and not subject to prior review. Given all student publications and/or productions have been designated as limited-purpose public forums, the school assumes no liability for their content. With editorial control comes responsibility. Student journalists, content-creators, and performers are expected to establish and enforce standards, for their publications/productions that are consistent with professional journalism/artistic/theatrical/broadcast standards.

[END OF OPTION A]

[] OPTION B [Select if the Board intends to identify specific school-sponsored student publications/productions to be limited-purpose public forums (i.e., not subject to prior review/restraint), which may be published/performed outside the school community. School-sponsored student publications/productions not listed are considered nonpublic forums and will be subject to routine and systematic prior review and restraint. This is the second most permissive OPTION and only permits prior review/restraint of nonpublic forums, and generally allows limited-purpose public forums to be generally published/performed outside the school community.]

The Board designates the following official, school-sponsored student media to be limited-purpose public forums:

[List all publications so designated:]

A. _____

B. _____

C. _____

D. _____

E. _____

As limited-purpose public forums the student journalists, content-creators, or performers associated with the above-listed publications and/or productions may address matters of concern and/or interest to their readers/viewers. The student journalists, content-creators, and/or performers involved in the above-listed publications/productions have the right to determine the content of this student media.

The content may address general matters of public concern and is open to the public at large for comment at the discretion of the student journalists/content-creators/performers.

School officials will not routinely and systematically restrict the content of the publications and/or productions listed above prior to their publication/performance, except with respect to unprotected speech.

Each medium should provide a full opportunity for students to inquire, question, and exchange ideas.

Content should reflect all areas of student interest and may include topics about which there may be dissent and/or controversy.

The above-listed publications and/or productions shall contain a notice to the reader/viewer that the material, while school-sponsored, is student-directed and not subject to prior review. Given the listed student publications and/or productions have been designated as limited-purpose public forums, the school assumes no liability for their content, with editorial control comes responsibility. Student journalists, content-creators, and performers are expected to establish and enforce standards for their publications/productions that are consistent with professional journalism/artistic/theatrical/broadcast standards.

All other school-sponsored student media including classroom and/or other curricular, co-curricular, or extra-curricular/club-related publications and/or productions, are nonpublic forums. As nonpublic forums, the content of these other student publications and productions can be regulated for legitimate pedagogical school-related reasons. School officials shall routinely and systematically review and, if necessary, restrict the content of all school-sponsored student media except for those publications/productions listed above, prior to publication/performance in a reasonable manner that is neutral as to the viewpoint of the speaker. **[DRAFTING NOTE: It is critical that the school officials actually engage in prior review/restraint and not just reserve the right to engage in such review/restraint. If the school officials fail to routinely and consistently exercise this authority, a court reviewing a student challenge to a review/restraint may hold that this policy is not being implemented as written, and therefore the Board may be found to have lost the authority it attempted to preserve for its administrators. The Board shall provide school officials with guidance and training in order to implement this duty of review/restraint effectively and legally.]**

[DRAFTING NOTE: Select OPTION B-1, OPTION B-2, OPTION B-3, OPTION B-4, or OPTION B-5.]

[DRAFTING NOTE: The Board should only select this OPTION if it has prohibited all nonpublic forum school-sponsored student publication/performance on social media, with the exception of nonpublic forum school-sponsored student media that is disseminated through District-approved social media that employs a secure portal that restricts access to members of the school community through the use of a User ID and Password (or other form of biometric authentication security).]

Nonpublic forum school-sponsored student media may only be published/performed to members of the school community.

[END OF OPTION B-1]

[DRAFTING NOTE: The Board should select either OPTION B-2 or OPTION B-3 if it has authorized the limited use of District-approved social media to publish/perform nonpublic forum school-sponsored student media; as mentioned above, it is critically important that school officials routinely and consistently exercise their limited authority to engage in prior review/restraint with respect to the publication/performance of all nonpublic forum school-sponsored student media.]

OPTION B-2

While ordinarily nonpublic forum school-sponsored student media may only be published/performed to members of the school community, the following nonpublic forum student media may be published/performed outside the school community (i.e., to the general public): _____ **[identify]** () high school newspaper **[could substitute with the name of the publication]** () high school yearbook _____ **[insert name(s) of specific school-sponsored student publication/production.** () See Board Policy 9160.

[END OF OPTION B-2]

OPTION B-3

While ordinarily nonpublic forum school-sponsored student media may only be published/performed to members of the school community, the District Administrator may authorize specific nonpublic forum student media to be published/performed outside the school community (i.e. to the general public). A student or group of students who wish to have his/her/their nonpublic forum student media published/performed outside the school community must submit to the District Administrator a request for prior written approval for such publication/performance.

[END OF OPTION B-3]

[] OPTION B-4

[] While nonpublic forum school-sponsored student media generally may be published/performed outside the school community (i.e. to the general public), the following nonpublic forum student media may only be published/performed to members of the school community: _____ **[identify]**. () See Board Policy 9160.

[END OF OPTION B-4]

[] OPTION B-5

[] Nonpublic forum school-sponsored student media may be published/performed outside the school community (i.e. to the general public). () See Board Policy 9160.

[END OF OPTION B-5]

[END OF OPTION B]

[] OPTION C [Select if the Board intends to identify specific student publications/productions to be limited-purpose public forums but wants to retain the authority to engage in limited and consistent prior review/restraint on the basis of four (4) identified reasons. School-sponsored publications/productions not listed are considered nonpublic forums and will be subject to routine prior review and restraint. This is the second most restrictive and permits some prior review/restraint involving what are otherwise limited-purpose public forums.]

The Board designates the following official, school-sponsored student media to be limited-purpose public forums:

[List all publications so designated:]

- A. _____
- B. _____
- C. _____
- D. _____
- E. _____

As limited-purpose public forums the student journalist, content-creators, or performers associated with the above-listed publications and/or productions may address matters of concern and/or interest to their readers/viewers. The student journalists, content creators and/or performers involved in the above-listed publications/productions have the right to determine the content of this student media. () While designated as limited-purpose public forums, the listed publications/productions are not intended to address general matters of public concern and are not open to public comment.

School officials will not routinely and systematically restrict the content of the publications and/or productions listed above prior to their publication/performance; however, school officials may review the content and reject an article/posting/publication/production due to one (1) of the following four (4) reasons:

- A. where poor grammar or writing is evident;
- B. where a legitimate question of age appropriateness of the material exists;
- C. where matters beyond the limited scope of the forum are included; and/or
- D. where the content involves unprotected speech.

[] The above-listed school-sponsored student publications/productions, while limited-purpose public forums are not intended to address general matters of public concern and therefore are not open to public comment.

The listed publications and/or productions shall contain a notice to the reader/viewer that the material, while school-sponsored, is student-directed and subject only to limited prior review. Given the listed student publications and/or productions have been designated as limited-purpose public forums, the school assumes no liability for the content beyond that covered by the school officials' limited prior review, with editorial control comes responsibility. Student journalists, content-creators, and performers are expected to establish and enforce standards for their publications/productions that are consistent with professional journalism/artistic/theatrical/broadcast standards.

[DRAFTING NOTE: Select OPTION C-1, OPTION C-2, OPTION C-3, OPTION C-4, or OPTION C-5.]

[] OPTION C-1

[DRAFTING NOTE: The Board should only select this OPTION if it has prohibited all school-sponsored student publication/performance on social media, with the exception of school-sponsored student media that is disseminated through District-approved social media that employs a secure portal that restricts access to members of the school community through the use of a User ID and Password (or other form of biometric authentication security).]

[] School-sponsored student media may only be published/performed to members of the school community.

[END OF OPTION C-1]

[DRAFTING NOTE: The Board should select either OPTION C-2 or OPTION C-3 if it has authorized the limited use of District-approved social media to publish/perform school-sponsored student media; as mentioned below, it is critically important that school officials routinely and consistently exercise their limited authority to engage in prior review/restraint with respect to the publication/performance of all school-sponsored student media.]

[] OPTION C-2

[] While ordinarily school-sponsored student media may only be published/performed to members of the school community, the following student media may be published/performed outside the school community (i.e., to the general public):

_____ **[identify]** () high school newspaper **[could substitute with the name of the publication]** () high school yearbook **[could substitute with the name of the yearbook]** () _____ **insert name(s) of specific school-sponsored student publications/productions].** () See Board Policy 9160.

[END OF OPTION C-2]

[] OPTION C-3

[] While ordinarily school-sponsored student media may only be published/performed to members of the school community, the District Administrator may authorize specific student media to be published/performed outside the school community (i.e., to the general public). A student or group of students who wish to have his/her/their student media published/performed outside the school community must submit to the District Administrator a request for prior written approval for such publication/performance.

[END OF OPTION C-3]

[] OPTION C-4

[] While school-sponsored student media generally may be published/performed outside the school community (i.e., to the general public), the following student media may only be published/performed to members of the school community:

_____ **[identify].** () See Board Policy 9160.

[END OF OPTION C-4]

[] OPTION C-5

[] School-sponsored student media may be published/performed outside the school community (i.e., to the general public). () See Board Policy 9160.

[END OF OPTION C-5]

All other school-sponsored student publications and productions, including classroom and/or other curricular, or extra-curricular/club-related publications and/or productions, are nonpublic forums. As nonpublic forums, the content of these other student publications and productions can be regulated for legitimate pedagogical school-related reasons. School officials shall routinely and systematically review and, if necessary, restrict the content of all school-sponsored student media except those publications/productions listed above, prior to publication/performance in a reasonable manner that is neutral as to the viewpoint of the speaker. **[DRAFTING NOTE: It is critical that the school officials actually engage in prior review/restraint and not just reserve the right to engage in such review/restraint. If the school officials fail to routinely and consistently exercise this authority, a court reviewing a student challenge to a review/restraint may hold that this policy is not being implemented as written, and therefore the Board may be found to have lost the authority it attempted to preserve for its administrators. The Board should provide school officials with guidance and training in order to implement this duty of review/restraint effectively and legally.]**

[END OF OPTION C]

OPTION D [Select if the Board intends all school-sponsored student media (i.e, publications/productions) to be nonpublic forums - i.e., subject to routine prior review/restraint. This is the most restrictive OPTION.]

[DRAFTING NOTE: for OPTIONS D-1 through D-5: It is critical that the school officials actually engage in prior review/restraint and not just reserve the right to engage in such review/restraint. If the school officials fail to routinely and consistently exercise this authority, a court reviewing a student challenge to a review/restraint may hold that this policy is not being implemented as written, and therefore the Board will be considered to have lost the authority it attempted to preserve for its administrators. The Board should provide school officials with guidance and training in order to implement this duty of review/restraint effectively and legally.]

All school-sponsored student media are nonpublic forums. While students may address matters of interest or concern to their readers/viewers, as nonpublic forums, the style and content of the student publications and productions can be regulated for legitimate pedagogical, school-related reasons. School officials shall routinely and systematically review and, if necessary, restrict the type and/or content of all school-sponsored student media prior to publication/performance in a reasonable manner that is neutral as to the viewpoint of the speaker. Legitimate pedagogical concerns are not confined to academic issues but include the teaching by example of the shared values of a civilized social order, which consists of not only independence of thought and frankness of expression but also discipline, courtesy/civility, and respect for authority. School officials may further prohibit speech that is grammatically incorrect, poorly written, inadequately researched, biased or prejudiced, vulgar, or profane, or unsuitable for immature audiences.

[DRAFTING NOTE: Select OPTION D-1, OPTION D-2, OPTION D-3, OPTION D-4, or OPTION D-5.]

OPTION D-1

[DRAFTING NOTE: The Board should only select this OPTION if it has prohibited all school-sponsored student publication/performance on social media, with the exception of school-sponsored student media that is disseminated through District-approved social media that employs a portal that restricts access to members of the school community through the use of a User ID and Password (or other form of biometric authentication security).]

School-sponsored student media may only be published/performed to members of the school community.

[END OF OPTION D-1]

[DRAFTING NOTE: The Board should select either OPTION D-2 or OPTION D-3 if it has authorized the limited use of District-approved social media to publish/perform school-sponsored media; as mentioned above, it is critically important that school officials routinely and consistently exercise their authority to engage in prior review/restraint with respect to the publication/performance of all school-sponsored student media.]

OPTION D-2

While ordinarily school-sponsored student media may only be published/performed to members of the school community, the following student media may be published/performed outside the school community (i.e., to the general public):

_____ [identify] () high school newspaper [could substitute with the name of the publication] () high school yearbook [could substitute with the name of the yearbook] () _____ [insert name(s) of specific school-sponsored student publications/productions]. () See Board Policy 9160.

[END OF OPTION D-2]

OPTION D-3

While ordinarily school-sponsored student media may only be published/performed to members of the school community, the District Administrator may authorize specific student media to be published/performed outside the school community, (i.e., to the general public). A student or group of students who wish to have his/her/their student media published/performed outside the school community must submit to the District Administrator a request for prior written approval for such publication/performance.

[END OF OPTION D-3]

OPTION D-4

While school-sponsored student media generally may be published/performed outside the school community (i.e., to the general public), the following student media may only be published/performed to members of the school community:

_____ [identify]. () See Board Policy 9160.

[END OF OPTION D-4]

[] OPTION D-5

School-sponsored student media may be published/performed outside the school community (i.e., to the general public). See Board Policy 9160.

[END OF OPTION D-5]

[END OF OPTION D]

[END OF OPTIONS A THROUGH D]

[NOTE: The following paragraph is OPTIONAL.]

Students Staff will monitor comments posted to social media platforms/sites that have been approved under Policy 7544 for use as school-sponsored student media. Comments will be monitored to verify the age-appropriateness of the material, whether unprotected speech is involved, and whether there is compliance with posted rules for use of the forum and the platform/site's applicable terms of service. Comments that are not age-appropriate for the student-audience for the school-sponsored publication, constitute unprotected speech, and/or violate the posting rules for the use of the forum and/or the platform/site's applicable terms of service will be removed. The review of posted comments will be conducted in a viewpoint neutral manner, and consistent with State and Federal law.

Students shall not be disciplined and/or retaliated against for exercising and/or asserting their free speech rights as defined in this policy. Nothing in this policy, however, restricts the Board's ability to impose post-publication/performance discipline related to a student engaging in the impermissible publication/performance of unprotected speech.

[DRAFTING NOTE: CHOOSE ONE (1) OF THE FOLLOWING THREE (3) OPTIONS RE: ADVERTISING.]

OPTION #1 [Select if the Board intends to permit advertising in some or all school-sponsored student media but requires a school employee/official to pre-approve the advertisements.]

Advertising is permitted in

all school-sponsored student media.

the following school-sponsored student publications/productions: **[identify publications/productions]**

A. _____

B. _____

C. _____

Any advertisements must be consistent with Policy 9700.01 and AG 9700B.

Advertisements submitted for publication or inclusion in a production shall be reviewed by

the class/activity advisor

the building principal

the District Administrator

school officials

for a determination that they are appropriate for juveniles. The District Administrator Board retains the final authority to determine whether an advertisement is appropriate and will be included in a publication/production. Advertisements may be rejected for legitimate pedagogical school-related reasons unrelated to the viewpoint of the advertiser (e.g., the advertisement encourages action that would endanger the health and safety of students).

OPTION #2 [Select if the Board intends to permit advertising in some or all school-sponsored student media that are designated to be limited-purpose public forums, and the students involved in the specific publications/productions will be responsible for accepting or rejecting the advertisements.]

Advertising is permitted in

all school-sponsored student media that have been designated as limited-public forums.

the following school-sponsored student media that have been designated as limited-purpose public forums: **[identify publications/productions]**

A. _____

B. _____

C. _____

Any advertisements must be consistent with Policy 9700.01 and AG 9700B.

The students in the class(es)/activity(ies) associated with

all school-sponsored student media that have been designated as limited-purpose public forums

the above-listed student media

will determine whether to include advertisements in the publications/productions. Acceptance or rejection of specific advertisements is within the control of the publication/production staff, which may accept those for activities, products, or services that are illegal for students and/or that violate State or Federal law.

The publication/production staff is encouraged to consider the age appropriateness of the ads they select.

OPTION #3 [Select if the Board intends to prohibit advertisements in all student publications/productions.]

Advertising is not permitted in school-sponsored student media.

[END OF OPTIONS RE: ADVERTISING]

General Prohibitions

Regardless of their status as non-public or limited-purpose public forums, the Board prohibits publications, productions, and advertisements that:

- A. promote, favor, or oppose any candidate for election or the adoption of any bond issue, proposal, or question submitted at any election;
- B. fail to identify the student or organization responsible for the publication/performance;
- C. solicit funds for non-school organizations or institutions when such solicitation has not been approved by the Board.

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Title Tool Kit
Code 02 - Resource - Policy 5722
Status

PETERS KALAIL & MARKAKIS CO, L.P.A.
ATTORNEYS AT LAW

TOOLKIT

To: Neola Clients

From: Peters Kalail & Markakis Co., L.P.A.

Re: Toolkit for Review and Adoption of Replacement Policy 5722 - School-Sponsored Student Publications and Productions

Date: August 2021

INTRODUCTION

In 2019, Neola released Policy and Administrative Guideline 7544 – Use of Social Media, which address the use of social media in the school setting by school staff and, to a more limited extent, students. Shortly thereafter, Neola issued a Toolkit to assist its clients as they navigated the numerous legal issues presented by the topic and to provide guidance to them as they worked through and selected among the myriad number of options presented in the two documents.

The 2019 Social Media Toolkit was the second Toolkit that Neola developed for its clients; the first one – Toolkit for Development and Adoption of Policy 5722 – School-Sponsored Student Publications and Productions – was released approximately ten years earlier in 2009. With the completion of its first social media policy, Neola decided to revisit and update Policy and AG 5722 in light of the many technological advances that have occurred since 2009 and which formed the impetus for the creation of the social media policy and guideline. As part of its Summer 2021 Update, Neola is issuing a replacement policy and a revised administrative guideline concerning school-sponsored student publications and productions.

As with the original Toolkit concerning Policy 5722, this Toolkit seeks to inform and guide you as you take a fresh look at the types of school-sponsored student media that are present in your schools and modify your policy and administrative guideline accordingly.

OVERVIEW

Like its predecessor, this Toolkit presents an overview of applicable laws and cases that impact school districts' ability to engage in prior review and restraint with respect to school-sponsored student expressive activities. The Toolkit also provides relevant information concerning the options available to boards of education and superintendents when considering the adoption and/or amendment of their policies and/or guidelines related to school-sponsored student publications and productions. While school officials are generally familiar with student publications such as student newspapers and/or yearbooks and student productions that are broadcast on radio and television, replacement Policy 5722 goes further and encompasses the myriad of newer online electronic forms of school-sponsored student media outlined on page 1 of the Policy (e.g., students' school-related blogs, podcasts, and productions posted on Internet sites such as YouTube).

With the preceding in mind, Neola urges its clients to carefully consider their options when addressing the evolving student media environment and adopt language that best fits their respective districts' needs and mission.

BACKGROUND AND LEGAL ANALYSIS

A. The U.S. Constitution and School Speech

The First Amendment of the United States Constitution provides "Congress shall make no law...abridging the freedom of speech, or of the press..." These prohibitions are applicable to the States and political subdivisions through the Fourteenth Amendment.

B. Student Speech

For our purposes, student speech can be divided into two categories:

1. **Pure Student Speech** (i.e., off-campus student speech and student-initiated speech that happens to occur on school premises). Pursuant to *Tinker v. Des Moines Independent School District* (1969), such speech must be tolerated by the school "unless school authorities have reason to believe that such expression will 'substantially interfere with the work of the school or impinge upon the rights of other students.'" Justice Abe Fortas wrote in *Tinker*, "undifferentiated fear or apprehension of disturbance is not enough to overcome the right to freedom of expression."¹ The Court majority continued, "in our system, state-operated schools may not be enclaves of totalitarianism. School officials do not possess absolute authority over their students. Students in school, as well as out of school, are 'persons' under our Constitution. They are possessed of fundamental rights which the State must respect."

In later cases, the Court held that schools need not tolerate on-campus speech that is vulgar or lewd, such as sexually explicit language that is inappropriate in a school setting, *Bethel School District v. Fraser* (1986), or promotes illegal drug use, *Morse v. Frederick* (2007).

Recently, the Court considered a case involving whether school districts have authority to regulate off-campus student speech. In *Mahoney Area School District v. Levy*, Case No. 20-255 (2021), the Court reaffirmed a school's special interest in regulating on-campus student speech that "materially disrupts classwork or involves substantial disorder or invasion of the rights of others," but concluded that the leeway the First Amendment grants to schools with respect to on-campus student speech is diminished when it comes to off-campus speech. In particular, the Court held that while the special characteristics that give schools additional license to regulate student speech do not always disappear when the speech takes place off campus, they are significantly curtailed. Consequently, students have broad First Amendment rights when it comes to off-campus speech; the Court noted that schools themselves have an interest in protecting a student's unpopular expression, especially when the expression takes place off school property, because America's public schools are the nurseries of democracy.² As such, the Court affirmed a student's right to engage in unfettered online speech/expression, using the student's personal cellphone, when it appears outside of school hours from a location outside the school, the student does not identify the school in the post and does not target any member of the school community with vulgar or abusive language, and the audience for the message consists of a private circle of the students' friends.

2. **School-Sponsored Speech** (i.e., student speech that a school affirmatively promotes as opposed to speech that the school merely tolerates). Pursuant to *Hazelwood School District v. Kuhlmeier* (1988), "expressive activities that students, parents, and members of the public might reasonably perceive to bear the imprimatur of the school" constitute "school-sponsored" speech over which the school may exercise editorial control, so long as its actions are "reasonably related to legitimate pedagogical concerns."

C. Identifying the Forum(s) Involved

In order to determine whether prior review and/or restraint (i.e., censorship/suppression) of student speech may occur, one needs to know the nature of the forum in which the speech occurs.

The U.S. Supreme Court recognizes three types of forums:

1. **Nonpublic Forum** – a forum reserved by the government for its intended governmental purpose (e.g., a journalism class that is limited to serving as a supervised learning experience for journalism students). The government can control access to a nonpublic forum "based on subject matter and speaker identity so long as the distinctions drawn are reasonable in light of the purpose served by the forum and are viewpoint neutral" (i.e., restrictions on speech need only be "reasonable and not an effort to suppress expression merely because public officials oppose the speaker's view"). Thus, school officials are entitled to regulate in a reasonable manner the content of student media that constitutes a nonpublic forum.

With respect to nonpublic forums, the U.S. Supreme Court ruled in *Hazelwood* that the First Amendment does not prohibit school officials from exercising editorial control over "the style and content of student speech in school-sponsored expressive activities so long as their actions are reasonably related to legitimate pedagogical concerns."

Legitimate pedagogical concerns are not confined to academic issues, but rather include the teaching by example of the shared values of a civilized social order, which consists of not only independence of thought and frankness of expression but also discipline, courtesy/civility, and respect for authority.

It is clear that nonpublic forum school-sponsored speech can be censored if it is "ungrammatical, poorly written, inadequately researched, biased or prejudiced, vulgar or profane, or unsuitable for immature audience.

If the District chooses **Option D** in the replacement version of Policy 5722, a nonpublic forum will be created for all school-sponsored student media published or presented in the District. The replacement policy specifies that student media related to classes that are not directly associated with student publications/productions are almost always nonpublic forums.

2. **Limited Public Forum**³ – a forum that the government opens "[1] for use by the public at large for assembly and speech, [2] for use by certain speakers, or [3] for the discussion of certain subjects." A limited public forum is created when the government gives its property/resources "for indiscriminate use by the general public, or by some segment of the public" for assembly and speech. The government may also designate a forum for a limited purpose such as use by certain speakers or the discussion of specific topics. A school facility or property may be deemed to be a limited-purpose public forum if the school authorities, "by policy or practice," open the facility or property for indiscriminate use by the general public, or by some segment of the community (e.g., student reporters/editors, members of a journalism class, or the student body in general). Like traditional public forums, the government may impose content-based restrictions on speech only if they are necessary to serve a compelling state interest and are narrowly tailored to that end.

If the District chooses **Options A, B** or **C** that are presented in the replacement version of Policy 5722, the District will be creating a limited purpose public forum for some, or all, school-sponsored student publications and productions. The primary difference between **Option B** and **Option C** is that **Option C** allows for limited prior review/restraint on the basis of four identified criteria for those student publications and productions identified as limited-purpose public forums. The significant difference between **Option A** and **Options B** or **C** is that **Option A** designates all school-sponsored student media to be limited-purpose public forums. Again, the replacement policy differentiates school-sponsored student media from student media that originates in classes that are not directly associated with student publications/productions. The latter are almost always nonpublic forums. Critically, when the District designates a student publication or production to be a limited-purpose public forum student journalists, content-creators, and performers are expected to exercise responsible editorial control over the content of the publication/production and to produce a final product that is consistent with professional journalism/theatrical/broadcast standards.

3. **Traditional Public Forum** – "a place, which by long tradition or by government fiat has been devoted to assembly and debate." The village square, a street corner, or a public park are examples of a traditional public forum. In a traditional public forum, "the rights of the state to limit expressive activity are sharply circumscribed." The government may only enforce content-based restrictions if they are narrowly drawn to serve a compelling interest, and may enforce content-neutral time, place, and manner restrictions only if they are "narrowly tailored to serve a significant government interest, and leave open ample alternative channels of communication." Public elementary and secondary schools are generally not viewed as traditional public forums.

None of the four options that are presented in Policy 5722 create a traditional public forum.

D. Factors for Determining the Forum Involved

Courts rely upon a two-part test to assess the type of forum at issue: (1) whether the school intended to create a limited-purpose public forum; and (2) the context in which the forum is found.

Courts consider the following factors when determining the nature of the forum:

1. Do the students publish/perform the publication (e.g., newspaper)/production as part of the High School curriculum? If yes, it points toward a nonpublic forum;
2. Do the students receive credits and grades for completing the course? If yes, it points toward a nonpublic forum;
3. Does a faculty member oversee the publication/production? If yes, it points toward a nonpublic forum. In answering this question, courts consider not only whether the expectation is that the faculty advisor exercises control over the student publication/production, but also whether such control is actually exercised;
4. Did the school deviate from its policy of producing the student media as part of the educational curriculum? In answering this question, courts consider the following:
 - (a) Whether the student newspaper allows the publication of letters to the editor and/or guest columns from persons

outside the student staff. If yes, it points toward a limited-purpose public forum.

(b) Who has the right/authority to approve such columns and letters? If it is students instead of the faculty advisor/administration, it points toward a limited-purpose public forum.

(c) Whether the paper is distributed solely to the student/school population or whether it is distributed to the community as a whole, including whether portions of or the entire student publication is reprinted in the community's general circulation newspaper. If it is the former (i.e., the distribution is limited to the school community), it points toward a nonpublic forum. If it is the latter (i.e., the distribution is to the general public), it points toward a limited-purpose public forum;

5. The degree of actual control/review the administration and the faculty advisor exercise. The more control (i.e., routine, systemic prior review) they exercise, the more it points toward a nonpublic forum;

6. Applicable written policy statements of the board of education – In addition to looking at written policies, courts also examine curriculum guides, course descriptions, and the masthead of the publication to determine what the board's intention is with regard to that medium. If the course descriptions or curriculum guidelines indicate that the purpose of the publication/production is to provide general news and not just serves as an educational tool, the court often will find a limited-purpose public forum exists. Other relevant factors are whether advertising revenue is generated by the publication/production, and if so, whether such revenue is used to cover the printing/production costs associated with the publication/production; and

7. The nature of the property at issue and its compatibility with expressive activity.

E. Intent is Critical

Courts generally recognize that the "government does not create a public forum by inaction or by permitting limited discourse, but only by intentionally opening a non-traditional forum to public discourse." As such, courts will not presume a government converted a nonpublic forum into a limited public forum unless "by policy or by practice" the government demonstrated a "clear intent" to do so

1. Thus, as long as the school has not intentionally created a limited public forum by policy or by practice, school-sponsored student media is considered a non-public forum and the school may impose any "reasonable, non-viewpoint-based restriction on the students' speech exhibited therein.
2. For example, a non-viewpoint-based restriction would be the prohibition of any articles about abortion in a school-sponsored publication; however, if school authorities forbid the publication of pro-choice articles but permit the publication of anti-abortion articles, such a decision would be subject to challenge in court, and it is unlikely the school would prevail.

F. Extent of District Control

The case law makes clear that courts will closely examine the nature of a publication when determining whether it is a nonpublic forum, or a limited-purpose public forum. In particular, they will examine whether the publication is prepared as part of a graded and credited class, and the level of actual review conducted by the faculty advisor and/or administration.⁴ Courts do not look favorably on situations where faculty advisors and/or administrations have refrained for years from engaging in any prior review of a publication and then suddenly exercise prior restraint when the publication addresses a controversial topic.

G. Not All Speech is Protected

Importantly, unprotected speech (such as defamation, libel, obscenity, and speech harmful to juveniles) falls outside the reach of the First Amendment and is not protected against prior review and restraint regardless of the type of forum that has been established pursuant to board policy and/or practice.

RECOMMENDED PROCEDURES FOR DEVELOPMENT AND ADOPTION OF A REPLACEMENT VERSION OF POLICY 5722

A. Involve All District Stakeholders

When revising Policy 5722, Neola urges its clients to involve all district stakeholders. Boards of education should take an active role, as a committee of the whole, in the consideration and assessment of its options when adopting a replacement version of Policy 5722. It is **not** recommended that work on this issue be solely delegated to the board's policy committee. However, boards may elect to establish a special committee to tackle the topic of student publications (even resurrecting the special committee it may have created to assist in development and adoption of Policy 7544 – Use of Social Media) in order to broaden the scope of the participants in the committee beyond those who normally make-up the board's policy committee;

such a special committee could provide feedback and recommendations to the board as a whole after studying the issues presented by school-sponsored student publications and productions.

As part of the process, the superintendent should be charged with carefully investigating and delineating the district's current practices with respect to school-sponsored student publications and productions. Upon adoption of the replacement policy, the superintendent should promulgate a guideline that corresponds with the replacement policy (see revised AG 5722).

B. Recommended Process

Neola recommends superintendents use the following process as they work through this topic and before they begin to consider the options listed in replacement Policy 5722:

Step 1. Identify what school-sponsored student publications/productions are currently being published/produced within the district (i.e., identify all school-sponsored student media that fall within the scope of Policy 5722).

When surveying current school-sponsored student media, it will be helpful to have a copy of the survey completed in 2009-2010 when this policy was last updated.

It would also be helpful to have a copy of the survey the district completed when it developed and adopted Policy 7544. The information gathered in that process may be of use in making sure you do not overlook any newer forms of student publications and productions.

Step 2. Determine the level of prior review/restraint that is currently taking place with respect to each of the school-sponsored student media. As noted above, reality may be different than the general understanding or expectation (i.e., what is currently contained in board policy) of the board or superintendent. In conducting this analysis, the mission of each publication and production should be clearly delineated.⁵

The Superintendent should solicit input/feedback on this topic from the various stakeholders before adopting a replacement policy. Consideration of community values and preferences about the balance between Freedom of Speech and tolerance for controversial subjects are an integral part of this process.

Step 3. Select the Intended Forum Applicable to Each School-Sponsored Student Publication/Production.

The greater the level of prior review and restraint that a board authorizes the faculty and administration to exercise, the more it will need to confirm, by policy and by practice, that it is maintaining a nonpublic forum. If, on the other hand, the board is willing to sanction greater freedom to the students developing the publication(s)/production(s), the board will want to affirmatively create a limited-purpose public forum.

(a) This subject engenders heated opinion by community members on both sides of the topic. For this reason, we recommend the public have an opportunity to provide feedback before the board adopts one of the options.

(b) It is also important to recognize that, given the hallowed place the First Amendment has in American society, there are many organizations, including but not limited to the Student Press Law Center ("SPLC"), that will take up the cause of a student publication when a school district decides to exercise prior review and restraint, when previously it had not done so. It is, therefore, absolutely critical – if the district intends to maintain a nonpublic forum – that it regularly and continually exercises its prior review authority with respect to a given publication/production and not let it slip into a situation where for years at a time there is no prior review, but when one specific topic comes up that is controversial, at that point in time the school staff and officials decide to suppress/censor it.

(c) The critical decision that must be made in developing the policy is whether the school-sponsored student publication(s)/production(s) are to be designated as nonpublic forums or limited-purpose public forums. There are strong arguments that can be raised in support of each.

C. The Case for Nonpublic Forums

A compelling argument in favor of the nonpublic forum option (**Option D** in the replacement version of Policy 5722) is that the district retains the right to determine the style and content of the school-sponsored student media and who has an opportunity to speak in the media, as long as it acts in a viewpoint neutral manner. Supreme Court Justice Byron White (writing for the majority in *Hazelwood*) expressly recognized the importance of permitting schools to retain control over the content of its school-sponsored student publications/productions:

*A school must be able to set high standards for the student speech that is disseminated under its auspices – standards that may be higher than those demanded by some newspaper publishers or theatrical producers in the "real" world – and may refuse to disseminate student speech that does not meet those standards. * * **

In addition, a school must be able to take into account the emotional maturity of the intended audience in determining whether to disseminate student speech on potentially sensitive topics, which might range from the existence of Santa Claus in an elementary school setting to the particulars of teenage sexual activity in a high school.

Justice White further wrote:

Educators are entitled to exercise greater control...of student expression to assure that participants learn whatever lessons the activity is designed to teach, that readers or listeners are not exposed to material that may be inappropriate for their level of maturity, and that the views of the individual speaker are not erroneously attributed to the school.

As such, "a school need not tolerate student speech that is inconsistent with its basic educational mission." Previously, the Supreme Court recognized in *Bethel School District v. Fraser* (1986), that schools must balance students' freedoms with the educational purpose of teaching good behavior to students: "The undoubted freedom to advocate unpopular and controversial views in schools and classrooms must be balanced against the society's countervailing interest in teaching students the boundaries of socially appropriate behavior." William Coats, the attorney who represented the Bethel School District in *Fraser*, echoed this sentiment: "School officials have the responsibility to maintain an atmosphere that is conducive to the school setting. Schools have to maintain order and control and school officials can teach students proper decorum in different settings."⁶

One difficulty with **Option D** is that districts need to consistently (i.e., routinely and systematically) exercise their right of prior review/restraint in order not to jeopardize a publication's/production's status as a nonpublic forum. So long as the District acts in a uniform manner in maintaining the nonpublic forum, it should be in a defensible position if challenged in court for some act of prior review and/or restraint. On the other hand, if a district engages in arbitrary or sporadic prior review/restraint its practices may be subject to legal challenge.

Another argument regularly raised in opposition to districts maintaining nonpublic forums and engaging in prior review/restraint is that such an approach can be viewed as if the district's "heavy-hand" is preventing students from learning about the First Amendment Rights that they will be exercising after they leave school. David L. Hudson, Jr. articulated this argument as follows: "Many free-speech experts believe that students will not learn the lessons of democracy if they cannot experience firsthand the freedom to make their own choices. Therefore, school officials, politicians, teachers and parents should balance legitimate safety concerns with the constitutional right of freedom of speech."⁷

D. Limited-Purpose Public Forums

A primary argument in support of limited-purpose public forums (**Options A, B, and C** in the replacement version of Policy 5722) is that it demonstrates a respect for the First Amendment and a trust being extended to the members of the student body who are involved in the publication/production. Such an approach can, in turn, serve as an educational opportunity for students to learn about the responsibilities that come along with the rights afforded by the U.S. Constitution. Mark Goodman, a former Executive Director of the SPLC, summarized this rationale as follows: "One of the primary purposes of public education is to teach students the values of democracy. Students can only learn this lesson if they can operate in an environment that fosters the spirit of democracy."

Supreme Court Justice William Brennan (writing in dissent in *Hazelwood*) also raised this argument stating: "Such unthinking contempt for individual rights is intolerable from any state official. It is particularly insidious from one to whom the public entrusts the task of inculcating in its youth an appreciation for the cherished democratic liberties that our Constitution guarantees."⁸

Likewise, the Vision Statement for the national initiative entitled *First Amendment Schools: Educating for Freedom and Responsibility* (which is co-sponsored by the Association for Supervision and Curriculum Development (ASCD) and the First Amendment Center) expands upon this sentiment:

Today the need to sustain and expand our experiment in liberty is made more urgent by the challenge of living with our deepest differences in a diverse and complex society. The need to commit ourselves as a people to the rights and responsibilities that flow from the First Amendment has never been more vital – or more difficult. At a time in our history when we most need to affirm what we share as citizens across our differences, the ignorance and contention now surrounding the First Amendment threaten to divide the nation and undermine our freedom.

The key place to address this challenge is in our schools, the institutions most responsible for transmitting civic principles and virtues to each succeeding generation. Schools must not only teach the First Amendment; they must also find ways to model and apply the democratic first principles that they are charged with teaching. The rights and responsibilities of the First Amendment provide a much-needed civic framework for reaffirming and renewing the civic aims of education.

Recognizing the importance of student's First Amendment rights, to date, fifteen states (Arkansas, California, Colorado, Illinois, Iowa, Kansas, Maryland, Massachusetts, Nevada, North Dakota, Oregon, Pennsylvania, Rhode Island, Vermont, and Washington) have adopted anti-*Hazelwood* laws, which expressly limit the amount of censorship permitted in public high

schools.⁹

Some of the many reasons often referenced in support of such laws and the granting to students of control over the style and content of school-sponsored student media are:¹⁰

1. It will teach student the importance of the Constitution and Bill of Rights, and will encourage them to honor and embrace these ideals as they grow into mature adults;
 2. It will teach student readers that tolerance of other viewpoints is expected;
 3. It will provide a structured place for students to have a voice without having to resort to such alternatives as underground newspapers and websites established for the purpose of publishing censored materials;
 4. It will demonstrate to students and the local community that the school not only teaches the concepts put forth in the Constitution and Bill of Rights but also puts them into practice; and
 5. It will lessen the legal financial liability for content of the student media for the school and the administrator.¹¹
- E. creation of a limited-purpose public forum requires the district to ensure that the faculty advisor/instructor assigned to the class/activity takes proactive steps to educate the students, prior to publishing/producing their student media, about what is legally protected speech and what is unprotected speech (e.g., speech that is defamatory, libel, profane, obscene, or otherwise harmful to juveniles). The students participating in a limited-purpose public forum need to be taught to understand that with the privilege of freedom of expression and the press comes the responsibility to use those rights ethically and legally.

The primary argument against creation of a limited-purpose public forum for school-sponsored student media is that controversial topics may be addressed in the publication/production. As such, there is always a chance that a segment of the community/public will be displeased that such topics are being covered in a school-sponsored student publication/production.¹²

F. Post-Publication Consequences

Policy 5722 addresses prior review of a publication/production – i.e., it controls whether a school has authority to prevent the publication/performance of a student publication/production based on its content; it does not, however, prevent a school from imposing post-publication/production consequences upon students who cross the line into the area of inappropriate or unprotected speech. It simply allows the speech to occur and the consequences (i.e., discipline) to be imposed thereafter.

Overview and Explanation of Content and Options Presented in Policy 5722 and Related Recommendations

As you review the options presented in the template policy, we recommend you have copies of the following policies easily accessible – Policy 7544 – Use of Social Media,¹³ Policy 8315 – Information Management, and Policy 8330 – Student Records – so you can make sure any overlapping or related content is consistent among the documents.

Replacement Policy 5722 begins by defining “school-sponsored student media” and takes care to include all student publications regardless of medium. Additionally, given the expectation that boards of education would always intend for classes to be non-public forums, the definition excludes student expression related to classes that are not directly related to student publications/productions.

The first set of options addresses whether the board intends to include various forms of online communication, including postings to Social Media, as forms of covered student publications. The board can either select a blanket prohibition or adopt language that specifies various forms of online communication, which could expressly include postings to social media.

Similarly, the term student production is defined, and the board will need to determine whether to include Social Media in the definition.

If the Board includes Social Media in either or both of the definitions concerning student publications and/or student productions, the board needs to include the language concerning complying with Policy 7544 – Use of Social Media and Policy 7540.02 – Web Accessibility, Content, Apps, and Services.

The board next needs to select the appropriate options concerning the definition of school community.

The following paragraph refers to the Children’s Internet Protection Act’s definition of material that is “harmful to minors.” The CIPA definition, which can be found in Policy 7540.03 – Student Technology Acceptable Use and Safety, provides the term means “any picture, image, graphic image file, or other visual depiction that – (i) taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex, or excretion; (ii) depicts, describes, or represents, in a patently offensive way with respect to what is

suitable for minors, an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals; and (iii) taken as a whole, lacks serious literary, artistic, political, or scientific value as to minors.”

The introductory section of the policy next turns to expressly stating that student expression related to classrooms and/or educational settings not otherwise associated with school-sponsored student publications/productions are nonpublic forums; meaning that such student expression is subject to being regulated for legitimate pedagogical school-related reasons. This section of the policy concludes by offering five options from which the board must select concerning setting limitations on the publishing or performance of nonpublic forum student expression.

The policy then next turns to the primary options that board will need to select – **Options A, B, C, or D**. You may notice that Neola has reversed the options from what was presented in the original policy. This change was intentional because given the increasing use of online forms of communication – including Social Media – it seemed increasing unlikely that a school board would intentionally make all forms of school-sponsored student media a nonpublic forum. For this reason, the policy now begins with an option (**Option A**) that makes all school-sponsored student media a limited-purpose public forum that can be generally published/performed outside the school community. Under this option that are a few truly optional sections that a board may select or not.

Recognizing that many boards will not be comfortable with such a permissive option, the next two options (**Option B** and **Option C**) offer the board the opportunity to designate some student publications/productions as limited-purpose public forums and others as nonpublic forums. The difference between **Option B** and **Option C** is **Option B** specifically designates certain student media to be limited-purpose public forums and respects the full meaning of such a designation, while **Option C** also specifically designates certain student media to be limited-purpose public forums but retains the authority for a school official to engage in limited and consistent prior review/restraint on the basis of four identified reasons. All other forms of school-sponsored student publication/production are designated as nonpublic forums, which are subject to routine prior review and restraint. With respect to both **Option B** and **Option C**, the board will also need to select from one of five options concerning setting limitations on the publishing or performance of forum student expression – i.e., whether it may be published/performed solely to members of the school community or whether, under certain circumstances, it may be published/performed to the general public.

As noted above, the final option (**Option D**) is the most restrictive; it provides that all school-sponsored student media shall be a nonpublic forum. Again, however, the board has five options from which to choose whether the student publications/productions may be published/performed solely to members of the school community or whether, under certain circumstances, one or more of them may be published/performed to the general public.

Given the significance of the decisions that the board will be making when it selects either **Option A, Option B, Option C, or Option D** (including the applicable internal options that apply to **Options B, C or D**), it may want to consult with local counsel to address any additional questions it may have concerning the First Amendment implications associated with each Option. This may be particularly true with respect to determining the type of forum the board may want to apply to some of the newer mediums that may now make up a larger number of the school-sponsored student publications/productions.

Following **Options A – D**, the policy turns to a few optional paragraphs. The first addresses who will be responsible for monitoring comments posted to Social Media that has been designated as school-sponsored student media. The second one addresses the board’s ability to discipline a student who engages in impermissible publication/performance of unprotected speech.

The final set of options address advertising as it relates to school-sponsored student publications/productions. The board must select one of the three main options offered.

Unlike the policy, the template administrative guideline does not contain a lot of options that “must” be selected. Instead, the AG offers the superintendent an opportunity to tailor the document to truly fit the district’s current or intended practices. Nevertheless, there are a few places where an option has to be selected if the policy includes certain content. For example, if a school-sponsored student media is subject to prior review and restraint, the superintendent needs to designate which school official(s) or staff member will be responsible for conducting the review/restraint. The document also requires the superintendent provide some details concerning the timing associated with a publication/production being submitted for review and the timing by which the review will be completed.

The primary addition to the administrative guideline comes toward the end of the document (following the section that addresses the duties of faculty advisors and assistant advisors) where new language is offered that outlines a process for individual(s) to follow when monitoring comments posted to social media that has been approved for use as school-sponsored student media.¹⁴ The first set of options provide for either students or staff to monitor comments to verify they are age-appropriate, comply with rules for use of the forum, and do not contain unprotected speech. Comments that violate any of the preceding requirements will be removed. The AG also affords the person(s) removing the comment with the ability to impose further consequences on the offending poster – i.e., restricting, suspending, or terminating the individual’s ability to post comments in the future. The guideline delineates specific procedures that must be followed if a person’s right to post future comments is going to be restricted, suspended, or terminated. Finally, the AG sets forth optional language that addresses how students or staff charged with deciding whether to publish a submitted comment will fulfill this responsibility.

TRAINING

While the nature and scope of the professional development that is appropriate and necessary for staff related to this topic is beyond the purview of this Toolkit (which is focused on facilitating districts' ability to tailor the template replacement Policy 5722 and revised AG 5722 to their respective needs and intentions), Neola would be remiss if it did not at least briefly comment on the critical importance associated with training staff on the content of these two documents. In order for this policy and guideline to be effective, staff need to be trained on the applicable legal requirements associated with their roles in overseeing and implementing the policy and administrative guideline in the manner detailed in the documents and as intended by the board. Local counsel may be of assistance in helping the district to develop its training materials.

As with so many policies and guidelines, the district's ability to enforce the terms of the documents and hold staff and students accountable for appropriate student expression through school-sponsored student media, is dependent upon the staff and school officials being informed of and trained related to the requirements set forth in the policy and guideline. When establishing the training program, the superintendent should consider who needs to be trained, the scope of the training (i.e., the topics that all employees need to be trained on and subjects that are unique to specific categories of employees), and how often the training should take place.

This publication is intended as general information and not legal advice. No attorney-client relationship exists.

¹In *Tinker*, "[t]he record does not demonstrate any facts which might reasonably have led school authorities to forecast substantial disruption of or material interference with school activities, and no disturbances or disorders on the school premises in fact occurred."

²The Court acknowledged that school districts retain a legitimate interest in regulating students' off-campus speech when that speech involves serious or severe bullying or harassment targeting particular individuals; threats aimed at teachers or other students; the failure to follow rules concerning lessons, the writing of papers, the use of computers; or participation in other online school activities, and breaches of school security devices.

³Also known as "limited-purpose public forum" or "designated public forum."

⁴While courts will consider the content of board policies, if the policy has not been uniformly enforced and implemented, the courts will rely upon the maxim that "actual practice" speaks louder than words in determining whether the government intended to create a limited public forum.

⁵In his 2007 publication entitled, "Prior Review in the High School Newspaper: Perception, Practices, and Effects," Joe Dennis reports that some of the often-mentioned missions for high school newspapers are: forum for student expression; informational publication for student body; public relations tool for the school; venue for developing writing skills; and venue for developing critical thinking skills.

⁶Commonly cited reasons for engaging in prior restraint: (a) content deemed too mature for students; (b) content deemed too critical of administration; (c) content deemed too critical of students; (d) article deemed disruptive to the school's educational mission; (e) article likely to be perceived embarrassing to the school; (f) article likely to generate bad publicity for the school; (g) article not well-researched/contained factual omissions; (h) grammatical errors contained in the article; and (i) public will mistakenly interpret the article as a school endorsement. From Joe Dennis's publication entitled: "Prior Review in the High School Newspaper: Perceptions, Practices, and Effects" (2007).

⁷"The Silencing of Student Voices: preserving free speech in America's schools" [published by the First Amendment Center], p. 6.

⁸The Supreme Court first recognized students' rights in *West Virginia v. Barnette* (1943). Specifically, Justice Robert Jackson stated that the Court must ensure "scrupulous protection of constitutional freedoms of the individual, if we are not to strangle the free mind at its source and teach youth to discount important principles of our government as mere platitudes."

⁹Most journalism education groups in the country have condemned the practice of administrative prior review as both educationally and journalistically unsound.

¹⁰The following list is excerpted from Dianne Smith's article entitled: "Advantages to Ending Prior Review and Censorship" in *Principal Leadership* (March 2001).

¹¹Specifically, courts have ruled that schools are responsible for the content of their student publications when administrators engage in prior review or other forms of content control but are not responsible for the content of those student publications that are not subject to prior review or censorship. Additionally, students may have more ability to reject advertisements than schools (because it is not considered state action).

¹²Justice Brennan (again writing in dissent in *Hazelwood*) looked at the issue of public discomfort with controversy and concluded that the censorship in *Hazelwood* was indefensible, and "aptly illustrates how readily school officials (and courts) can camouflage viewpoint discrimination as the 'mere' protection of students from sensitive topics."

¹³For those Boards that did not initially elect to adopt Policy 7544 – Use of Social Media, Neola encourages them to reconsider this decision; events that have transpired since the social media policy template was released two years ago have only heightened the need for boards to proactively address and state how they want their districts to use social media to communicate with stakeholders. Thus, while the board is going through the above-described recommended process of surveying its diverse forms of school-sponsored student media, it could also use this as an opportunity to identify the various social media platforms that are currently in use throughout the district which is a critical step in developing and/or updating a social media policy.

¹⁴ If a board selects **Option D** in the Policy (i.e., all student publications/productions are nonpublic forums), there should be no need to add the offered language because the board will not be allowing comments to be submitted.

Last Modified by Steve LaVallee on February 23, 2022



Book	Policy Manual
Section	For Board Review - Vol. 31, No. 1
Title	Copy of AUTHORIZATION TO MAKE ELECTRONIC FUND TRANSFERS
Code	po6108 - R
Status	
Adopted	July 18, 2016

6108 - AUTHORIZATION TO MAKE ELECTRONIC FUND TRANSFERS

The Board ~~of Education~~ authorizes electronic fund transfers (EFTs), **including any Automated Clearing House (ACH) transactions**, for any purpose including direct deposit, wire transfer, withdrawal, investment, or payment, provided such EFTs are consistent with the provisions of Wisconsin's Uniform Electronic Transactions Code, Chapter 137, Subchapter II. Upon the recommendation of the Business Manager, the Board shall approve the financial institutions that are authorized to receive monetary transactions through electronic or other medium.

Upon the recommendation of the Business Manager, the Board shall then approve written agreements with financial institutions with whom EFTs will be made.

Such agreements shall set forth internal controls required by State law and State Administrative Code that will provide adequate integrity, security, confidentiality, and auditability of business transactions conducted by electronic commerce, including, but not limited to, the following:

- A. the official title of the bank account(s) subject to the agreement and each type of transaction approved, such as deposits, disbursements or transfers, shall be specified;
- B. the manual signatures of the Board President, District Administrator, Business Manager, and the employees authorized to initiate EFTs shall be contained therein;
- C. a requirement that the District maintain documentation signed by the initiator and authorizer of the EFTs to confirm the authenticity of the EFTs;
- D. a requirement that, when funds are properly delivered to the receiving institution, that institution agrees to become responsible for prompt and diligent processing of the funds;
- E. a requirement that written or printed documentation from the financial institution acknowledging such transactions, including but not limited to deposit slips, debit and credit memos, trust receipts, transfer acknowledgements, or cancelled warrants, shall be provided so that it may be kept in the official files of the District, which shall be maintained in a manner which facilitates easy review and validation of transactions.

All District staff shall comply with the provisions of this policy when creating, generating, sending, communicating, receiving, storing, processing, using, and relying upon electronic records. Further, all District staff and other persons who use electronic signatures when completing transactions with the Board shall do so in compliance with State law.

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Legal	Wis. Stat. Chapter 137, Subchapter II 15 U.S.C.A. 1693, as amended
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Book	Policy Manual
Section	For Board Review - Vol. 31, No. 1
Title	Copy of COST PRINCIPLES - SPENDING FEDERAL FUNDS
Code	po6114 - L
Status	
Adopted	March 15, 2021
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6114 - **COST PRINCIPLES - SPENDING FEDERAL FUNDS**

The District Administrator is responsible for the efficient and effective administration of grant funds through the application of sound management practices. Such funds shall be administered in a manner consistent with all applicable Federal, State and local laws, the associated agreements/assurances, program objectives and the specific terms and conditions of the grant award.

Cost Principles

Except where otherwise authorized by statute, costs shall meet the following general criteria in order to be allowable under Federal awards:

- A. Be necessary and reasonable for proper and efficient performance and administration of the Federal award and be allocable thereto under these principles.

To determine whether a cost is reasonable, consideration shall be given to:

1. whether a cost is a type generally recognized as ordinary and necessary for the operation of the District or the proper and efficient performance of the Federal award;
2. the restraints or requirements imposed by such factors as sound business practices, arm's length bargaining, Federal, State, local, tribal and other laws and regulations;
3. market prices for comparable goods or services for the geographic area;
4. whether the individuals concerned acted with prudence in the circumstances considering their responsibilities;
5. whether the cost does not represent any significant deviation from the established practices or Board policy which may unjustifiably increase the expense.

Whether an expenditure is necessary is determined based on the needs of the program. The expenditure must be necessary to achieve an important program objective and it must be established that the expenditure addresses an existing need.

When determining whether a cost is necessary, consideration may be given to whether:

1. the cost is needed for the proper and efficient performance of the grant program;
2. the cost is identified in the approved budget or application;
3. there is an educational benefit associated with the cost;

4. the cost aligns with identified needs based on results and findings from a needs assessment

5. the cost addresses program goals and objectives and is based on program data.

A cost is allocable to the Federal award if the goods or services involved are chargeable or assignable to the Federal award in accordance with the relative benefit received. This standard is met if the cost: is incurred specifically for the Federal award; benefits both the Federal award and other work of the District and can be distributed in proportions that may be approximated using reasonable methods; and is necessary to the overall operation of the District and is assignable to the Federal award in accordance with cost principles mentioned here.

B. Conform to any limitations or exclusions set forth in the cost principles as required by law or in the terms and conditions of the Federal award.

C. Be consistent with policies and procedures that apply uniformly to both Federally-financed and other activities of the District.

D. Be accorded consistent treatment. A cost cannot be assigned to a Federal award as a direct cost if any other cost incurred for the same purpose in like circumstances has been allocated to a Federal award as an indirect cost under another award.

E. Be determined in accordance with generally accepted accounting principles

F. Be representative of actual cost, net of all applicable credits or offsets.

The term "applicable credits" refers to those receipts or reductions of expenditures that operate to offset or reduce expense items allocable to the Federal award. Typical examples of such transactions are: purchase discounts; rebates or allowances; recoveries or indemnities on losses; and adjustments of overpayments or erroneous charges. To the extent that such credits accruing to or received by the State relate to the Federal award, they shall be credited to the Federal award, either as a cost reduction or a cash refund, as appropriate.

G. Be not included as a match or cost-share, unless the specific Federal program authorizes Federal costs to be treated as such.

H. Be adequately documented:

1. in the case of personal services, the District Administrator shall implement a system for District personnel to account for time and efforts expended on grant-funded programs to assure that only permissible personnel expenses are allocated;

2. in the case of other costs, all receipts and other invoice materials shall be retained, along with any documentation identifying the need and purpose for such expenditure if not otherwise clear.

I. Be incurred during the approved budget period.

The budget period means the time interval from the start date of a funded portion of an award to the end date of that funded portion during which recipients are authorized to carry out authorized work and expend the funds awarded, including any funds carried forward or other revisions pursuant to the law. Prior written approval from the Federal awarding agency or state pass-through entity may be required to carry forward unobligated balances to subsequent budget periods, unless waived.

Selected Items of Cost

The District shall follow the rules for selected items of cost at 2 C.F.R. Part 200, Subpart E when charging these specific expenditures to a Federal grant. When applicable, District staff shall check costs against the selected items of cost requirements to ensure the cost is allowable. In addition, State, District, and program-specific rules, including the terms and conditions of the award, may deem a cost as unallowable and District personnel shall follow those rules as well.

The following rules of allowability must apply to equipment and other capital expenditures (as defined in Policy 7455 - Accounting System for Capital Assets):

- A. **Capital expenditures for general purpose equipment, buildings, and land are unallowable as direct charges, except with the prior written approval of the Federal awarding agency or pass-through entity.**
- B. **Capital expenditures for special purpose equipment are allowable as direct costs, provided that items with a unit cost of \$5,000 or more have the prior written approval of the Federal awarding agency or pass-through entity.**
- C. **Capital expenditures for improvements to land, buildings, or equipment which materially increase their value or useful life are unallowable as a direct cost except with the prior written approval of the Federal awarding agency, or pass-through entity.**

- D. Allowability of depreciation on buildings, capital improvements, and equipment shall be in accordance with 2 CFR 200.436 and 2 CFR 200.465.
- E. When approved as a direct cost by the Federal awarding agency or pass-through entity under Sections A - C, capital expenditures will be charged in the period in which the expenditure is incurred, or as otherwise determined appropriate and negotiated with the Federal awarding agency.
- F. If the District is instructed by the Federal awarding agency to otherwise dispose of or transfer the equipment, the costs of such disposal or transfer are allowable.

Cost Compliance

The District Administrator shall require that grant program funds are expended and are accounted for consistent with the requirements of the specific program and as identified in the grant application. Compliance monitoring includes accounting for direct or indirect costs and reporting them as permitted or required by each grant. Costs incurred for the same purpose in like circumstances shall be treated consistently as either direct or indirect costs, but may not be double charged or inconsistently charged as both.

Determining Whether a Cost is Direct or Indirect

- A. Direct costs are those costs that can be identified specifically with a particular final cost objective, such as a Federal award, or other internally or externally funded activity, or that can be directly assigned to such activities relatively easily with a high degree of accuracy.

These costs may include: salaries and fringe benefits of employees working directly on a grant-funded project; purchased services contracted for performance under the grant; travel of employees working directly on a grant-funded project; materials, supplies, and equipment purchased for use on a specific grant; program evaluation costs or other institutional service operations; and infrastructure costs directly attributable to the program (such as long-distance telephone calls specific to the program, etc.).

- B. Indirect costs are those that have been incurred for a common or joint purpose benefitting more than one cost objective, and not readily assignable to the cost objectives specifically benefitted, without effort disproportionate to the results achieved. Costs incurred for the same purpose in like circumstances shall be treated consistently as either direct or indirect costs.

These costs may include: general data processing, human resources, utility costs, maintenance, accounting, etc.

Federal education programs with supplement not supplant provisions must use a restricted indirect cost rate. In a restricted rate, indirect costs are limited to general management costs. General management costs do not include divisional administration that is limited to one component of the District, the governing body of the District, compensation of the District Administrator, compensation of the chief executive officer of any component of the District, and operation of the immediate offices of these officers.

The salaries of administrative and clerical staff should normally be treated as indirect costs. Direct charging of these costs may be appropriate only if all of the following conditions are met:

1. Administrative or clerical services are integral to a project or activity.
2. Individuals involved can be specifically identified with the project or activity.
3. Such costs are explicitly included in the budget or have the prior written approval of the Federal awarding agency.
4. The costs are not also recovered as indirect costs.

Where a Federal program has a specific cap on the percentage of administrative costs that may be charged to a grant, that cap shall include all direct administrative charges as well as any recovered indirect charges.

Effort should be given to identify costs as direct costs whenever practical, but allocation of indirect costs may be used where not prohibited and where indirect cost allocation is approved ahead of time by the Wisconsin Department of Instruction (DPI) or the pass-through entity (Federal funds subject to 2 CFR Part 200 pertaining to determining indirect cost allocation).

Timely Obligation of Funds

When Obligations are Made

Financial obligations are orders placed for property and services, contracts and subawards made, and similar transactions that require payment.

This term is used when referencing a recipient's or subrecipient's use of funds under a Federal award.

The following table illustrates when funds are determined to be obligated under the U.S. Department of Education regulations:

If the obligation is for:	The obligation is made:
Acquisition of Property	On the date the District makes a binding written commitment to acquire property
Personal services by an employee of the District	When the services are performed
Personal services by a contractor who is not an employee of the District	On the date the District makes a binding agreement to obtain the services
Performance of work other than personal services	On the date when the District makes a binding written commitment to obtain the work
Public utility services	When the District receives the services
Travel	When the travel is taken
Rental property	When the District uses the property
A pre-award cost that was properly approved by the Secretary under federal regulations, 2 CFR part 200, Subpart E	On the first day of the project period

Period of Performance

All financial obligations must occur during the period of performance. Period of performance means the total estimated time interval between the start of an initial Federal award when the District is permitted to carry out the work authorized by the grant and the planned end date. The period of performance may include one or more funded portions or budget periods. The period of performance is dictated by statute and will be indicated in the grant award notification ("GAN"). As a general rule, State-administered Federal funds are available for obligation within the year that Congress appropriates the funds for. However, given the unique nature of educational institutions, for many Federal education grants, the period of performance is twenty-seven (27) months. This maximum period includes a fifteen (15) month period of initial availability, plus a twelve (12) month period for carryover. For direct grants, the period of performance is generally identified in the GAN.

In the case of a State-administered grant, financial obligations under a grant may not be made until the application is approved or is in substantially approvable form, whichever is later. In the case of a direct grant, a grantee may use grant funds only for obligations it makes during the grant period unless an agreement exists with the awarding agency or the pass-through entity (e.g., Wisconsin Department of Public Instruction) to reimburse for pre-approval expenses.

If a Federal awarding agency or pass-through entity approves an extension, or if the District extends under C.F.R. 200.308(e)(2), the Period of Performance will be amended to end at the completion of the extension. If a termination occurs, the Period of Performance will be amended to end upon the effective date of termination. If a renewal is issued, a distinct Period of Performance will begin.

For both State-administered and direct grants, regardless of the period of availability, the District shall liquidate all financial obligations incurred under the award not later than ninety (90) calendar days after the end of the funding period unless an extension is authorized, or other terms are provided for in the grant. Any funds not obligated within the period of performance or liquidated within the appropriate timeframe are said to lapse and shall be returned to the awarding agency. Consequently, the District shall closely monitor grant spending throughout the grant cycle.

T.C. 1/17/22

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Legal
2 C.F.R. 200.344(b)
2 C.F.R. 200.403-.407, 200.413(a)-(c), 200.430(a), 200.431(a) and 200.458
34 C.F.R. 75.703
34 C.F.R. 76.707 - .708(a)

Last Modified by Steve LaVallee on February 23, 2022



Book Policy Manual
Section For Board Review - Vol. 31, No. 1
Title Copy of POST ISSUANCE TAX EXEMPT BOND COMPLIANCE
Code po6146 - L
Status
Adopted July 18, 2016

6146 - POST ISSUANCE TAX EXEMPT BOND COMPLIANCE

[NOTE: Final Policy should be reviewed by District Bond Counsel.]

The Board may from time to time issue bonds and other obligations. These interests are excludable from gross income for Federal income tax purposes or are excludable from interest that is paid in whole or in part by the Federal government or which bonds otherwise enjoy certain preferential treatment under the Internal Revenue Code of 1986, as amended, (the "code") or regulations ~~developed~~**promulgated** implementing the Code (the "regulations"). **Such obligations may include tax-exempt obligations and/or obligations eligible for tax credits (direct subsidies to the School District or tax credits to bond owners). All such tax-exempt obligations or tax-advantaged obligations are referred to herein as "Obligations," whether in the form of general obligation bonds, revenue bonds, bond anticipation notes, tax anticipation notes, lease-purchase obligations, installment-purchase obligations or otherwise.**

This policy document(s) practices and describes various procedures and systems designed to identify on a timely basis facts relevant to demonstrating compliance with the requirements that must be satisfied subsequent to the issuance of Obligations in order that the interest on such Obligations continue to be eligible to be excluded from gross income for Federal income tax purposes or that the Obligations continue to receive tax-advantaged treatment. The Federal tax law requirements applicable to each issue of Obligations will be detailed in the nonarbitrage or tax compliance certificate prepared by bond counsel (the "Tax Certificate") and signed by officials of the District and the post-closing compliance checklist provided by bond counsel with respect to such issue. This policy establish(es) a permanent, ongoing structure of practices and procedures that will facilitate compliance with the Code, Treasury Regulations and SEC Rule 15c2-12 (the "Rule").

The Board recognizes that compliance with applicable provisions of the Code and Treasury Regulations is an on-going process, necessary during the entire term of the Obligations, and is an integral component of the District's debt management. Accordingly, the analysis of those facts and implementation of this Policy will require on-going monitoring and consultation with an attorney experienced in legal work relating to the issuance of tax-exempt obligations or tax-advantaged obligations ("Bond Counsel") and the District's accountants.

This policy doesn't address any post-issuance compliance requirements under State law. Nor is this policy a substitute, or a replacement, for any Tax Certificate or a post-issuance compliance checklist relating to specific Obligations. The District is responsible for compliance with any such Tax Certificate or post-issuance compliance checklist.

This policy may be modified, expanded, abridged, or otherwise amended only by the Board upon consultation with the District's attorney and Bond Counsel, but without any notice to or consent from any trustee, bondholder or any other person.

The general purpose of the policies set forth herein is to ensure compliance with post-issuance Federal tax requirements generally falling into the following two categories:

A. Qualified Use of Proceeds and Financed Property

Qualified use requirements generally require monitoring of the various direct and indirect uses of bond-financed property over the life of the bonds and calculations of the percentage of nonqualified uses.

B. Arbitrage Yield and Rebate

Arbitrage requirements also require monitoring over the life of the bonds to determine whether the yield on investments acquired with bond proceeds are properly restricted and the district must file Form 8038-T to pay a yield reduction payment and/or rebate payment.

Responsible Official

The Board designates the Business Manager as the Bond Compliance Officer with primary responsibility in post-issuance compliance. The compliance officer is authorized to obtain the assistance of the following in carrying out necessary functions under this policy:

- A. Bond Counsel – the District’s legal counsel that assists in the bond issuance
- B. External Financial Advisors – the District’s accounting firm or other financial advisor
- C. Bond Paying Agent/Trustee
- D. Rebate Analyst

All personnel that are responsible for ensuring post-issuance compliance with the tax rules must receive training or educational resources, as determined appropriate by the Bond Compliance Officer.

Post-Issuance Duties

The Bond Compliance Officer will engage in a detailed review of post-issuance tax compliance with the tax rules to identify instances of noncompliance and prevent violations from occurring, or timely correct identified violations, if possible. When failures to comply with post-issuance compliance requirements are identified, the Bond Compliance Officer will promptly consult with bond counsel to determine if remedial action is available, or if some other action is required.

Private Use

Bond-financed projects are subject to rules and limitations on private use. Private use includes non-governmental activity through leases, management agreements, research agreements, and other type of activity in which a non-governmental entity obtains a benefit or interest in the bond-financed project beyond that normally provided to the public. In the event such special usage is contemplated, the Bond Compliance Officer must assure compliance with applicable tax regulations.

Use of Bond Proceeds

The Bond Compliance Officer shall ensure that bond funds are used for the purpose for which the bond issue is authorized and that any project with a combination of authorized expenses from bond proceeds and other funds, result in expenses paid for with bond proceeds that are clearly identified and properly recorded.

The Bond Compliance Officer must ensure that investment activities are conducted at fair market value, and may employ bidding procedure to establish a safe harbor. The Bond Compliance Officer shall be aware of any yield restrictions on any bond issue and monitor such. In the event that reimbursement is required, the Bond Compliance Officer shall work with the District’s advisors to complete and record those transactions and to assure proper filings with the IRS.

Recordkeeping Requirements

The Bond Compliance Officer is responsible for the maintenance of records relating to the bond financings, and for the transfer of all such records to his/her successor. In the event that different persons are responsible for different aspects of compliance with the tax rules (for example, the investment of bond proceeds and expenditure of bond proceeds on projects), the Bond Compliance Officer will assure coordination with all involved and retention of complete records. The following records, as applicable, shall be retained:

- A. audited financial statements of the School District throughout the period of the bond issue
- B. appraisals, surveys, and studies pertaining to the facilities financed with the proceeds of bonds, as well as any and all contracts entered into for the construction, renovation or purchase of bond-financed facilities
- C. all public discourse concerning the bonds, including informative materials distributed by the District, as well as other publications, such as third party studies, newspaper articles, etc.
- D. paying Agent or trustee statements
- E. all records regarding the management of bond funds, including investments and the gains (or losses) from such investments; and including specifically trustee statements regarding investments, investment contracts, or other such instruments

- F. Board resolutions authorizing reimbursement of bond funds or earned interest, and accounting of any such disbursements
- G. ledger of bond expenditures (including costs of issuance) and the dates and amounts of such expenditures (including requisitions, draw schedules, draw requests, invoices, bills and cancelled checks with respect to such expenditures)
- H. records of the sale of any bond-financed facilities, including Board resolutions, sales documents, and accounting of proceeds from such sale
- I. record of any private business uses of bond-financed facilities after the issue, including leases and subleases, licenses, management contracts, research contracts, naming rights agreements or other arrangements which provide special legal entitlements to nongovernmental persons or entities
- J. arbitrage rebate reports and records of rebate and yield reduction payments, if any
- K. resolutions or minutes of Board meetings at which any action was taken by the Board pertaining to the bond issue or subsequent treatment, including any formal elections under the Code or Regulations
- L. copies of each Form 8038-T and Form 8038-R filed with the IRS and any other forms or documents filed with the IRS, and
- M. any other documents or Board minutes regarding the Bond issue, financing, facilities, investments, reimbursements, governmental review reports, etc.

The Bond Compliance Officer is responsible for the maintenance of records relating to the bond financings and for the transfer of all such records to his/her successor. In the event that different persons are responsible for different aspects of compliance with the tax rules (for example, the investment of bond proceeds and expenditure of bond proceeds on projects), the Bond Compliance Officer will assure coordination with all involved and retention of complete records. **The Board may also enter into a contract with a third party to assist the District in complying with its continuing disclosure obligations.**

Records of appraisals, surveys, and studies pertaining to the facilities financed with the proceeds of bonds, as well as any and all contracts entered into for the construction, renovation or purchase of bond-financed facilities, as applicable, shall be retained.

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Book	Policy Manual
Section	For Board Review - Vol. 31, No. 1
Title	Copy of STUDENT FEES, FINES, AND CHARGES
Code	po6152 - R
Status	
Adopted	July 18, 2016
Last Revised	January 17, 2022

6152 - **STUDENT FEES, FINES, AND CHARGES**

The Board may levy certain charges to students to facilitate the utilization of adequate, appropriate learning materials used in the course of instruction. If the District determines that a student is in serious financial need, it may choose to provide any or all such materials free of charge. No student shall be denied any educational opportunity because of his/her inability to pay any fee or charge imposed. (See also Policy 6152. 01 - Waiver of School Fees or Fines; [and DPI guidance \(HTTP://www.dpi.wi.gov/sfs/finances/budgeting/school-fees\) regarding school fees.](http://www.dpi.wi.gov/sfs/finances/budgeting/school-fees))

A charge shall not exceed the combined cost of the material used, freight and/or handling charges. Money received from resale of such material shall be returned to the Business office with an accurate accounting of all transactions.

Fines

When school property, equipment, or supplies are damaged, lost, or taken by a student, a fine will be assessed. The fine will be reasonable, seeking only to compensate the school for the expense or loss incurred.

The late return of borrowed books or materials from the school libraries will be subject to appropriate fines.

Any fees (including trip fees) or fines collected by members of the staff **should be handled pursuant to Policy 6630 - Cash Handling and Deposits or other appropriate District procedures [END OF OPTION].** ~~are to be turned into the school office no later than the end of the day on which the money was collected. If the school office is not open or accessible, the collected monies should be deposited in the financial institution designated by the District or in another secure location specified by the District no later than the end of the day on which the money was collected. Staff are prohibited from leaving collected money in classrooms overnight or taking collected money home. Money shall be deposited by the District no less than one (1) week after collected with a full accounting of all transactions.~~

In the event the above course of action does not result in the fee being collected, the Board authorizes the Business Manager to take the student and/or his/her parents to Small Claims Court for collection. The District shall not permit or elicit the assistance of volunteers in efforts to collect unpaid student fees or expenses, including food service balances.

Nothing in this policy restricts the right of access of a parent or student to school records or to receive copies of such records, as required by Federal and State laws.

Students Experiencing Homelessness - McKinney-Vento Act

No fine or fee shall be charged to a student identified as a student experiencing homelessness unless it is determined that the student has the ability to pay the fee or fine and that its imposition does not create a barrier to the student's ability to enroll, attend school, achieve academic success, or be identified as experiencing homelessness. Any dispute regarding a fine or a fee that is imposed, shall not delay the student's enrollment or serve as a barrier to enrollment by delaying the transfer of student records to another school or school district if applicable.

Immediate enrollment notwithstanding fines or fees shall be extended to extra-curricular and co-curricular activities as well as to academic programming.

Revised 8/22/16

Revised 7/17/17

Revised 11/18/19

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Legal	118.55(5), Wis. Stats.
	120.12(11), Wis. Stat
	120.12(17), Wis. Stats.
	120.12(22), Wis. Stats.
	121.54(8), Wis. Stats.

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Book	Policy Manual
Section	For Board Review - Vol. 31, No. 1
Title	Copy of FACILITIES PLANNING
Code	po7100 - Board Review
Status	
Adopted	November 21, 2016

7100 - FACILITIES PLANNING

The Board ~~of Education~~ recognizes that careful, prudent planning is essential to the efficient operation of the schools and that planning must be grounded on accurate data. In ~~an effort to align order to assure that future~~ District facilities inventory with construction supports the needs of the educational program and of the responds to community ~~needs~~, the Board will prepare a capital ~~expenditures~~ construction plan and will review and revise that plan periodically thereafter. ~~The plan shall include a thorough description and analysis of local and regional demographic factors which influence general population growth and public school enrollments.~~

In order to apprise the Board ~~regarding of the continuing relevance of~~ the Board's facilities ~~capital~~ construction plan, the District Administrator shall:

- A. annually report to the Board on the number of resident students attending school and the number of new residential units approved in the District;
- B. report to the Board on the enrollment by grades during the school year annually;
- C. () other factors impacting the enrollment or enrollment projections, such as open enrollment trends, community development initiatives, and other factors;
- D. conduct a "four-(4)-year-old kindergarten census" each spring of the number of students who will be enrolled in the District schools in September and report the results to the Board by July 1st;
- E. prepare student enrollment projections every year;
- F. () provide a report regarding the state of current District facilities, including maintenance needs and schedules, sufficiency of space and additional space requirements;
- G. () to the extent additional space needs are identified, provide possible solutions including building additions, renovations, new construction, availability of suitable space for lease, or other options.

~~Information gathered in the conduct of the census shall include the age, gender, race and disability, of each child between the ages of birth and nineteen (19) in this District.~~

In planning for the enlargement or modification of its facilities, the Board shall consider not only the number of children whose educational needs must be met, but also the physical requirements of the program it deems best suited to meet those needs. In addition, the Board may engage the services of an architectural firm to conduct a facilities study and to make recommendations. ~~Each school building and site shall provide suitable accommodations to carry out the educational program of the school including provision for the disabled, pursuant to law and regulation.~~

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Book	Policy Manual
Section	For Board Review - Vol. 31, No. 1
Title	Copy of CONTROL OF CASUAL-CONTACT COMMUNICABLE DISEASES
Code	po8450 - L/R
Status	
Adopted	November 21, 2016

8450 - CONTROL OF CASUAL-CONTACT COMMUNICABLE DISEASES

The Board of Education recognizes that control of the spread of communicable disease spread through casual-contact is essential to the well-being of the school community and to the efficient District operation.

For purposes of this policy, "casual-contact communicable disease" shall include diphtheria, scarlet fever and other strep infections, whooping cough, mumps, measles, rubella, and others designated by the Wisconsin Department of Health Services (hereinafter referred to as DHS).

In order to protect the health and safety of the students, District personnel, and the community at large, the Board shall follow all State statutes and Health Department regulations that pertain to immunization and other means for controlling casual-contact communicable disease spread through normal interaction in the school setting.

Initial Exposure - Suspected Communicable Disease

If a student exhibits symptoms of a communicable disease, **a teacher, school nurse, or the building principal will isolate the student in the building and contact the parents/guardians and may choose to send the student home. The staff member shall contact the Waupaca County Health Department to report the incident. The health department officials shall be responsible for conducting any investigation deemed necessary and directing the District to follow specific protocols, including those Protocols** established by the Wisconsin Department of Health Services.

Protocols During a Pandemic/Epidemic

The procedure described above pertains to an initial and/or isolated identification of the possible presence of a communicable disease in a school. In the event of an ongoing pandemic or endemic outbreak of a communicable disease, the Administration and Board shall develop protocols to manage school during a pandemic or epidemic. See Policy 8420.01 – Epidemics and Pandemics.

Protocols shall be developed with consideration for the following resources:

- A. **Statewide declaration of emergency and related orders;**
- B. **guidance provided by medical and/or public health officials, such as the Centers for Disease Control and Prevention (CDC); Wisconsin Department of Health Services (DHS); Wisconsin Department of Public Instruction (DPI); American Pediatrics Association;**
- C. **local health department officials and local medical professionals;**
- D. **parent and/or student groups; and**
- E. **other resources developed for and specific to the circumstances facing the District.**

Legal

252.10, 252.19, 252.21, Wis. Stats.

Last Modified by Steve LaVallee on February 23, 2022



Book	Administrative Guideline Manual
Section	For Review - Administrative Guidelines - Vol. 31, No. 1
Title	Overview & Comments
Code	01 - Information & Comments - AG - Vol. 31, No. 1
Status	

WISCONSIN OVERVIEW AND COMMENTS

Volume 31, Number 1 December 2021

Administrative Guidelines

The following guidelines were revised to include language either prohibiting or requiring permission for the use of District name, logo, mascot, or any other property or assets of the District in connection with fundraising, except where such permission is implicit because it is conducted by a District organization:

AG 5830 – Student Fund-raising
AG 6605 – Crowdfunding
AG 9700 – Fundraising by Charitable Organizations
AG 9700B – Criteria for Commercial Messages

AG 1630.01/AG 3430.01/AG 4430.01 - FMLA Leave (New)

This new guideline provides clear definitions of applicable leaves available under FMLA. Further, language in this guideline clarifies that any medical certification that is required to qualify for FMLA leave is at the employee's expense. Also, additional language has been included to assure that employee benefits other than health insurance be continued during an employee's FMLA leave, in the same manner as prior to leave subject to the policy language and for the purpose of ensuring coverage upon return.

This new AG is strongly recommended.

AG 2271 – Early College Credit Program (Revised)

The guideline is revised to reflect the revisions made by the biennial budget bill's replacement of the Youth Options Program with the Early College Credit Program and DPI's issuance of an emergency rule implementing that change. The rule was issued on October 27, 2018.

Note that the policy does not include detail concerning the implementation of the program, and therefore, no changes are necessary to the policy. However, the guideline provides detail that requires revision, and those revisions are made. Specifically, those include clarifications regarding the determination of comparability of postsecondary courses to those offered by the district, as well as notice timelines for students' intent to participate in the summer session, if applicable. Note that this first notice deadline is February 1.

Note as well that the rule provides that DPI will determine that students receiving free and reduced lunch meet the undue hardship standard for tuition waiver under the program. The law still, however, states that districts will waive the cost if informed by DPI that the student is entitled to such waiver. The rule, at least in its emergency form, establishes the basis for that decision but does not change the district's role, which is to waive tuition for students DPI has informed it is entitled to such waiver. For this reason, this provision is not incorporated into the revised guideline language.

For Grade School Districts – note that although grade school districts do not implement the early college credit program, the notice requirements apply to 8th-grade students. There is no exception to the notice requirement that excludes grade school districts. The initial deadlines for students to state their intent to participate in the program occur during the 8th-grade year for participation in 9th grade; therefore, those students should be given notice of the program.

AG 2260.02 – English Language Proficiency (DELETED)

This AG should be deleted because the information has been included in the corresponding policy.

AG 3120B – Appointment of Personnel to Compensated Co-Curricular and Extra-Curricular Activities (Revised)

The guideline has been clarified with respect to the options for employment decisions regarding extra-curricular personnel.

The revision is recommended for clarity in administrative responsibility for personnel matters.

AG 3120.10, 4120.10 – Job Sharing (REVISED)

Language added to require a proposal from potential job-sharing partners to address continuity of education in the event one of the partners is unavailable for an extended period of time (i.e. medical leave, etc.). Language is also added to require job share partners to attend required professional staff development, and related meetings. This revision is recommended by not required.

AG 3122.01, AG4122.01 – Drug-Free Workplace (REVISED)

The option regarding searches of personal belongings has been revised to be compliant with applicable law. While it is appropriate to assert authority to search the contents of district property (i.e. cabinets, desk drawers, etc.) conducting a search of a staff member's personal items, even if stored in a District-owned location, may only occur if there exists a basis to do so, and then only to the extent justified by a basis for the search in the first instance. For example, if there was information that a staff member was in possession of alcohol at school, it would not be reasonable to search that staff member's wallet, but it may be reasonable to search a purse or bag. District officials who determine that a search of a staff member's personal belongings are encouraged to consult with law enforcement and/or legal counsel prior to conducting a search.

The adoption of this revision is strongly recommended for accurate guidelines.

AG 3125 – Wisconsin Educator Licensing (REVISED)

This guideline is revised to reflect the change in educator licensing and to identify the four-tier licensing system and district mentoring requirements.

These revisions are recommended.

AG 3160B/AG 4160B - Tuberculosis Examination (Delete)

These guidelines are recommended for deletion, as the language regarding tuberculosis examinations has been added to Policy 1460/Policy 3160/Policy 4160 - Physical Examination.

AG 3231A, 4231A – Participation in Political Activities (REVISED)

These guidelines are revised to include additional points regarding the use of District technology to engage in political activities and personal technology during work hours.

AG 5111.01 - Homeless Students (Revised)

Revisions have been made to the provisions concerning transportation to clarify existing language.

AG 5200 - Attendance (Revised)

The guideline has been revised to include a reference to the new language that has been added to Policy 5200 that meets the requirements of Section 118.15, Wis. Stats., allowing a student to serve as an election official under certain conditions.

The revision is required for compliance with the modified statute.

AG 5330 – Administration of Medications (REVISED)

Revisions are made to the guideline to provide more detail to the various authorizations and information collected from parents and staff members in the course of administering drugs to students, whether prescribed or over-the-counter. State law permits any staff member to administer nonprescription or prescription drugs provided that there is written authorization from both the District and the parent, and the staff member has the required training.

These revisions are recommended.

AG 5463 – Student and Credit Transfer from Non-Public Schools (Revised)

This guideline has been revised to incorporate the transfer provisions in AG 9270 (which has been deleted).

Additional revisions are made to make the guideline more user friendly and to incorporate credit transfers and grades from other schools, as well as those taken in the district by students while enrolled in another school or home-based program under Policy 9270.

Further, this guideline has been updated to include information regarding admission of students from non-approved schools which was formerly in AG9270A.

Adoption is recommended, but not required.

AG 5517.01 – Bullying (Delete)

(This guideline is recommended for deletion because the language is largely repetitive of the revised Policy 5517.01.)

AG 5540A – Relationship with Governmental Agencies (Revised)

Revisions have been made to this guideline for the purpose of consistency with terminology in other policies and guidelines. Revisions are recommended but not required.

AG 5610 - Suspension and Expulsion (Revised)

This guideline is updated to include an option pertaining to staff reporting obligations for consistency with the corresponding policy language. This revision is recommended for the currency of options.

“Calendar day” has been added for clarification to identify the specific number of days that the Board has to review the expulsion order and shall, upon review, approve, reverse or modify said order.

Adoption is recommended.

AG 5722 - School-Sponsored Publications and Productions (Revised)

This guideline has been revised in coordination with Policy 5722 to reflect the diverse types of student publications and productions currently available in the digital age. Neola has developed an extensive Toolkit that should be used to inform and guide District personnel as they make revisions to the guideline and policy. The Toolkit presents an overview of applicable laws and cases that impact the District’s ability to engage in prior review and restraint with regard to school-sponsored student expressive activities.

In conjunction with the use of the Toolkit, the revisions to the guideline are recommended in order to address the myriad of newer online electronic forms of school-sponsored student media.

AG 5751 – Education and Service for School-Age Parents (Revised)

This guideline has been revised to incorporate additional legal standards and accommodation provisions, along with statutory citations in the legal references. Adoption of these revisions is recommended to more fully incorporate legal requirements.

AG 6605 – Crowdfunding (REVISED)

This guideline is revised to add additional requirements and/or expectations regarding the use of crowdfunding initiatives by school staff for school or District-related initiatives. These requirements are intended to better protect the district and potential donors from abuse, misuse, or inadequate initiatives that may reflect poorly on the District or that may result in the District being placed in a position of partially subsidizing such efforts.

These revisions are recommended but not required.

AG 6611 – Ticket Sales (REVISED)

Language added to address financial controls, and money handling redundancy to combat fraud. These revisions are made to make the guidelines consistent with similar provisions in Policy 6630 – Cash Handling and Deposits.

AG 7540.04 – Staff Technology and Acceptable Use in Safety (REVISED)

This guideline has been modified to clarify the options regarding the use of technology resources by staff and includes a drafting note. These revisions are recommended for greater clarity in the application of the guideline

AG 7540.05 - Assistive Technology and Services (REVISED)

This guideline has been revised to reflect the current status of assistive technology and services. This revision is recommended for accuracy of current options.

AG 8320 – Personnel Records (REVISED)

The guideline is revised to provide more detail regarding employee files and to account for a possible disruption in the availability of personnel file requests as was recently imposed by 2020 Wisconsin Act 185, which created Section 103.13(2m), Wis. Stats. suspending employees' rights of access to personnel file documents during a public health emergency.

AG 8330 – Student Records (REVISED)

Guideline revised to reference the records retention schedule, which is included in the public records policy and is the established retention schedule for Wisconsin public school districts. The guideline is also revised to note that the disclosure of student ID number is not automatic, and not identified as art of directory data. Federal law permits the use of student ID numbers, provided that the information is not coupled with other information which would allow one to access the students' records.

AG 8600 - Transportation (Revised)

This guideline has been revised to include additional options regarding the contract between the district and a transportation provider, as well as clarifying language about student conduct on buses.

The revisions are recommended but not required.

AG 8800D - Care, Custody, and the Display of the United States Flag

This guideline was revised to include the U.S. Flag code as the determining factor as to when the United States Flag shall be raised above each school and/or other appropriate school places.

AG 9270 – Home-Based Private Education Students (Revised)

Several language improvements and structural revisions are made to make the guideline more accurate and user-friendly.

AG 9270A – Admission of Students from Nonpublic and Nonapproved Schools (Delete)

This guideline is recommended for deletion as its contents have been incorporated into AG 5463.

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Book Administrative Guideline Manual
Section For Review - Administrative Guidelines - Vol. 31, No. 1
Title FMLA LEAVE
Code ag1630.01 ** - Review - Dist. Admin/Business Manager
Status

NEW GUIDELINE - VOL. 31, NO. 1

1630.01 - FMLA LEAVE

Definitions Applicable to FMLA Leave

The term child (i.e., son or daughter) means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is either under age eighteen (18), or age eighteen (18) or older and incapable of self-care because of a mental or physical disability (as defined by the Americans with Disabilities Act (ADA), as amended) at the time the FMLA leave is to commence.

The term spouse means all individuals in legal marriages, regardless of where they live. More specifically, the definition of spouse is a husband or wife as defined or recognized in the State where the individual was married (place of celebration), and specifically includes individuals in lawfully recognized same-sex and common law marriages. The definition further includes an individual in a marriage that was validly entered into outside the United States if it could have been entered into in at least one (1) State. Civil unions are not considered marriages under the FMLA.

The term incapable of self-care means that the individual requires active assistance or supervision to provide daily self-care in three (3) or more of the activities of daily living (ADLs) (e.g., caring appropriately for one's grooming and hygiene, bathing, dressing, eating) or instrumental activities of daily living (IADLs) (e.g., cooking, cleaning, shopping, taking public transportation, paying bills, maintaining a residence, using telephones and directories, using a post office, etc.).

An employee is unable to perform the functions of the position where the health care provider finds that the employee is unable to work at all or is unable to perform any one of the essential functions of the employee's position. Additionally, an employee who must be absent from work to receive medical treatment for a serious health condition is considered to be unable to perform the essential functions of the position during the absence for treatment.

Leave for Adoption or Foster Care

Eligible employees may take FMLA leave before the actual placement or adoption of a child if an absence from work is required for the placement or foster care to proceed. Permissible absences include, but are not limited to, the employee attending a required counseling session, appearing in court, consulting with the attorney or the doctor(s) representing the birth parent, submitting to physical examinations, or traveling to another country to complete an adoption.

Military Family Leave Entitlements

A. Military Caregiver Leave

Eligible employees may take up to twenty-six (26) weeks of unpaid FMLA leave, in a single twelve (12) month period, to care for a covered service member with a serious injury or illness. The single twelve (12) month period begins on the first day the eligible employee takes Military Caregiver Leave and ends twelve (12) months after that date. If the employee does not use the entire twenty-six (26) work weeks leave entitlement during the single twelve (12) month period of leave, the remaining work weeks of leave are forfeited.

For purposes of Military Caregiver Leave, the covered service member may be a 1) current member of the Armed Forces

(including a member of the National Guard or Reserves) who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness, or 2) a veteran who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness and who was a member of the Armed Forces (including a member of the National Guard or Reserves) and was discharged or released under conditions other than dishonorable at any time during the period of five (5) years prior to the first date the eligible employee takes FMLA leave to care for the covered veteran. For an individual who was a member of the Armed Forces and who was discharged or released under conditions other than dishonorable prior to March 8, 2013, the period between October 28, 2009, and March 8, 2013, shall not count towards the determination of the five-year period for covered veteran status.

Serious injury or illness for purposes of Military Caregiver Leave is defined as an injury or illness incurred by a covered service member in the line of duty on active duty in the Armed Forces (or existed before the beginning of the covered service member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces) and that may render the service member medically unfit to perform the duties of the service member's office, grade, rank, or rating.

In the case of a veteran, a serious injury or illness means an injury or illness that was incurred by the member in the line of duty on active duty in the Armed Forces (or that existed before the beginning of the member's active duty and was aggravated by the service in the line of duty on active duty in the Armed Forces) and manifested itself before or after the member became a veteran and is 1) a continuation of a serious injury or illness that was incurred or aggravated when the covered veteran was a member of the Armed Forces and rendered the service member unable to perform the duties of the service member's office, grade, rank, or rating; 2) a physical or mental condition for which the covered veteran has received a U.S. Department of Veterans Affairs Service-Related Disability Rating (VASRD) of 50 percent or greater, and such VASRD rating is based, in whole or in part, on the condition precipitating the need for military caregiver leave; 3) a physical or mental condition that substantially impairs the covered veteran's ability to secure or follow a substantially gainful occupation by reason of a disability or disabilities related to military service, or would do so absent treatment; or 4) an injury, including a psychological injury, on the basis of which the covered veteran has been enrolled in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.

The term son or daughter of a covered service member means a covered service member's biological, adopted, or foster child, stepchild, legal ward, or child for whom the service member stood in loco parentis, and who is of any age. Similarly, the term parent of a covered service member means a covered service member's biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the covered service member. (The term does not include parents-in-law.)

The term next of kin means the service member's nearest blood relative, other than the covered service member's spouse, parent, son, or daughter, in the following order of priority: blood relatives who have been granted legal custody of the service member by court decree or statutory provisions; brothers and sisters; grandparents; aunts and uncles; and first cousins; unless the covered service member has specifically designated in writing another blood relative as their nearest blood relative for purposes of Military Caregiver Leave under the FMLA, in which case the designated individual shall be deemed to be the covered service member's next of kin. All family members sharing the closest level of familial relationship to the covered service member are considered the covered service member's next of kin, unless the covered service member has specifically designated an individual as their next of kin for Military Caregiver Leave purposes. While an eligible employee may care for more than one (1) seriously injured or ill covered service member at the same time, the employee may not take more than twenty-six (26) work weeks of leave during each single twelve (12) month period.

Military Caregiver Leave is a per-service member, per-injury entitlement. Therefore, an eligible employee may take twenty-six (26) work weeks of leave to care for one (1) covered service member in a single twelve (12) month period, and then take another twenty-six (26) work weeks of leave in a different single twelve (12) month period to care for another covered service member or to care for the same service member with a subsequent serious injury or illness (e.g., if the service member is returned to active duty and suffers another injury). Additionally, an eligible employee could take FMLA leave, after the end of the single twelve (12) month period for Military Caregiver Leave, to care for a covered service member if the member is a qualifying family member under non-military FMLA and the eligible employee has a serious health condition.

B. Qualifying Exigency Leave

Eligible employees may take up to twelve (12) weeks of unpaid FMLA leave for any of the following qualifying exigencies that are related to the fact that the employee's spouse, son, daughter or parent is on covered active duty or call to covered active duty status, or has been notified of an impending call or order to covered active duty in the Armed Forces:

1. Issues arising from a qualifying family member's short-notice deployment (i.e., deployment on seven (7) or less calendar days of notice) for a period of seven (7) days from the date of notification.
2. Military events and related activities, such as official ceremonies, programs, or events sponsored by the military, or family support or assistance programs and informational briefings sponsored or promoted by the military, military service organizations, or the American Red Cross that are related to a qualifying family member's covered

active duty or call to covered active duty status.

3. Certain childcare and related activities arising from a qualifying family member's covered active duty or call to covered active duty status, such as arranging for alternative childcare, providing childcare on an urgent, immediate need basis (but not on a routine, regular, or everyday basis), enrolling or transferring a child in a new school or day care facility, and attending certain meetings at a school or a day care facility if they are necessary due to circumstances arising from the active duty or call to active duty of the covered military member (this does not include providing child care on a routine, regular or everyday basis).
4. Making or updating financial and legal arrangements to address a qualifying family member's absence (e.g., preparing and executing financial and healthcare power of attorney, transferring bank account signature authority, enrolling in the Defense Enrollment Eligibility Reporting System, obtaining military identification cards, or preparing or updating a will or living trust) and acting as the military member's representative before a Federal, State, or local agency for purposes of obtaining, arranging, or appealing military service benefits while the military member is on covered active duty or call to covered active duty status, and for a period of ninety (90) days following the termination of the military member's covered active duty status.
5. Attending counseling provided by someone other than a healthcare provider for oneself, the qualifying family member, or the child of the qualifying family member, the need for which arises from the qualifying family member's covered active duty or call to covered active duty status. The child must be the military member's biological, adopted, or foster child, stepchild, legal ward or child for whom the military member stands in loco parentis, who is either under eighteen (18) years of age or eighteen (18) years of age or older and incapable of self-care because of a mental or physical disability at the time that FMLA leave is to commence.
6. Taking up to fifteen (15) days of leave to spend time with a qualifying family member who is on short-term, temporary, rest and recuperation leave during the deployment.
7. Attending to certain post-deployment activities, including attending arrival ceremonies, reintegration briefings and events, and other official ceremonies or programs sponsored by the military for a period of ninety (90) days following the termination of the qualifying family member's covered active duty status, and addressing issues arising from the death of a qualifying family member.
8. Providing parental care for a parent of a military member who is incapable of self-care and is the military member's biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the covered service member when the member was under eighteen (18) years of age. Incapable of self-care means the parent requires active assistance or supervision to provide daily self-care in three or more of the activities of daily living (includes adaptive activities such as caring appropriately for one's grooming and hygiene, bathing, dressing and eating) or instrumental activities of daily living (includes cooking, cleaning, shopping, taking public transportation, paying bills, maintaining a residence, using telephones and directories, using a post office, etc.). Parental care includes 1) arranging for alternate care when the parent is incapable of self-care and the covered active duty or call to covered active duty status necessitates a change in the existing care arrangement for the parent; 2) providing care on an urgent, immediate need basis (but not on a routine, regular or everyday basis) when the parent is incapable of self-care and the need to provide such care arises from covered active duty or call to covered active duty status; 3) admitting or transferring to a care facility a parent when admittance or transfer is necessitated by the covered active duty or call to covered active duty status; and 4) attending meetings with staff at a care facility, such as meetings with hospice or social service providers for a parent when such meetings are necessary due to circumstances arising from the covered active duty or call to covered active duty status but not for regular or routine meetings.
9. Any other event that the employee and the Board agree is a qualifying exigency.

The term qualifying family member for purposes of Qualified Exigency Leave means a staff member's spouse, son, daughter or parent.

The term covered active duty or call to covered active duty status for purposes of Qualified Exigency Leave means duty for a member of the Regular Armed Forces during deployment of the member with the Armed Forces to a foreign country, and, in the case of a member of the Reserve components of the Armed Forces, duty during deployment of the member with the Armed Forces to a foreign country under a Federal call or order to active duty in support of a contingency operation pursuant to Sections 688, 12301(a), 12302, 12304, 12305, 12406, or Chapter 15 of Title 10 of the United States Code or any other provision of law during a war or during a national emergency declared by the President or Congress as long as it is in support of a contingency operation.

The term son or daughter means the employee's biological, adopted, or foster child, stepchild, legal ward, or child for whom the employee stood in loco parentis, who is on covered active duty or call to covered active duty status, and who is of any age. Similarly, the term parent means a biological, adoptive, step, or foster father or mother, or any other individual who stood in loco parentis to the employee when the employee was a son or daughter. (The term does not include parents in-law.)

Employee Request for FMLA Leave

While eligible employees are not required to expressly request unpaid FMLA leave, it is requested that eligible employees who seek an unpaid FMLA leave for any of the approved reasons complete and submit to the District Administrator a written request for FMLA leave.

Employee Certifications

Eligible employees who apply for FMLA leave to care for an immediate family member must submit DOL Form (WH-380-F; Certification of Health Care Provider for Family Member's Serious Health Condition).

Eligible employees who apply for FMLA leave for the employee's own serious health condition must submit DOL Form (WH-380-E; Certification of Health Care Provider for Employee's Serious Health Condition).

[] The District Administrator shall attach a statement of the essential functions of the employee's position for the health care provider to review. In order for the Certification Form to be considered sufficient, the health care provider must specify what function of the employee's position the employee is unable to perform so that the District can then determine whether the employee is unable to perform one (1) or more essential functions of the employee's position.

Eligible employees who apply for Military Caregiver Leave must submit DOL Form (WH-385; Certification for Serious Injury or Illness of Covered Service Member - for Military Family Leave or WH-385-V, Certification for Serious Injury or Illness of a Veteran for Military Caregiver Leave). The form may be completed by a Department of Defense (DOD) health care provider, Veterans Affairs health care provider, a DOD TRICARE network authorized private health care provider, a DOD non-network TRICARE authorized private health care provider, or any health care provider as defined by 29 C.F.R. 825.125.

Additionally, with respect to Military Caregiver Leave, the District will accept the submission of an Invitational Travel Order (ITO) or Invitational Travel Authorization (ITA), in lieu of the DOL Form, for the time period specified in the ITO or ITA. The ITO or ITA submitted by the employee need not list the employee as the named recipient of the ITO/ITA, provided the employee is the spouse, parent, son, daughter or next of kin of the covered service member. If the covered service member's need for care extends beyond the expiration date specified in the ITO or ITA, the employee is responsible for submitting the DOL Form for the remainder of the employee's leave period. The District will also accept, with respect to Military Caregiver Leave, documentation indicating the service member's enrollment in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers, regardless of whether the employee is the named caregiver in the documentation. Employees are advised that the District Administrator may seek authentication and clarification of such documentation, and may require an employee to provide confirmation of covered family relationship to the seriously injured or ill service member and documentation showing that the discharge was other than dishonorable and the date of the veteran's discharge.

It is the employee's responsibility either to furnish a complete and sufficient certification or to furnish the health care provider providing the certification with any necessary authorization from the employee or the employee's family member in order for the health care provider to release a complete and sufficient certification to the Board to support the employee's FMLA request.

In all instances in which certification is requested, it is the employee's responsibility to provide the Board with complete and sufficient certification, and failure to do so may result in denial of FMLA leave.

Eligible employees who apply for any of the three (3) preceding types of FMLA leave must also execute and provide to the eligible employees health care provider a HIPAA-compliant release form.

If the District Administrator deems a medical certification to be incomplete or insufficient, the District Administrator shall notify the employee, in writing, what information is lacking, and the employee will have seven (7) calendar days to cure the deficiency. The District Administrator (i.e., the Board's health care provider, human resource professional, leave administrator, or other management official, but not the employee's direct supervisor) may contact the certifying health care provider for clarification concerning or to authenticate the content of a medical certification. The representative, however, shall not ask the health care provider for additional information beyond that required by the certification form.

[] Employees who take leave for the employee's own serious health condition, prior to returning to work, must submit to the District Administrator a Fitness-for-Duty Certification. Again, the employee will need to have executed and provided to their Health Care Provider a HIPAA-compliant form.

Eligible employees who apply for FMLA leave for Qualifying Exigency Leave must submit DOL Form WH-384; Certification of Qualifying Exigency for Military Family Leave. Specifically, the first time the employee requests Qualifying Exigency Leave, the employee must provide a copy of the qualifying family member's covered active duty orders or other documentation issued by the military that indicates that the qualifying family member is on covered active duty or call to covered active duty status, and the dates of the qualifying family member's covered active duty service. Additionally, each time that the employee requests leave for

one of the above-listed qualifying exigencies, the employee must certify the exigency necessitating leave. Such certification supporting leave for a qualifying exigency includes:

- A. appropriate facts supporting the need for leave, including any available written documentation supporting the request and the type of qualifying exigency;
- B. the appropriate date on which the qualifying exigency commenced or will commence, and, if requested for a single, continuous period of time, the beginning and end dates for such absence;
- C. where leave will be needed on an intermittent basis, an estimate of the frequency and duration of the qualifying exigency;
- D. appropriate contact information if the exigency involves meeting with a third party and a brief description of the purpose of the meeting; and if the qualifying exigency involves Rest and Recuperation leave, a copy of the military member's Rest and Recuperation orders or other documentation issued by the military that indicates the military member has been granted Rest and Recuperation leave and the dates of such leave.

Employees are advised that if the qualifying exigency involves a meeting with a third party, the District Administrator may verify the schedule and purpose of the meeting with the third party. Also, the District Administrator may contact the appropriate unit of the Department of Defense to confirm that the qualifying family member is on covered active duty or call to covered active duty status.

All of the certifications identified above must be submitted by the employee within fifteen (15) calendar days after the District provides the employee with the applicable DOL Form unless it is not practicable under the particular circumstances to do so despite the employee's diligent, good faith efforts. An employee may not be held liable for administrative delays in the issuance of military documents, despite the employee's diligent, good faith efforts to obtain such documents.

Light Duty

Time spent performing light duty work does not count against an employee's FMLA leave entitlement.

District Notices to Employees (Forms are available on the U.S. Department of Labor Website: www.dol.gov)

If the information included in the Employee Rights and Responsibilities Notice changes, the District Administrator will inform the employee of such changes within five (5) business days of receipt of the employee's first notice of the need for FMLA leave subsequent to any change. The _____ is charged with responsively answering questions from employees concerning their rights and responsibilities.

If it is not possible to provide the number of hours, days or weeks that will be counted as FMLA leave (e.g., where the leave will be unscheduled), the District Administrator will provide this information upon request by the employee, but no more often than every thirty (30) days and only if leave was taken during the period. The notice of the amount of leave counted against the employee's FMLA entitlement may be oral or in writing. If such notice is oral, it shall be confirmed in writing, no later than the following payday that is at least one (1) week after the oral notice. Such notice may be in any form, including a notation on the employee's pay stub.

FMLA Leave and Mandatory Overtime

Employees with proper medical certification may use FMLA leave in lieu of working required overtime hours. Thus, hours that an employee would have been required to work but for the taking of FMLA leave will be counted against the employee's FMLA entitlement.

Calculating the Amount of FMLA Leave Used by an Employee

For purposes of determining the amount of FMLA leave used by an employee, the fact that a holiday may occur within the work week taken as FMLA has no effect; the week is counted as a week of FMLA leave. If, however, the employee is using FMLA leave in increments of less than one (1) week, the holiday will not count against the employee's FMLA leave entitlement unless the employee was otherwise scheduled and expected to work during the holiday. Similarly, when an employee is not scheduled to work during winter, spring or summer vacation (i.e., during a period when some or all employees are not expected to work for one (1) or more weeks), the days the employee is not scheduled to work shall not count against the employee's FMLA leave entitlement.

When an employee takes FMLA leave on an intermittent or reduced leave schedule basis, the leave shall be accounted for by using an increment no greater than the shortest period of time that the District uses to account for use of other forms of leave provided that it is not greater than one (1) hour and provided that the employee's FMLA leave entitlement is not reduced by more than the amount of leave actually taken.

Maintenance of Employee Benefits

The same group health plan benefits provided to an employee prior to taking FMLA leave shall be maintained during the FMLA leave (e.g., if family member coverage is provided to an employee, family member coverage shall be maintained during the FMLA leave). Similarly, benefit coverage during FMLA leave for medical care, surgical care, hospital care, dental care, eye care, mental health counseling, substance abuse treatment, etc., shall be maintained during leave if provided in the District's group health plan, including a supplement to a group plan.

If an employee chooses not to retain group health plan coverage during FMLA leave, the employee will be reinstated, upon return from leave, on the same terms as prior to taking the leave, without any qualifying period, physical examination, exclusion of pre-existing conditions, etc. All other employee benefits will be maintained during leave subject to applicable policy requirements and consistent with maintaining employee eligibility to receive the same benefits following leave that the employee had prior to leave in the same manner as provided to other similarly situated employees.

Costs Associated with Medical Certification and Recertification

The employee is responsible for any costs associated with obtaining the original medical certification required to qualify for the use of unpaid FMLA leave. Likewise, if the Board requires an employee to submit recertification for any of the reasons specified in Policy 1630.01, the employee is responsible for any costs associated with the recertification. Finally, the employee is responsible for the cost of a new medical certification each leave year for medical conditions that last longer than one (1) year.

[] Periodic Status Reports [Drafting Note: Periodic status reports are not mandated by the FMLA.]

When an employee takes a continuous unpaid FMLA leave, the District Administrator may require the employee to complete periodic status concerning the employee's intent to return to work. If the District Administrator is going to require such reports, the requirement will be specified in the Notice of Eligibility and Rights & Responsibilities that is issued to the employee at the outset of the FMLA leave.

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Book	Administrative Guideline Manual
Section	For Review - Administrative Guidelines - Vol. 31, No. 1
Title	Copy of ENGLISH LANGUAGE PROFICIENCY
Code	ag2260.02 - DELETE - Included in Policy per DPI
Status	
Adopted	April 23, 2018

~~2260.02 – ENGLISH LANGUAGE PROFICIENCY~~

~~The Director of Curriculum and Instruction shall be responsible for taking a count of limited-English proficient students in the District that shall be completed on or before March 1st of each school year. The District will also assess the language proficiency of such students and classify them by language group, grade level, age, and English language proficiency. The annual assessment will measure the student's oral language, reading and writing skills in English.~~

~~The District shall submit the report of English Language Learner (ELL) students to the Department of Public Instruction as required by law.~~

~~Assessing English Proficiency~~

~~Every family who registers for the first time to attend the District will be asked to identify the primary language spoken in their home by the parents and by the child.~~

~~Identification of students requiring additional services as English Language Learners will be identified by the District using the following process:~~

- ~~A. Every family who registers for the first time to attend the District will be asked to identify the primary language spoken in their home by the parents and by the child by completing a Home Language Survey (see Form 2260.02 F1);~~
- ~~B. The students prior academic records in or outside the United States will be reviewed to identify areas of concern where poor performance may be attributable to language barriers;~~
- ~~C. If deemed appropriate, the student may undergo an academic assessment to confirm identification.~~

~~Students not initially identified as in need of ELL services that are observed through classroom performance as exhibiting language barriers to educational achievement should be re-evaluated.~~

~~Students identified above must be given the formal evaluation screening test. Students that score less than English language proficiency (ELP) 6 on the test must be identified as ELL and entered into the Individual Student Enrollment System (ISES).~~

~~The District will provide programs for English language learners (ELL)/limited-English proficient (LEP) students so they may become proficient in English while achieving academically.~~

~~Parental Notification and Consent~~

~~If a student is identified and assessed as ELL and determined to be eligible for services, the District will send written notice to the student's parent within thirty (30) days of the start of the school year or within two (2) weeks of assessment (if the student is not identified prior to the beginning of the school year). Every effort will be made to obtain permission from the student's parent to place the student in language instructional programming prior to the start of the school year or as soon as practicable after identification. The notice will include the information required by law.~~

~~No student will be placed in the LEP Program without having received written permission from the student's parents. The notice to parent(s) shall be in their native language. Additionally, the student's parent(s) will be given the opportunity to participate and provide input into the student's program and will be regularly informed of the student's progress. Finally, the student's parent(s) shall be given the opportunity to participate in the determination that their student has the language skills necessary to compete with mainstream English language speakers, as identified below;~~

~~and the student may exit the program.~~

~~ELL student's English proficiency assessment records shall be maintained by the District in accordance with State and Federal laws and District student records policies and procedures.~~

~~Assessing Academic Achievement and English Language Proficiency~~

~~An ELL student may not be exempted from academic assessments based on their ELL status. The District shall administer State-required tests to ELL students unless a determination has been made that an individual student's results on the test, with allowable accommodations made for the student as needed, will not be a valid and reliable indicator of the student's academic knowledge and skills. If an ELL student is exempted from taking a State-required test, the student shall be administered a DPI-approved alternative assessment.~~

~~All ELL students' assessment results, as well as a student's alternative assessment results, shall be communicated to the student's parent(s) and to the DPI as required by law.~~

~~ELL students must annually be administered assessment testing for English proficiency determination. The District will update the ISES if appropriate.~~

~~Exit Procedures~~

~~Once a student has been placed in the ELL Program, the student will be provided with programs and services and will be evaluated on an annual basis until it is determined that the student has the language skills necessary to compete with mainstream English speakers in age and grade appropriate settings in all areas of language development without the use of adapted or modified English materials.~~

~~ELL students with the language skills necessary to compete will:~~

- ~~A. understand and speak English in relation to the full range of demands of the classroom and the academic language needed to succeed;~~
- ~~B. read, comprehend and write English as evidenced by successful classroom performance and average District score on standardized achievement tests;~~
- ~~C. meet or exceed District guidelines in their academic subjects.~~

~~Students may be identified as reaching these English proficiency standards by either:~~

- ~~A. receiving an ELP 6 or higher on an annual assessment, in which case the student is automatically classified as English Language Proficient in the ISES system; or~~
- ~~B. The Director of Curriculum and Instruction may also consider reclassification of an ELL student in grade four or above as fully English proficient if the District has sufficient evidence on file establishing:
 - ~~1. the student has attained at least an ELP 5 on an annual assessment;~~
 - ~~2. the student can demonstrate his/her understanding of the English language;~~
 - ~~3. the file contains at least two (2) pieces of evidence establishing academic English language proficiency; and~~
 - ~~4. the parents and educators agree that the student has reached full English proficiency.~~~~

~~Parents must be notified and consulted prior to formal reclassification of a student. Parents that disagree with an ELP assessment shall be given the opportunity to review the ELP assessment with the building principal~~

~~The building principal may recommend additional assessment and/or adjust the ELP program as appropriate.~~

~~Re-entry~~

~~During the two (2) year monitoring period, if the student is unable to compete with mainstream English speakers in age and grade appropriate settings in all areas of language development, the student will be allowed to re-enter a bilingual or ESL program.~~

~~The Director of Curriculum and Instruction will be responsible for assuring that parents are involved in each entry, exit and re-entry decision, that these guidelines are followed and that ELL reclassification/exit and the re-entry decisions abide by Department of Public Instruction standards.~~

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Legal 115.96 Wis. Stats.
U.S.C. Sec. 1111(b)(7)

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Book	Administrative Guideline Manual
Section	For Review - Administrative Guidelines - Vol. 31, No. 1
Title	EARLY COLLEGE CREDIT PROGRAM
Code	ag2271 - L
Status	
Adopted	April 23, 2018

2271 - EARLY COLLEGE CREDIT PROGRAM

The Board recognizes the value to students of participating in programs offered by institutions of higher education under the State's Early College Credit Program. The following guidelines have been established to ensure that the Early College Credit Program operates efficiently and in accordance with State law and the administrative rules of the Department of Public Instruction. To the extent that these guidelines are ambiguous or inconsistent with applicable law or administrative rules, the law or rules shall govern.

Enrollment in Institutions of Higher Education

Any student may enroll in one (1) or more nonsectarian courses in an institution of higher education, which includes institutions in the University of Wisconsin system, a tribally controlled college or a private, nonprofit institution of higher education located in the State, that has notified the State Superintendent of its participation in the program and complies with 118.13(1) (non-discrimination). The student may take courses for high school credit, ~~or~~ postsecondary credit, or both.

Eligibility

To be eligible to participate in the program, a student must be enrolled in high school and not attending a technical college under Sec. 38.12(14) ~~118.55(7+)~~ or 118.15, Wis. Stats.

Application for Enrollment

- The student is responsible for submitting an application for enrollment to the institution of higher education. The application must indicate whether the course(s) will be taken for high school or postsecondary credit. The student must also specify on the application that if admitted, the institution of higher education may disclose the student's grades, course(s) and attendance record to the School District.
- student or his/her parent must also complete and submit the Intent To Participate Form available from the Student Services Office or the Department of Public Instruction to the high school administration by: February 1st for summer session attendance; by March 1st for Fall Semester attendance; or by October 1st for Spring semester attendance. ~~March 1st if the student intends to enroll in the next fall semester and by October 1st if s/he intends to enroll in the spring semester.~~
- Failure to meet these deadlines shall exclude the student from the program for that session or semester.

Counseling Services

The student and parents must participate in the following counseling services provided by the high school counselors:

- Program Eligibility and Credit Options**
- Responsibilities and Potential Consequences**

Among the responsibilities and potential consequences of participation the student must be willing to accept are:

1. increased student responsibility for learning because of less instructional guidance;
2. reduced opportunities to participate in high school co-curricular and extra-curricular activities;
3. increased financial obligations for tools, calculators, instruments, and incidental fees, unless the School Board agrees to loan such equipment to the student;
4. potential loss of after-school employment opportunities;
5. possible effect on grade point average and class standing;
6. possible delay of graduation; and
7. increased time for travel, study, etc.

C. Potential benefits are:

1. expanded curriculum offerings;
2. opportunities to study in more depth those areas of special interest or need;
3. opportunities to earn both high school and postsecondary credits while still in high school;
4. opportunities for financial support for taking postsecondary courses while still in high school; and
5. opportunities to experience postsecondary level work and life prior to making final decisions about whether and/or where to attend a postsecondary institution.

D. Admission and Scheduling

1. If the student withdraws from the postsecondary course(s) within two (2) weeks after the start of the course, the student will be re-enrolled in the high school classes that were previously dropped.
2. Reasonable efforts will be made in scheduling to accommodate the needs of students who will be leaving the high school campus in order to participate in this program. However, scheduling conflicts are not the responsibility of the District. Revising the master schedule and/or unduly overloading classes are not required in order to accommodate schedule requests.

A student will be admitted to an institution of higher education only if the institution has space available and the student meets the admission criteria of the institution.

The District will assist the student in the admission process by providing transcripts and other related documents. However, the institution of higher education shall have the sole discretion whether to admit the student. Students who are awaiting acceptance should register for high school classes as if they were not participating in the program. Schedule changes will then be made prior to the start of each semester for those students who receive notice of admission. The institution of higher education must notify the District, in writing, within thirty (30) days after the beginning of classes that a student has been accepted and for which courses.

E. Financial Responsibilities and Limitations

~~**University of Wisconsin System Institution of Higher Education/High School Credit, No Comparable Course**
The School District shall pay for, on behalf of a student taking a course at a University of Wisconsin system institution of higher education, which the School Board (or the State Superintendent on appeal) has determined qualifies for high school credit and is not comparable to a course already offered in the School District, the tuition, fees, books, and other necessary materials directly related to the course. However, the student shall be responsible for providing pens, pencils, and notebooks typically used and paid for by the student while taking a course at the School District. Further, any equipment purchased by the School District for use by the student in the course (e.g., calculator, computer, tools) shall be the property of the School District and shall be returned to the School District upon completion of the course.~~

~~**Private Institution of Higher Education/High School Credit, No Comparable Course**
The School District shall pay for, on behalf of a student taking a course at a private institution of higher education, which the School Board (or the State Superintendent on appeal) has determined qualifies for high school credit and is not comparable to a course already offered in the School District the lesser of:~~

- ~~A. the actual cost of the tuition, fees, books, and other necessary materials directly related to the course, or~~
- ~~B. an amount determined under Section 118.55(5)(c), Wis. Stats.~~

~~However, the student shall be responsible for providing pens, pencils, and notebooks typically used and paid for by the student while taking a course at the School District. Further, any equipment purchased by the School District for use by the student in the course (e.g., calculator, computer, tools) shall be the property of the School District and shall be returned to the School District upon completion of the course.~~

~~The School District's responsibility to pay for tuition, fees, books and other necessary materials shall be limited to eighteen (18) postsecondary credits per student.~~

~~Postsecondary Credit~~

~~A student taking a postsecondary course or courses for postsecondary credit is solely responsible for the tuition and fees for the postsecondary course. The District has no responsibility for these costs.~~

~~High School Credit/Comparable Course~~

~~A student taking a postsecondary course or courses, which the School Board has determined is comparable to a course offered in the School District, is solely responsible for the tuition and fees for the postsecondary course. The District has no responsibility for these costs.~~

~~Reimbursement for Failing Grade or Failure to Complete a Course~~

~~If a student receives a failing grade in a course or fails to complete a course, the student's parent or guardian, or the student if an adult, shall reimburse the School District the amount paid on the student's behalf under this program. If the School Board is not reimbursed as requested, the student shall not be eligible for further participation in the program. A grade that constitutes a failing grade in the School District shall constitute a failing grade under this section of the guideline.~~

~~Transportation~~

~~The School District is not responsible for transporting a student attending an institution of higher education under this program to or from the institution that the student is attending.~~

~~A student's parent or guardian, who is unable to pay for transportation, may however, seek reimbursement for such costs from the State Superintendent.~~

F. High School Credit for Postsecondary Coursework Under The Program

A student may be granted one-fourth (1/4) high school credit per one (1) semester credit offered by a postsecondary course. To receive high school credit, the student must complete the postsecondary course and receive a passing grade.

In addition, the postsecondary course must meet a requirement for graduation and satisfy one (1) or more of the following conditions:

1. The postsecondary course is complementary to, consistent with, or expands on the course offered by the District.
2. The postsecondary course offers the opportunity for the student to move to another level of academic or vocational study.
3. The postsecondary course content meets or exceeds the same standards for rigor and substance as other such courses approved, but not offered, by the District for graduation.
4. The postsecondary course supports rather than prevents the student from completing his/her high school graduation requirements, **including by fulfilling any core or elective requirement for graduation.**

G. ~~The principal may deny high school credit for any of the following reasons:~~

- ~~1. The postsecondary course is comparable to one offered by the School District.~~
- ~~2. The postsecondary course repeats the content of a course for which the student has already received a passing grade and high school credit.~~
- ~~3. The course repeats the content of a postsecondary course the student has already taken and failed.~~

H. Appeal Process

~~A student may appeal satisfaction of high school graduation requirements, the number of high school credits to be awarded, or the comparability of courses as they relate to this program to the State Superintendent within thirty (30) days after the principal's decision in accordance with the process stipulated by the Department of Public Instruction.~~

I. Effect On Completion of Graduation Requirements

Credit for coursework at an institution of higher education under this program, may constitute credit toward high school graduation. However, it is the responsibility of participating students and parents to be sure that the courses undertaken will meet the graduation requirements of the School District. Upon acceptance by the institution of higher education, students should schedule an appointment with a high school counselor to develop a written schedule showing courses to be taken at the high school and at the institution of higher education as well as all graduation requirements remaining to be met. No high school graduation requirements shall be waived for any student as a result of participation in this program.

J. High School Diploma

The District will grant a diploma to a student who has satisfied all of its high school graduation requirements under Wisconsin Stats. 118.33(1) regardless of whether the student has satisfied all or a portion of the requirements while attending a participating institution under the Youth Options Program.

K. Available Student Services

Students enrolled in the postsecondary program will be entitled to all student services provided to any other of the District's high school students (counseling, health, etc.). However, these services will be provided only while the students are on the high school campus and only upon request. It is also the students' responsibility to stay informed of academic and other requirements for all students who attend the high school.

L. Student's Transcript

1. If a student withdraws from the postsecondary course within two (2) weeks of the start of the course, s/he will be rescheduled for the appropriate high school courses, and no record of the postsecondary course will appear on the student's transcript. However, if the student withdraws from the postsecondary course later than two (2) weeks of the start of classes, the course will appear on the transcript and will carry a grade of Withdrawn/Failing, which will be computed in the same manner as a failing grade on the high school transcript.
2. Any course taken for high school credit at an institution of higher education and completed (or recorded as Withdrawn/Failing) will be clearly identified on the transcript along with the name of the institution of higher education where the work was undertaken.

M. Academic and Social Responsibilities of Students and Parents

1. When attending either regular classes or co-curricular/extra-curricular activities at the high school, students participating in this program will be expected to abide by all District policies and the Student Code of Conduct. Students and their parents assume all responsibility and liability related to attendance at an institution of higher education and must agree to hold harmless the Board, the administration, and the staff for any incidents arising out of participation in this program.
2. Students must meet all requirements and standards established by the institution of higher education and assume responsibility for attendance and behavior.

N. Information and Encouragement to Use the Institution of Higher Education's Counseling Services

The high school counselors, during the individual counseling sessions, shall make available any information provided by the institution of higher education concerning its counseling services. In addition, counselors should encourage students and their parents to utilize counseling services available at the institution of higher education to better ensure successful completion of the postsecondary institution courses.

O. Encouragement of Students

Counselors should encourage the participation of those students who have been identified as academically gifted and talented or as otherwise identified as potentially successful in such postsecondary course work.

P. Grade Point Computation and Reporting of Grades

1. For those postsecondary courses taken for high school credit, the grade for that course will be computed at the end of the next regular grading period at the high school following the receipt of an official transcript from the institution of higher education. All grades to be entered on the high school transcript must be taken from an official transcript from the institution of higher education. Should there be an urgent need for a letter grade, notification on official letterhead from the institution of higher education's instructor advising of the grade will be accepted to verify the grade.
2. Eligibility for co-curricular and extra-curricular activities in accordance with Board Policy 2430 and Policy 2431 will be affected if courses are taken for high school credit. Eligibility will be checked at the end of each postsecondary quarter or semester. A failing grade will result in an ineligibility for the next full school semester.

Financial Responsibilities and Limitations

Courses Taken for High School Credit/No Comparable Course

The School District shall pay for the course, on behalf of a student taking a course at an institution of higher education, and which the Board (or the State Superintendent on appeal) has determined qualifies for high school credit and which is not comparable to a course already offered in the School District. However, the student shall be responsible for providing pens, pencils, and notebooks which are typically used and paid for by the student while taking a course at the School District. Further, any equipment purchased by the School District for use by the student in the course (e.g., calculator, computer, tools) shall be the property of the School District and shall be returned to the School District upon completion of the course.

Postsecondary Credit

The District shall pay seventy-five percent (75%) of the cost of a postsecondary course or courses that are taken solely for postsecondary credit. The Board shall waive the cost to the student if it is informed by the Department of Public Instruction that payment of the costs would pose an undue financial burden on the student's family. The student shall pay the remaining twenty-five percent (25%) of the tuition (.) in advance of the start of the course (.) no later than the date the course can be dropped without incurring expense (.) by the end of the course.

High School Credit/Comparable Course

A student taking a postsecondary course or courses, which the Board has determined is comparable to a course offered in the School District, is solely responsible for the tuition and fees for the postsecondary course. The District has no responsibility for these costs.

Reimbursement for Failing Grade or Failure to Complete a Course

If a student receives a failing grade in a course or fails to complete a course, the student's parent, or the student if an adult, shall reimburse the School District the amount paid on the student's behalf under this program. If the Board is not reimbursed as requested, the student shall not be eligible for further participation in the program. A grade that constitutes a failing grade in the School District shall constitute a failing grade under this section of the guideline.

Report of Fees Paid

The District shall file a report with the Department by June 15th of each year with an itemized report of the amount of tuition paid under this program.

Transportation

The School District is not responsible for transporting a student attending an institution of higher education under this program to or from the institution that the student is attending.

A student's parent, who is unable to pay for transportation, may, however, seek reimbursement for such costs from the State Superintendent in a manner and by the deadlines established by the State Superintendent.

The principal may deny high school credit for any of the following reasons:

- A. The postsecondary course is comparable to one offered or that will be offered by the School District between the date the student submits notice of intent to enroll in a postsecondary course and the term of the student's expected high school graduation date. A course will be considered comparable if at least eighty percent (80%) of its content is consistent with a course that is or will be offered by the District, as determined by comparing course curriculum guides, expectations, course goals, and the scope and sequence of course syllabi and course descriptions.
- B. At least eighty percent (80%) of the content of the postsecondary course repeats the content of a course for which the student has already received a passing grade and high school credit.
- C. The course repeats the content of a postsecondary course the student has already taken and failed.

Any denial of high school credit shall be given in writing to the student and/or parent.

Appeal Process

A student may appeal the written determination of the Board concerning satisfaction of high school graduation requirements, the number of high school credits to be awarded, or the comparability of courses as they relate to this program, to the State Superintendent within thirty (30) days after the principal's decision, in accordance with the process stipulated by the Department of Public Instruction.

Inapplicability

The procedures in this guideline and related policy are not applicable if all of the following conditions are present for the receipt of postsecondary credit:

- A. there is an agreement for enrollment of students between the Board and the particular University of Wisconsin System institution or a private, non-profit higher education institution;
- B. the instruction takes place at a facility in the District or owned by the District; and
- C. instruction is given by a teacher employed by the District and approved by the applicable credit-granting institution.

Notice

Annually by October 1st of each year, the high school principal shall provide information regarding Youth Options Program to students currently enrolled in grades 9, 10, and 11 and their parents or guardians.

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Legal Secs. 118.37, 118.55, Wis. Stats.
 P.I. 40

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Book	Administrative Guideline Manual
Section	For Review - Administrative Guidelines - Vol. 31, No. 1
Title	Copy of SCHOOL COUNSELING
Code	ag2411 - R
Status	
Adopted	April 23, 2018

2411 - **SCHOOL COUNSELING**

School counseling services play a significant role in the operation of the District and in the lives of the students. School counseling services are provided to support students in the many facets of their lives while in the school system to cover their academic concerns, personal/social matters, and career goals.

More specifically, the purpose of the counseling service is to help students:

- A. Select and participate in academic and other school activities that will best ensure achievement of defined educational and personal goals;
- B. Identify the student's goals and plans for the future.
- C. Identify and assist students with career and post-secondary planning.

The purpose of the counseling service is to help students:

- A. Resolve problems and overcome obstacles that are preventing them from achieving their educational and personal goals;
- B. Maintain productive relationships with other students, staff members, and other school resource personnel.

Each counselor is to guide students in course selection and career planning in such a way that there is no discrimination or bias nor **make** any predictions of success or failure based on a student's race, color, national origin, gender, or disability. If any materials or resource people are used to recruit students to a particular career path or vocational choice, the counselors and teachers must be sure that such materials and/or presentations do not indicate or imply racial, gender, or disability stereotypes. Efforts should be made, when applicable to a program, to use resource people who represent the special populations contained within the body of students being recruited **for** or guided toward the program or career path.

Staff Responsibility

Since **the effectiveness of** both of these services depends **for their effectiveness** on close interpersonal interaction with students, no staff member other than certified counselors, school psychologists, school social workers, or registered nurses are to conduct programs or activities, that are not curriculum-related, in which confidentiality of information is involved or shared. Other members of the professional staff, as well as those on the support staff, should be as helpful and caring to the students as possible, and, when they become aware that a student needs counseling help, take whatever steps are necessary to ensure the student has made productive contact with members of the counseling staff.

Confidentiality

It is incumbent upon all staff members to be knowledgeable about the laws regarding confidentiality of information, whether it be part of a student's record or of a communication with a student. AG 8330 describes in detail the requirements concerning information in student school records.

Parents have an expectation of privacy with regard to their family relationships and confidentiality of communications. However, in certain situations where the rights of a minor student would prevail such as one-on-one counseling situations with a licensed

counselor, it is necessary to uphold confidentiality. Upon receiving confidential information regarding a student or his/her family's personal matters, a staff member should consult with the building principal and counselor regarding disclosure. This will be important not only in situations such as group counseling sessions, health classes, crisis intervention activities, and the like, but also in situations when a student shares such information with the staff member (see Policy 3213). Information shared with a licensed counselor is to be considered privileged information and not to be shared with anyone unless the counselor believes the student's health and/or well-being is in jeopardy. In such cases, the counselor should contact the appropriate agency and consult with the principal prior to making any contact with the student's parents.

In determining whether or not to disclose the information, the principal and counselor must consider:

- A. To student's need to maintain confidentiality in order to obtain and benefit from assistance balanced against the parents' rights to the care, custody, and control of their child;
- B. If there is a compelling need involving the immediate health, safety, or welfare of the student or others;

In balancing these concerns, the principal and counselor must also consider:

- A. The nature of the relationship between the student and his/her parents;
- B. Potential benefits and risks of maintaining confidentiality versus disclosure;
- C. The best interests of the student.

Referrals to Outside Agencies

The District will maintain a list of outside resource people and organizations.

Rather than recommend a single resource, staff members are advised to review the alternatives with the student and his/her parents and let them decide.

Counseling Students who are Limited English Proficient Students and/or Sensory Impaired

Provisions set forth in Policy 2260.02 regarding school counselor services shall be followed.

~~The District believes that all students should have an opportunity to have the guidance of a counselor in course selection and career planning. A student who has limited English proficiency and/or is sensory impaired should be able to communicate his/her ambitions with a counselor so that there is no discrimination or bias in class placement or career planning. A counselor should not make any predictions of success or failure based on a student's classification as limited English proficient and/or sensory impaired.~~

~~If any materials, interpreters, or resource people are used to recruit students to a particular career path or vocational choice, the counselors and teachers must be sure that such materials and/or presentations can be made accessible to a student, as well as a parent, who is limited English proficient and/or sensory impaired.~~

~~If a counselor knows that a parent has limited English proficiency, and a communication with a parent is necessary based upon concerns about their child, the counselor should attempt to utilize an interpreter to assist in a discussion regarding the matters being discussed.~~

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Legal 121.02(1)(e) Wis. Stats.
 P.I. 8.01(2)(e), Wis. Adm. Code
 P.I. 13.12
 34 C.F.R. 100.3(b)(i); 34 C.F.R. 100.3(b)(iv); 34 C.F.R. 100.3(b)(v)
 34 C.F.R. 104.37(b)
 34 C.F.R. 106.36
 28 C.F.R. 35.130, Guidelines V-D
 Vocational Education Guidelines; Appendix B; Title VI



Book	Administrative Guideline Manual
Section	For Review - Administrative Guidelines - Vol. 31, No. 1
Title	Copy of DISTRICT-SPONSORED CLUBS AND ACTIVITIES
Code	ag2430 - R
Status	
Adopted	April 23, 2018

2430 - **DISTRICT-SPONSORED CLUBS AND ACTIVITIES**

Since the policy of the Board is to maintain a co-curricular activities program sufficiently varied to meet the wide range of vocational, recreational, social, and cultural needs and interests of the students, all students should be urged to join at least one club or activity.

All activities described in this administrative guideline are sponsored by the District and are authorized to use the District name, logo, mascot, or any other name which would associate an activity with the District, provided such use is consistent with other applicable District policies.

A. Existing Clubs or Activities

At the start of the school year, all students should be provided with information on existing clubs, and all co-curricular and extra-curricular activities and encouraged to participate.

B. New Activities

All new activities shall be approved in the following manner:

1. Requests for new activities should be submitted to the principal and contain the following:
 - a. purpose and rationale
 - b. intended outcomes for students
 - c. participation
 - d. plan of operation
 - e. costs
 - f. persons in charge
2. The District Administrator will review each request and either reject or submit each for Board approval.
3. Upon approval, an activity will be listed as a part of the co-curricular or extra-curricular program, and its fiscal account established by the Business Manager.

C. Fiscal Compliance

Both co-curricular and extra-curricular activities need to comply with financial and bookkeeping controls established by the Business Manager.

Each activity advisor is to provide the building principal with a periodic update on the fiscal status of the activity.

D. Operating Guidelines

The principal shall ensure that:

1. students participate in ways that do not interfere with their academic programs;
2. the safety and welfare of the students is adequately safeguarded;
3. all activities have proper faculty planning, direction, and supervision;
4. faculty members work cooperatively so that some activities do not interfere with the operations of others;
5. each activity is assessed continuously relative to its stated purpose and goals;
6. building facilities and equipment are being used safely and as intended, and being maintained in proper condition.

Eligibility Requirements

All students who participate in interscholastic athletics or other co-curricular activities shall meet the eligibility requirements described in the Code of Conduct.

No student who has been absent for a school day may participate in an extra-curricular activity scheduled for the afternoon or evening of that school day without the approval of the principal.

Schedule Conflicts

Many students have multiple talents and interests they wish to develop or pursue through participation in District-sponsored activities and groups. Since the District's policy is to encourage such participation, the following guidelines have been established for dealing with potential schedule conflicts a student could experience when participating in more than one activity.

- A. By the first day of an activity, students are to be made aware of the schedule of any practices and performances as well as other obligations. Each staff-member-in-charge is to determine which, if any, students will have conflicts with other activities in which they wish to participate.
- B. If such conflicts exist, the staff-members-in-charge of the activities in conflict are to meet for the purpose of resolving the conflict. The emphasis should be on modifying the requirements so the student can participate in both activities.
- C. If it is not possible to resolve the conflict without seriously undermining the integrity of the activity program, the following procedure is to be followed:
 1. If one of the activities provides the student with credit and the other one doesn't, the student and his/her parents are to be made aware of the possible consequences of not enrolling in each activity and of not meeting the obligations for participation.
 2. If both activities are credit activities, the student is to be advised to contact the principal to work out a solution that does not penalize the student.
 3. If one of the activities is an after-school, off-school of a credit activity but is not, itself, a credit activity, e.g., jazz band from concert band, the requirements for the credit activity may not be imposed as a condition for participating in the noncredit, after-school activity.

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Book	Administrative Guideline Manual
Section	For Review - Administrative Guidelines - Vol. 31, No. 1
Title	LIBRARY MEDIA CENTERS - SUPPORT FOR INTELLECTUAL FREEDOM
Code	ag2522.01 - District Specific
Status	Proposed to Policy & Human Resources Committee

2522.01 - **LIBRARY MEDIA CENTERS - SUPPORT FOR INTELLECTUAL FREEDOM**

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.

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Book	Administrative Guideline Manual
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Title	Copy of APPOINTMENT OF PERSONNEL TO COMPENSATED CO-CURRICULAR AND EXTRA-CURRICULAR ACTIVITIES
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3120B - APPOINTMENT OF PERSONNEL TO COMPENSATED CO-CURRICULAR AND EXTRA-CURRICULAR ACTIVITIES

In addition to the conditions specified in Policy 3120.08 as openings occur they shall be posted in appropriate locations in the District and, if necessary, the community prior to the application deadline.

The following guidelines shall apply:

Applications for co-curricular activities are to be made either through WECAN or another means as determined by the District Administrator.

With the assistance of the appropriate building administrator(s), the District Administrator shall recommend all appointments to the Board annually **for approval**.

[OPTION 2]

() The Activities/Athletic Director () The appropriate building administrator(s) [END OF OPTION] shall recommend appointments to the District Administrator who is responsible for making employment decisions for co-curricular/extra-curricular positions.

The building administrator responsible for the supervision of the staff member's regular assignment shall notify the District Administrator if this extra assignment may, in any way, affect the quality of his/her regular assignments.

Those assigned positions during the previous year shall have consideration for assignment as long as:

- A. the extra assignment did not lower the quality of effort in fulfilling their regular responsibilities;
- B. their evaluations reflect adequate or better performance of regularly assigned and co-curricular responsibilities.

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Book	Administrative Guideline Manual
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Title	Copy of JOB SHARING
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Status	
Adopted	May 21, 2018

3120.10 - **JOB SHARING**

The District will provide the opportunity for job sharing by two (2) staff members under the following conditions.

- A. The District will consider job share requests only if the cost of employing two (2) staff members does not exceed the cost of employing one full-time staff member.
- B. By sharing a full-time position, two (2) staff members combined do not exceed 1.0 FTE based on the percentage of the workday for which they are employed.
- C. Both staff members may negotiate employee benefits provided by the District.
- D. Staff members must have agreed voluntarily, and in writing, to work together. Two (2) staff members who wish to be considered for sharing a job are to submit a request to the District Administrator with the following information:
 - 1. A description of how the responsibilities specified in the job description would be divided.
 - 2. Confirmation that other responsibilities, such as staff meetings, conferences, in-service training, etc. would be met by both staff members.
 - 3. A description of the process which would be used for communicating with supervisors and other staff members throughout the year.
 - 4. A description of how the job-sharing of a teaching position would be introduced to the students so as to provide for consistent classroom procedures, expectations, and discipline.
- E. All requests for a job-sharing assignment must first be submitted to the building principal by March 1st for the following school year. The principal will forward the plan to the District Administrator, who will review all plans prior to forwarding to the Board of Education for consideration of granting final approval. The District Administrator may waive the application date in extenuating circumstances.
- F. Both staff members will participate in the board-approved teacher evaluation system.
- G. If one (1) or both staff members opt not to continue with the job-sharing arrangement, there is no guarantee of full-time employment for either party by the District. However, either party would be eligible to apply for any vacancies available at that time.
- H. The District's commitment to any job-sharing arrangement is limited to one (1) year with authority given to the District Administrator to renew the arrangement if all conditions are being met satisfactorily and evaluation confirms that the expected results from job performance are meeting expectations.
- I. **(.) Job share partners must be willing to attend reasonable position-related commitments that may occur outside their daily schedule. Specifically, job shares will:**

1. conduct parent/teacher conferences together.
2. attend all in-service and staff development meetings even on those that are conducted outside of the daily schedule or on the half-day opposite of the teaching assignment over the course of the school year.
3. attend scheduled team meetings.
4. attend scheduled faculty meetings.

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Book	Administrative Guideline Manual
Section	For Review - Administrative Guidelines - Vol. 31, No. 1
Title	Copy of DRUG-FREE WORKPLACE
Code	ag3122.01 - L
Status	
Adopted	May 21, 2018

3122.01 - DRUG-FREE WORKPLACE

The Board of Education prohibits the manufacture, possession, use, distribution, or dispensing of any controlled substance, including alcohol, by any member of the District's professional staff at any time while on District property or while involved in any District-related activity or event.

The term "District-related activity or event" includes, but is not limited to, all District-sponsored curricular, extra-curricular, co-curricular and student or staff training events whether on or off District property and any field trip or other District sponsored trip including national and international trips.

Employees are to report to work free of the effects of all mood-altering drugs, including alcohol. The use, possession, sale or intent to sell, transfer of drugs, drug paraphernalia, or having illegal drugs or chemicals in a person's system in or on District property, or in any District-owned or contracted vehicle is prohibited.

The use of or sale of alcohol on District property, at any District-sponsored event or trip, or in any District-owned or contracted vehicle is prohibited.

Each job description shall contain the following phrase:

"The employee shall remain free of any alcohol or illegal substance in the workplace in compliance with Policy 3122.01 throughout his/her employment in the District. ~~The District maintains a drug-free workplace. All employees are responsible for complying with the drug-free workplace policy throughout his/her employment in the District.~~"

Each staff handbook will include a summary of the standards regarding unlawful possession, use, or distribution of illicit drugs and alcohol by staff and the staff members shall be informed that compliance with this requirement is mandatory.

The District wishes to maintain a work environment that is free of illegal drugs, alcohol, firearms, explosives, or other improper materials. To this end, the District prohibits the possession, transfer, sale, or use of such materials on its premises. The District requires the cooperation of all employees in administering this policy.

Desks, file cabinets, and other storage devices may be provided for the convenience of employees but remains the sole property of the District. Accordingly, they, ~~as well as any articles found within them,~~ can be inspected by any agent or representative of the District at any time, either with or without prior notice. **Any staff member's personal belongings kept on District property may be searched in the event District officials have reasonable suspicion that the staff member is in possession of prohibited items. Any such search shall occur only after the staff member has been asked to consent to the search. If reasonable suspicion exists, but consent to search is not provided, the search may occur. Any such search shall be conducted in the presence of more than one District official other than the staff member involved and shall be limited in scope by the basis for reasonable suspicion to conduct the search in the first instance. District officials may consult with law enforcement or District legal counsel prior to conducting a search and may prohibit the staff member from removing the item during the process.**

Any staff member who violates the District policy shall be subject to disciplinary action in accordance with District guidelines.

When the discipline of a staff member becomes necessary, such action shall be consistent with the requirements of any applicable Board Policy and State and Federal law.

Employees that feel they may be experiencing or developing dependency on alcohol or other drugs are encouraged to take advantage of the District's Employee Assistance Program (EAP) before a violation of this policy occurs. Alcohol or drug dependency does not excuse any employee from the requirements of this policy.

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Legal 20 U.S.C. 3224A
 P.L. 101-126
 Drug-Free Workplace Act of 1988, 41 U.S.C. 701 et seq.

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Section	For Review - Administrative Guidelines - Vol. 31, No. 1
Title	Copy of WISCONSIN QUALITY EDUCATOR INITIATIVE
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3125 - WISCONSIN ~~QUALITY~~ EDUCATOR LICENSING ~~INITIATIVE~~

~~The Board of Education is committed to having a quality teacher in every classroom and a strong leader in every building. The Board encourages the use of best educational practices to improve instruction and increase student achievement. To these ends, the Board requires that the District hire the most qualified and experienced individuals available and that all staff be licensed as required by law. The District Administrator is responsible for implementing the Board's policy of commitment to the placement of quality teachers in every classroom in a manner consistent with the Department of Public Instruction's licensing system. That system involves the designation of a multi-tiered licensing structure, which includes District commitment of resources for the development of teachers prior to the teacher attaining a Tier III, lifetime license or Tier IV, master educator license.~~

~~Attaining and maintaining proper State licensure under P.I. 34 is primarily the licensee's responsibility. However, the Board recognizes its responsibilities under P.I. 34 and supports efforts that promote the effectiveness of staff through career-long preparation and learning and performance-based assessment.~~

~~The Department of Public Instruction's regulations designates four (4) tiers of educator P.I. 34 controls licenses for teachers, administrators and pupil service professionals. The regulations identify three (3) licenses for educational and administrative these staff: Tier I, limited area and limited duration licensure; Tier II, provisional educator license; Tier III, lifetime educator license; and Tier IV, initial educator, professional educator, and master educator license. An initial educator license is issued by the Department of Public Instruction for a period of five (5) years and is nonrenewable unless the individual has not been employed as an educator for at least two (2) years within the five (5) year period. A professional educator license is a renewable license issued for a period of five (5) years. A master educator license is a renewable license issued for a period of ten (10) years.~~

~~The District Administrator and each building administrator shall assure that each license is on file with the District and that the necessary District supports are available as required for each license category.~~

Tier I Licensure

~~Tier I licenses may be issued in the following categories and for the noted durations, except that no educator may be issued a Tier I license for special education for more than three (3) years:~~

A. One (1) Year Renewable License

~~This license is available to teach in the grade level and subject area of the license and issued to teachers that have not yet met all requirements of Tier II, but have obtained a bachelor's degree from an approved program, or have at least a bachelor's degree and the District requests the license after unsuccessful efforts to locate an acceptable and fully licensed educator. The license may be renewed provided that the educator is making progress towards meeting requirements for a Tier II license.~~

B. Three (3) Year District-Sponsored License

~~This license is available upon request by the District Administrator to allow a licensed educator to fill a role outside of his/her regular license area on a temporary basis and only for the sponsoring District. This license category may not be renewed.~~

C. Guest Teacher

~~This license is available for an educator holding a foreign bachelor's degree who has completed a foreign~~

teacher preparation program and will receive mentoring from the District. The license is valid for three (3) years and may be renewed one time with the District Administrator's request.

D. Charter School

This license allows an educator to teach in a charter school for a period of five (5) years at a time.

E. Short- and Long-Term Substitute Teacher

Short-term licenses can be issued for renewable five (5) year periods. A long-term substitute teacher license can be issued for an initial period of two (2) years and renewed for five (5) year increments thereafter upon positive recommendation from the District Administrator.

F. Professional Teaching Permit

This license can be granted for two (2) years initially to teach sign language, art, computer science, foreign language, mathematics, music, science, or technology education to an educator who has a sign language certificate or a bachelor's degree in the particular discipline, professional work experience in the discipline, has completed an alternate teacher training program, and received a passing score on a standardized test administered by the Department of Public Instruction. The initial two (2) year license can be renewed for five (5) year periods provided that the teacher receives positive references from his/her supervising teacher and building administrator.

G. One (1) Year Administrator

Upon request of the Board, this license can be issued to allow an educator who submits a plan for obtaining regular licensure within two (2) years to serve as an administrator. The license is valid for one (1) year and with evidence of satisfactory progression, can be extended for one (1) additional year.

H. Special Education Program Aide

This license can be issued to a person who is at least eighteen (18) years of age with a high school diploma or equivalency degree upon request from the District Administrator.

I. Experience-Based Technical and Vocational Education

This license is available for a period of three (3) years to teach technical and vocational education courses based on experience and educational attainment in the particular field.

J. Reciprocity

This license may be issued for five (5) years provided that the educator holds a license in good standing in another state, has not previously been licensed in Wisconsin, and meets the remaining requirements developed by the Department of Public Instruction.

Tier II Provisional and Military Spouse Licensure

Tier II licenses are issued to educators that have completed an appropriate preparatory program, have industry experience with related teaching experience, or other criteria established by the Department of Public Instruction, but who are not eligible for a lifetime license. Tier II licensure may be issued for three (3) years and, except for the Military Spouse License, may be renewed.

Tier III Lifetime License

A lifetime license may be issued to an educator who has held or holds a Tier II license and has at least six (6) semesters of experience providing direct services to students in the instructional area or providing administrative oversight. A lifetime license remains valid provided that the educator completes a background check at least every five (5) years. A lifetime license is invalid if the holder is not regularly employed in education for five (5) or more years.

Tier IV Master Educator

This license may be issued to an educator who has held a Tier III license and is either certified by the National Board for Professional Teaching Standards, or if no such certification is available, the educator has at least five (5) years of successful teaching experience with a Tier III license and in the field of the license, holds a master's degree, has made contributions to the profession, has improved student learning and is recommended for Master Teaching Licensure by the District's assessment team.

The District has the following responsibilities under P.I. 34 relating to provisional license holders and Tier I special education ~~initial~~ educators:

A. Ongoing Orientation

The District shall provide ongoing orientation ~~to initial educators. The ongoing orientation shall be~~ developed, and delivered by ~~the Board,~~ administrators, teachers, and other District stakeholders support staff and parents.

B. Support Seminars

~~The District shall provide support seminars for initial educators. The support seminars shall reflect the standards set forth in Form 3123 F1, Form 3123 F2, and Form 3123 F3 and the mission and goals of the District.~~

C. Qualified Mentor

The District shall provide ~~the initial educator with~~ a qualified mentor. A "mentor" is an educator who is trained to provide support and assistance ~~to initial educators~~ and who will have input into the confidential formative assessment of the ~~initial~~ educator and who is not to be considered as part of the formal employment evaluation process. To be "qualified," the person must hold an appropriate license

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Legal

P.I. 34

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3160B - TUBERCULOSIS EXAMINATION

- A. Each professional staff member of the School District shall file proof of freedom from communicable tuberculosis with the district office for placement in the confidential personnel file according to law and the administrative guidelines of the Department of Health Services.
- B. The statement of freedom from communicable tuberculosis shall be filed prior to the first day of employment and thereafter as required by law.
- C. Such statement of freedom from communicable tuberculosis shall become a part of the confidential medical subdivision of the employee's personnel file and such confidential medical section of the personnel file shall only be available for examination by Department of Health Services personnel or other person(s) as required by law.

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Book	Administrative Guideline Manual
Section	For Review - Administrative Guidelines - Vol. 31, No. 1
Title	Copy of PARTICIPATION IN POLITICAL ACTIVITIES
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3231A - PARTICIPATION IN POLITICAL ACTIVITIES

One of the primary purposes of the school is to create an environment that will permit students to grow and develop. To be of maximum effect, this environment must extend to both the formal academic program as well as to the many extra-curricular activities sponsored by the school. Because of the ages of the students and the significance of the task, it is important that this environment be protected from interference by external, sometimes coercive or disruptive, forces and influences that do not substantially contribute to the learning process.

Non-school related activities, including political activities, do not contribute to a positive learning climate and may be disruptive, divisive and distracting. Therefore, such activities are not appropriate within the school setting. It is the intention of the Board to regulate such activities on all Board-owned or used property, within all school buildings, and at all school-sponsored activities.

Specifically:

- A. Literature supporting or opposing one or more candidates, issues, or a particular point of view; commercial literature, and other non-school related literature shall not be distributed on or in Board-owned or occupied buildings or grounds, inside of school buildings or on school buses immediately before or after school or while school is in session. (The distribution of materials to students by other students is governed by the regulations contained in Board of Education Policy).
- B. Literature supporting or opposing one or more candidates, issues, or a particular point of view; commercial literature, and other non-school related literature shall not be distributed at school-sponsored extra-curricular activities or athletic events wherever they may occur. This regulation shall not prohibit the distribution of literature outside of the entrances and exits of athletic events providing that any such distribution does not interfere with the ability of individuals to freely enter or leave the facility, is not disruptive, and does not take place when school is in session.
- C. Non-school related, political, and/or commercial literature, or campaign posters supporting one or more candidates, issues or a particular point of view shall not be displayed within the schools or on school-owned or occupied property, unless done as part of any approved teaching unit.
- D. When the school facilities are used as a polling place, State regulations will be followed with respect to political activities, the display of political posters, and distribution of political literature on school property.
- E. Employees of the School District shall not engage, during the course of their employment, in any activities that support or oppose one or more candidates, issues, or a particular point of view during working hours. The right to express political or other opinions and exercise their constitutional rights as citizens is naturally reserved ~~for~~ all employees.
- F. **For purposes of this guideline, distribution of materials described includes the use of electronic communications, such as District-provided e-mail or District-sponsored social media outlets, and includes such activities on personal accounts done during work hours.**
- G. **Nothing in this guideline or related policy shall be construed or enforced in any way that impairs any staff member's rights to engage in protected concerted activity.**



Book	Administrative Guideline Manual
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Title	Copy of RESEARCH AND PUBLISHING
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Adopted	May 21, 2018

~~3231B—RESEARCH AND PUBLISHING~~

- ~~A. Professional staff members are encouraged to contribute articles to professional publications and to engage in approved professional research.~~
- ~~B. Materials which might be considered for publication and/or production, which identify the District in any manner, shall be cleared with the District Administrator prior to publication and/or production.~~
- ~~C. Publications and productions shall be subject to the following copyright provisions:
 - ~~1. Rights to copyrights or patents of books, materials, devices, etc. developed by professional staff members on their own time will be relinquished by the Board upon request of the staff member provided that:
 - ~~a. the books, materials, devices, etc. were prepared without the use of District data, facilities, and/or equipment;~~
 - ~~b. the District is granted the privilege of purchasing the materials or products free of any copyright or royalty charges;~~
 - ~~c. the staff member does not become involved in any way in the selling of the product to the District. The final decision regarding whether materials were produced independently of any work assignment, and/or without using school equipment, facilities, data or equipment rests with the District Administrator.~~

~~Professional staff members who desire to publish or produce materials on their own time should make such action known to the District Administrator prior to the time such work is started in order that proper procedures can be established to assure that District interests and the interests of the staff member are protected.~~~~
 - ~~2. All books, materials, devices, or products which result from the paid work time and/or prescribed duties of professional staff members shall remain the property of the District. The District shall retain all rights and privileges pertaining to the ownership thereof.~~~~

~~In the event that any of these products have commercial possibilities, the District Administrator is authorized to secure copyrights, patents, etc. that will ensure the ownership of the product by the District.~~

~~The District Administrator is authorized to negotiate with appropriate agencies for the production and distribution of products with commercial appeal. Such negotiations shall ensure fair and appropriate compensation, including sharing of royalties, for the staff member(s) who developed the products.~~



Book	Administrative Guideline Manual
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3430.01 - **FMLA LEAVE**

Definitions Applicable to FMLA Leave

The term child (i.e., son or daughter) means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is either under age eighteen (18), or age eighteen (18) or older and incapable of self-care because of a mental or physical disability (as defined by the Americans with Disabilities Act (ADA), as amended) at the time the FMLA leave is to commence.

The term spouse means all individuals in legal marriages, regardless of where they live. More specifically, the definition of spouse is a husband or wife as defined or recognized in the State where the individual was married (place of celebration), and specifically includes individuals in lawfully recognized same-sex and common law marriages. The definition further includes an individual in a marriage that was validly entered into outside the United States if it could have been entered into in at least one (1) State. Civil unions are not considered marriages under the FMLA.

The term incapable of self-care means that the individual requires active assistance or supervision to provide daily self-care in three (3) or more of the activities of daily living (ADLs) (e.g., caring appropriately for one's grooming and hygiene, bathing, dressing, eating) or instrumental activities of daily living (IADLs) (e.g., cooking, cleaning, shopping, taking public transportation, paying bills, maintaining a residence, using telephones and directories, using a post office, etc.).

An employee is unable to perform the functions of the position where the health care provider finds that the employee is unable to work at all or is unable to perform any one of the essential functions of the employee's position. Additionally, an employee who must be absent from work to receive medical treatment for a serious health condition is considered to be unable to perform the essential functions of the position during the absence for treatment.

Leave for Adoption or Foster Care

Eligible employees may take FMLA leave before the actual placement or adoption of a child if an absence from work is required for the placement or foster care to proceed. Permissible absences include, but are not limited to, the employee attending a required counseling session, appearing in court, consulting with the attorney or the doctor(s) representing the birth parent, submitting to physical examinations, or traveling to another country to complete an adoption.

Military Family Leave Entitlements

A. Military Caregiver Leave

Eligible employees may take up to twenty-six (26) weeks of unpaid FMLA leave, in a single twelve (12) month period, to care for a covered service member with a serious injury or illness. The single twelve (12) month period begins on the first day the eligible employee takes Military Caregiver Leave and ends twelve (12) months after that date. If the employee does not use their entire twenty-six (26) work weeks leave entitlement during the single twelve (12) month period of leave, the remaining work weeks of leave are forfeited.

For purposes of Military Caregiver Leave, the covered service member may be a 1) current member of the Armed Forces (including a member of the National Guard or Reserves) who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness, or 2) a

veteran who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness and who was a member of the Armed Forces (including a member of the National Guard or Reserves) and was discharged or released under conditions other than dishonorable at any time during the period of five (5) years prior to the first date the eligible employee takes FMLA leave to care for the covered veteran. For an individual who was a member of the Armed Forces and who was discharged or released under conditions other than dishonorable prior to March 8, 2013, the period between October 28, 2009, and March 8, 2013, shall not count towards the determination of the five-year period for covered veteran status.

Serious injury or illness for purposes of Military Caregiver Leave is defined as an injury or illness incurred by a covered service member in the line of duty on active duty in the Armed Forces (or existed before the beginning of the covered service member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces) and that may render the service member medically unfit to perform the duties of the service member's office, grade, rank, or rating.

In the case of a veteran, a serious injury or illness means an injury or illness that was incurred by the member in the line of duty on active duty in the Armed Forces (or that existed before the beginning of the member's active duty and was aggravated by the service in the line of duty on active duty in the Armed Forces) and manifested itself before or after the member became a veteran and is 1) a continuation of a serious injury or illness that was incurred or aggravated when the covered veteran was a member of the Armed Forces and rendered the service member unable to perform the duties of the service member's office, grade, rank, or rating; 2) a physical or mental condition for which the covered veteran has received a U.S. Department of Veterans Affairs Service-Related Disability Rating (VASRD) of 50 percent or greater, and such VASRD rating is based, in whole or in part, on the condition precipitating the need for military caregiver leave; 3) a physical or mental condition that substantially impairs the covered veteran's ability to secure or follow a substantially gainful occupation by reason of a disability or disabilities related to military service, or would do so absent treatment; or 4) an injury, including a psychological injury, on the basis of which the covered veteran has been enrolled in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.

The term son or daughter of a covered service member means a covered service member's biological, adopted, or foster child, stepchild, legal ward, or child for whom the service member stood in loco parentis, and who is of any age. Similarly, the term parent of a covered service member means a covered service member's biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the covered service member. (The term does not include parents-in-law.)

The term next of kin means the service member's nearest blood relative, other than the covered service member's spouse, parent, son, or daughter, in the following order of priority: blood relatives who have been granted legal custody of the service member by court decree or statutory provisions; brothers and sisters; grandparents; aunts and uncles; and first cousins; unless the covered service member has specifically designated in writing another blood relative as their nearest blood relative for purposes of Military Caregiver Leave under the FMLA, in which case the designated individual shall be deemed to be the covered service member's next of kin. All family members sharing the closest level of familial relationship to the covered service member are considered the covered service member's next of kin, unless the covered service member has specifically designated an individual as their next of kin for Military Caregiver Leave purposes. While an eligible employee may care for more than one (1) seriously injured or ill covered service member at the same time, the employee may not take more than twenty-six (26) work weeks of leave during each single twelve (12) month period.

Military Caregiver Leave is a per-service member, per-injury entitlement. Therefore, an eligible employee may take twenty-six (26) work weeks of leave to care for one (1) covered service member in a single twelve (12) month period, and then take another twenty-six (26) work weeks of leave in a different single twelve (12) month period to care for another covered service member or to care for the same service member with a subsequent serious injury or illness (e.g., if the service member is returned to active duty and suffers another injury). Additionally, an eligible employee could take FMLA leave, after the end of the single twelve (12) month period for Military Caregiver Leave, to care for a covered service member if the member is a qualifying family member under non-military FMLA and the eligible employee has a serious health condition.

B. Qualifying Exigency Leave

Eligible employees may take up to twelve (12) weeks of unpaid FMLA leave for any of the following qualifying exigencies that are related to the fact that the employee's spouse, son, daughter or parent is on covered active duty or call to covered active duty status, or has been notified of an impending call or order to covered active duty in the Armed Forces:

1. Issues arising from a qualifying family member's short-notice deployment (i.e., deployment on seven (7) or less calendar days of notice) for a period of seven (7) days from the date of notification.
2. Military events and related activities, such as official ceremonies, programs, or events sponsored by the military, or family support or assistance programs and informational briefings sponsored or promoted by the military, military service organizations, or the American Red Cross that are related to a qualifying family member's covered active duty or call to covered active duty status.

3. Certain childcare and related activities arising from a qualifying family member's covered active duty or call to covered active duty status, such as arranging for alternative childcare, providing childcare on an urgent, immediate need basis (but not on a routine, regular, or everyday basis), enrolling or transferring a child in a new school or day care facility, and attending certain meetings at a school or a day care facility if they are necessary due to circumstances arising from the active duty or call to active duty of the covered military member (this does not include providing child care on a routine, regular or everyday basis).
4. Making or updating financial and legal arrangements to address a qualifying family member's absence (e.g., preparing and executing financial and healthcare power of attorney, transferring bank account signature authority, enrolling in the Defense Enrollment Eligibility Reporting System, obtaining military identification cards, or preparing or updating a will or living trust) and acting as the military member's representative before a Federal, State, or local agency for purposes of obtaining, arranging, or appealing military service benefits while the military member is on covered active duty or call to covered active duty status, and for a period of ninety (90) days following the termination of the military member's covered active duty status.
5. Attending counseling provided by someone other than a healthcare provider for oneself, the qualifying family member, or the child of the qualifying family member, the need for which arises from the qualifying family member's covered active duty or call to covered active duty status. The child must be the military member's biological, adopted, or foster child, stepchild, legal ward or child for whom the military member stands in loco parentis, who is either under eighteen (18) years of age or eighteen (18) years of age or older and incapable of self-care because of a mental or physical disability at the time that FMLA leave is to commence.
6. Taking up to fifteen (15) days of leave to spend time with a qualifying family member who is on short-term, temporary, rest and recuperation leave during the deployment.
7. Attending to certain post-deployment activities, including attending arrival ceremonies, reintegration briefings and events, and other official ceremonies or programs sponsored by the military for a period of ninety (90) days following the termination of the qualifying family member's covered active duty status, and addressing issues arising from the death of a qualifying family member.
8. Providing parental care for a parent of a military member who is incapable of self-care and is the military member's biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the covered service member when the member was under eighteen (18) years of age. Incapable of self-care means the parent requires active assistance or supervision to provide daily self-care in three or more of the activities of daily living (includes adaptive activities such as caring appropriately for one's grooming and hygiene, bathing, dressing and eating) or instrumental activities of daily living (includes cooking, cleaning, shopping, taking public transportation, paying bills, maintaining a residence, using telephones and directories, using a post office, etc.). Parental care includes 1) arranging for alternate care when the parent is incapable of self-care and the covered active duty or call to covered active duty status necessitates a change in the existing care arrangement for the parent; 2) providing care on an urgent, immediate need basis (but not on a routine, regular or everyday basis) when the parent is incapable of self-care and the need to provide such care arises from covered active duty or call to covered active duty status; 3) admitting or transferring to a care facility a parent when admittance or transfer is necessitated by the covered active duty or call to covered active duty status; and 4) attending meetings with staff at a care facility, such as meetings with hospice or social service providers for a parent when such meetings are necessary due to circumstances arising from the covered active duty or call to covered active duty status but not for regular or routine meetings.
9. Any other event that the employee and the Board agree is a qualifying exigency.

The term qualifying family member for purposes of Qualified Exigency Leave means a staff member's spouse, son, daughter or parent.

The term covered active duty or call to covered active duty status for purposes of Qualified Exigency Leave means duty for a member of the Regular Armed Forces during deployment of the member with the Armed Forces to a foreign country, and, in the case of a member of the Reserve components of the Armed Forces, duty during deployment of the member with the Armed Forces to a foreign country under a Federal call or order to active duty in support of a contingency operation pursuant to Sections 688, 12301(a), 12302, 12304, 12305, 12406, or Chapter 15 of Title 10 of the United States Code or any other provision of law during a war or during a national emergency declared by the President or Congress as long as it is in support of a contingency operation.

The term son or daughter means the employee's biological, adopted, or foster child, stepchild, legal ward, or child for whom the employee stood in loco parentis, who is on covered active duty or call to covered active duty status, and who is of any age. Similarly, the term parent means a biological, adoptive, step, or foster father or mother, or any other individual who stood in loco parentis to the employee when the employee was a son or daughter. (The term does not include parents in-law.)

Employee Request for FMLA Leave

While eligible employees are not required to expressly request unpaid FMLA leave, it is requested that eligible employees who seek an unpaid FMLA leave for any of the approved reasons complete and submit to the District Administrator a written request for FMLA leave.

Employee Certifications

Eligible employees who apply for FMLA leave to care for an immediate family member must submit DOL Form (WH-380-F; Certification of Health Care Provider for Family Member's Serious Health Condition).

Eligible employees who apply for FMLA leave for the employee's own serious health condition must submit DOL Form (WH-380-E; Certification of Health Care Provider for Employee's Serious Health Condition).

[] The District Administrator shall attach a statement of the essential functions of the employee's position for the health care provider to review. In order for the Certification Form to be considered sufficient, the health care provider must specify what function of the employee's position the employee is unable to perform so that the District can then determine whether the employee is unable to perform one (1) or more essential functions of the employee's position.

Eligible employees who apply for Military Caregiver Leave must submit DOL Form (WH-385; Certification for Serious Injury or Illness of Covered Service Member - for Military Family Leave or WH-385-V, Certification for Serious Injury or Illness of a Veteran for Military Caregiver Leave). The form may be completed by a Department of Defense (DOD) health care provider, Veterans Affairs health care provider, a DOD TRICARE network authorized private health care provider, a DOD non-network TRICARE authorized private health care provider, or any health care provider as defined by 29 C.F.R. 825.125.

Additionally, with respect to Military Caregiver Leave, the District will accept the submission of an Invitational Travel Order (ITO) or Invitational Travel Authorization (ITA), in lieu of the DOL Form, for the time period specified in the ITO or ITA. The ITO or ITA submitted by the employee need not list the employee as the named recipient of the ITO/ITA, provided the employee is the spouse, parent, son, daughter or next of kin of the covered service member. If the covered service member's need for care extends beyond the expiration date specified in the ITO or ITA, the employee is responsible for submitting the DOL Form for the remainder of the employee's leave period. The District will also accept, with respect to Military Caregiver Leave, documentation indicating the service member's enrollment in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers, regardless of whether the employee is the named caregiver in the documentation. Employees are advised that the District Administrator may seek authentication and clarification of such documentation, and may require an employee to provide confirmation of covered family relationship to the seriously injured or ill service member and documentation showing that the discharge was other than dishonorable and the date of the veteran's discharge.

It is the employee's responsibility either to furnish a complete and sufficient certification or to furnish the health care provider providing the certification with any necessary authorization from the employee or the employee's family member in order for the health care provider to release a complete and sufficient certification to the Board to support the employee's FMLA request.

In all instances in which certification is requested, it is the employee's responsibility to provide the Board with complete and sufficient certification, and failure to do so may result in denial of FMLA leave.

Eligible employees who apply for any of the three (3) preceding types of FMLA leave must also execute and provide to their health care provider a HIPAA-compliant release form.

If the District Administrator deems a medical certification to be incomplete or insufficient, the District Administrator shall notify the employee, in writing, what information is lacking, and the employee will have seven (7) calendar days to cure the deficiency. The District Administrator (i.e., the Board's health care provider, human resource professional, leave administrator, or other management official, but not the employee's direct supervisor) may contact the certifying health care provider for clarification concerning or to authenticate the content of a medical certification. The representative, however, shall not ask the health care provider for additional information beyond that required by the certification form.

[] Employees who take leave for the employee's own serious health condition, prior to returning to work, must submit to the District Administrator a Fitness-for-Duty Certification. Again, the employee will need to have executed and provided to their Health Care Provider a HIPAA-compliant form.

Eligible employees who apply for FMLA leave for Qualifying Exigency Leave must submit DOL Form WH-384; Certification of Qualifying Exigency for Military Family Leave. Specifically, the first time the employee requests Qualifying Exigency Leave, the employee must provide a copy of the qualifying family member's covered active duty orders or other documentation issued by the military that indicates that the qualifying family member is on covered active duty or call to covered active duty status, and the dates of the qualifying family member's covered active duty service. Additionally, each time that the employee requests leave for one of the above-listed qualifying exigencies, the employee must certify the exigency necessitating leave. Such certification supporting leave for a qualifying exigency includes:

- A. appropriate facts supporting the need for leave, including any available written documentation supporting the request and the type of qualifying exigency;
- B. the appropriate date on which the qualifying exigency commenced or will commence, and, if requested for a single, continuous period of time, the beginning and end dates for such absence;
- C. where leave will be needed on an intermittent basis, an estimate of the frequency and duration of the qualifying exigency;
- D. appropriate contact information if the exigency involves meeting with a third party and a brief description of the purpose of the meeting; and if the qualifying exigency involves Rest and Recuperation leave, a copy of the military member's Rest and Recuperation orders or other documentation issued by the military that indicates the military member has been granted Rest and Recuperation leave and the dates of such leave.

Employees are advised that if the qualifying exigency involves a meeting with a third party, the District Administrator may verify the schedule and purpose of the meeting with the third party. Also, the District Administrator may contact the appropriate unit of the Department of Defense to confirm that the qualifying family member is on covered active duty or call to covered active duty status.

All of the certifications identified above must be submitted by the employee within fifteen (15) calendar days after the District provides the employee with the applicable DOL Form unless it is not practicable under the particular circumstances to do so despite the employee's diligent, good faith efforts. An employee may not be held liable for administrative delays in the issuance of military documents, despite the employee's diligent, good faith efforts to obtain such documents.

Light Duty

Time spent performing light duty work does not count against an employee's FMLA leave entitlement.

District Notices to Employees (Forms are available on the U.S. Department of Labor Website: www.dol.gov)

If the information included in the Employee Rights and Responsibilities Notice changes, the District Administrator will inform the employee of such changes within five (5) business days of receipt of the employee's first notice of the need for FMLA leave subsequent to any change. The _____ is charged with responsively answering questions from employees concerning their rights and responsibilities.

If it is not possible to provide the number of hours, days or weeks that will be counted as FMLA leave (e.g., where the leave will be unscheduled), the District Administrator will provide this information upon request by the employee, but no more often than every thirty (30) days and only if leave was taken during the period. The notice of the amount of leave counted against the employee's FMLA entitlement may be oral or in writing. If such notice is oral, it shall be confirmed in writing, no later than the following payday that is at least one (1) week after the oral notice. Such notice may be in any form, including a notation on the employee's pay stub.

FMLA Leave and Mandatory Overtime

Employees with proper medical certification may use FMLA leave in lieu of working required overtime hours. Thus, hours that an employee would have been required to work but for the taking of FMLA leave will be counted against the employee's FMLA entitlement.

Calculating the Amount of FMLA Leave Used by an Employee

For purposes of determining the amount of FMLA leave used by an employee, the fact that a holiday may occur within the work week taken as FMLA has no effect; the week is counted as a week of FMLA leave. If, however, the employee is using FMLA leave in increments of less than one (1) week, the holiday will not count against the employee's FMLA leave entitlement unless the employee was otherwise scheduled and expected to work during the holiday. Similarly, when an employee is not scheduled to work during winter, spring or summer vacation (i.e., during a period when some or all employees are not expected to work for one (1) or more weeks), the days the employee is not scheduled to work shall not count against the employee's FMLA leave entitlement.

When an employee takes FMLA leave on an intermittent or reduced leave schedule basis, the leave shall be accounted for by using an increment no greater than the shortest period of time that the District uses to account for use of other forms of leave provided that it is not greater than one (1) hour and provided that the employee's FMLA leave entitlement is not reduced by more than the amount of leave actually taken.

Maintenance of Employee Benefits

The same group health plan benefits provided to an employee prior to taking FMLA leave shall be maintained during the FMLA leave (e.g., if family member coverage is provided to an employee, family member coverage shall be maintained during the FMLA leave). Similarly, benefit coverage during FMLA leave for medical care, surgical care, hospital care, dental care, eye care, mental health

counseling, substance abuse treatment, etc., shall be maintained during leave if provided in the District's group health plan, including a supplement to a group plan.

If an employee chooses not to retain group health plan coverage during FMLA leave, the employee will be reinstated, upon return from leave, on the same terms as prior to taking the leave, without any qualifying period, physical examination, exclusion of pre-existing conditions, etc. All other employee benefits will be maintained during leave subject to applicable policy requirements and consistent with maintaining employee eligibility to receive the same benefits following leave that the employee had prior to leave in the same manner as provided to other similarly situated employees.

Costs Associated with Medical Certification and Recertification

The employee is responsible for any costs associated with obtaining the original medical certification required to qualify for the use of unpaid FMLA leave. Likewise, if the Board requires an employee to submit recertification for any of the reasons specified in Policy 1630.01, the employee is responsible for any costs associated with the recertification. Finally, the employee is responsible for the cost of a new medical certification each leave year for medical conditions that last longer than one (1) year.

[] Periodic Status Reports [Drafting Note: Periodic status reports are not mandated by the FMLA.]

When an employee takes a continuous unpaid FMLA leave, the District Administrator may require the employee to complete periodic status concerning the employee's intent to return to work. If the District Administrator is going to require such reports, the requirement will be specified in the Notice of Eligibility and Rights & Responsibilities that is issued to the employee at the outset of the FMLA leave.

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Book	Administrative Guideline Manual
Section	For Review - Administrative Guidelines - Vol. 31, No. 1
Title	Copy of DRUG-FREE WORKPLACE
Code	ag4122.01
Status	
Adopted	June 18, 2018

4122.01 - DRUG-FREE WORKPLACE

The Board prohibits the manufacture, possession, use, distribution, or dispensing of any controlled substance, including alcohol, by any member of the District's support staff at any time while on District property or while involved in any District-related activity or event.

The term "District-related activity or event" includes, but is not limited to, all District-sponsored curricular, extra-curricular, co-curricular and student or staff training events whether on or off school property and any field trip or other District-sponsored trip including national and international trips.

Employees are to report to work free of the effects of all mood-altering drugs, including alcohol. The use, possession, sale or intent to sell, transfer of drugs, drug paraphernalia, or having illegal drugs or chemicals in a person's system in or on District property, or in any District-owned or contracted vehicle is prohibited.

The use of or sale of alcohol on District property, at any District-sponsored event or trip, or in any District-owned or contracted vehicle is prohibited.

Each job description shall contain the following phrase:

"The employee shall remain free of any alcohol or illegal substance in the workplace in compliance with Policy 4122.01 throughout his/her employment in the District. ~~District maintains a drug-free workplace. All employees are responsible for complying with the drug-free workplace policy throughout his/her employment in the District.~~"

Each staff handbook will include a summary of the standards regarding unlawful possession, use, or distribution of illicit drugs and alcohol by staff and the staff members shall be informed that compliance with this requirement is mandatory.

The District wishes to maintain a work environment that is free of illegal drugs, alcohol, firearms, weapons, or explosives. To this end, the District prohibits the possession, transfer, sale, or use of such materials on its premises. The District requires the cooperation of all employees in administering this policy.

Desks, file cabinets, and other storage devices may be provided for the convenience of employees but remains the sole property of the District. Accordingly, they, ~~as well as any articles found within them,~~ can be inspected by any agent or representative of the District at any time, either with or without prior notice. **Any staff member's personal belongings kept on District property may be searched in the event District officials have reasonable suspicion that the staff member is in possession of prohibited items. Any such search shall occur only after the staff member has been asked to consent to the search. If reasonable suspicion exists, but consent to search is not provided, the search may occur. Any such search shall be conducted in the presence of more than one District official other than the staff member involved and shall be limited in scope by the basis for reasonable suspicion to conduct the search in the first instance. District officials may consult with law enforcement or District legal counsel prior to conducting a search and may prohibit the staff member from removing the item during the process.** Any staff member who violates the District policy shall be subject to disciplinary action in accordance with District guidelines.

When the discipline of a staff member becomes necessary, such action shall be consistent with the requirements of any applicable Board policy and State and Federal law.

Employees who feel they may be experiencing or developing dependency on alcohol or other drugs are encouraged to take advantage of the District's Employee Assistance Program (EAP) Policy 4170.01 before a violation of this policy occurs. Alcohol or drug dependency does not excuse any employee from the requirements of this policy.

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Legal 20 U.S.C. 3224A
 P.L. 101-126
 Drug-Free Workplace Act of 1988, 41 U.S.C. 701 et seq.

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Book Administrative Guideline Manual
Section For Review - Administrative Guidelines - Vol. 31, No. 1
Title Copy of TUBERCULOSIS EXAMINATION
Code ag4160B - DELETE
Status
Adopted June 18, 2018

PLEASE SEND DISTRICT SPECIFIC INFORMATION!

4160B - TUBERCULOSIS EXAMINATION

- A. Each support staff member of the School District shall file proof of freedom from communicable tuberculosis according to law and the administrative guidelines of the Wisconsin Department of Health Services.
- B. The statement of freedom from communicable tuberculosis shall be filed prior to the first day of the employment and thereafter as required by law.
- C. Such statement of freedom from communicable tuberculosis shall become a part of the confidential medical subdivision of the employee's personnel file and such confidential medical section of the personnel file shall be available for examination by Department of Health Services personnel or other person(s) as required by law.

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Book Administrative Guideline Manual
Section For Review - Administrative Guidelines - Vol. 31, No. 1
Title PARTICIPATION IN POLITICAL ACTIVITIES
Code ag4231A - NEW
Status

4231A - **PARTICIPATION IN POLITICAL ACTIVITIES**

One of the primary purposes of the school is to create an environment that will permit students to grow and develop. To be of maximum effect, this environment must extend to both the formal academic program as well as to the many extra-curricular activities sponsored by the school. Because of the ages of the students and the significance of the task, it is important that this environment be protected from interference by external, sometimes coercive or disruptive, forces and influences that do not substantially contribute to the learning process.

Non-school-related activities, including political activities, do not contribute to a positive learning climate and may be disruptive, divisive, and distracting. Therefore, such activities are not appropriate within the school setting. It is the intention of the Board of Education to regulate such activities on all Board owned or used property, within all school buildings, and at all school-sponsored activities.

Specifically:

- A. Literature supporting or opposing one or more candidates, issues, or a particular point of view; commercial literature, and other non-school-related literature shall not be distributed on or in Board owned or occupied buildings or grounds, inside of school buildings or on school buses immediately before or after school or while school is in session. (The distribution of materials to students by other students is governed by the regulations contained in Board of Education Policy).
- B. Literature supporting or opposing one or more candidates, issues, or a particular point of view; commercial literature, and other non-school-related literature shall not be distributed at school-sponsored extra-curricular activities or athletic events wherever they may occur. This regulation shall not prohibit the distribution of literature outside of the entrances and exits of athletic events providing that any such distribution does not interfere with the ability of individuals to freely enter or leave the facility, is not disruptive, and does not take place when school is in session.
- C. Non-school-related, political, and/or commercial literature, or campaign posters supporting one or more candidates, issues or a particular point of view shall not be displayed within the schools or on school-owned or occupied property, unless done as part of any approved teaching unit.
- D. When the school facilities are used as a polling place, State regulations will be followed with respect to political activities, the display of political posters, and distribution of political literature on school property.
- E. Employees of the School District shall not engage, during the course of their employment, in any activities that support or oppose one or more candidates, issues, or a particular point of view during working hours. The right to express political or other opinions and exercise their constitutional rights as citizens is naturally reserved for all employees.
- F. For purposes of this guideline, distribution of materials described includes through the use of electronic communications, such as through District-provided e-mail or District-sponsored social media outlets, and includes such activities on personal accounts done during work hours.
- G. Nothing in this guideline or related policy shall be construed or enforced in any way that impairs any staff member's rights to engage in protected concerted activity.

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Book	Administrative Guideline Manual
Section	For Review - Administrative Guidelines - Vol. 31, No. 1
Title	FMLA LEAVE
Code	ag4430.01 - NEW - Complete
Status	

4430.01 - **FMLA LEAVE**

Definitions Applicable to FMLA Leave

The term child (i.e., son or daughter) means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is either under age eighteen (18), or age eighteen (18) or older and incapable of self-care because of a mental or physical disability (as defined by the Americans with Disabilities Act (ADA), as amended) at the time the FMLA leave is to commence.

The term spouse means all individuals in legal marriages, regardless of where they live. More specifically, the definition of spouse is a husband or wife as defined or recognized in the State where the individual was married (place of celebration), and specifically includes individuals in lawfully recognized same-sex and common law marriages. The definition further includes an individual in a marriage that was validly entered into outside the United States if it could have been entered into in at least one (1) State. Civil unions are not considered marriages under the FMLA.

The term incapable of self-care means that the individual requires active assistance or supervision to provide daily self-care in three (3) or more of the activities of daily living (ADLs) (e.g., caring appropriately for one's grooming and hygiene, bathing, dressing, eating) or instrumental activities of daily living (IADLs) (e.g., cooking, cleaning, shopping, taking public transportation, paying bills, maintaining a residence, using telephones and directories, using a post office, etc.).

An employee is unable to perform the functions of the position where the health care provider finds that the employee is unable to work at all or is unable to perform any one of the essential functions of the employee's position. Additionally, an employee who must be absent from work to receive medical treatment for a serious health condition is considered to be unable to perform the essential functions of the position during the absence for treatment.

Leave for Adoption or Foster Care

Eligible employees may take FMLA leave before the actual placement or adoption of a child if an absence from work is required for the placement or foster care to proceed. Permissible absences include, but are not limited to, the employee attending a required counseling session, appearing in court, consulting with the attorney or the doctor(s) representing the birth parent, submitting to physical examinations, or traveling to another country to complete an adoption.

Military Family Leave Entitlements

A. Military Caregiver Leave

Eligible employees may take up to twenty-six (26) weeks of unpaid FMLA leave, in a single twelve (12) month period, to care for a covered service member with a serious injury or illness. The single twelve (12) month period begins on the first day the eligible employee takes Military Caregiver Leave and ends twelve (12) months after that date. If the employee does not use their entire twenty-six (26) work weeks leave entitlement during the single twelve (12) month period of leave, the remaining work weeks of leave are forfeited.

For purposes of Military Caregiver Leave, the covered service member may be a 1) current member of the Armed Forces (including a member of the National Guard or Reserves) who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness, or 2) a

veteran who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness and who was a member of the Armed Forces (including a member of the National Guard or Reserves) and was discharged or released under conditions other than dishonorable at any time during the period of five (5) years prior to the first date the eligible employee takes FMLA leave to care for the covered veteran. For an individual who was a member of the Armed Forces and who was discharged or released under conditions other than dishonorable prior to March 8, 2013, the period between October 28, 2009, and March 8, 2013, shall not count towards the determination of the five-year period for covered veteran status.

Serious injury or illness for purposes of Military Caregiver Leave is defined as an injury or illness incurred by a covered service member in the line of duty on active duty in the Armed Forces (or existed before the beginning of the covered service member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces) and that may render the service member medically unfit to perform the duties of the service member's office, grade, rank, or rating.

In the case of a veteran, a serious injury or illness means an injury or illness that was incurred by the member in the line of duty on active duty in the Armed Forces (or that existed before the beginning of the member's active duty and was aggravated by the service in the line of duty on active duty in the Armed Forces) and manifested itself before or after the member became a veteran and is 1) a continuation of a serious injury or illness that was incurred or aggravated when the covered veteran was a member of the Armed Forces and rendered the service member unable to perform the duties of the service member's office, grade, rank, or rating; 2) a physical or mental condition for which the covered veteran has received a U.S. Department of Veterans Affairs Service-Related Disability Rating (VASRD) of 50 percent or greater, and such VASRD rating is based, in whole or in part, on the condition precipitating the need for military caregiver leave; 3) a physical or mental condition that substantially impairs the covered veteran's ability to secure or follow a substantially gainful occupation by reason of a disability or disabilities related to military service, or would do so absent treatment; or 4) an injury, including a psychological injury, on the basis of which the covered veteran has been enrolled in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.

The term son or daughter of a covered service member means a covered service member's biological, adopted, or foster child, stepchild, legal ward, or child for whom the service member stood in loco parentis, and who is of any age. Similarly, the term parent of a covered service member means a covered service member's biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the covered service member. (The term does not include parents-in-law.)

The term next of kin means the service member's nearest blood relative, other than the covered service member's spouse, parent, son, or daughter, in the following order of priority: blood relatives who have been granted legal custody of the service member by court decree or statutory provisions; brothers and sisters; grandparents; aunts and uncles; and first cousins; unless the covered service member has specifically designated in writing another blood relative as their nearest blood relative for purposes of Military Caregiver Leave under the FMLA, in which case the designated individual shall be deemed to be the covered service member's next of kin. All family members sharing the closest level of familial relationship to the covered service member are considered the covered service member's next of kin, unless the covered service member has specifically designated an individual as their next of kin for Military Caregiver Leave purposes. While an eligible employee may care for more than one (1) seriously injured or ill covered service member at the same time, the employee may not take more than twenty-six (26) work weeks of leave during each single twelve (12) month period.

Military Caregiver Leave is a per-service member, per-injury entitlement. Therefore, an eligible employee may take twenty-six (26) work weeks of leave to care for one (1) covered service member in a single twelve (12) month period, and then take another twenty-six (26) work weeks of leave in a different single twelve (12) month period to care for another covered service member or to care for the same service member with a subsequent serious injury or illness (e.g., if the service member is returned to active duty and suffers another injury). Additionally, an eligible employee could take FMLA leave, after the end of the single twelve (12) month period for Military Caregiver Leave, to care for a covered service member if the member is a qualifying family member under non-military FMLA and the eligible employee has a serious health condition.

B. Qualifying Exigency Leave

Eligible employees may take up to twelve (12) weeks of unpaid FMLA leave for any of the following qualifying exigencies that are related to the fact that the employee's spouse, son, daughter or parent is on covered active duty or call to covered active duty status, or has been notified of an impending call or order to covered active duty in the Armed Forces:

1. Issues arising from a qualifying family member's short-notice deployment (i.e., deployment on seven (7) or less calendar days of notice) for a period of seven (7) days from the date of notification.
2. Military events and related activities, such as official ceremonies, programs, or events sponsored by the military, or family support or assistance programs and informational briefings sponsored or promoted by the military, military service organizations, or the American Red Cross that are related to a qualifying family member's covered active duty or call to covered active duty status.

3. Certain childcare and related activities arising from a qualifying family member's covered active duty or call to covered active duty status, such as arranging for alternative childcare, providing childcare on an urgent, immediate need basis (but not on a routine, regular, or everyday basis), enrolling or transferring a child in a new school or day care facility, and attending certain meetings at a school or a day care facility if they are necessary due to circumstances arising from the active duty or call to active duty of the covered military member (this does not include providing child care on a routine, regular or everyday basis).
4. Making or updating financial and legal arrangements to address a qualifying family member's absence (e.g., preparing and executing financial and healthcare power of attorney, transferring bank account signature authority, enrolling in the Defense Enrollment Eligibility Reporting System, obtaining military identification cards, or preparing or updating a will or living trust) and acting as the military member's representative before a Federal, State, or local agency for purposes of obtaining, arranging, or appealing military service benefits while the military member is on covered active duty or call to covered active duty status, and for a period of ninety (90) days following the termination of the military member's covered active duty status.
5. Attending counseling provided by someone other than a healthcare provider for oneself, the qualifying family member, or the child of the qualifying family member, the need for which arises from the qualifying family member's covered active duty or call to covered active duty status. The child must be the military member's biological, adopted, or foster child, stepchild, legal ward or child for whom the military member stands in loco parentis, who is either under eighteen (18) years of age or eighteen (18) years of age or older and incapable of self-care because of a mental or physical disability at the time that FMLA leave is to commence.
6. Taking up to fifteen (15) days of leave to spend time with a qualifying family member who is on short-term, temporary, rest and recuperation leave during the deployment.
7. Attending to certain post-deployment activities, including attending arrival ceremonies, reintegration briefings and events, and other official ceremonies or programs sponsored by the military for a period of ninety (90) days following the termination of the qualifying family member's covered active duty status, and addressing issues arising from the death of a qualifying family member.
8. Providing parental care for a parent of a military member who is incapable of self-care and is the military member's biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the covered service member when the member was under eighteen (18) years of age. Incapable of self-care means the parent requires active assistance or supervision to provide daily self-care in three or more of the activities of daily living (includes adaptive activities such as caring appropriately for one's grooming and hygiene, bathing, dressing and eating) or instrumental activities of daily living (includes cooking, cleaning, shopping, taking public transportation, paying bills, maintaining a residence, using telephones and directories, using a post office, etc.). Parental care includes 1) arranging for alternate care when the parent is incapable of self-care and the covered active duty or call to covered active duty status necessitates a change in the existing care arrangement for the parent; 2) providing care on an urgent, immediate need basis (but not on a routine, regular or everyday basis) when the parent is incapable of self-care and the need to provide such care arises from covered active duty or call to covered active duty status; 3) admitting or transferring to a care facility a parent when admittance or transfer is necessitated by the covered active duty or call to covered active duty status; and 4) attending meetings with staff at a care facility, such as meetings with hospice or social service providers for a parent when such meetings are necessary due to circumstances arising from the covered active duty or call to covered active duty status but not for regular or routine meetings.
9. Any other event that the employee and the Board agree is a qualifying exigency.

The term qualifying family member for purposes of Qualified Exigency Leave means a staff member's spouse, son, daughter or parent.

The term covered active duty or call to covered active duty status for purposes of Qualified Exigency Leave means duty for a member of the Regular Armed Forces during deployment of the member with the Armed Forces to a foreign country, and, in the case of a member of the Reserve components of the Armed Forces, duty during deployment of the member with the Armed Forces to a foreign country under a Federal call or order to active duty in support of a contingency operation pursuant to Sections 688, 12301(a), 12302, 12304, 12305, 12406, or Chapter 15 of Title 10 of the United States Code or any other provision of law during a war or during a national emergency declared by the President or Congress as long as it is in support of a contingency operation.

The term son or daughter means the employee's biological, adopted, or foster child, stepchild, legal ward, or child for whom the employee stood in loco parentis, who is on covered active duty or call to covered active duty status, and who is of any age. Similarly, the term parent means a biological, adoptive, step, or foster father or mother, or any other individual who stood in loco parentis to the employee when the employee was a son or daughter. (The term does not include parents in-law.)

Employee Request for FMLA Leave

While eligible employees are not required to expressly request unpaid FMLA leave, it is requested that eligible employees who seek an unpaid FMLA leave for any of the approved reasons complete and submit to the District Administrator a written request for FMLA leave.

Employee Certifications

Eligible employees who apply for FMLA leave to care for an immediate family member must submit DOL Form (WH-380-F; Certification of Health Care Provider for Family Member's Serious Health Condition).

Eligible employees who apply for FMLA leave for the employee's own serious health condition must submit DOL Form (WH-380-E; Certification of Health Care Provider for Employee's Serious Health Condition).

[] The District Administrator shall attach a statement of the essential functions of the employee's position for the health care provider to review. In order for the Certification Form to be considered sufficient, the health care provider must specify what function of the employee's position the employee is unable to perform so that the District can then determine whether the employee is unable to perform one (1) or more essential functions of the employee's position.

Eligible employees who apply for Military Caregiver Leave must submit DOL Form (WH-385; Certification for Serious Injury or Illness of Covered Service Member - for Military Family Leave or WH-385-V, Certification for Serious Injury or Illness of a Veteran for Military Caregiver Leave). The form may be completed by a Department of Defense (DOD) health care provider, Veterans Affairs health care provider, a DOD TRICARE network authorized private health care provider, a DOD non-network TRICARE authorized private health care provider, or any health care provider as defined by 29 C.F.R. 825.125.

Additionally, with respect to Military Caregiver Leave, the District will accept the submission of an Invitational Travel Order (ITO) or Invitational Travel Authorization (ITA), in lieu of the DOL Form, for the time period specified in the ITO or ITA. The ITO or ITA submitted by the employee need not list the employee as the named recipient of the ITO/ITA, provided the employee is the spouse, parent, son, daughter or next of kin of the covered service member. If the covered service member's need for care extends beyond the expiration date specified in the ITO or ITA, the employee is responsible for submitting the DOL Form for the remainder of the employee's leave period. The District will also accept, with respect to Military Caregiver Leave, documentation indicating the service member's enrollment in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers, regardless of whether the employee is the named caregiver in the documentation. Employees are advised that the District Administrator may seek authentication and clarification of such documentation, and may require an employee to provide confirmation of covered family relationship to the seriously injured or ill service member and documentation showing that the discharge was other than dishonorable and the date of the veteran's discharge.

It is the employee's responsibility either to furnish a complete and sufficient certification or to furnish the health care provider providing the certification with any necessary authorization from the employee or the employee's family member in order for the health care provider to release a complete and sufficient certification to the Board to support the employee's FMLA request.

In all instances in which certification is requested, it is the employee's responsibility to provide the Board with complete and sufficient certification, and failure to do so may result in denial of FMLA leave.

Eligible employees who apply for any of the three (3) preceding types of FMLA leave must also execute and provide to their health care provider a HIPAA-compliant release form.

If the District Administrator deems a medical certification to be incomplete or insufficient, the District Administrator shall notify the employee, in writing, what information is lacking, and the employee will have seven (7) calendar days to cure the deficiency. The District Administrator (i.e., the Board's health care provider, human resource professional, leave administrator, or other management official, but not the employee's direct supervisor) may contact the certifying health care provider for clarification concerning or to authenticate the content of a medical certification. The representative, however, shall not ask the health care provider for additional information beyond that required by the certification form.

[] Employees who take leave for the employee's own serious health condition, prior to returning to work, must submit to the District Administrator a Fitness-for-Duty Certification. Again, the employee will need to have executed and provided to their Health Care Provider a HIPAA-compliant form.

Eligible employees who apply for FMLA leave for Qualifying Exigency Leave must submit DOL Form WH-384; Certification of Qualifying Exigency for Military Family Leave. Specifically, the first time the employee requests Qualifying Exigency Leave, the employee must provide a copy of the qualifying family member's covered active duty orders or other documentation issued by the military that indicates that the qualifying family member is on covered active duty or call to covered active duty status, and the dates of the qualifying family member's covered active duty service. Additionally, each time that the employee requests leave for one of the above-listed qualifying exigencies, the employee must certify the exigency necessitating leave. Such certification supporting leave for a qualifying exigency includes:

- A. appropriate facts supporting the need for leave, including any available written documentation supporting the request and the type of qualifying exigency;
- B. the appropriate date on which the qualifying exigency commenced or will commence, and, if requested for a single, continuous period of time, the beginning and end dates for such absence;
- C. where leave will be needed on an intermittent basis, an estimate of the frequency and duration of the qualifying exigency;
- D. appropriate contact information if the exigency involves meeting with a third party and a brief description of the purpose of the meeting; and if the qualifying exigency involves Rest and Recuperation leave, a copy of the military member's Rest and Recuperation orders or other documentation issued by the military that indicates the military member has been granted Rest and Recuperation leave and the dates of such leave.

Employees are advised that if the qualifying exigency involves a meeting with a third party, the District Administrator may verify the schedule and purpose of the meeting with the third party. Also, the District Administrator may contact the appropriate unit of the Department of Defense to confirm that the qualifying family member is on covered active duty or call to covered active duty status.

All of the certifications identified above must be submitted by the employee within fifteen (15) calendar days after the District provides the employee with the applicable DOL Form unless it is not practicable under the particular circumstances to do so despite the employee's diligent, good faith efforts. An employee may not be held liable for administrative delays in the issuance of military documents, despite the employee's diligent, good faith efforts to obtain such documents.

Light Duty

Time spent performing light duty work does not count against an employee's FMLA leave entitlement.

District Notices to Employees (Forms are available on the U.S. Department of Labor Website: www.dol.gov)

If the information included in the Employee Rights and Responsibilities Notice changes, the District Administrator will inform the employee of such changes within five (5) business days of receipt of the employee's first notice of the need for FMLA leave subsequent to any change. The _____ is charged with responsively answering questions from employees concerning their rights and responsibilities.

If it is not possible to provide the number of hours, days or weeks that will be counted as FMLA leave (e.g., where the leave will be unscheduled), the District Administrator will provide this information upon request by the employee, but no more often than every thirty (30) days and only if leave was taken during the period. The notice of the amount of leave counted against the employee's FMLA entitlement may be oral or in writing. If such notice is oral, it shall be confirmed in writing, no later than the following payday that is at least one (1) week after the oral notice. Such notice may be in any form, including a notation on the employee's pay stub.

FMLA Leave and Mandatory Overtime

Employees with proper medical certification may use FMLA leave in lieu of working required overtime hours. Thus, hours that an employee would have been required to work but for the taking of FMLA leave will be counted against the employee's FMLA entitlement.

Calculating the Amount of FMLA Leave Used by an Employee

For purposes of determining the amount of FMLA leave used by an employee, the fact that a holiday may occur within the work week taken as FMLA has no effect; the week is counted as a week of FMLA leave. If, however, the employee is using FMLA leave in increments of less than one (1) week, the holiday will not count against the employee's FMLA leave entitlement unless the employee was otherwise scheduled and expected to work during the holiday. Similarly, when an employee is not scheduled to work during winter, spring or summer vacation (i.e., during a period when some or all employees are not expected to work for one (1) or more weeks), the days the employee is not scheduled to work shall not count against the employee's FMLA leave entitlement.

When an employee takes FMLA leave on an intermittent or reduced leave schedule basis, the leave shall be accounted for by using an increment no greater than the shortest period of time that the District uses to account for use of other forms of leave provided that it is not greater than one (1) hour and provided that the employee's FMLA leave entitlement is not reduced by more than the amount of leave actually taken.

Maintenance of Employee Benefits

The same group health plan benefits provided to an employee prior to taking FMLA leave shall be maintained during the FMLA leave (e.g., if family member coverage is provided to an employee, family member coverage shall be maintained during the FMLA leave). Similarly, benefit coverage during FMLA leave for medical care, surgical care, hospital care, dental care, eye care, mental health

counseling, substance abuse treatment, etc., shall be maintained during leave if provided in the District's group health plan, including a supplement to a group plan.

If an employee chooses not to retain group health plan coverage during FMLA leave, the employee will be reinstated, upon return from leave, on the same terms as prior to taking the leave, without any qualifying period, physical examination, exclusion of pre-existing conditions, etc. All other employee benefits will be maintained during leave subject to applicable policy requirements and consistent with maintaining employee eligibility to receive the same benefits following leave that the employee had prior to leave in the same manner as provided to other similarly situated employees.

Costs Associated with Medical Certification and Recertification

The employee is responsible for any costs associated with obtaining the original medical certification required to qualify for the use of unpaid FMLA leave. Likewise, if the Board requires an employee to submit recertification for any of the reasons specified in Policy 1630.01, the employee is responsible for any costs associated with the recertification. Finally, the employee is responsible for the cost of a new medical certification each leave year for medical conditions that last longer than one (1) year.

[] Periodic Status Reports [Drafting Note: Periodic status reports are not mandated by the FMLA.]

When an employee takes a continuous unpaid FMLA leave, the District Administrator may require the employee to complete periodic status concerning the employee's intent to return to work. If the District Administrator is going to require such reports, the requirement will be specified in the Notice of Eligibility and Rights & Responsibilities that is issued to the employee at the outset of the FMLA leave.

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Book	Administrative Guideline Manual
Section	For Review - Administrative Guidelines - Vol. 31, No. 1
Title	HOMELESS STUDENTS
Code	ag5111.01 - L
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5111.01 - HOMELESS STUDENTS

Duties

The Local Liaison for Homeless Children and Youth (Liaison) serves as a primary contact between homeless families and school staff, District personnel, shelter workers, and other service providers. The Liaison is responsible for safeguarding the rights of children and youth experiencing homelessness who attend school in this District. The Liaison must be notified immediately upon the enrollment or assignment of a homeless child/youth. The Liaison will coordinate District operations and services so that:

- A. homeless children/youth are identified by school personnel through outreach and coordination activities with other entities and agencies and the Liaison shall work to identify, locate and enroll homeless children/youth who are not currently attending school;
- B. homeless children/youth are enrolled in, and have a full and equal opportunity to succeed in schools of that District;
- C. homeless youth receive credit for full or partial schoolwork;
- D. homeless families and children/youth have access to and receive all educational services for which they are eligible, including services through Head Start programs (including Early Head Start programs), early intervention services, including IDEA Part C (birth-age three (3)), and any District preschool programs;
- E. homeless families and children/youth receive referrals to health care services, dental services, mental health services, substance abuse services, housing services, and other appropriate services;
- F. parents or guardians of homeless students are informed of the educational and related opportunities available to their children and are provided with meaningful opportunities to participate in their children's education;
- G. public notice of the educational rights of homeless children/youth is disseminated at locations frequented by parents or guardians of such children, and unaccompanied youth, such as schools, shelters, soup kitchens, and public libraries in a manner and form understandable to the parents and guardians and unaccompanied youth;
- H. enrollment/assignment disputes are mediated/handled in accordance with the McKinney-Vento Act and any other governing applicable laws, regulations, rules or policies, including but not limited to Board policies, District guidelines, applicable laws, and the State Consolidated Plan;
- I. the parents or guardians of any homeless child and any unaccompanied homeless minor are fully informed of all transportation services, including transportation to the school of origin, and are assisted in accessing transportation to the school that is appropriately selected;
- J. school personnel receive professional development and other support; and
- K. unaccompanied youths are enrolled in school, have opportunities to meet the same challenging State academic standards as the State establishes for other children and youths, are informed of their status as independent students under Section 480

of the Higher Education Act (HEA), and their right to receive verification of this status from the Liaison.

As part of the Liaison's duties, the Liaison will coordinate and collaborate with the State Coordinator for Homeless Children, other community, District and social service agencies, and school personnel responsible for providing education and other services to homeless children and youth and their families. This includes coordinating and collaborating with 1) other school districts on inter-district issues, such as transportation or the transfer of school records; and 2) the necessary entities and individuals when collecting and providing the State Coordinator with reliable, valid, and comprehensive required data.

Such coordination should be designed to: 1) facilitate homeless children/youth having access and reasonable proximity to available education and related support services; and 2) raise the awareness of school personnel and service providers of the effects of short-term stays in a shelter and other challenges associated with homelessness.

Early Childhood Homeless

Homeless preschool-age children have equal access to the same free, appropriate public education, including public preschool education, as provided to other children and youth. To the extent that the District offers a public education to preschool children, including District Head Start programs, the District must meet Federal requirements for homeless preschool children.

The Liaison will identify homeless children who are five (5) years old or younger (i.e., preschool-age) by working closely with shelters in the area. Additionally, the Liaison will work with Federally-qualified health centers and social service agencies, such as agencies that administer the Special Supplemental Nutrition Program for Women, Infants and Children (WIC), Temporary Assistance for Needy Families (TANF), and other public benefits. The Liaison will also collaborate with early childhood education providers and programs to identify preschool-age children, and work with school personnel who may ask whether the family has any preschool-age children when enrolling homeless children and youth in school. The Liaison will also work with the District's early intervention and special education programs to assist with the "child find" process required by IDEA, Parts B and C.

In addition, the Liaison will assist with enrolling homeless preschool-age children in preschool. According to Federal guidance, the Liaison will remind preschool program staff of the importance of preschool services for homeless children and how waiting lists can create barriers for homeless families who wish to enroll their children. The Liaison will also identify preschool programs that keep slots open specifically for homeless children.

Liaison's Role Following a Natural Disaster or Catastrophic Event

Due to a natural disaster or other catastrophic event, many families may lose their homes and the Liaison should conduct outreach and identification following these events. When such a disaster occurs, the Liaison will be proactive by preparing schools to enroll large numbers of displaced students and arranging for additional staff to help with the identification and enrollment process. Liaisons will also notify agencies working with such families of how schools will enroll and serve eligible students. Liaisons will publicize the rights and services of homeless students directly to the affected families and those who are helping those families. The Liaison should provide posters or distribute brochures on the rights of such students and families where displaced people assemble.

Record Collection of Homeless Students

Upon enrollment of a child or youth experiencing homelessness, the Liaison will coordinate with appropriate administrative staff to assure that the school last attended by the child/youth is immediately contacted to provide relevant academic or other relevant records. If upon enrollment the student does not have any immunization required for enrollment by State law or any other medical records, the Liaison will assist the family or student in obtaining the immunizations, screenings, or other necessary medical records.

Transportation for Homeless Students

The Liaison will work with the District's Director of Transportation and other District administrators and staff to provide transportation for ~~the~~ homeless students **including a homeless child attending preschool, in accordance with** applicable laws, regulations, and ~~including a homeless child attending preschool,~~ in accordance with **the Board's Transportation - Transportation and AG-8600** and ~~Homeless Students~~ Policy 5111.01 **- Homeless Students**.

Dispute Resolution

Homeless families and youths have the right to challenge placement and enrollment decisions. The District will provide the parent, guardian or unaccompanied youth with a written explanation of decisions related to the school selection or enrollment made by the school, District or State involved, along with a written explanation of appeal rights.

The District will refer the unaccompanied youth, parent, or guardian to the Liaison who will expeditiously carry out the dispute resolution process. The Liaison shall assist the child and family, prepare the appeal and make the school's resources, such as copying, mailing, or obtaining records, available to the parent, guardian, or unaccompanied youth. Parents, guardians, and unaccompanied youth shall be informed that they can provide written or oral documentation to support their views. Written

documentation initiated at the building level or by the Liaison should be complete, as brief as possible, simply stated, and provided in a language the parent, guardian, or unaccompanied youth can understand.

When a dispute arises over eligibility, school selection or enrollment, the homeless student shall be immediately enrolled in the school in which enrollment is sought, pending final resolution of the dispute, including all available appeals. The homeless student will be provided with all services for which the student experiencing homelessness ~~s/he~~ is eligible while the dispute is being resolved.

The Liaison, FERPA and Personally-Identifiable Information (PII)

Failure to protect personal information, including personally identifiable information (PII), can result in an inappropriate release of information that endangers students, their caregivers, and possibly school personnel and a violation of the Federal Family Educational Rights and Privacy Act (FERPA). The Liaison works with other school personnel to secure the PII contained in student databases and records. Further, conversations about homeless students must be held in private locations to prevent information from being overheard. Many homeless students are survivors of domestic violence or other safety issues that must be addressed in student records and information release procedures. It is paramount that this personal information be protected to secure the safety of students, their caregivers and school personnel.

Training on Eligibility for Other Federal Programs

In order to facilitate coordination with other Federal programs serving homeless children and youths, a State Coordinator is responsible to provide training on the definitions of terms related to homelessness and eligibility requirements for Federal programs that serve homeless individuals. Such Federal programs include the Continuum of Care and Emergency Solutions Grant programs administered by the U.S. Department of Housing and Urban Development (HUD). The Liaison who has received this training may submit an affirmation that students meet the HUD definition of homelessness so that these students may qualify for the HUD homeless assistance programs if additional eligibility requirements are met.

Notice of Duties

As part of ~~the~~his/her assigned duties, the Liaison for Homeless Children and Youth will inform school personnel, services providers and advocates working with homeless families about ~~their~~his/her duties.

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Book	Administrative Guideline Manual
Section	For Review - Administrative Guidelines - Vol. 31, No. 1
Title	Copy of ATTENDANCE
Code	ag5200 - FOR REVIEW - L
Status	
Adopted	August 20, 2018

5200 - ATTENDANCE

The Board requires all students enrolled in the schools of this District to attend school regularly in accordance with the laws of the State. The District's educational program is predicated upon the presence of the student in the program of instruction in which the student is enrolled and required to attend~~and requires continuity of instruction and classroom participation~~. The regular contact of students with one another in the classroom and their participation in a well-planned instructional activity under the tutelage of a competent teacher are vital to this purpose. The regular period and hours of instruction includes both those periods and hours a student's program requires that they are in school as well as any attendance requirements defined as part of a course of virtual instruction, or a combination of more than one type of instructional delivery.

Compulsory Student Attendance

All children between six (6) and eighteen (18) years of age shall attend school regularly during the full period and hours, religious holidays excepted, that the school in which the child is enrolled is in session until the end of the term, quarter or semester of the school year in which the child becomes eighteen (18) years of age, unless they fall under an exception outlined in this Administrative Guideline. A child who is enrolled in five (5) year-old kindergarten shall attend school regularly, religious holidays excepted, during the full period and hours that kindergarten is in session until the end of the school term.

Parent Notification~~Written Excuse for of~~ Absence Required

The District Administrator shall require, from the parent of each student or from an adult student, who has been absent for any reason either a written or oral notification, stating the reason for the absence and the time period covered by the absence.~~A student who is absent shall submit a written, dated, signed statement from his/her parent or guardian stating the reason for the absence and the time period of the absence.~~ This notification~~written statement~~ must be submitted prior to the absence if the absence is foreseeable. ~~If the absence is not foreseeable, the statement must be submitted prior to the student's readmission to school. The statement shall be submitted to the School Attendance Officer, or his/her designee, and filed in the student's school record.~~ The District reserves the right to verify statements and investigate absences from school.

Excused Absences

A student shall be excused from school for the following reasons:

A. Physical or Mental Condition

The student is temporarily not in proper physical or mental condition to attend a school program, but who can be expected to return to a school program upon termination or abatement of the illness or condition. If the absence exceeds five (5) days, the inability of the student to attend school due to a physical or mental condition must be certified in writing by a licensed physician, dentist, chiropractor, optometrist or psychologist or religious practitioner living and residing in Wisconsin, who by belief is exempt. The time period for which the certification is valid may not exceed thirty (30) days.

B. Obtaining Religious Instruction

The student wishes to obtain religious instruction outside the school during the required school period. The time period or periods of absence shall be determined by the building principal. Such absences must be at least sixty (60) minutes but not more than 180 minutes per week. Requests for absence under this paragraph shall be denied if the student fails to attend religious instruction after requesting to be absent from **their/his/her** regular school. The supervisor of such religious instruction shall report monthly, to the principal of the school regularly attended, the names of the students who attended such weekly religious instruction. See Policy 5223 - Absences for Religious Instruction for further details.

C. Permission of Parent or Guardian

The student has been excused by **their/his/her** parent(s) before the absence for any or no reason. A student may not be excused for more than ten (10) days under this paragraph and must complete any course work missed during the absence. Examples of reasons for being absent that should be counted under this paragraph include, but are not limited to, the following:

1. professional and other necessary appointments (e.g., medical, dental, and legal) that cannot be scheduled outside the school day
2. to attend **at the funeral of a relative**
3. legal proceedings that require the student's presence
4. college visits
5. job fairs
6. vacations

D. Religious Holiday

The student wishes to observe a religious holiday consistent with the student's creed or belief.

E. Suspension or Expulsion

The student has been suspended or expelled.

F. Program or Curriculum Modification

The School Board has excused the student **who is sixteen (16) years of age or older** from regular school attendance to participate in a program or curriculum modification leading to high school equivalency diploma as provided by State law.

G. High School Equivalency - Secured Facilities

The School Board has excused a student **who is seventeen (17) years of age or older** from regular school attendance to participate in a program leading to high school equivalency diploma in a secured correctional facility, a secured child caring institution, a secured detention facility, or a juvenile portion of a county jail, and the student and his/her parent or guardian agree that the student will continue to participate in such a program.

H. Child at Risk

The student is a "child at risk" as defined under State law and is participating in a program at a technical college on either a part-time or full-time basis leading to high school graduation, as provided under State law.

I. Election Day Official

A high school student ~~age sixteen (16) or seventeen (17)~~ is permitted to be excused to serve as an election official **in accordance with Policy 5200 - Attendance** ~~provided that the following criteria are met: (1) the student has the permission of his/her parent to serve as an election official on election day; (2) the student has signed up and the municipal clerk has informed the principal that the student has been assigned to serve in this capacity; and (3) the student has at least a 3.0 grade point average or equivalent or has met alternative criteria established by Board if any. The principal shall promptly notify the municipal clerk or the board of election commissioners of the municipality that appointed the child as an election official if the child no longer has at least a 3.0 grade point average or the equivalent, or no longer meets the established alternative requirements. A student's absence to serve as an election official under this policy shall be treated as an excused absence. Where possible students are encouraged to provide advance notice as much as possible. Students are responsible for completing any missed school work and responsible for making appropriate~~

arrangements to do so.

J. Request Program Modification At Any Age

The student's parent or guardian may review a request for a program or curriculum modification including but not limited to:

1. modifications in the student's current academic program;
2. a school work training or work-study program;
3. enrollment in an alternative public school program located in the School District;
4. homebound study.

K. Virtual Access

The student is unable to access virtual instruction programming due to a temporary disruption in the student's access to necessary technological systems (i.e. internet outage, computer failure, software malfunction, etc.) as communicated by the student's parent.

School Attendance Officer

The building principal shall be the School Attendance Officer. The School Attendance Officer shall be responsible for dealing with matters relating to school attendance and truancy. The duties of the School Attendance Officer shall include, but not be limited to the following:

- A. Determining daily from attendance reports submitted by teachers which students enrolled in the school are absent from school and whether the absence is excused.
- B. Providing student attendance information to individuals and agencies for purposes authorized by State law and the Board's Student Records Policy (see Board Policy 8330).
- C. Performing the duties and responsibilities assigned to him/her under this Administrative Guideline.

Truancy

A student will be considered truant if they are absent part or all of one or more days from school during which **time** the School Attendance Officer, principal, or a teacher has not been notified **by the parent or guardian of the absent student** of the acceptable reason **of such absence, which is found** under these guidelines. ~~**of such absence by the parent or guardian of the absent student.**~~ A student will also be considered truant if they have been absent intermittently for the purpose of defeating the intent of the Wisconsin Compulsory Attendance statute (Sec. 118.15, Wis. Stats.).

When a student is truant, the School Attendance Officer shall ensure that all applicable provisions of the District's Truancy Plan are carried out.

Unexcused Absences

Unexcused absences demonstrate a deliberate disregard for the educational program and are considered a serious matter. The principal, or an individual designated by the principal, will determine on a case-by-case basis the appropriate methods to deal with unexcused absences. The following methods may be considered:

- A. counseling the student
- B. requiring the student to make-up lost time
- C. requiring the student to make-up course work and/or examinations, as permitted under this guideline
- D. conferring with the student's parents
- E. referring the student to an appropriate agency for assistance

Administrative action to address unexcused absences shall be in accord with due process, as defined in Policy 5611, the Student Code of Conduct, and other applicable Board policies.

Habitual Truancy

A student is considered a habitual truant if **they are/he is** absent from school without an acceptable excuse for part or all of five (5) or more days on which school is held during a school semester.

When a student initially becomes a habitual truant, the School Attendance Officer shall ensure that all applicable provisions of the District's Truancy Plan are carried out.

[Option # 1]

(.) Habitually Truant Enforcement

The school administrators shall send parents/guardians a certified letter when the student initially becomes a habitual truant, this letter shall place the parent/guardian on notice:

- A. **of the parent's responsibilities under state law to require the child to attend school regularly.**
- B. **that the parent or child may request program or curriculum modifications for the child and that the child may be eligible for enrollment in a program for children at-risk.**
- C. **of the School District's request for the parent to meet with appropriate personnel to discuss the child's truancy.**

If parents/guardians fail to meet with the School District, then a municipal citation may be issued for the student to appear for a court appearance and could result in penalties including the following:

- A. **First offense, a fine of not more than \$500 or imprisonment for not more than thirty (30) days or both.**
- B. **Second or subsequent offenses, a fine of not more than \$1,000 or imprisonment for not more than ninety (90) days or both.**

In addition to the penalties noted above, the court may order a person to participate in counseling at the person's own expense or to attend school with the child, or both.

[Option # 2]

(.) Each school's handbook shall detail habitually truant procedures for parents and students.

Students with Special Needs

School administrators and teachers shall ensure that any student who, due to a specifically identifiable physical or mental impairment, exceeds or may exceed the District's limit on excused absence is referred for evaluation for eligibility either under the Individuals with Disabilities Education Act (IDEA) or Section 504 of the Rehabilitation Act of 1973 and Chapter 115, Wis. Stats.

Encouraging Attendance

Promoting and fostering desired student attendance habits requires a commitment from the administration, faculty, and parents. No single individual or group can - in and of itself - successfully accomplish this task.

Professional Staff Member

A professional staff member's responsibility must include, but not be limited to:

- A. providing meaningful learning experiences every day such that a student absent from any given class period would miss a significant component of the course;
- B. speaking frequently of the importance of students being in class, on time, ready to participate;
- C. keeping accurate attendance records (excused vs. unexcused) as directed by the School Attendance Officer, or their designee;
- D. requiring an admit slip from a student when they return from a tardy;
- E. incorporating defined, daily participation as part of the teaching/learning process and each grading period, as per the course syllabus;
- F. requiring students to make up missed quizzes, tests, and other pertinent assignments before or after the regular school day.

Parent/Guardian Responsibilities

It is the responsibility of the student's parent or guardian to ensure that their child attends school regularly. Parents are expected to provide an excuse for all absences as required under this Guideline.

Student Responsibilities

Students are required to attend all classes and other school activities on their daily schedule, unless they have been excused from school as set forth in this Guideline.

Students Leaving School During School Day

- A. As a general rule, no staff member shall permit or cause any student to leave the school prior to the regular hour of dismissal except with the knowledge and approval of the principal and with the knowledge and approval of the student's parents.
- B. No student will be released to any government agency without proper warrant or written parental permission except in the event of an emergency as determined by the building principal.

Make-Up Course Work and Examinations

Students who are absent from school, whether the absence was excused or unexcused shall be permitted to make-up coursework and examinations missed during the absence when they return to school. It is the student's responsibility to contact **their/his/her** teachers to determine what coursework and examinations must be made-up. Teachers shall have the discretion to assign substitute coursework and examination. Teachers shall also have the discretion to specify where and when examinations and coursework shall be completed, including outside regular school hours. The time for completing the work shall be commensurate with the length of the absence unless extended by the principal based upon extenuating circumstances.

Unexcused Absences

Credit in a course or subject shall not be denied solely because of a student's unexcused absence from school.

A student with an unexcused absence shall be permitted to make-up coursework and quarterly, semester or grading period examinations missed during the absence.

Subject to the immediately preceding two paragraphs, credit is required to be given for the completion of make-up work.

It is the mutual responsibility of the teacher and student to determine what coursework and examinations must be made-up. Teachers shall have the discretion to assign substitute coursework and examinations. The time for completing the work shall be commensurate with the length of the absence unless extended by the principal based upon extenuating circumstances.

A student's grade in any course shall be based on **their/his/her** performance in the instructional setting and is not reduced for reasons of conduct. If a student, violates the attendance or other rules of the school, s/he should be disciplined appropriately for the misconduct, but their grades should be based upon what the student can demonstrate they have learned.

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Legal 118.15, 118.153, 118.16, 118.162, Wis. Stats.

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Book	Administrative Guideline Manual
Section	For Review - Administrative Guidelines - Vol. 31, No. 1
Title	Copy of ADMINISTRATION OF MEDICATIONS
Code	ag5330 - L
Status	
Adopted	August 20, 2018

5330 - ADMINISTRATION OF MEDICATIONS

For purposes of this guideline:

- A. "Practitioner" shall include any physician, dentist, podiatrist, optometrist, physician assistant, and advanced practice nurse prescriber who is licensed in any State.
- B. "Medication" shall include all drugs including those prescribed by a practitioner and any nonprescription drug products.
- C. "Administer" means the direct application of a nonprescription drug product or prescription drug, whether by injection, ingestion, or other means, to the human body.
- D. "Nonprescription drug product" means any non-narcotic drug product which may be sold without a prescription order and which is prepackaged for use by consumers and labeled in accordance with the requirements of State and Federal law.

Nonprescription drug products include cough drops that contain active ingredients. These cough drops must be handled in the same manner as aspirin, Advil and Tylenol. If a cough drop contains only sugar, water, and some menthol, the procedures for handling nonprescription drug products are not required.

Prescribed Medications

In those circumstances where a student must take prescribed medication during the school day, the following guidelines are to be observed:

- A. Parents should determine with their practitioner's counsel whether the medication schedule can be adjusted to avoid administering medication during school hours.
- B. The Medication Request and Authorization Form must be filed with the school nurse before the student will be allowed to begin **receiving** **taking** any medication during school hours. This written and signed request form is to be submitted on an annual basis, or more often if changes in dosage occur, and will include:
 - 1. student's name and date of birth;
 - 2. medication and dosage or procedure required;
 - 3. times required;
 - 4. special instructions including storage and sterility requirements;
 - 5. date prescribed medication will be started;
 - 6. date prescribed medication will no longer be needed;

7. practitioner's name, address, and telephone number;
 8. authorization for trained school personnel to administer the prescribed medication, with school authorization if necessary, but only in the presence of an authorized staff member or parent;
 9. agreement to notify the school in writing if the medication, dosage, schedule, or procedure is changed or eliminated. A new request form must be submitted each school year or for each new medication.
- C. For each prescribed medication, the medication shall be in the original pharmacy-labeled package with the following information in a legible format:
1. student's name
 2. practitioner's name
 3. date
 4. pharmacy name and telephone
 5. name of medication
 6. prescribed dosage and frequency
 7. special handling and storage directions
- D. All medications to be administered during school hours must be registered with the Principal's office. Upon receipt of the medication, the health aide shall verify the amount of medication brought to the school and indicate that amount on the student's medication log sheet.
- E. Medication that is brought to the office will be properly secured. Medication may be conveyed to school directly by the parent. Two to four (2-4) weeks' supply of medication is recommended.

Nonprescription Drug Products

In those circumstances where a student must take a Nonprescription Drug Product during the school day, the following guidelines are to be observed:

- A. The Nonprescription Drug Product Request and Authorization Form must be filed with the school nurse before the student will be allowed to begin taking any medication during school hours.
- B. For each nonprescription drug product, the container shall be the original manufacturer's package and the package must list in a legible format the ingredients and recommended therapeutic dose.

The parents request to administer a nonprescription drug product shall contain the following information:

1. student's name
2. date
3. name of medication
4. dosage and frequency
5. special handling and storage directions
6. authorization for trained and authorized school staff to administer the medication
7. health care practitioner's note authorizing administering medication in a dosage that varies from the label's recommended dosage, if applicable

General Procedures

- A. A Medications Administration Daily Log recording the administration of each prescribed medication and nonprescription drug product shall be maintained. The log will note the personnel giving the medication, the date, the exact dosage administered,

and the time of day. The log will include each error in the administration of the medication and each missed administration of the medication. This log will be maintained along with the practitioner's written request and the parent's written release.

B. Written documentation of the Department of Public Instruction approved training provided for each person authorized to administer a prescribed medication or treatment will show:

1. what training was given;
2. the trainer's name and professional status;
3. when the training was given;
4. the duration of the training.

C. The staff member administering the medication shall make a reasonable effort to see that the student takes the medication properly.

D. If a student does not take the medication at the proper time, the staff member responsible for administering the medication shall take appropriate steps to locate the student and administer the medication.

E. A medication error includes any failure to administer medication as prescribed for a particular student, including failure to administer the medication within appropriate time frames, in the correct dosage, in accordance with accepted practice, and to the correct student. In the event of a medication error, the school nurse shall notify the parent(s) immediately. If there is a question of potential harm to the student, the nurse shall also notify the student's practitioner.

The school nurse shall document medication errors on the Medications Log. The school nurse shall review reports of medication errors and provide consultation to ensure appropriate medication administration in the future.

F. If a student is exhibiting behavior which causes the teacher to be concerned about his/her medical status, this behavior must be reported to the building Principal. A designated person may then contact the parent and advise that they seek medical attention for the child.

G. Student with Severe Asthmatic Symptoms

Use of Metered Dose or Dry Powder Inhalers

Asthmatic students may, while in school, at a school-sponsored activity, or under the supervision of a school authority, possess and use a metered dose inhaler or dry powder inhaler when the following three (3) conditions are met.

1. The student is required to carry an inhaler for use prior to physical activity to prevent the onset of asthmatic symptoms or for use to alleviate asthmatic symptoms, and
2. the completed Parent Consent form for a minor student has been submitted to the Principal, and
3. the practitioner's order for medication administration has been submitted to the Principal authorizing the student to possess and use an inhaler.

Asthmatic students who are not required to carry an inhaler shall follow the guidelines which apply to all other prescription medications and their administration.

H. Students with Severe Allergic Reactions

Use of Epi-pen

Students who may suffer from severe allergic reactions may, while in school, at a school-sponsored activity, or under the supervision of a school authority, possess and use an epi-pen when three (3) conditions are met.

1. The student is required to carry the epi-pen for use to prevent the onset of an allergic reaction, and
2. the completed Parent Consent form for a minor student has been submitted to the Principal, and
3. the practitioner's order for medication administration has been submitted to the Principal authorizing the student to possess and use the epi-pen.

Students who may suffer from severe allergic reactions but are not required to carry an epi-pen shall follow the guidelines which apply to all other prescription medications and their administration.

School personnel are not required to administer a nonprescription drug product or prescription drug by means other than ingestion. However, personnel designated to administer medications may indicate a willingness to provide medications, in an emergency or special situation, by means other than ingestion. This is done only under the direction and delegation of the school nurse. The school nurse shall provide instruction and written protocols, as well as documentation that both were provided.

- I. Dispensing of nonauthorized, nonprescription drug products by District employees to students served by the District is prohibited. Where investigation confirms such conduct, prompt corrective action shall be taken, up to and including dismissal.
- J. 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 or recommend the use of any drug, medication, or food supplement for performance-enhancing purposes.

School personnel trained to administer medications shall keep a copy of the Administration of Medication Policy and Guidelines in an accessible spot for quick reference and have the right to refuse to administer medication to students when the required authorization forms and signatures have not been completed.

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Book	Administrative Guideline Manual
Section	For Review - Administrative Guidelines - Vol. 31, No. 1
Title	Copy of GRADUATION REQUIREMENTS
Code	ag5460 - District Specific
Status	First Reading
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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Book	Administrative Guideline Manual
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Title	Copy of GRADUATION REQUIREMENTS
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Status	
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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 nine (9) elective credits.

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 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 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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5463 - **STUDENT AND CREDIT TRANSFER FROM NONPUBLIC SCHOOLS**

Whenever a student seeks to transfer into the District from a nonpublic school, other than a home-based private education program **or program not certified or licensed by the applicable State education agency**, the following procedures should be used to determine the student's proper grade placement or credits toward graduation.

- A. Identify the grade level that the student's age would indicate is the likely grade placement.
- B. Review the student's performance (if available) on tests and/or other means of assessment that were used to assess the student's learning while participating in the nonaccredited school.
- C. If no prior assessment data is available, identify which tests (standardized or District-made) as well as other means of assessment (research project, term paper, and the like) could be used to assess the student's achievement.
- D. If the assessment so indicates, assign the student to the grade or course level suggested at the first step (with or without special assistance).
- E. Make arrangements for any form of special assistance that will be needed for the student to succeed at that level.
- F. If the assessment indicates that another grade or course level is more appropriate, register the student in that grade or course level and make whatever arrangements are necessary to provide for any needed assistance indicated by the assessment.

Student Transfer from Home-Based Private Educational Program or Other Nonapproved Program

The following applies to students who are transferring from a home-based private educational program, nonchartered religious school, or foreign school. It does not apply to any school that has been approved or licensed by the Department of Public Instruction or by another State's education agency in which the school is located.

General Procedures:

- A. **() The parent is to submit to the _____ written notification of the intent to enter the school no later than _____ () days prior to the expected date of enrollment.**
- B. **() The _____ is responsible for conducting a thorough placement study including an assessment of current learnings relative to each course of study (see above). The placement study should also include a review of information provided by the parent such as student achievement data, standardized test scores, topics studied, resources used, and samples of student work and accomplishments. It should also include a comparison with the criteria established for private schools under Wis. Statute 118.165. No student is to be placed in any school or grade without a written placement review.**
- C. **() A final meeting with the parent and student shall be scheduled to review the District's assessment results, establish credits (if applicable), and discuss placement.**
- D. **() In the event the advance notice is not provided, a temporary placement decision may be made by the _____ while the placement review is conducted. The parent is to be informed of the District's**

placement review procedure.

- E. () Prior to placement, the parent must complete normal enrollment procedures as outlined in AG 5111.
- F. () A review of student progress shall be conducted by the _____ at the end of the _____ grading periods to evaluate effectiveness of the placement decision.
- G. () A parent may request, during the placement procedure, that his/her child participate in special education programming. If so, the District's special education identification and evaluation procedure is to be followed. If there is no conclusive evidence that special education testing should be initiated or if the student does not qualify, the 504 evaluation procedure (AG 2260) may be applicable or the _____ Team may be notified prior to student placement.
- H. () If the District's assessment of a student indicates mastery of curriculum objectives that far exceed the normal age/grade placement, and whose standardized test scores indicate qualification for gifted education, s/he may be referred to the _____ for placement.

Admission to Kindergarten Through Grade Eight

Placement into a grade shall be made in accordance with the following:

- A. () age appropriateness
- B. () data resulting from the assessment procedure described above - Student Transfer from Nonpublic Schools
- C. () results of the examination of the student's most recent annual academic assessment report which shall include one (1) of the following:
 - 1. () results of a nationally-normed, standardized achievement test
 - 2. () written narrative indicating that a portfolio of the student's work has been reviewed and his/her academic progress for the year is in accordance with the student's abilities
 - 3. () and the District's applicable courses of study
- D. () review of previous regular education program records, if any, to check last grade placement
- E. () results of competency tests at the appropriate grade level(s) to measure achievement of performance objectives in each applicable subject

Admission to Grades Nine Through Twelve

Placement into a grade shall be made on the basis of credits earned. Placement into each subject (e.g. English) shall be made based on:

- A. () age appropriateness;
- B. () data resulting from the assessment procedure described above - Student Transfer from Nonpublic Schools;
- C. () results of examination of the student's most recent annual academic assessment report which shall include one (1) of the following:
 - 1. () results of a nationally normed, standardized achievement test in the subject area
 - 2. () a portfolio of the student's work that demonstrates s/he has developed the knowledge and skills at the previous grade level to the one the student should be placed in based on his/her age
- D. () review of previous regular education program records, if any, to check last grade placement;
- E. () results on the appropriate competency tests or normed, criterion-references test in the subject area, if applicable to the grade placement.

Procedures for Receiving Credits/Grades

[] Students shall receive credit for their academic work on the following basis, to:

- A. () receive credit in language arts, social studies, mathematics, and/or science, the student must:
 - 1. () receive a raw-score equivalent to the _____ percentile on a nationally-normed, criterion-referenced test in the specific subject.
 - 2. () receive a passing grade in the final examination in the subject, plus satisfactory completion of any academic projects student must complete to demonstrate competence in the subject area.

[] The student will have only one (1) opportunity to take the appropriate test(s). The student must complete the test(s) within _____ () days from the date of enrollment and any projects by no later than _____.

B. () receive credit in courses other than language arts, social studies, mathematics, and/or science, the student must demonstrate proficiency as determined by the building administrator and the _____ [teacher or department chairperson].

[] In accordance with Board Policy 5463, no letter or number grades will be recorded for courses for which credit is granted. Credit will be issued on a pass/fail (P/F) basis and the transcript will indicate "transfer" credit. The credit will be recognized for high school graduation requirements. Students entering school at any point following the conclusion of the first grading period will be evaluated on a pass/fail basis for competency in the course work dealt with during the grading period(s). Credits obtained by the student while enrolled in a non-public school program but obtained through courses offered in the District's schools pursuant to Policy 9270 - Home-Based, Private, or Tribal Schooling, shall be afforded the credit associated with them as would be provided to any District enrolled student at the time.

[] The maximum number of credits a student may receive for each year of academic study is _____ () credits which is equivalent to the maximum number of credits a student may earn while attending high school.

Procedures for Determining Grade Point Average (GPA)/Class Rank/Transcripts:

A. () Students entering the high school shall have no established grade point average (GPA) or class rank until they have completed _____ () semesters.

B. () Inclusion of the student in graduation honors such as Valedictorian shall occur if the student has been enrolled for _____ () consecutive semesters.

() and at least _____ percent (%) of the credits required for graduation have been earned at the high school.

Graduation and Commencement Exercises

[] Before a diploma will be presented, the student must meet all of the Board's graduation requirements.

[] For a student to qualify for participation in the commencement exercises, s/he must be enrolled in the high school for _____ () the entire year () one (1) semester. [DRAFTING NOTE: Don't make this any different than for students transferring in from another public school.]

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Title	Copy of BULLYING
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~~5517.01—BULLYING~~

~~The following procedures shall be used for reporting, investigating and resolving complaints of bullying.
Complaint Procedures~~

~~Building principals and assistant principals and the District Administrator have responsibility for conducting investigations concerning claims of bullying. The investigator(s) shall be a neutral party having no direct involvement in incident(s) upon which the complaint is based.~~

~~Any employee who has knowledge of conduct in violation of Policy 5517.01 is required to immediately report his/her concerns.~~

~~Any student or third party who has knowledge of conduct in violation of Policy 5517.01 believes s/he has been a victim of aggressive behavior in violation of Policy 5517.01 should immediately report his/her concerns.~~

~~All complaints will be promptly investigated in accordance with the following procedures.~~

~~Step I~~

~~Any claims of bullying shall be presented to the building principal or dean of students or the District Administrator. Students may also report their concerns to teachers or counselors who will be responsible for notifying the appropriate administrator or Board official. Complaints against the building principal shall be filed with the District Administrator. Complaints against the District Administrator shall be filed with the Board President. Information may be initially presented anonymously. All such information will be reduced to writing and will include the specific nature of the offense and corresponding dates. If the person filing the complaint is an adult, s/he must sign the charge affirming its veracity. If the person filing the complaint is a minor, s/he may either sign the charge or affirm its veracity before two (2) administrators.~~

~~Step II~~

~~The administrator/Board official receiving the complaint shall conduct a prompt investigation. Parents will be notified of the nature of any complaint involving their student. The administrator/Board official will arrange such meetings as may be necessary with all concerned parties within five (5) work days after receipt of the information or complaint. The parties will have an opportunity to submit evidence and a list of witnesses. All findings related to the complaint will be reduced to writing. The administrator/Board official conducting the investigation shall notify the complainant and parents as appropriate, (in writing,) when the investigation is concluded and the findings made. All information provided shall be provided consistent with student record and staff personnel file confidentiality as required by law (See Policy 8330 and Policy 8350).~~

~~A copy of the notification letter or the date and details of notification to the complainant, together with any other documentation related to the incident, shall be forwarded to the District Administrator.~~

~~With regard to complaints received against the District Administrator (or a member of the Board), the investigation shall be referred to the school board attorney who shall conduct a prompt investigation. The school board attorney is authorized to designate an outside third party to conduct the investigation. The school board attorney or designee will arrange such meetings as may be necessary with all concerned parties within five (5) work days after receipt of the information or complaint. The parties will have an~~

~~opportunity to submit evidence and a list of witnesses. All findings related to the complaint will be reduced to writing. The school board attorney or designee conducting the investigation shall notify the complainant and parents as appropriate, (in writing,) when the investigation is concluded and the findings made.~~

~~A copy of the notification letter or the date and details of notification to the complainant, together with any other documentation related to the incident and the statement of the findings of the investigation, shall be included in the personnel file, consistent with Policy 8320.~~

~~If the complaint is affirmed and it is determined that the matter is not only an instance of bullying, but would also be harassment as described in Policy 5517, then the complainant will be advised of his/her right to pursue the matter with the Office of Civil Rights.~~

~~Step III~~

~~If the complainant is not satisfied with the decision at Step II, s/he may submit a written appeal to the District Administrator or designee. Such appeal must be filed within ten (10) work days after receipt of the Step II decision. The District Administrator or designee will arrange such meetings with the complainant and other affected parties as deemed necessary to review and discuss the appeal. The District Administrator or designee shall provide a written decision to the complainant's appeal within ten (10) work days of the appeal being filed. The decision of the District Administrator shall be final. If the complainant who has filed a complaint of bullying against the District Administrator or a member of the Board is not satisfied with the decision at Step II, a written appeal may be filed with the Board. Such appeal must be filed within ten (10) work days after receipt of the Step II decision. The Board shall, within twenty (20) work days, conduct a hearing at which time the complainant shall be given an opportunity to present the complaint. If the complaint is against a member of the Board, that member shall recuse himself/herself from participation in the hearing, as a member of the Board, but may present information to the Board hearing on the matter. The Board shall provide a written decision to the complainant within ten (10) work days following completion of the hearing.~~

~~Documentation related to the incident, other than any discipline imposed or remedial action taken, will be maintained in a file separate from the student's education records or the employee's personnel file.~~

~~Retaliation/False Charges~~

~~Retaliation against any person who reports, is believed to have reported, or files a complaint, or otherwise participates in an investigation or inquiry related to a complaint of bullying is prohibited. Such retaliation shall be considered a serious violation of Board policy and independent of whether a complaint is substantiated. Retaliation and false charges shall also be regarded as a serious offense and will result in disciplinary action or other appropriate sanctions. Suspected retaliation should be reported in the same manner as bullying.~~

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Legal

118.46 Wis. Stats.

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Code	ag5540 - R
Status	
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5540 - RELATIONSHIP WITH GOVERNMENTAL AGENCIES

On occasion, principals will need **police**-assistance **from law enforcement** but should avoid unnecessary and inappropriate **law enforcement****police** involvement. **Principals****They** are expected to be proactive in calling **law enforcement****the police** when necessary, and not to leave the decision to the discretion of other staff members, except by delegation in their temporary absence. The situations listed below are examples of situations in which it is appropriate to call **law enforcement****the police, and their support should be expected**. The District Administrator should be advised of any such situation as soon as feasible.

- A. refusal of a person to leave school property after being requested to do so by the appropriate school authority
- B. willful destruction of school property--particularly if the District is likely to seek restitution
- C. theft--particularly if items are of value and insurance claims will be filed
- D. obvious crime
- E. arson
- F. assaults or serious fighting--if not controlled or if serious injury results
- G. forgery--if assistance is needed in determining whether it is forgery
- H. possession of a dangerous weapon
- I. possession of alcohol or drugs
- J. sale or distribution of controlled substances
- K. blackmail, threatening, or extortion of students or staff members
- L. bona fide threat against a person's life or threats of terrorist acts, bomb scares, etc.
- M. illegal or inappropriate operation of a motor vehicle
- N. child abuse or molestation
- O. mass walkout from or sit-in on school property--if not controlled or if property damage or personal injury result
- P. setting off firecrackers, pulling fire alarms and similar mischief (discretionary, but advised if reoccurring or the situation is getting out of hand)
- Q. a student leaving school property without permission, a missing person situation, or a self-inflicted injury by a student

Interview Procedures

School officials stand in loco parentis (in place of the parent) in respect to the child. This will require the administrator to ~~divorce himself/herself from his/her role of enforcer of discipline in the school and~~ **strive to maintain a standard of care and concern similar to that of a parent**; ~~a very difficult task, but one that needs to be performed.~~

- A. All attempts to notify the parent(s) should be **diligently** documented according to District procedures.
- B. **Law enforcement Police** and other **governmental** authorities should investigate alleged law violations off of school property if at all possible. The investigation can take place immediately on school property, at the request of the principal, if the alleged law violation took place on school property or at school-related event.
- C. When **law enforcement police** or other **governmental** authorities arrive at the school and wish to interview a student or investigate an alleged law violation, they will contact the principal indicating the nature of their investigation and their desire to question a student or students; ~~an~~ **A**ccess will be granted consistent with Policy 5540 or Policy 5540.01.
- D. If the principal concurs that the questioning is appropriate, s/he will send for the student, move him/her to an unoccupied room and, if appropriate and a parent is not present, remain in the room during the questioning. If the situation involves suspected child abuse or an emergency requiring prompt action, notification of parents will be determined by the investigator (see also the investigation procedure in AG 8462 – Student Abuse).
- E. Should a student be taken into custody or removed from the school premises by **law enforcement the police**, the principal ~~shall must attempt make every effort~~ to notify the student's parents as soon as practicable. at the earliest possible moment of the removal.

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5610 - **SUSPENSION AND EXPULSION**

The following administrative guideline deals with suspending and expelling students.

A. **Suspension**

1. **Duration and Grounds for Suspension**

The District Administrator or any principal or administrative designee may suspend a student for up to five (5) school days or, if a notice of expulsion hearing has been sent, for up to fifteen (15) consecutive school days (refer to AG 5605 if the student is eligible for special education services under Chapter 115, Wis. Stats.) if the suspension is reasonably justified and based upon any of the following misconduct:

- a. noncompliance with school rules or Board rules, **including rules identifying student conduct that is dangerous, disruptive, or unruly behavior that interferes with the ability of the teacher to teach effectively;**
- b. knowingly conveying any threat or false information concerning an attempt or alleged attempt being made or to be made to destroy any school property by means of explosives;
- c. conduct by the student while at school or while under the supervision of a school authority that endangers the property, health, or safety of others;
- d. conduct while not at school or while not under the supervision of a school authority that endangers the property, health, or safety of others at school or under the supervision of a school authority; or
- e. conduct while not at school or while not under the supervision of a school authority that endangers the property, health, or safety of any employee or Board member of the District in which the student is enrolled.

Under paragraphs c, d, and e above, conduct that endangers a person or property includes making a threat to the health or safety of a person or making a threat to damage property.

The District Administrator or any principal or administrative designee shall suspend a student if the student possessed a firearm as defined in 18 U.S.C. 921(a)(3) while at school or while under the supervision of a school authority.

The suspension period applies to "school days." Thus, a suspension period does not include weekend days or vacation days.

2. **Suspension Procedure**

Prior to being suspended, on the day of the alleged infraction or as soon thereafter as is practicable, the student must be advised orally or in writing of the reason for the proposed suspension and given an opportunity to explain his/her conduct.

The principal, within his/her discretion, may also inform the student's parents of the reason for the proposed suspension prior to suspending the student.

3. Notice of Suspension

The parent of a suspended minor student shall be given prompt written notice of the suspension and the reason for the suspension by mail and by sending a copy of the notice home with the student. Oral notice may also be given to the student's parent however, it must be confirmed in writing.

4. Sending a Student Home on the Day of the Suspension

Generally, the student should remain in school on the day of the suspension until school is dismissed for the day. Except as provided below, if the situation requires that the student be removed from the premises before school is dismissed, the principal shall attempt to contact the student's parent to request that s/he pick up the student **or authorize release of the student on his/her own at the high school level**. If the parent is unable to pick up the student, **or if the student is not authorized to leave on his/her own**, the student should remain under the school's supervision until school is dismissed, or in the event law enforcement is involved, under law enforcement supervision.

5. Opportunity to Complete School Work

A suspended student shall not be denied the opportunity to take any quarterly, semester, or grading period examinations or to complete course work missed during the suspension period. Such work shall be completed pursuant to the procedures established by the Board.

6. Reference to the Suspension in the Student's Record

The student's suspension from school shall be entered in the student's record as required by the rules adopted by the Board concerning the content of student records.

The suspended student or the student's parent may, within five (5) school days following the commencement of the suspension, have a conference with the District Administrator or his/her designee, who shall be someone other than a principal, administrator, or teacher in the suspended student's school, to discuss removing reference to the suspension from the student's records.

Reference to the suspension in the student's school record shall be removed if the District Administrator finds that:

- a. the student was suspended unfairly or unjustly;
- b. the suspension was inappropriate, given the nature of the alleged offense; or
- c. the student suffered undue consequences or penalties as a result of the suspension.

The District Administrator shall make his/her finding within fifteen (15) **calendar business** days of the conference.

7. Co-Curricular or Extra-Curricular

8. A student's participation in co-curricular or extra-curricular activities during a suspension shall be determined on a case-by-case basis. **Conduct resulting in a suspension that is also a violation of the student code of conduct shall be referred for application of the code of conduct consistent with those procedures.**

B. Expulsion

1. Grounds for Expulsion

The Board may expel a student only when it is satisfied that the interest of the school demands the student's expulsion and it finds that the student:

- a. repeatedly refused or neglected to obey the rules established by the School District;
- b. knowingly conveyed or caused to be conveyed any threat or false information concerning an attempt or alleged attempt being made or to be made to destroy any school property by means of explosives;

- c. engaged in conduct while at school or while under the supervision of a school authority that endangered the property, health, or safety of others;
- d. engaged in conduct while not at school or while not under the supervision of a school authority that endangered the property, health, or safety of others at school or under the supervision of a school authority or endangered the property, health, or safety of any employee or Board member of the School District in which the student is enrolled; or
- e. was at least sixteen (16) years old and had repeatedly engaged in conduct while at school or while under the supervision of a school authority that disrupted the ability of school authorities to maintain order or an educational atmosphere at school or at an activity supervised by a school authority and that such conduct did not otherwise constitute grounds for expulsion.

Under this section, conduct that endangers a person or property includes threatening the health or safety of a person or threatening to damage property.

2. Expulsion for Bringing a Firearm to School or for Possessing a Firearm at School

The Board shall expel a student from school for not less than one (1) year whenever it finds that the student brought a firearm to school or, while at school or while under the supervision of a school authority, possessed a firearm, as defined in 18 U.S.C. 921(a)(3), unless the Board finds that the punishment should be reduced based upon the circumstances of the incident. Any such finding by the Board shall be in writing.

3. Expulsion Hearing

Prior to expelling a student, the Board shall provide the student with a hearing.

a. Notice of the Hearing

Prior written notice of the expulsion hearing must be sent separately both to the student and his/her parent(s) if the student is a minor; otherwise just to the student.

The notice must be sent at least five (5) calendar days prior to the date of hearing. In counting the number of days, the day the notice is sent is excluded.

The notice must include the following information:

1. the specific grounds upon which the expulsion proceeding is based, pursuant to State Statute;
2. the particulars of the student's alleged conduct, including the approximate date and location of the conduct;
3. the time and place of the hearing;
4. that the Board will keep written minutes of the hearing;
5. that the hearing may result in the student's expulsion;
6. that the student's, or the student's parent if the student is a minor, have the right to request a closed hearing or the Board may choose to close the hearing under Wis. Stat. section 19.85(1)(f);
7. that the student and, if the student is a minor, the student's parent may be represented at the hearing by counsel;
8. that the administration intends to present witnesses at the hearing with knowledge of the alleged conduct;
9. that the parties shall have the right to cross-examine witnesses and to present such evidence and witnesses as deemed appropriate;
10. that in considering whether to expel the student, and if so, for what period of time, the Board may also consider the student's complete disciplinary and academic records;

These student records are available for the student and parent to review as outlined in Sec. 118.125, Wis. Stats.;

11. if the student is expelled, the Board will determine the length of the expulsion period, which may extend at a maximum to the student's 21st birthday;
12. if the Board orders the expulsion of the student, the School District clerk shall mail a copy of the order to the student and, if the student is a minor, to the student's parent;
13. if the student is expelled by the Board, the expelled student or, if the student is a minor, the student's parent may appeal the Board's decision to the Wisconsin Department of Public Instruction;
14. if the Board's decision is appealed to the Department of Public Instruction, within sixty (60) calendar days after the date on which the Department receives the appeal, the Department shall review the decision and shall, upon review, approve, reverse, or modify the decision;
15. the decision of the Board shall be enforced while the Department of Public Instruction reviews the Board's decision;
16. an appeal from the decision of the Department of Public Instruction may be taken within thirty (30) calendar days to the circuit court for the county in which the school is located; and
17. the State statutes related to student expulsion are Secs. 119.25 and 120.13 (1), Wis. Stats.

b. Hearing Procedures

The procedures for the expulsion hearing shall be as follows:

1. The hearing shall be closed.
2. The student and, if the student is a minor, the student's parent may be represented at the hearing by counsel.
3. A quorum of the Board shall be present at the hearing.
4. The Board shall keep written minutes of the hearing.
5. The parties shall have the right to cross-examine witnesses and to present such evidence and witnesses as deemed appropriate.
6. The student should be advised of his/her rights and the procedures to be followed during the hearing.
7. The Administration's burden is to prove the allegations against the student by a preponderance of the evidence.

c. Expulsion Order

The Board shall reduce its decision to writing in the form of a written order. If expulsion is ordered, the order must state the length of time that the student is to be expelled. The order should also state specific findings of fact and conclusions of law in support of the decision.

d. Post-Hearing Procedures

The following post-hearing procedures shall be followed:

1. If the Board orders the expulsion of the student, the School District clerk shall mail a copy of the order separately to the student and his/her parent(s) if the student is a minor; otherwise just to the student.
2. If the student is expelled by the Board, the expelled student or, if the student is a minor, the student's parent may appeal the Board's decision to the Wisconsin Department of Public Instruction.
3. If the Board's decision is appealed to the Department of Public Instruction, within sixty (60) calendar days after the date on which the Department receives the appeal, the Department shall review the decision and shall, upon review, approve, reverse, or modify the decision.
4. The decision of the Board shall be enforced while the Department of Public Instruction reviews the Board's decision.

5. An appeal from the decision of the Department of Public Instruction may be taken within thirty (30) calendar days to the circuit court for the county in which the school is located.

4. Alternative Expulsion Procedures

- a. The School Board may adopt a resolution, which is effective only during the school year in which it is adopted, authorizing any of the following to determine student expulsion from school under Section B(1) above instead of using the procedure described in Section B(3)(a) above:
 1. an independent hearing panel appointed by the School Board;
 2. an independent hearing officer appointed by the School Board.
- b. During any school year in which such a resolution is effective, the independent hearing officer or independent hearing panel appointed by the School Board:
 1. may expel a student from school whenever the hearing officer or panel finds that the student engaged in conduct that constitutes grounds for expulsion under Section B(1);
 2. shall commence proceedings described in Section B(3)(a) and expel a student from school for not less than one (1) year whenever that hearing officer or panel finds that the student engaged in conduct that constitutes grounds for expulsion under Section B(2). The School Board may modify this requirement on a case-by-case basis for an individual student.
- c. Prior to expelling a student, the hearing officer or panel shall hold a hearing:
 1. upon request of the student and, if the student is a minor, the student's parent; the hearing shall be closed;
 2. the student and, if the student is a minor, the student's parent may be represented at hearing by counsel;
 3. the hearing officer or panel shall keep a full record of the hearing;
 4. the hearing officer or panel shall inform each party of the right to complete record of proceeding;
 5. upon request, the hearing officer or panel shall direct that a transcript of the record be prepared and that a copy of the transcript be given to the student and, if the student is a minor, the student's parent;
 6. upon the ordering by the hearing officer or panel of the expulsion of a student, the School District shall mail a copy of the order to the School Board, the student and, if the student is a minor, the student's parent;
 7. within thirty (30) **calendar** days after the date on which the order is issued, the Board shall review the expulsion order and shall, upon review, approve, reverse or modify the order;
 8. the order of the hearing officer or panel shall be enforced while the School Board reviews the order;
 9. the expelled student or, if the student is a minor, the student's parent may appeal the School Board's decision to the State Superintendent;
 10. if the School Board's decision is appealed to the State Superintendent, within sixty (60) calendar days after the date on which the State Superintendent receives the appeal, the State Superintendent shall review the decision and shall upon review, approve, reverse or modify the decision;
 11. the decision of the School Board shall be enforced while the State Superintendent reviews the decision;
 12. an appeal from the decision of the State Superintendent may be taken within thirty (30) calendar days to the circuit court of the county in which the school is located.
- d. Not less than five (5) calendar days' written notice of the hearing shall be sent to the student and, if the student is a minor, separately to the student's parent. The notice shall state all of the following:
 1. the specific grounds and the particulars of the student's alleged conduct upon which the expulsion proceeding is based, pursuant to State Statute;

2. the time and place of the hearing;
3. that the hearing may result in the student's expulsion;
4. that, upon request of the student and, if the student is a minor, the student's parent, the hearing shall be closed;
5. that the student and, if the student is a minor, the student's parent may be represented at the hearing by counsel;
6. that the hearing officer or panel shall keep a full record of the hearing and, upon request, the hearing officer or panel shall direct that a transcript of the record be prepared and that a copy of the transcript be given to the student and, if the student is a minor, the student's parent;
7. that if the hearing officer or panel orders the expulsion of the student, the School District shall mail a copy of the order to the School Board, the student and, if the student is a minor, to the student's parent;
8. that within thirty (30) days of the issuance of an expulsion order the School Board shall review the order and shall, upon review, approve, reverse or modify the order;
9. that, if the student is expelled by the hearing officer or panel, the order of the hearing officer or panel shall be enforced while the School Board reviews the order;
10. that, if the student's expulsion is approved by the School Board, the expelled student or, if the student is a minor, the student's parent may appeal the School Board's decision to the Department of Public Instruction;
11. that if the Board's decision is appealed to the department, within sixty (60) **calendar** days after the date on which the department receives the appeal, the department shall review the decision and shall, upon review, approve, reverse or modify the decision;
12. that the decision of the Board shall be enforced while the department reviews the Board's decision;
13. that an appeal from the decision of the department may be taken within thirty (30) **calendar** days to the circuit court for the county in which the school is located; **and**
14. that the State Statutes related to student expulsion are Sections 119.25 and 120.13(1).

5. Student Records

The student's expulsion from school shall be entered in the student's record as required by the rules adopted by the Board concerning the content of student records.

6. Services During Expulsion

No school board is required to enroll a student during the term of his/her expulsion from another school district. Notwithstanding Sections 118.125 (2) and (4), if a student who has been expelled from one (1) school district seeks to enroll in another school district during the term of his/her expulsion upon request the school board of the former school district shall provide the school board of the latter school district with a copy of the expulsion findings and order, a written explanation of the reasons why the student was expelled and the length of the term of the expulsion.

7. Conditional Early Reinstatement

"Early reinstatement" means the reinstatement to the school of an expelled student before the expiration of the term of expulsion specified in the student's expulsion order.

"Early reinstatement condition" means a condition that a student is required to meet before s/he may be granted early reinstatement or a condition that a student is required to meet after his/her early reinstatement but before the expiration of the term of expulsion specified in the student's expulsion order.

- a. A School Board, independent hearing panel, or independent hearing officer may specify one (1) or more early reinstatement conditions in the expulsion order. Early reinstatement conditions must be related to the reasons

for the student's expulsion.

b. Conditional Early Reinstatement Appeal Rights

If the expulsion order is issued by an independent hearing panel or independent hearing officer:

1. The student or the student's parent must be informed of their right to appeal the determination regarding whether an early reinstatement condition specified in the expulsion order is related to the reasons for the student's expulsion to the School Board. The appeal must be taken within fifteen (15) calendar days of the issuance of the expulsion order by the independent hearing panel or officer.
2. The decision of a school board regarding that determination is final and not subject to appeal.

c. Satisfaction of Early Reinstatement Conditions

The District Administrator or his/her designee, who shall be someone other than a principal, administrator or teacher in the student's school, has sole discretion to determine whether a student has met the early reinstatement conditions that s/he is required to meet before s/he may be granted early reinstatement.

1. If the District Administrator or designee determined the early reinstatement conditions have been met, s/he may grant the student early reinstatement.
2. The determination of the District Administrator or designee regarding satisfaction of early reinstatement conditions is final.

d. Early Reinstatement Revocation

If a student violates an early reinstatement condition that the student was required to meet after his/her early reinstatement but before the expiration of the term of expulsion, the District Administrator or a principal or teacher designated by the District Administrator may revoke the student's early reinstatement.

Revocation Process

Before revoking the student's early reinstatement, the District Administrator or his/her designee shall do all of the following:

1. advise the student of the reason for the proposed revocation, including the early reinstatement condition alleged to have been violated;
2. provide the student an opportunity to present his/her explanation of the alleged violation;
3. make a determination that the student violated the early reinstatement condition and that revocation of the student's early reinstatement is appropriate; and
4. if the District Administrator or designee revokes the student's early reinstatement, the District Administrator or designee shall give prompt written notice of the revocation and the reason for the revocation, including the early reinstatement condition violated, to the student and, if the student is a minor, to the student's parent.

e. Term of Expulsion Following Revocation

If a student's early reinstatement is revoked the student's expulsion shall continue to the expiration of the term of the expulsion specified in the expulsion order unless the student or, if the student is a minor, the student's parent and the School Board, independent hearing panel or independent hearing officer agree, in writing, to modify the expulsion order.

f. Revocation Decision Appeal Rights

Within five (5) school days after the revocation of a student's early reinstatement the student or, if the student is a minor, the student's parent may request a conference with the District Administrator or his/her designee, who shall be someone other than a principal, administrator or teacher in the student's school.

1. If a conference is requested, it shall be held within five (5) school days following the request.

2. If, after the conference, the District Administrator or his/her designee finds that the student did not violate an early reinstatement condition or that the revocation was inappropriate, the student shall be reinstated to school under the same reinstatement conditions as in the expulsion order and the early reinstatement revocation shall be expunged from the student's record.
3. If the District Administrator or his/her designee finds that the student violated an early reinstatement condition and that the revocation was appropriate, s/he shall issue a written decision and mail separate copies of the decision to the student and, if the student is a minor, to the parent.

The decision of the Administrator or his/her designee is final as to an appeal of the decision to revoke early reinstatement.

C. Referral to Law Enforcement

The District shall refer any student who brings a firearm (as defined in 18 U.S.C. 921(a)(3)) or a weapon to school to law enforcement~~the criminal justice or juvenile delinquency system~~.

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Legal 119.25, Wis. Stats.
 120.13, Wis. Stats.
 18 U.S.C. 921(a)(3)
 20 U.S.C. 7151

Last Modified by Steve LaVallee on February 23, 2022



Book	Administrative Guideline Manual
Section	For Review - Administrative Guidelines - Vol. 31, No. 1
Title	Copy of SCHOOL-SPONSORED STUDENT PUBLICATIONS AND PRODUCTIONS
Code	ag5722 - Review - Admin. Team/Board
Status	
Adopted	August 20, 2018

5722 - **SCHOOL-SPONSORED STUDENT PUBLICATIONS AND PRODUCTIONS**

In general, the objectives of school-sponsored student publications and productions are to:

- A. communicate to those who are actively interested in the school – i.e., students, teachers, parents, administration, alumni, and other members of the school community;
- B. provide vehicles for the expression of student thought and action and to act as catalysts for helping students realize goals and objectives;
- C. create a wholesome school spirit and to support the best traditions of the school;
- D. promote and encourage school-sponsored activities;
- E. provide training in useful and purposeful writing, speaking, artwork, photography, and layout;
- F. create a desire for the best forms of journalism or theatrical production, both in and out of school;
- G. record in permanent form the history of the school;
- H. promote cooperation among taxpayers, parents, the school, and its students.

In implementing Board of Education Policy 5722, the following guidelines are applicable:

- A. Under those circumstances when the school-sponsored student media is subject to prior review and restraint, the following school officials are designated to conduct the prior review/restraint:
 - 1. Class/Activity Advisor
 - 2. Building principal
 - 3. District Administrator

Prior review involves the practice of a school official reading or previewing a student publication/production prior to its publication/performance. Prior restraint involves the practice of a school official – after reading or previewing the material – taking action to modify, inhibit, ban or restrain some or all of the style and/or content of the student publication/production prior to its scheduled publication/performance.

The reviewing school official may regulate the style and/or restrict the content of the student publication/production for legitimate pedagogical, school-related reasons. Any such prior review and restraint shall be conducted in a reasonable manner that is neutral as to the viewpoint of the speaker.

If an article/posting/publication/production is published/performed without being reviewed in advance and approved, the students involved in the unauthorized publication/performance may be disciplined.

B. Students who work on school-sponsored student media shall:

1. endeavor to produce **articles/postings/publications/productions** ~~media~~ based upon professional standards of accuracy, objectivity and fairness;
2. review and edit material to improve sentence structure, grammar, spelling and punctuation;
3. check and verify all facts and verify the accuracy of all quotations;
4. comply with all State and Federal laws;
5. determine the content of the **school-sponsored** student **media** ~~publication/production~~ (if the publication/production has been identified as a limited-purpose public forum);
6. if the student publication/production has been identified as a limited-purpose public forum, in the case of editorials or letters to the editor concerning controversial issues, determine the need for rebuttal comments and opinions and provide space for such comments and opinions;
7. perform with intelligence, objectivity, accuracy and fairness as set forth in the Code of Ethics adopted by the Society of Professional Journalists, ~~Sigma-Delta-Chi~~.

C. Excellence in writing and/or speaking will be sought and the ethics of responsible journalism and/or literary merit will determine what will be published/performed. Presentation of facts or ideas is to be based on careful research.

D. Students shall have the right to express their views and attitudes on all issues provided the speech is not: 1) defamatory, libelous, obscene or harmful to juveniles; 2) reasonably likely to cause substantial disruption of or material interference with school activities or the educational process; 3) an infringement upon the privacy or rights of others; 4) a violation of copyright law; 5) a promotion of unlawful (illegal) activities, products or services as defined by State or Federal law; or 6) otherwise a violation of school policy and/or State or Federal law.

E. Language, pictures, music, or symbols that are obscene, libelous or protected by copyright and/or trademark are prohibited.

F. School publications/productions shall not promote, favor, or oppose any candidate for election or the adoption of any bond issue, proposal, or questions submitted at any election.

G. Advertisements shall reflect the spirit of these guidelines. Advertisements shall not be accepted that encourage or advocate violence or disregard of the law, promote the sale of any substance the use of which is prohibited by law (such as drugs and alcohol or of any paraphernalia associated with sex or drugs), any item that would be offensive to a significant population of the school community, or items not in keeping with school purposes or that violate State or Federal law.

H. All school-sponsored student publications and productions are subject to prior review by the class/activity advisor(s) and/or building principal.

I. The following types of student expression are not protected (i.e. such expression is subject to prior review and restraint, and/or disciplinary action subsequent to its publication/performance):

1. Expression that is obscene, harmful to juveniles and/or considered a sex offense under State or Federal law. "Harmful to juveniles" is defined as material or performance describing or representing nudity, sexual conduct, sexual excitement, or sadomasochistic abuse in any form to which all of the following apply:
 - a. the material or performance, when considered as a whole, appeals to the prurient interest of juveniles in sex;
 - b. the material or performance is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable for juveniles; and
 - c. the material or performance, when considered as a whole, lacks serious literary, artistic, political, and scientific value for juveniles.
2. Expression that is defamatory (i.e., speech that is libelous or slanderous). Libelous statements are provably false and unprivileged statements of fact that demonstrate injury to an individual's or business's reputation in the community. If the allegedly false statement involves a "public figure" or a "public official" the statement must be published "with actual malice" to constitute libel (i.e., the speaker knew the statement was false or the speaker published it with

reckless disregard of the truth and/or without trying to verify the truthfulness of the statement). If the allegedly false statement involves an individual who is not a public figure or public official, libel occurs if the speaker published the statement willfully or negligently (i.e., the speaker failed to exercise reasonably prudent care when publishing the statement).

3. Expression that will cause or is reasonably likely to cause a substantial disruption of or material interference with school activities or the educational process, and/or an infringement upon the privacy and/or rights of others. For **a school-sponsored student publication/production student media** to be considered disruptive, specific facts must exist upon which one could reasonably forecast that a likelihood of immediate, substantial material disruption to normal school activity or the educational process would occur if the publication or production is published/performed or has occurred as a result of the publication's or production's publication/performance. Mere undifferentiated fear or apprehension of disturbance is not enough; school administrators must be able affirmatively to show specific facts that reasonably support a forecast of likely disruption. In determining whether student media is disruptive, consideration should be given to the context of the publication/performance as well as the content of the material. In this regard, consideration should be given to past experience in the school with similar material, in dealing with and supervising the students in the school, current events influencing student attitudes and behavior, and whether there have been any instances of actual or threatened disruption prior to or contemporaneously with the publication/performance of the **school-sponsored** student media in question.

The duties of the faculty advisor and assistant advisors shall be to:

- A. serve in a liaison capacity between the publication/production's staff and the faculty and administration;
- B. establish criteria and standards by which students can assess the quality of their publication/production and their techniques;
- C. instruct members of the publication/production's staff in proper journalistic, literary, theatrical and/or broadcast techniques;
- D. advise, suggest, and edit syntax and punctuation when necessary;
- E. advise, counsel and supervise the editing process;
- F. interpret the foregoing guidelines (subject to final interpretation by the building principal or District Administrator).

[] Monitoring Postings on School-Sponsored Student Media

() Student () Staff who are charged with monitoring comments posted to social media platforms/sites that have been approved under Policy 7544 for use as school-sponsored student media shall fulfill their responsibility by verifying the age-appropriateness of the material, whether the comment includes unprotected speech, and whether the comment complies with posted rules for use of the forum and the platform/site's applicable terms of service.

[] Prior to monitoring comments posted to District-approved Social Media, the () students () staff shall delineate the circumstances under which a comment will be removed and/or a reason to have their rights to post comments in the future restricted, suspended or terminated.

[] The following content shall be removed:

- A. **comments that contain profanity;**
- B. **comments that use language that is libelous, defamatory, obscene, threatening, offensive, demeaning, derogatory, disparaging, or abusive;**
- C. **comments that violate the Board's policies against discrimination and/or harassment based upon Protected Classes and/or that constitute hate-speech;**
- D. **comments that are off-topic;**
- E. **comments that encourage or support illegal activity;**
- F. **comments that contain material protected by copyright without the permission of the copyright owner;**
- G. **comments that violate a person's privacy rights and/or disclose protected information, including personally identifiable information (See also Policy 8330);**
- H. **comments that contain commercial messages.**

[DRAFTING NOTE: SELECT EITHER OPTION #1 OR OPTION #2]

[] OPTION #1

The Class/Activity Advisor will provide guidance and/or instruction to the students as they determine whether a person who posted an inappropriate comment should have the person's right to post future comments restricted, suspended or terminated.

[] OPTION #2

The Class/Activity Advisor will determine whether a specific comment needs to be removed and/or whether a person who posted an inappropriate comment should have the person's right to post future comments restricted, suspended or terminated.

[END OF OPTION #1 AND OPTION #2]

[] When a comment is removed and/or a person's ability to post comments in the future is restricted, suspended or terminated, the () students () Class/Activity Advisor who are responsible for making the determination to remove the comment or restrict the person's ability to post comments in the future shall memorialize the decision and the rationale for the decision in writing. The written explanation shall be attached to a written copy of the comment that was removed or that resulted in the person's future posting rights being restricted, suspended or terminated. If a person's right to post future comments is restricted, suspended or terminated, the () students () Class/Activity Advisor will communicate, in writing, the decision to the person.

[] If possible, the () students () Class/Activity Advisor will notify, in writing, any person whose posting is removed, including the reason why the posting was removed.

[] The documentation associated with the removal of a posting and/or the restricting, suspending or terminating of a person's ability to post in the future must be provided to the Class/Activity Advisor who will retain it for a period of _____ years. [DRAFTING NOTE: Check for any associated records retention requirements and Policy 8315 - Information Management regarding litigation hold procedures.]

[] Publishing Comments in School-Sponsored Student Media

[] () Students () Staff who are charged with determining whether to publish a comment that was submitted in response to content in a school-sponsored student publication/production shall fulfill their responsibility by verifying the age-appropriateness of the material, whether the comment includes unprotected speech, and whether the comment complies with established/published rules for use of the student media.

[] Prior to deciding whether to publish a comment submitted in response to content in a school-sponsored student publication/production, the () students () staff shall delineate the criteria that will be used to decide which comments will be published.

[] The following content will not be published:

- A. comments that contain profanity;
- B. comments that use language that is libelous, defamatory, obscene, threatening, offensive, demeaning, derogatory, disparaging, or abusive;
- C. comments that violate the Board's policies against discrimination and/or harassment based upon Protected Classes and/or that constitute hate-speech;
- D. comments that are off topic;
- E. comments that encourage or support illegal activity;
- F. comments that contain material protected by copyright without the permission of the copyright owner;
- G. comments that violate a person's privacy rights and/or disclose protected information, including personally identifiable information (See also Policy 8330);
- H. comments that contain commercial messages.

[DRAFTING NOTE: Select either Option 3 or Option 4]

[] OPTION #3

The Class/Activity Advisor will provide guidance and/or instruction to the students as they determine which comments to publish.

[] OPTION #4

The Class/Activity Advisor will decide which comments to publish.

[END OF OPTION #3 ADOPTION #4]

Last Modified by Steve LaVallee on February 23, 2022



Book Administrative Guideline Manual
Section For Review - Administrative Guidelines - Vol. 31, No. 1
Title EDUCATION AND SERVICES FOR SCHOOL-AGE PARENTS
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5751 - **EDUCATION AND SERVICES** ~~COUNSELING~~ FOR SCHOOL-AGE PARENTS

~~The school counselor, on becoming aware of a student's pregnancy, should encourage the student to notify the Principal, and offer to function as liaison between the student, the staff, and outside resource people throughout the term of pregnancy. The counselor's role is to provide support and guidance to the student throughout the pregnancy.~~

~~If a student's pregnancy limits her in the performance of any aspect of her educational program, a statement from the doctor shall be submitted verifying the condition of pregnancy and indicating any limits to be placed on the student's program. If possible, arrangements for the resumption of education will be worked out if and or when she is required to leave.~~

~~Appropriate referral procedures should be offered to the parents and to the expectant mother and, if possible, to the prospective father, if a student of this District.~~

The District recognizes that pregnant and parenting students have the right and responsibility to attend school. This attendance right and responsibility applies to students regardless of their marital or parental status. Further, the District will educate pregnant and parenting students and will provide reasonable accommodations to support and encourage all pregnant and parenting students to obtain their high school diploma. No student will be excluded from, denied the benefit of, or discriminated against under any educational program or activity because of pregnancy or parenting responsibilities.

A school-age parent is any person under the age of twenty-one (21) who is not a high school graduate and is a parent, an expectant parent, or a person who has been pregnant within the immediately preceding 120 calendar days.

The District will not deny admission to or participation in any curricular, extra-curricular, student services, recreational, or other program or activity based upon pregnancy, marital, or parental status.

Procedure

Students who anticipate deviations from their regular school experience or accrue absences due to pregnancy or parenting should notify their school counselor or building principal as early as possible to discuss their educational programming. The school counselor and building principal will work with the student to develop a plan to assist the student in participating in District curriculum and extra-curricular activities. Such a plan may include, but is not limited to the following:

- A. providing online courses;
- B. accessing coursework on-line;
- C. providing home-based independent study;
- D. providing homebound instruction;
- E. allowing for a modified or reduced schedule of classes;
- F. arranging meeting times with teachers;
- G. identifying child care providers that meet statutory requirements for quality and care;

- H. providing schedule flexibility (e.g., later start times, changes to the class schedule) whenever possible to enable full participation and reduce school tardiness and absences due to medical, childcare, or other pregnancy or parenting related concerns;
- I. permitting additional time to the pregnant or parenting student for class changes;
- J. permitting the pregnant student the use of elevators when this need is supported by the student's physician and when it is possible to do so;
- K. permitting the pregnant and parenting student to engage in alternative activities that satisfy physical education requirements when requested by the pregnant or parenting student and her physician;
- L. providing hall passes for bathroom use;
- M. providing pregnant and parenting students with class and homework assignments missed during any short term or an excused period of absence to enable the student to complete the assignments and receive credit for them if they are satisfactorily completed by the student within a reasonable amount of time; and

Tests may also be made up within a reasonable amount of time and the teacher has the discretion to determine if the same or reasonably equivalent test shall be administered.

- N. providing other curricular adjustments, modifications, and means of supplementing classroom attendance deemed appropriate by the school administrators.

Pregnant and parenting students shall be notified that they may request and be provided additional reasonable accommodations to ensure continued participation and enrollment in school. Accommodation requests will be evaluated on a case-by-case basis.

Alternative methods of instruction or other alternative programs for pregnant and parenting students are voluntary for the student, and the student may elect whether to engage in an alternative method of instruction or the traditional methods of instruction available to their peers. Pregnant and parenting students shall be allowed to attend their regular classrooms and complete regular coursework.

Attendance and Leave of Absences

Pregnant and parenting students are permitted to attend to their own health care, their child's medical care, or other pregnancy or parenting related appointments with the benefit of having any such absences or tardiness excused. A student must be permitted to take a leave of absence for pregnancy, childbirth, and any other pre-natal and post-natal related medical needs, along with recovery for the duration that is deemed medically necessary by the student's licensed health care provider. At the conclusion of the leave of absence, a student shall be immediately enrolled in the school of record at the same grade and status as when the leave began. Pregnant and parenting students shall be allowed to participate in all activities including extra-curricular activities throughout the student's pregnancy and thereafter. A pregnant and parenting student may be asked to obtain certification from the student's licensed healthcare provider regarding the student's safe participation in an extra-curricular activity when such certification is required of students for other conditions requiring the attention of a licensed health care provider.

Any absences accumulated due to pregnancy or pregnancy-related conditions, or care for an ill child, should not count towards any District policies in effect under Policy 5200. Pregnant and parenting students with excused absences or tardiness shall be treated like all other students with excused absences or tardiness for any other medical reasons.

Pregnant and parenting students will be provided with assignments, classwork, and any additional needed support to ensure the student keeps up with class requirements when absent.

Breastfeeding and Lactation

The school shall provide reasonable accommodations to any lactating student to express breast milk, breastfeed an infant child, or address other needs related to breastfeeding. A student shall not incur an academic penalty for using any of these reasonable accommodations, and shall be provided the opportunity to make up any work missed due to such use.

Reasonable accommodations include, but are not limited to:

- A. access to a private, clean and secure room, with an electrical outlet, other than a restroom, to express breast milk or breastfeed an infant child;
- B. permission to bring onto a school campus a breast pump and any other equipment used to express breast milk;
- C. access to a power source for a breast pump or any other equipment used to express breast milk;
- D. access to a place to store expressed breast milk safely; and
- E. a reasonable amount of time to accommodate the student's need to express breast milk or breastfeed an infant child.

A student shall not incur an academic penalty nor face any attendance or tardy penalties as a result of her use during the school day of these reasonable accommodations and shall be afforded an opportunity to make up any work or tests missed due to such use.

Child Care

If in-school child care is not available, a list of qualified licensed child care providers will be provided to pregnant or parenting students. Nothing in this guideline is intended to prohibit or limit any referral for a student or a student's child to an early Head Start program or any other available community resources.

Privacy and Confidentiality

Pregnant and parenting students have the right to have their health and personal information kept confidential in accordance with applicable law. School staff should make every effort to keep personal information and health records confidential and in compliance with Wisconsin and Federal law. Information about students' pregnancies and related conditions should not appear in their cumulative record and cannot be used as an adverse factor when they are being considered for educational or job opportunities, awards, or scholarships.

Bullying and Harassment

Pregnant and parenting students have the same rights as other students to be free from discrimination, bullying, and harassment. Such school policies are incorporated herein and apply to all students.

Additional information regarding "Instruction and Services for School-Age Parents" may be accessed through the following DPI link:

<https://dpi.wi.gov/sites/default/files/imce/sspw/pdf/schoolageparents.pdf>

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Legal	20 U.S.C. 1701 et seq., Equal Educational Opportunities Act of 1974
	29 U.S.C. 794, Rehabilitation Act of 1973
	42 U.S.C. 12101 et seq., The Americans with Disabilities Act of 1990
	42 U.S.C. 2000 et seq., Civil Rights Act of 1964
	Vocational Education Program Guidelines for Eliminating Discrimination and Denial of Services, Department of Education, Office of Civil Rights, 1979
	115.91 Wis. Stats.
	118.13, 118,25, Wis. Stats.
	P.I. 9, 41, Wis. Adm. Code
	Fourteenth Amendment, U.S. Constitution
	20 U.S.C. 1681, Title IX of Education Amendments Act

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Book	Administrative Guideline Manual
Section	For Review - Administrative Guidelines - Vol. 31, No. 1
Title	Copy of STUDENT FUND-RAISING
Code	ag5830 - R
Status	
Adopted	August 20, 2018

5830 - **STUDENT FUND-RAISING**

The following guidelines are to be followed for any activity that involves fund-raising by students and from students.

In any fund-raising activity involving students, the following conditions must be met:

- A. Minimal instructional time is to be used to plan, conduct, assess, or manage a fund-raising activity unless such an activity is part of an approved course of study.
- B. Fund-raising activities conducted in a school or on District premises are not to interfere with the conduct of any co-curricular or extra-curricular activity. Students involved in the fund-raiser are not to interfere with students participating in other activities in order to solicit funds.
- C. Student participation in fund-raising activities conducted by school-related groups of which they are not members must be voluntary and must be approved by the student's teacher or counselor to ensure that participation will not adversely affect his/her school work and other school responsibilities.
- D. No student of any age may participate in off-District fund-raising activities without proper supervision by approved staff or other adults.
- E. In accordance with Board policy, each fund-raising activity must be approved by the Board of Education.
- F. Contracts with outside suppliers for merchandise to be sold in a fund-raising activity are to be reviewed by the principal and signed by the staff member in charge who is personally responsible for the merchandise and monies collected. The contract must specify that any merchandise which is unsold and is resaleable can be returned for full credit. The District will not be responsible for any unsold merchandise that cannot be returned to a supplier for credit for any reason.
- G. The staff member in charge should establish procedures to ensure that all merchandise is properly stored, distributed, and accounted for as per District procedures.

Monies collected from approved fund-raising activities must be stored in the school safe and deposited into the appropriate account(s) through the District business office on a weekly basis.
- H. If an activity involves the students providing a service in return for money, such as a car wash, a member of the professional staff shall supervise the activity at all times. His/Her responsibility is to ensure the service is provided in a proper manner and also the safety and well-being of the students and the property of both the purchaser and the owner of the site.
- I. Any fund-raisers that require students to exert themselves physically beyond their normal pattern of activity, such as "runs for", must be monitored by a staff member who has the necessary knowledge and training to recognize and deal appropriately with a situation in which one or more students may be over-extending themselves to the point of potential harm.

No nondistrict-sponsored organization may use the name, logo, mascot or any other name which would associate an activity with the District without the specific written permission of the District Administrator. Additionally, no nondistrict-sponsored organization may use any assets of the District, including but not limited to facilities, technology, or communication networks without the specific written permission of the District Administrator.

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Book	Administrative Guideline Manual
Section	For Review - Administrative Guidelines - Vol. 31, No. 1
Title	Copy of CROWDFUNDING
Code	ag6605 - R
Status	
Adopted	January 21, 2019

6605 - **CROWDFUNDING**

The following procedures must be complied with for all crowdfunding campaigns that are conducted or overseen by the Board's employees for activities that relate to, or are undertaken as, a part of their job assignments. These procedures do not apply to crowdfunding campaigns that a staff member may pursue for non-District related activities, in which case the employee's affiliation with the District may not be referenced and District resources, **including but not limited to facilities, technology, or communication networks** may not be used. Staff members are prohibited from using the District's or School's name, **logo, mascot,** or any identifying features **/name which would associate an activity with the District,** unless the staff member fully complies with the procedures outlined below. District employees acting as private individuals shall not represent themselves as agents of the District.

The District Administrator shall pre-approve any crowdfunding website or service that a staff member intends to use for a District-affiliated crowdfunding campaign. Such websites must contain terms and conditions that are acceptable to the Board and consistent with Board policy and applicable laws and regulations. In determining whether to approve a specific crowdfunding service, the District Administrator shall take into consideration whether the website specializes in or has special expertise or experience in managing crowdfunding campaigns involving educational institutions. The District Administrator should also consider the amount of fees charged by the service to host/run the crowdfunding campaign, including any penalties associated with the failure of the campaign to reach its established target. For services that have 501(c)(3) designation, the underlying organization must affirm that it files all appropriate reports, including required registrations, with applicable governmental entities in states where donors reside. Staff members may only use websites/services that send the donated funds and/or purchased items directly to the District/School, and not the staff member.

An approved crowdfunding site/service shall:

- A. **prohibit cash or equivalent payments to District personnel;**
- B. **protect the privacy of students in accordance with State and Federal law and Board policy;**
- C. **provide individual unit/item cost and inventory reporting on the materials and supplies shipped to the District;**
- D. **track the shipment and delivery of materials to verified public schools with notification to the Principal;**
- E. **require the materials and supplies to become the property of the District or school, in accordance with Board policy;**
- F. **require the subsequent documentation of the project's educational benefit; and**
- G. **provide dedicated reporting for District officials regarding the funds raised by, and the materials delivered to, verified public schools.**

Applications & Pre-Approval of Content

Prior to beginning a campaign and making the initial posting of the project on an approved crowdfunding site, the staff member must submit and obtain approval of an application to the Board of Education that includes the following information:

- A. A budget for the project that the campaign will be raising the funds or supplies and equipment for, and a description of how the project will be administered. Crowdfunding may not be used to support District employee salaries, benefits, stipends, or bonuses.
- B. A copy of any narratives that will be submitted as testimonials or in order to solicit the funds on the website along with any photos that the staff member wants to use on the crowdfunding site. Postings that describe the purpose and rationale for conducting the crowdfunding campaign may not negatively reflect upon the District, its programs and services, or its staff and students. When describing the purpose of the crowdfunding project, staff members are prohibited from identifying specific students and/or their areas of disability or need. Additionally, postings should in no way state or imply that the funds and/or equipment/supplies received through the crowdfunding campaign are necessary in order for students to be appropriately served and educated. Any photos and any information contained in the narratives must protect student privacy and comply with State and Federal student records laws.

As such, in order for students' names and/or images to be utilized (which is discouraged), the staff member must obtain written authorization from the students' parents/guardians. Such authorization must be included with the application.

- C. A copy of the biographical information or personal profile that will be utilized by the staff member on the crowdfunding site.
- D. **Postings that describe the purpose and rationale for conducting the crowdfunding campaign may not negatively reflect upon the District, its programs and services, its staff, or its students.**
- E. **All postings - including any photos and information contained in the narratives - must comply with applicable State and Federal student privacy laws, including the FERPA and IDEIA.**
- F. **Postings may not include identifiable student images; staff should limit pictures to empty classrooms, the staff member, and/or photos of students when the students are not identifiable (e.g., the back of their heads or hands).**
- G. Confirmation that the funds raised and/or the items purchased by the crowdfunding site will go directly from the crowdfunding site to the Business Office to be deposited in a specially designated account for the principal of the school that will benefit from the funds/items.
- H. **Staff shall confirm that sought after technology resources align with the District/school's technology plan and requirements.**
- I. A description of any rewards, perks, or thank you gifts that will be provided to donors, including the cost and source of the reward, perk or thank you gift. Students may not participate in the creation/production of rewards, perks or thank you gifts during the school day.
- J. If feasible, the staff member shall include in the posting a link to this Board policy/guideline.

The Board of Education will review the application along with the text that will be utilized in any crowdfunding materials to verify the proposed project and posting (1) will not create any legal liabilities, (2) complies with Board policy and guidelines, and (3) does not violate State and Federal laws and regulations. The Board should pay particular attention to verify the posting does not infringe on student privacy rights and intellectual property laws.

If the Board identifies an issue that may have legal implications, they are to notify the District Administrator so that the District's legal counsel may be consulted prior to rendering a decision on the proposal or posting.

The Board shall have final decision-making authority on granting permission for a crowdfunding proposal or posting.

Once the project and its materials are approved, the posting may be submitted to the crowdfunding site and the campaign commenced.

Staff members may use District Technology Resources to carry out approved crowdfunding activities.

Unless required by the Fair Labor Standards Act, staff members are not entitled to additional compensation for their work on crowdfunding campaigns.

Campaigns will be limited in duration, as set forth in the application.

When the project is approved, the staff member/sponsor will provide the District Administrator with any information needed for the District to receive donated funds directly from the crowdfunding site. The staff member is responsible for verifying that the crowdfunding site is a charitable organization (i.e., a 501(c)(3) entity) so that contributions to it are tax-deductible to the donors. If

the entity selected is not a 501(c)(3) organization, the staff member must include in the posting a clear statement that donations to the fundraising project are not guaranteed to be tax-deductible and that donors should take individual action, including consulting with a tax professional, to determine their tax obligations and/or consequences of their donation. Under no circumstances will the District issue documentation to donors to the crowdfunding site concerning the tax implications of any donations to the site.

The staff member must keep the Principal informed of the status of the campaign as it progresses and at its conclusion.

The staff member is responsible for then making sure any awards, and/or appropriate recognition are sent to the appropriate donors.

Once the funds or supplies/equipment purchased by the crowdfunding site with the proceeds of the campaign are received, they will be made available to the staff member for the express purpose of fulfilling the stated purpose of the project. The staff member, in conjunction with the Principal, is responsible for making sure any funds received are used for the express purpose for which they were raised; the employee must submit to the Principal documentation of any expenditures of the funds, including any purchases made with those funds. Such documentation must be submitted within one (1) week of the expenditure. All funds raised and materials donated are considered the property of the District and shall remain in the District in the event the staff member who ran the crowdfunding campaign terminates his/her employment with the District.

A staff member who violates the crowdfunding policy/guideline is subject to disciplinary action.

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Section For Review - Administrative Guidelines - Vol. 31, No. 1
Title Copy of TICKET SALES
Code ag6611 - For Review - Business Manager/Board
Status
Adopted September 17, 2018

6611 - **TICKET SALES**

The following guidelines apply to all school events at which tickets are sold.

A. Responsibilities of the Activity Sponsor

1. Establish the price and make arrangements for the printing of the tickets.
2. Obtain approval from the building principal for any complimentary tickets to be given away.
3. Select the ticket sellers and provide them with the appropriate number of tickets, the forms needed to account for the sales, and the currency and coins needed for making change. Make sure they understand the sales and accounting procedure.
4. Make a record of the number of tickets given to each seller.
5. Receive the money, ticket-sales accounting form, and unsold tickets from each seller and reconcile the money collected with the ticket-sales accounting record. Maintain a record of unsold tickets.
6. Prepare the deposit record and deposit the funds in the depository designated by the Board of Education.
7. Make note of any changes in procedure that should be incorporated into the next ticket sale.
- 8.

Establish protocols for the appropriate handling of cash received in the course of the activity to include:

- A. **() Two (2) or more people should be counting/verifying the cash counts () and ticket count reconciliation with cash counts [END OF OPTION] at all times.**
- B. **() A Cash Count Sheet that provides the names of the people counting the cash and the cash breakdown of coins, currency, checks, and credit card slips should always be used.**
- C. **() The Cash Count Sheet should always be signed by all people counting the cash.**

B. Responsibilities of the Ticket Seller

1. If tickets are numbered, make a record of the first and last numbers to verify the number of tickets received from the activity supervisor. Verify the prices, particularly if there are price differentials.
2. Complete the information called for on the form heading.
3. Collect the money from the purchaser, verify that the amount is correct, and provide the purchaser with the ticket(s).

4. At the end of the sale, record the number of the first unsold ticket and count the number of tickets sold. If tickets have been sold at different prices, record the number sold at each price.
5. Organize the money collected by denomination and then count each denomination. For each price category, compare the actual total with the total obtained by multiplying the number of tickets sold by the price of each ticket.
6. Provide the activity supervisor with the money, ticket-sales accounting record, and the unsold tickets.

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Book	Administrative Guideline Manual
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Title	SMALL UNMANNED AIRCRAFT SYSTEMS
Code	ag7440.03 - NEW - For Review
Status	

7440.03 - **SMALL UNMANNED AIRCRAFT SYSTEMS**

A staff member or administrator authorized by the District Administrator to operate a small unmanned aircraft system ("sUAS") on property owned or leased or contracted for by the Board must maintain a remote pilot certificate issued by the Federal Aviation Administration (FAA) and must familiarize themselves with and comply with all rules established by the Federal Aviation Administration (FAA) and these guidelines provided that these guidelines are not inconsistent with the FAA rules which supercede the guidelines. . Failure to follow these rules may result in loss of authorization to operate a sUAS on property owned, leased, or contracted for by the Board, referral to local law enforcement, and/or further disciplinary action, up to and including termination for an employee and expulsion for a student.

Definitions

Control station is an interface used by the remote pilot to control the flight path of the drone.

Small unmanned aircraft ("drone") is an unmanned aircraft weighing less than fifty-five (55) pounds on takeoff, including everything that is on board or otherwise attached to the aircraft.

Small unmanned aircraft system ("sUAS") is a drone and its associated elements (including communication links and the components that control the drone) that are required for the safe and efficient operation of the drone in the national airspace system.

Unmanned aircraft is an aircraft operated without the possibility of direct human intervention from within or on the aircraft.

Visual observer is a person who is designated by the remote pilot in command to assist the remote pilot in command and the person manipulating the flight controls of the sUAS to see and avoid other air traffic or objects aloft or on the ground.

Eligibility Criteria

In order to be eligible to obtain a remote pilot certificate for an sUAS, a person must:

- A. be at least sixteen (16) years of age;
- B. be able to read, speak, write, and understand the English language (if a person is unable to meet one of these requirements due to medical reasons, the FAA may place operating limitations on the applicant's certificate);
- C. not know or have reason to know that s/he has a physical or mental condition that would interfere with the safe operation of an sUAS; and
- D. demonstrate specified aeronautical knowledge.

Operator Requirements

An operator (i.e., remote pilot) shall possess proper certification and shall maintain any document, record, or report required to be kept by Federal regulations. The operator must also comply with FAA registration requirements. The operator must, upon request, allow the FAA administrator to make any test or inspection of the drone, the remote pilot in command, the person manipulating the

flight controls of an sUAS, and, if applicable, the visual observer to determine compliance with Federal regulations. () Other than the remote pilot in command, no person shall manipulate the flight controls of an sUAS unless that person is under the direct supervision of a remote pilot in command and the remote pilot in command has the ability to immediately take direct control of the drone's flight. **[DRAFTING NOTE: Only select this option if the District allows the remote pilot in command, at his/her discretion, to sanction another person to manipulate the flight controls of the sUAS.]**

An operator shall report immediately any incident or accident involving injury or damage to any property to the District Administrator. Additionally, an operator must report to the FAA, within ten (10) calendar days, any incident or accident involving serious injury to any person, any loss of consciousness, or damage to any property, other than the drone, unless the cost of repair (including materials and labor) does not exceed \$500 or the fair market value of the property does not exceed \$500 in the event of total loss.

Condition for Safe Operation

No person may operate an sUAS unless it is in a condition for safe operation. Prior to each flight, the operator must check the sUAS to verify it is in a condition for safe operation. The operator must discontinue use of sUAS if it is no longer in a condition for safe operation.

Medical Condition

No person may operate an sUAS or otherwise participate in the operation of the drone if s/he has a physical or mental condition that would interfere with the safe operation of the sUAS.

Remote Pilot in Command

A remote pilot in command must:

- A. be designated before or during the flight and is responsible for the operation of the drone;
- B. ensure that the drone will pose no undue hazard to other people, aircraft, or property in the event of a loss of control of the drone;
- C. have the ability to direct the sUAS to ensure compliance with Federal regulations; and
- D. ensure that the operation of the sUAS complies with all applicable Federal regulations.

Hazardous Operation

The operator shall not operate an sUAS in a careless or reckless manner.

The operator shall be responsible for the drone at all times and must ensure that it poses no undue hazard to other people, aircraft or property during its operation.

The operator shall not cause anything to be dropped from the drone that creates an undue hazard to persons or property.

In-flight Emergency

If an in-flight emergency occurs that requires immediate action, the remote pilot in command may deviate from any operating rule in order to meet the emergency. If the remote pilot in command deviates from an operating rule, s/he must, upon request from the FAA administrator, send a written report of the deviation to the FAA administrator. Unrelated to whether the FAA administrator requires a report, the remote pilot in command must also submit a written report to the District Administrator concerning the incident, including what occurred, what actions s/he took during the incident (including any rules that s/he deviated from), and why s/he took those actions.

Operation from a Moving Vehicle or Aircraft

Except as expressly permitted by Federal regulations, no person may operate an sUAS from a moving vehicle or aircraft.

No Alcohol or Drugs

No person may operate or assist in the operation of an sUAS while under the influence of alcohol or drugs.

Daylight Operation

No person may operate an sUAS during the night.

Visual Line of Sight

The remote pilot in command, the visual observer (if one is used), () and the person manipulating the flight control of the sUAS **[DRAFTING NOTE: Only select this option if the District has selected the option above that allows a remote pilot in charge to sanction another person to manipulate the flight controls of the sUAS]** must be able to see the drone throughout the entire flight in order to:

- A. know its location;
- B. determine its attitude, altitude, and direction of flight;
- C. observe the airspace for other air traffic or hazards; and
- D. determine that the unmanned aircraft does not endanger the life or property of another.

Use of a Visual Observer

If a visual observer is used during the operation of a drone, all of the following requirements must be met:

- A. The remote pilot in command (), the person manipulating the flight controls of the sUAS, **[END OF OPTION]** and the visual observer must maintain effective communication with each other at all times.
- B. The remote pilot in command must ensure the visual observer is able to see the drone.
- C. The remote pilot in command (), the person manipulating the flight controls of the sUAS, **[END OF OPTION]** and the visual observer must coordinate their efforts to scan the airspace where the drone is operating for any potential collision hazard and maintain awareness of the drone's position through direct visual observation.

Operation of Multiple Aircraft

No person may operate or participate in the operation of more than one (1) drone at a time.

Hazardous Materials

No drone may carry hazardous materials.

Location of Operation

No person may operate a drone so close to another aircraft so as to create a collision hazard. The person operating the drone must comply with all applicable right-of-way rules.

No person may operate a drone over a human being unless that human being is directly participating in the operation of the drone or located under a covered structure or inside a stationary vehicle that can provide reasonable protection from a falling drone.

No person may operate a drone in any manner that interferes with operations and traffic patterns of an airport, heliport, or seaplane base. Further, no person may operate a drone in certain designated airspaces without authorization from Air Traffic Control. Similarly, no person may operate a drone in prohibited or restricted areas unless that person has permission from the using or controlling agency.

Preflight Familiarization, Inspection

An operator must conduct a preflight inspection that includes an assessment of the operating environment and any risk to persons and property in the immediate vicinity both on the surface and in the air, including:

- A. local weather conditions;
- B. local airspace and any flight restrictions;
- C. the location of persons and property on the surface; and
- D. other ground hazards.

The operator must also ensure that all persons participating in the drone operation are informed about the operating conditions, emergency procedures, contingency procedures, roles and responsibilities, and potential hazards.

Additionally, the operator must verify that all controls (i.e., the control links between the ground control station and the drone) are working properly, that there is sufficient power to operate the drone for the intended period of operation, and that any object attached to or carried by the drone is properly secured and does not adversely affect the flight characteristics or controllability of the aircraft.

Operating Limitations

The drone shall not exceed eighty-seven (87) knots (100 miles per hour).

The drone's altitude cannot be higher than 400 feet above ground level unless the drone is:

- A. flown within a 400-foot radius of a structure; and
- B. does not fly higher than 400 feet above the structure's immediate uppermost limit.

The minimum flight visibility, as observed from the location of the control station, must be no less than three (3) statute miles. (Flight visibility means the average slant distance from the control station at which prominent unlighted objects may be seen and identified by day and prominent lighted objects may be seen and identified by night.)

The minimum distance of the drone from clouds must be no less than 500 feet below the cloud and 2,000 feet horizontally from the cloud.

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Title	Copy of ASSISTIVE TECHNOLOGY AND SERVICES
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Status	
Adopted	January 21, 2019

7540.05 - ASSISTIVE TECHNOLOGY AND SERVICES

The **use of assistive technology may in some cases be required for** ~~School District is mandated by State and Federal law to provide assistive technology and services to all~~ students with disabilities ~~if it is required for them~~ to receive a free, appropriate, public education (FAPE).

~~Because any student with a disability from mild to severe may benefit from the use of assistive technology,~~ each IEP team shall **determine in the course of the IEP process whether at any time a student's IEP should include the** ~~include in their deliberations the~~ use of assistive technology devices and services ~~to aid students with disabilities~~.

~~A large number of items can be considered as~~ assistive technology **is a term that encompasses a wide variety of.** ~~The~~ devices **that help the students with any activity or skill necessary for the student to obtain FAPE, including** writing, computer access, composing written material, communication, reading, learning, and studying, math, recreation and leisure, electronic aids for daily living, mobility, positioning and seating, vision, hearing, ~~and~~ vocational needs, **and behavioral supports.**

It is the responsibility of the IEP team to select the appropriate assistive technology needed by the student, **if any.** If the IEP team decides to try an assistive technology with a student, **the term is expected to locate a low, or no-cost resource for the technology, and to conduct an evaluation of the assistive technology to determine whether it provides the expected benefit** ~~they may need to borrow it first to assure that the assistive technology works~~ as intended, before ~~they~~ requesting **ing that the District** the purchase ~~of~~ the technology. The School District is required to "provide," but does not need to own, the assistive technology.

~~The IEP team may consider borrowing the technology from CESA or from Wisconsin's AT Lending Library, operated by the Wisconsin Assistive Technology Initiative (WATI).~~

~~The IEP team should carry out an evaluation of the assistive technology to assure that the device provides the expected benefit for the student.~~

The IEP team is required to formally evaluate the effectiveness of assistive technology if a purchase is required.

The IEP team **may also consider the use of** ~~must also provide~~ assistive technology services **as part of an IEP. Such services include** ~~Assistive technology services are~~ any service ~~that is~~ needed to help the student acquire or use the assistive technology. ~~S~~**The** services **may be provided to address the following needs** ~~include~~:

- A. assessing the student's need for assistive technology;
- B. purchasing, leasing or otherwise providing for the acquisition of assistive technology devices;
- C. fitting adapting, maintaining and repairing the assistive technology as needed;
- D. coordinating and using other therapies, interventions or services with assistive technology devices;
- E. training the student to use the assistive technology;
- F. training the school staff and, if necessary, the family to use the assistive technology.

Assistive technology devices and services may be provided as an annual goal or short-term objective, related services, or supplementary aids and services **depending on the determination of a student's IEP team, which shall also determine the extent to which such technology or services are required for the student**~~to any student who requires them~~ in order to benefit from the educational program, **as well as whether the assistive technology is needed at home.**

~~The IEP team must also decide if the assistive technology is needed at home. Such decisions will be made on a case-by-case basis.~~

~~Technical assistance and support are available from the Wisconsin Assistive Technology Initiative (WATI). WATI operates a lending library and a used equipment market place. An assistive technology specialist is available to present current information on issues relating to assistive technology.~~

~~The Director of Special Education will be responsible for providing the necessary forms for assistive technology requests and for monitoring progress using assistive technology and services. Such forms may include those developed by WATI.~~

~~The Director of Special Education will also be responsible for establishing a training program designed to inform the staff of the assistive technology policy and guidelines and to familiarize the staff with the assistive technologies and services available to students with disabilities.~~

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Book	Administrative Guideline Manual
Section	For Review - Administrative Guidelines - Vol. 31, No. 1
Title	Copy of PERSONNEL RECORDS
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8320 - **PERSONNEL RECORDS**

Maintaining accurate personnel records is critical to effective human resource management and to the District satisfying its legal obligations. In addition, such records frequently contain confidential information that must be managed appropriately. Accordingly, the District has developed the following administrative guideline relating to personnel records.

Location and Maintenance – Personnel File, Payroll File, I-9 File, and Medical File

The District Records **Custodian Officer** (DRCO) will maintain a personnel file, a payroll file, an I-9 file, and a medical file for each employee. The files will be maintained in separate, secure locations. Supervisors and other administrators should forward all personnel records, I-9 records, payroll records, and medical records to the DRCO to ensure that they are properly filed and maintained. Supervisors and other administrators should not maintain files containing an employee's personnel records, payroll records, I-9 records, or medical records. Further, neither the Board nor any individual employed by the Board shall access an employee's personnel records except for legitimate business purposes. Any individual who reviews personnel records will sign and date a log, which shall be kept in a secure location.

Personnel File Records

An employee's personnel file will contain the following records (if applicable):

- A. Completed employment records
- B. Offer letter
- C. Acceptance letter
- D. Emergency contact information
- E. **Written requests to review the personnel file**
- F. Letters of commendation
- G. Academic or other achievement records
- H. Training records
- I. Records relating to final disciplinary actions (e.g., written warning for excessive absenteeism)
- J. Leave request forms and supporting documentation; provided, however, that all such documents should have all medical information removed
- K. Written requests to review the personnel file

- L. Grade transcript(s)
- M. Current name, address, and telephone number
- N. An accurate record of work experience
- O. Proof of fulfillment of requirements for change in salary classification
- P. Current information pertaining to certificates required by the State
- Q. Record of assignments
- R. Proof of discharge from military service
- S. Rate of compensation
- T. Completed evaluations
- U. Special awards or distinctions

Payroll File Records

An employee's payroll file will contain the following records (if applicable):

- A. W-4 forms
- B. Direct deposit authorization
- C. Consent to payroll deductions
- D. Beneficiary designation forms
- E. Retirement registration
- F. Life and disability insurance forms, without medical information
- G. Completed annuity forms
- H. garnishment actions served on the District

Medical File Records

An employee's medical file will contain the following records (if applicable):

- A. Medical records, notes, or other documents containing medical information including, but not limited to, records containing physical limitations.
- B. Medical records relating to leaves of absence for medical reasons, including, but not limited to, Family and Medical Leave Act leave and sick leave, (e.g., medical certification forms, requests for leave, and fitness for duty statements).
- C. Workers' compensation records and supporting documentation including, without limitation, physician notes relating to an employee's ability to return-to-work and an employee's physical limitations.
- D. All occupational exposure and medical records that the District is required to maintain under the Occupational Safety and Health Act.
- E. Requests to review the medical file.

I-9 File Records

The I-9 file will contain records required by the Immigration Reform and Control Act of 1986 including, but not limited to, the properly completed form I-9 and, if copies of verification documents presented by employees are retained for all employees, clear and legible copies should be retained with each employee's I-9, as well as any form corrections, rehire forms, or reverification forms. () The District participates in the E-Verify program and retains a copy of new hire verification reports with the I-9 File.

Other Personnel Records

The District will maintain the following personnel records (if applicable) in separate, secure files:

- A. Criminal conviction history requests and reports
- B. Employee assistance program records
- C. Employee relations complaints including, for example, discrimination complaints
- D. Investigative and deliberative records relating to employee relations matters
- E. Privileged and confidential communications including, but not limited to, attorney-client communications

Third-Party Access to Personnel Records – Confidentiality

It is the District's policy to respect individual privacy and to maintain in confidence all information and records pertaining to employees to the extent practicable in keeping with the District's interest. Information in an employee's personnel file, medical file, I-9 file, and all other employment-related files will not be disclosed to any third party without an employee's written consent, except to meet the legitimate business needs of the District or as required by law (e.g., subpoena or public record request).

Access to Personnel Documents, Employee and Designated Representative

A. Covered Documents

Upon the written request of an employee or former employee (the "employee"), the District shall permit the employee to inspect any personnel documents which are used or which have been used in determining that employee's qualifications for employment, promotion, transfer, additional compensation, termination or other disciplinary action, and medical records. Provided, however, that the employee has no right to inspect the following:

1. Records relating to the investigation of possible criminal offenses committed by that employee
2. Letters of reference for that employee
3. Any portion of a test document, except that the employee may see a cumulative total test score for either a section of the test document or for the entire test document
4. Materials used by the District for staff management planning, including judgments or recommendations concerning future salary increases and other wage treatments, management bonus plans, promotions and job assignments, or other comments or ratings used for the District's planning purposes
5. Information of a personal nature about a person other than the employee if disclosure of the information would constitute a clearly unwarranted invasion of the other person's privacy
6. Records relevant to any other pending claim between the District and the employee which may be discovered in a judicial proceeding
7. Medical records that the District believes would have a detrimental effect on the employee

In this instance, the District may release the medical records to the employee's physician or through a physician designated by the employee, in which case the physician may release the medical records to the employee or to the employee's immediate family.

B. Request and Review Procedure

Unless modified or suspended by State law, the following procedures shall apply to employee requests to inspect the employee's own personnel file. The District shall grant at least two (2) requests by an employee in a calendar year to inspect the employee's records as provided in this guideline.

The District shall provide the employee with the opportunity to inspect the employee's records within seven (7) working days after the employee makes the request for inspection. **If a request is made orally, the requestor shall be required to submit a written request.** The inspection shall take place at a location reasonably near the employee's place of employment and during normal working hours. If the inspection during normal working hours would require an employee to take time off from work, the District may provide some other reasonable time for the inspection. In any case, the District



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8330 - **STUDENT RECORDS**

Student records shall be maintained in accordance with Board Policy 8330 and State/Federal laws and regulations.

The student record is the legal record for each student who is or has attended schools within the District. All information contained in the student record must be factual, verifiable, and of a constructive nature. The Board shall collect, maintain, and use only information necessary for legally mandated functions.

Education Records, as defined in 34 C.F.R. 99.3 (Family Educational Rights and Privacy Act), means those records, files, documents and other materials that are: 1) directly related to a student; and 2) maintained by Board or by a party acting for the Board. "Record" means any information recorded in any way, including, but not limited to: handwriting; print; computer media; tape; film; microfilm and microfiche.

Student "personally identifiable information" includes, but is not limited to: the student's name; the name of the student's parent(s) or other family members; the address of the student or student's family; a personal identifier, such as the student's social security number, student number, or biometric record; other indirect identifiers, such as the student's date of birth, place of birth, and mother's maiden name; other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty; or information requested by a person who the District reasonably believes knows the identity of the student to whom the education record relates.

Definitions

- A. "Record" means any material on which written, drawn, printed, spoken, visual, or electromagnetic information is recorded or preserved, regardless of physical form or characteristics.
- B. "Student records" include all records relating to an individual student, regardless of format, other than: 1) notes or records maintained for personal use by teachers or other personnel required to hold certification by the Department, provided those notes or records are not available to others; 2) records necessary for and available only to persons involved in the psychological treatment of a student; and 3) law enforcement unit records. The District is required, however, to maintain the confidentiality of law enforcement unit records in the same manner as a law enforcement agency is required to treat the records of juveniles under Section 938.396(1) to (1x) and (5).
- C. "Progress records" are student records that include a statement of courses taken by the student, the student's grades, the student's immunization records, the student's attendance record, any lead screening records required under 254.162, Wis. Stats. and records of the student's extra-curricular activities.
- D. "Behavioral records" include student record other than progress records and directory data. Examples include: standardized achievement tests, psychological tests, personality evaluations, records of conversations, written statements relating specifically to an individual student's behavior, tests relating specifically to achievement or measurement of ability, student physical health records other than his/her immunization records, and law enforcement records.

- E. "Student physical health records" include basic health information about a student, including the student's immunization records, an emergency medical card, a log of first aid and medicine administered to the student, an athletic permit card, a record concerning the student's ability to participate in an education program, the results of any routine screening test such as for hearing, vision, or scoliosis, and any follow-up to such test, and any other basic health information as determined by the State Superintendent of Public Instruction.
- F. "Law enforcement unit" means any individual, office, department, division, or other component of a School District that is authorized or designated by the school board to do any of the following:
1. Enforce any law or ordinance, or refer to the appropriate authorities a matter for enforcement of any law or ordinance, against any person other than the school district.
 2. Maintain the physical security and safety of a public school.
- G. "Law enforcement unit records" means records maintained by a law enforcement unit that were created by that law enforcement unit for the purpose of law enforcement.
- H. "Court records" include those records received from a court clerk concerning a juvenile enrolled in the District who: 1) has had a petition filed with the court alleging that s/he has committed a delinquent act that would be a felony if committed by an adult; 2) has been adjudged delinquent; 3) has school attendance as a condition of his/her court dispositional order; or 4) has been found to have committed a delinquent act, at the request of or for the benefit of a criminal gang, that would be a felony if committed by an adult and has been adjudged delinquent on that basis.
- I. "Student patient records" include all those records relating to a student's physical health except those included in the "student physical health records" definition above.
- J. "Directory Information" includes those student records which identify a student's:
1. name;
 2. participation in officially recognized activities and sports;
 3. height and weight if a member of an athletic team;
 4. date of graduation;
 5. photographs;
 6. degrees or awards received.
- Directory information may also include a student ID number, user ID, or other unique personal identifier used by the student when accessing or communicating in a District's electronic systems, if, standing alone, it cannot be used to access student education records (i.e. a pin number, password, or other factor is also needed).
- K. "Law enforcement officers' records" includes those records and other information obtained from a law enforcement agency relating to: 1) the use, possession, or distribution of alcohol or a controlled substance by a student enrolled in the District; 2) the illegal possession of a dangerous weapon by a child; 3) an act for which a District student was taken into custody based on the law enforcement officer's belief that the student violated or was violating certain specified laws; and 4) the act for which a juvenile enrolled in the District was adjudged delinquent. The law enforcement agency may provide such record information to the District on its own initiative or on the request of the District Administrator or designee, subject to the agency's official policy. Once the record information is received, the student named in the records and the parent of any minor student named in the records shall be notified on the information.
- L. **"Eligible student" means a student who is no longer a minor due to having reached the age of eighteen (18). Also referred to as an adult student.**

The term, Education Records, does not include:

- A. Records of instructional, supervisory, and administrative personnel and educational personnel ancillary thereto that are:
1. Kept in the sole possession of the maker thereof; and
 2. Used only as a personal memory aid; and

3. Not accessible or revealed to any other person except a temporary substitute for the maker of the record;

For the purpose of this definition, a "substitute" means an individual who performs on a temporary basis the duties of the individual who made the record, and does not refer to an individual who permanently succeeds the maker of the record in his/her position.

B. Records maintained by a law enforcement unit (e.g., School Resource Officer) of the School District that were created by that law enforcement unit for the purpose of law enforcement;

C. Records relating to an individual who is employed by the Board, that:

1. Are made and maintained in the normal course of business;
2. Relate exclusively to the individual in that individual's capacity as an employee; and
3. Are not available for use for any other purpose;

Records, however, relating to an individual at the District who is employed as a result of his/her status as a student are education records.

D. Records on a student who is eighteen (18) years of age or older, that are:

1. Made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his/her professional capacity or assisting in a paraprofessional capacity; and
2. Made, maintained, or used only in connection with the treatment of the student; and
3. Disclosed only to individuals providing the treatment (except, that the records can be personally reviewed by a physician or other appropriate professional of the student's choice). For the purpose of this definition, "treatment" does not include remedial educational activities or activities that are part of the program of instruction at the educational agency or institution;

E. Records created or received by the Board after an individual is no longer a student in attendance and that are not directly related to the individual's attendance as a student (e.g. information pertaining to the accomplishments of alumni);

F. Grades on peer-graded papers before they are collected and recorded by a teacher.

The student's school record shall **be retained consistent with Policy 8310. contain the following information that shall be retained permanently or for 100 years:**

- A. ~~name, address and telephone listing of the parent (see Form 8330-F1);~~
- B. ~~enrollment data to include validated birth record, proof of residency, immunization records, and social security number or computer number;~~
- C. ~~attendance records;~~
- D. ~~grades and/or transcripts;~~
- E. ~~standardized and/or mandated achievement test data, including proficiency/achievement test records that include the date each student meets the proficient level for the test administered; and~~
- F. ~~date of graduation and/or transfer or withdrawal.~~

The student's education records shall contain, if applicable to the individual, the following information, to be retained for a period not less than two (2) years beyond the date of high school graduation:

- A. ~~health and medical information; emergency medical authorization forms may be destroyed upon the annual receipt of the forms as required by law;~~
- B. ~~court order on parental rights and responsibilities and/or custodial or guardianship arrangements, including any court orders regulating access of a parent to school records;~~
- C. ~~awards and recognitions;~~
- D. ~~information and/or data relevant to the identification, evaluation and/or placement of students in accordance with the Individuals with Disabilities Education Act, Section 504 of the 1973 Rehabilitation Act or other applicable State laws and regulations;~~

- E. ~~reports and such other confidential information generated by professionals or agencies outside the District relevant to the student's educational program;~~
- F. ~~such other verifiable, factual and relevant information to be used in making decisions regarding the student's educational program, including disciplinary records;~~
~~[] Disciplinary records are not to be removed from the permanent record when the student leaves the school.~~
- G. ~~disciplinary records including any suspension and expulsion action must be included in records transferred to a receiving school.~~

Responsibility

~~The Custodian of Student Records (COSR) shall be the principal who may delegate certain responsibilities to the school secretary.~~ The **Principal COSR** is responsible for maintaining the confidentiality of directory information if the parents or eligible student have so requested, and other personally identifiable information in the education records and may delegate certain responsibilities to office staff. The **Principal COSR** is responsible for the implementation of this Board's policies and procedures regarding confidentiality, including informing all personnel in this District who collect, maintain, use, or otherwise have access to student records of this Board's policies and procedures on confidentiality.

The District's Records **Custodian Officer** (DRCO) shall prepare an annual notice to parents/eligible students that informs them of their rights to:

- A. Inspect and review the student's education records;
- B. Request an amendment to the records if the parent or eligible student believes the information to be inaccurate, misleading, or otherwise in violation of the student's privacy rights;
- C. Limit the disclosure of personally-identifiable information defined as directory information within Policy 8330 or to such other disclosures not required by law;
- D. Request a hearing if the Board refuses to amend records believed by the parent or eligible student to be misleading or inaccurate and to file a complaint with the United States Department of Education if the parent/eligible student is dissatisfied with the results of the hearing;
- E. Obtain a copy of the Board's policy on student records.

The notice may be in the form of a section of the local newspaper, District's newsletter, and/or the student handbooks.

Ongoing Maintenance of Records

A. Public Listing of Authorized Employees

1. Each Principal shall maintain a current listing of those employees and other persons, approved by the DRC, authorized to access personally-identifiable information housed at the location specified.
2. Each Principal shall post and maintain the listing for public inspection at his/her respective location.

B. Types and Location of Records

1. The DRC shall prepare a listing of the types and locations of records collected, maintained, or used by the District, and the name of the COR at each location.

The list shall be provided to parents/eligible students upon request.

2. Education records shall be stored in secured facilities and/or equipment, and shall be available only to those specified in policy or these guidelines. Reasonable and appropriate methods (including but not limited to physical and/or technological access controls) shall be utilized to control access to student records and to make certain that school officials obtain access to only those education records in which they have a legitimate educational interest. The Principal is directed to utilize reasonable methods to identify and authenticate the identity of parents, students, school officials and any other parties to whom the District discloses personally identifiable information from education records.

C. Consent to Disclose Information

1. Whenever there is a request for a copy of information from a student's record, the Principal shall obtain written and dated consent, prior to the disclosure of records, from parents/eligible students, which includes:

- a. The records that may be disclosed;
- b. The purpose for which the disclosure may be made;
- c. The party or class of parties to whom the disclosure may be made;
- d. **An adult student's** ~~Signed permission should be obtained from eligible students prior to allowing their~~ parents **are entitled to** access ~~the~~ **to adult student's** ~~the~~ records, provided the **adult** student is ~~not~~ considered a dependent under Section 152 of the Internal Revenue Code **and provided that the adult student has not stated in writing on file with the District that his/her parents are not allowed access to any records containing personally identifiable information.**

2. Prior consent will not be needed if:

- a. The disclosure is to school officials, including teachers, who have a legitimate educational interest (as defined by Board policy) in the information;

In order for a contractor, consultant, volunteer, or other party to whom the Board has outsourced institutional services or functions to be considered a school official, the outside party must:

- 1. Perform an institutional service or function for which the Board would otherwise use employees;
- 2. Be under the direct control of the Board with respect to the use and maintenance of education records; and
- 3. Be subject to applicable provisions governing the use and re-disclosure of personally identifiable information from education records;

- b. The disclosure is to another school, School District, or postsecondary institution, as stated in Board policy;
- c. The disclosure is, subject to the conditions set forth in applicable Federal and/or State statutes and/or regulations, to authorized representatives of the Comptroller General of the United States, the Attorney General of the United States, the United States Secretary of Education, or State and local educational authorities;
- d. The disclosure is in connection with a student's application for or receipt of financial aid; (See section below entitled: "Disclosure for Student Financial Aid");
- e. The disclosure is to organizations conducting studies for, or on behalf of, educational agencies or institutions for the purpose of developing, validating, or administering predictive tests, administering student aid programs, or improving instruction;

Disclosures pursuant to this paragraph are limited to circumstances when the study is conducted in a manner that does not permit personal identification of parents and students by individuals other than representatives of the organization that have legitimate interests in the information; the information is destroyed when no longer needed for the purposes for which the study was conducted; and the Board enters into a written agreement with the organization that contains all the content required by applicable Federal regulations.

This written agreement will include: 1) specification of the purpose, scope, duration of the study, and the information to be disclosed; 2) a statement requiring the organization to use the personally identifiable information only to meet the purpose of the study; 3) a statement requiring the organization to prohibit personal identification of parents and students by anyone other than a representative of the organization with legitimate interests; and 4) a requirement that the organization destroy all personally identifiable information when it is no longer needed for the study, along with a specific time period in which the information must be destroyed.

- f. The disclosure is to authorized representatives of the Comptroller General, the Attorney General, the Secretary of Education, or State and local authorities, and is made for the purpose of conducting an audit or evaluation of a Federal or state supported education program, or to enforce or comply with Federal requirements relating to those programs;

A written agreement between the parties is also required under this exception. Mandatory elements of this written agreement include: 1) designation of the receiving entity as an authorized representative; 2)

specification of the information to be disclosed; 3) specification that the purpose of the disclosure is to carry out an audit or evaluation of a government supported educational program or to enforce or comply with the program's legal requirements; 4) a summary of the activity that includes a description of methodology and an explanation of why personally identifiable information is necessary to accomplish the activity; 5) a statement requiring the organization to destroy all personally identifiable information when it is no longer needed for the study, along with a specific time period in which the information must be destroyed; and 6) a statement of policies and procedures that will protect personally identifiable information from further disclosure or unauthorized use.

Pursuant to the audit exception, the District will use "reasonable methods" to verify that the authorized representative complies with FERPA regulations. Specifically, the District will verify, to the greatest extent practical, that the personally identifiable information is used only for the audit, evaluation or enforcement of a government-supported educational program. The District will also ascertain the legitimacy of the audit or evaluation and will only disclose the specific records that the authorized representative needs. Further, the District will require the authorized representative to use the records only for the specified purpose and not to disclose the information any further, such as for another audit or evaluation. Finally, the District will verify that the information is destroyed when no longer needed for the audit, evaluation or compliance activity.

- g. The disclosure is to accrediting organizations to carry out their accrediting functions;
- h. The disclosure is to parents of a dependent student, as defined in Section 152 of the Internal Revenue Code of 1986;
- i. The disclosure is to comply with a judicial order or lawfully issued subpoena;

Disclosures permitted by this paragraph may only occur after the Board makes a reasonable effort to notify the parent or eligible student of the order or subpoena, so the parent or eligible student may seek protective action, unless the disclosure is authorized by applicable Federal regulations. The Board need not notify the parent when the parent is a party to a court proceeding involving child abuse and neglect (as defined in Section 3 of the Child Abuse Prevention and Treatment Act) or dependency matters, and the order is issued in the context of that proceeding. Additionally, if the Board initiates legal action against a parent or student, the Board may disclose to the court, without a court order or subpoena, the student's education records that are relevant for the Board to proceed with the legal action as plaintiff. Likewise, if a parent or student initiates legal action against the Board, the Board may disclose to the court, without a court order or subpoena, the student's education records that are relevant for the Board to defend itself.

- j. The disclosure is in connection with an emergency; (See section below entitled: "Emergency Release");
- k. The disclosure is information the Board has designated as "directory information";
- l. The disclosure is to the parent of a student who is not an eligible student, or to the student;
- m. The disclosure concerns sex offenders and other individuals required to register under Section 170101 of the Violent Crime Control and Law Enforcement Act of 1994, and the information was provided to the Board pursuant to that law and its implementing regulations;
- n. The disclosure concerns the juvenile justice system and its ability to serve, prior to adjudication, the student whose records are released, providing the officials to whom the records are released certify, in writing, to the District that the information will not be released to a third party, except as provided by State law, without the prior written consent of the parents;
- o. The disclosure is to an agency caseworker or other representative of a state or local child welfare agency, or tribal organization as defined in Federal law, who has the right to access a student's case plan as determined by the agency or organization, when such agency or organization is legally responsible for the care and protection of the student provided the education records and personally identifiable information will not be unlawfully released to third parties;

The agency or organization may release the education records and personally identifiable information to an individual or entity engaged in addressing the student's education needs and authorized by the agency or organization to receive such disclosure and such disclosure is consistent with state or tribal laws applicable to protecting the confidentiality of a student's education records.

- p. The disclosure is authorized by other sections of Family Education Rights and Privacy Act (FERPA).

3. De-identified Records and Information – The District may release education records without prior consent if all personally identifiable information has been removed provided the administration (i.e., the DRO and COR) have made a reasonable determination that a student's identity is not personally identifiable, whether through single or multiple releases, and taking into account other reasonably available information.
4. No person shall release to a parent of a student who is not the custodial parent or any other person any information about the school to which the student has transferred or that would enable the parent who is not the custodial parent to locate the student if the school to which the student has transferred informs this District that the student is under the care of a shelter for victims of domestic violence.

Parents: Disclosure, Inspection, Review of Records

The Principal shall permit parents/eligible students, upon request, to retrieve information from and to inspect and review, records that are maintained by the District that relate to the student's education. The following conditions shall apply:

- A. At times, agencies or individuals outside the District provide the District with information necessary and relevant to the student's education. Psychological or medical information should be provided to a parent in the presence of an appropriately-licensed professional who can properly explain the information. Such information may be provided to the District only with the written consent of the parent. Upon parental request the Board will notify the parent with the date and source of any record generated outside the District so that parents may access these records through the originator.
- B. If any education record includes information on more than one (1) student, the parents/eligible student shall have the right to review and inspect only the part of the record that relates to the student, or to be informed of that specific information.
- C. The request for access to records must be honored within a reasonable period, but in no case later than forty-five (45) calendar days from receipt of the request. Requests to inspect and review education records that are collected, maintained or used by the District with respect to students with disabilities must be honored without unnecessary delay, and before any meeting regarding an individualized educational program (IEP), hearing relating to the identification, evaluation, or placement of the student, or resolution session, and in no case more than forty-five (45) calendar days after the request was made.
- D. The parents/eligible students have a right to have their representative inspect and review the records upon submission of a signed and dated written consent that:
 1. Specifies the records that may be disclosed;
 2. States the purpose of disclosure;
 3. Identifies the party or class of parties to whom the disclosure may be made.
- E. The Board shall presume that either parent has the authority to disclose, inspect, and review the student's records unless a court order indicates otherwise or unless otherwise prohibited by law.

If the parents/eligible students request an opportunity to inspect and review records, a written request is necessary.
- F. The parents/eligible students are to complete the Board's Request for Information Form 8330 F5 prior to receiving copies of any record.

The Principal shall arrange a mutually-agreeable time for the review with the parents/eligible students.
- G. Subject to the limitations within the law, policy, and/or guidelines, the Principal shall provide parents/eligible students with copies of any information in the student's education records and shall respond to reasonable requests for explanation and interpretation of the records. Copies of the records shall be provided for the current cost of duplication unless that fee effectively prevents the parents/eligible students from exercising the right to inspect and review the records.
- H. If the parents/eligible students request disclosure of specific information by telephone, the Principal shall not disclose requested information.
- I. The District shall not destroy any education record if there is an outstanding request to inspect and review the record.
- J. Parents/Eligible students who have provided the District with signed security and release documents may access the confidential attendance and academic record information about their student through the Internet. Neither the District nor its employees will be held responsible for any privacy violation by the parent/eligible student or any unauthorized party.

Confidentiality

A. Access to Student Progress and Behavior Records - All student progress and behavioral records maintained by the School District shall be confidential with access limited to the conditions below:

1. Upon request, an eligible student or the parent of a minor student shall be shown and provided with a copy of the student's progress records.
2. Upon request, an eligible student or the parent of a minor student shall be shown the student's behavioral records in the presence of a person qualified to explain and interpret the records.
3. The judge of any court of Wisconsin or of the United States shall, upon request, be provided with a copy of all progress records of a student who is the subject of any proceeding in such court. The District shall make a reasonable effort to notify the parent or eligible student of the order in advance of compliance therewith, except as otherwise provided by law.
4. Student records shall be made available to school officials who have been determined by the Board to have legitimate educational interests, including safety interests, in such records. A "School Official" is a person employed by the District who is required by the Department of Public Instruction (DPI) to hold a license; a person who is employed by or working on behalf of the District as an administrator, supervisor, instructor, or support staff member (including health or medical staff and police-school liaison personnel); a person serving on the Board; a person or company with whom the District has contracted to perform a specific task (such as an attorney, auditor, medical consultant, or therapist); or a parent or student serving on an official committee such as a disciplinary or grievance committee, or assisting another school official in performing his/her tasks. A school official has a "legitimate educational interest" if the official needs to review a student record in order to fulfill his/her professional or District responsibility.
 - a. If law enforcement officers' record information obtained by the District relates to a District student, the information shall be disclosed only to those employees who are required by the DPI to hold a license and to other school officials who have been determined by the Board to have a legitimate educational interest, including safety interest, in the information. It shall also be disclosed to those District employees who have been designated by the Board to receive that information for the purpose of providing treatment programs for District students. The information may not be used as the sole basis for suspending or expelling a student from school, or as the sole basis for taking any other disciplinary action against a student, including action under the District's athletic code.
 - b. Court order records obtained by the District must be disclosed to District employees who work directly with the juvenile named in the records or who have been determined by the Board to have legitimate educational interests, including safety interests, in the information. An employee cannot further disclose the information, and the information cannot be used as the sole basis for suspending or expelling a student from school.
5. Upon the written permission of an eligible student or parent of a minor student, the school shall make available to the person named in the permission form, the student's progress records or such portion of his/her behavioral records as determined by the person authorizing the release. Law enforcement records may not be made available under this exception unless specifically identified by the eligible student or by the parent of a minor student in the written permission form.
6. Student records shall be provided to a court in response to a subpoena by parties to an action for in camera inspection, to be used only for purposes of impeachment of any witness who has testified in the action and only after the moving party has made a showing to the court that the records are likely to yield such information that could not be otherwise obtained. The court may turn the records or parts thereof over to parties in the action or their attorneys if the court determines that the records or parts thereof are relevant and material to a witness's credibility or competency. The District shall make a reasonable effort to notify the parents/guardians or eligible student of the subpoena in advance of disclosure except as otherwise provided by law.
7. Information required by law may be provided to the DPI or any public officer. Upon request, the Board shall provide the DPI with any student record information that relates to an audit or evaluation of a Federal or State-supported program or that is required to determine compliance with State law provisions.
8. Notwithstanding their confidential status, student records may be used in suspension and expulsion proceedings and by the Individualized Education Program (IEP) Team in accordance with State and Federal law.
9. The district board of the technical college in which the school is located, the Department of Health Services, the Department of Workforce Development, or a county department verifying eligibility for public assistance shall, upon request, be provided with the names of students who have withdrawn from the school prior to graduation.

10. Information from a student's immunization record shall be made available to State and local health officials to carry out immunization requirements.
11. Personally identifiable information from the student records of an eligible student may be disclosed to the parent of the eligible student without the written consent of the eligible student if the eligible student is a dependent of his/her parent for tax purposes (under the Federal Internal Revenue Code, 26 U.S.C. 152). This may be done unless the eligible student has informed the school, in writing, that the information may not be disclosed.

Personally identifiable information includes a biometric record, which means a "record of one or more measurable behavioral or biological characteristics" that can be used to identify a student. (e.g., fingerprints, retinal scans, voiceprints, DNA sequence, and handwriting).
12. A student's records shall be disclosed in compliance with a court order under Wisconsin's delinquency statutes after a reasonable effort has been made to notify the student's parent.
13. The District shall provide to the court, in response to a court order, the names of all persons known by the District to be dropouts and who reside within the county in which the circuit court or the municipal court is located.
14. Annually, on or before August 15th, the District shall report to the appropriate community services boards established under Sections 51.42 and 51.437 the names of students who reside in the District, who are sixteen (16) years of age or older, who are not expected to be enrolled in an educational program two (2) years from the date of the report and who may require services under Sections 51.42 or 51.437 (community mental health, development disabilities, alcoholism, and drug abuse).
15. If school attendance is a condition of a student's dispositional order under Section 48.355(2)(b)7 or 938.358(2), the Board shall notify the county department that is responsible for supervising the student within five (5) days after any violation of the condition by the student.
16. A law enforcement agency shall be provided a copy of a student's attendance record if the law enforcement agency certifies in writing that the student is under investigation for truancy or for allegedly committing a criminal or delinquent act and that the law enforcement agency will not further disclose the student's attendance record information except as permitted by law. When a student's attendance record is disclosed to a law enforcement agency for purposes of truancy, the student's parent shall be notified of that disclosure as soon as practicable after the disclosure.
17. A fire investigator shall be provided with a copy of a student's attendance record if the fire investigator certifies in writing that the student is under investigation for arson, that the attendance record is necessary for the investigation and that the records will be used and further disclosed only for the purpose of pursuing the investigation.
18. The District shall provide student disciplinary records necessary for purposes of student enrollment in another public or private school district in this State or any other as permitted by law. These records may include:
 - a. A copy of any expulsion findings and orders or records of any pending disciplinary proceedings involving the students;
 - b. A written explanation of the reasons for the expulsion or pending disciplinary proceedings;
 - c. The length of the term of the expulsion or the possible outcomes of the pending disciplinary proceedings.
19. The District may disclose student records to appropriate parties, e.g. law enforcement officials, or health care workers, in connection with an emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals.
20. The District may disclose personally identifiable information from an education record to appropriate parties, including parents of eligible students, in connection with an emergency if necessary to protect the health or safety of the student or other individuals. If the District determines there is an articulable and significant threat, it may disclose the information to any person whose knowledge of the information is necessary to protect the health or safety of the student or other individuals.
21. On request, a school board may disclose student records that are pertinent to addressing a student's educational needs to a caseworker or other representative of the department of children and families, a county department under Sections 46.215, 46.22, or 46.23, or a tribal organization, as defined in 25 U.S.C. 450b (L), that is legally responsible for the care and protection of the student, if the caseworker or other representative is authorized by that department, county department, or tribal organization to access the student's case plan.

22. The disclosure is to authorized representatives of the Comptroller General, the Attorney General, the Secretary of Education, or State and local authorities, and is made for the purpose of conducting an audit or evaluation of a Federal or State supported education program, or to enforce or comply with Federal requirements relating to those programs. A written agreement between the parties is also required under this exception. Mandatory elements of this written agreement include: 1) designation of the receiving entity as an authorized representative; 2) specification of the information to be disclosed; 3) specification that the purpose of the disclosure is to carry out an audit or evaluation of a government supported educational program or to enforce or comply with the program's legal requirements; 4) a summary of the activity that includes a description of methodology and an explanation of why personally identifiable information is necessary to accomplish the activity; 5) a statement requiring the organization to destroy all personally identifiable information when it is no longer needed for the study, along with a specific time period in which the information must be destroyed; and 6) a statement of policies and procedures that will protect personally identifiable information from further disclosure or unauthorized use.

The District has implemented physical, technical and administrative safeguards to ensure that records sent by the District to students or their parents, or both, through e-mail are not disclosed to a third party. Notwithstanding these measures, there are risks inherent in e-mail transmissions, and the District cannot guarantee the confidentiality and security of e-mail. Accordingly, the District must obtain prior written consent from any student or parent to whom student records will be sent through e-mail. (See Form 8330 F4b). In addition, any e-mail containing educational records will contain the following nondisclosure notice: Federal Rule (34 C.F.R. 99.33) prohibits a third party (e.g., Internet Service Provider) from making any further disclosure of this information unless expressly permitted by the prior consent of the parent or eligible student.

B. Access to Directory Data - Except as otherwise provided below, directory information may be disclosed to any person after the school has: 1) notified the parent, legal guardian or guardian ad litem of the categories of information which it has designated as directory information with respect to each student; 2) informed such persons that they have fourteen (14) days to inform the school that all or any part of the directory information may not be released without their prior consent; and 3) has allowed fourteen (14) days for the parents, legal guardian, or guardian ad litem of any student to inform the school, in writing, that all or any part of the directory information may not be released. At the end of this fourteen (14) day period, each student's records will be appropriately marked by the records' custodian(s) to indicate directory data items, if any, the District must receive parental permission to release. This designation will remain in effect until it is modified by the written direction of the student's parent, guardian, or guardian ad litem.

1. If the District has followed the notification procedure above, and the parent, legal guardian, or guardian ad litem does not object to the direct information being released, the Board Clerk (or designee) may conduct a balancing test to weigh the public interest in disclosure versus the public interest in non-disclosure.
2. If the District has followed the notification procedure outlined above, and the parent, legal guardian, or guardian ad litem does not object to the directory information being released, the Board Clerk (or designee) shall, upon request, provide the name and address of each student expected to graduate from high school in the current school year to the technical college board.
3. If the District has followed the notification procedure outlined above, and the parent, legal guardian, or guardian ad litem does not object to the directory information being released, the Board Clerk (or designee) shall, upon request, provide any representative of any law enforcement agency, city attorney, district attorney, or cooperation counsel, county department under Sections 46.215 or 46.22 or 46.23, a court of record or municipal court with such directory information relating to any such student enrolled in the School District for the purpose of enforcing that student's school attendance, to respond to a health or safety emergency, or to aid in the investigation of alleged criminal or delinquent activity by a student enrolled in the District.
4. If the District has followed the notification procedure outlined above, and the parent, legal guardian or guardian ad litem does not object to the directory information being released, the Board Clerk (or designee) shall, upon request, provide any military recruiter or institution of higher education with the name, address, and telephone number of the student. (Only secondary schools are required to provide this information to military recruiters or institutions of higher education.)

C. Access to Student Patient Records - All student patient records shall remain confidential. They may be released only to persons specifically designated by State or Federal law or to other persons with the informed consent of the patient or person authorized by the patient. Student patient records maintained by the District may only be released without informed consent to a District employee or agent if any of the following apply:

1. The employee or agent has responsibility for the preparation or storage of patient health records.
2. Access to patient health records is necessary to comply with a requirement in Federal or State law.

Any record that concerns the results of a test for the presence of HIV or antibody to HIV (the virus which causes acquired immunodeficiency syndrome--AIDS) shall be confidential and may be disclosed only with the informed **written** consent of the test subject.

D. Disclosure of Personal Information for Purposes of Marketing or Selling Information

The Board shall not permit the collection, disclosure, or use of personal information collected from students for the purpose of marketing or for selling that information (or otherwise providing that information to others for that purpose).

The parent of a student has the right to inspect, upon request, any instrument used in the collection of personal information before the instrument is administered or distributed to a student. The parent must submit a written request to the building principal at least fifteen (15) calendar days before the scheduled date of the activity. The instrument will be provided within ten (10) business days of the principal receiving the request. Parents will be notified at least annually at the beginning of the school year of the specific or approximate date(s) during the school year when such activities are scheduled or expected to be scheduled.

This section does not apply to the collection, disclosure, or use of personal information collected from students for the exclusive purpose of developing, evaluating, or providing educational products or services for, or to, students or educational institutions, such as the following:

1. College or other postsecondary education recruitment, or military recruitment;
2. Book clubs, magazine, and programs providing access to low-cost literary products;
3. Curriculum and instructional materials used by elementary and secondary schools;
4. Tests and assessments used by elementary and secondary schools to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information about students (or to generate other statistically useful data for the purpose of securing such tests and assessments) and the subsequent analysis and public release of the aggregate data from such tests and assessments;
5. The sale by students of products or services to raise funds for school-related or education-related activities; or
6. Student recognition programs.

E. Disclosure of Educational Records to a Third-Party - The District will inform in writing any third-party to whom personally identifiable information is released that, except as otherwise permitted by State or Federal law, the party is not allowed to disclose the information to others without the written consent of the student's parents or the student, provided the student is an adult.

F. Disclosure of Library Records to Parents

See Policy 2416.01 Parental Access to Library Records

G. Interagency Agreement to Disclose Student Records

Pursuant to Section 118.125, Wis. Stats., the District has entered into an interagency agreement(s) with the entities listed below to disclose student records before adjudication for the purpose of providing services to the student. Each of the entities has certified in writing that the records will not be disclosed to any other person, except as permitted by law:

1. law enforcement agency
2. corporation counsel
3. agency, as defined in 938.78(1) (i.e., the department of corrections, a licensed child welfare agency, or a county department under Secs. 46.215, 46.22, or 46.23, Wis. Stats.

Maintenance of Records

- A. Except as otherwise specifically provided, all student records will be kept in one (1) file in the school building in which the student is enrolled. This file will be kept in a locked file or drawer under the control of the building principal. Law enforcement and student patient records shall be maintained separately from a student's other records.
- B. Copies of records of any student referred for a suspected disability will be maintained in the Pupil Service Office in addition to the school file. Copies of all student physical health records also will be maintained at the Pupil Services Office.

- C. Requests for access to, or copies of, student records will be referred to the building principal for action. Student records shall be released only to the extent authorized by law.
- D. A record of each request for access to and each disclosure of personally identifiable information from a student's school records shall be maintained with such student's records, except when the request is from or the disclosure is to the following person/party:
1. The parent or eligible student
 2. A school official
 3. A party with written consent from the parent/guardian or eligible student
 4. A party seeking directory information
 5. A party seeking or receiving the records as directed by a Federal grand jury or other law enforcement subpoena and the issuing court or other issuing agency has ordered that the existence or the contents of the subpoena or the information in response to the subpoena not be disclosed
- E. Records of students who cease to be enrolled shall be maintained as follows:
1. All behavioral records will be destroyed one (1) year after the date the student graduated from or last attended the school unless the student, or his/her parent if the student is a minor, gives permission that the records be maintained for a longer period of time. Where such written permission is received, behavioral records will be destroyed after the time specified in the permission form or at the discretion of the District when they are of no further obvious use.
 2. Progress records will be kept five (5) years after the date the student graduated from or last attended the school, except a record of grades and attendance is to be kept permanently.
 3. Records of psychological testing or special education evaluations, including all individual reports, will be maintained for one (1) year after a student transfers out of the District. Upon written permission of an eligible student or the parent or legal guardian of a minor student, such records will be maintained for up to five (5) years.

Amendment of Records

- A. A parent or an eligible student who believes that the school records collected, maintained, or used are inaccurate, misleading, or otherwise in violation of the privacy rights of the student may request the District to amend the records. The District will decide whether to amend the information in accordance with the request within a reasonable period of time of receipt of the request.
- B. If the District decides to refuse to amend the information in accordance with the request, it will inform the parent or eligible student of the refusal and advise him/her of the right to a hearing before the Board. On request, the District shall provide an opportunity for a hearing to challenge information in school records to ensure that it is not inaccurate, misleading, or otherwise in violation of the privacy rights of the student.
- C. If, as a result of the hearing, the District decides that the information is inaccurate, misleading, or otherwise in violation of the privacy rights of the student, it shall amend the information accordingly and so inform the parent/guardian or eligible student in writing.
- D. If, as a result of the hearing, the District decides that the information is not inaccurate, misleading or otherwise in violation of the privacy rights of the student, it shall inform the parent or eligible student of the right to place in the records it maintains on the student, a statement commenting on the information or setting forth any reasons for disagreeing with the decision of the District.

The District shall require that any explanation placed in the records of a student be maintained by the District as part of the records as long as the record or contested portion is maintained by the District. If the records of the student, or the contested portion, are disclosed by the District to any party, the explanation shall also be disclosed to that party.

Procedure for Hearing to Amend Record

The District shall provide parents/eligible students with the opportunity to amend records when they believe that any of the information regarding their student is inaccurate, misleading, or violates the student's privacy.

A. Upon receipt of a written request to amend records, the Building Principal shall ascertain the specific information that is requested to be amended and the reason for the change.

The Building Principal shall decide whether or not to amend the record.

If the Building Principal decides not to amend, the parents/eligible students shall be so informed of the decision as well as of their rights to a hearing.

B. If the parents/eligible students request a Records Hearing, the District Administrator shall:

1. Select the Records Hearing Officer (RHO) (who may be an official of the District who does not have a direct interest in the outcome of the hearing);
2. Direct the person selected as the RHO to arrange a hearing with the parents/eligible students within ten (10) business days from the date of the hearing request or at a mutually agreed time and place.

The RHO shall inform the parents/eligible students that they shall be afforded a full and fair opportunity to present evidence relevant to the issues and may be assisted or represented by individuals of their choice, including an attorney, at their own expense.

The RHO is responsible for maintaining the student's record during the appeal process so that no information is lost or destroyed during the appeal process.

C. The RHO shall conduct the hearing by:

1. Introducing the participants;
2. Reviewing the agenda for the hearing;
3. Identifying the records in question;
4. Reviewing the items for which amendment is being requested;
5. Allowing the parents/eligible students and/or their representative to present evidence related to the issues;
6. Allowing the Board's representative to present evidence related to the issues;
7. Recording the evidence presented by both parties;
8. Allowing each party a reasonable period of time to question the evidence of the other party;
9. Adjourning the hearing.

D. No later than ten (10) business days from the conclusion of the records hearing, the RHO shall summarize and send a copy of the findings to the District Administrator.

E. The District Administrator, within ten (10) business days after receiving the findings of the RHO, shall make a decision, based solely upon the evidence presented at the hearing, and send to the parents/eligible students:

1. A letter stating the decision and the justification for the decision;
2. A copy of the RHO Report;
3. Copies of the amended records, if any;
4. A notification of the right to place a statement in the record commenting on the contested information or stating why s/he disagrees with the decision.

F. If the Board and parents/eligible students agree to the necessary amendments, the COR shall make necessary changes in the student record and send the parents/eligible students written confirmation that the changes have been made.

G. If as a result of the hearing, the Board decides not to amend the record, the parents/eligible students have the right to place a statement in the record commenting on the contested information in the records and/or stating they disagree with the decision of the RHO. Such a statement shall be maintained with the contested part of the records as long as the records exist

and shall be disclosed as part of any record disclosure.

Emergency Release

The Principal may release any personally-identifiable information (without parent's/eligible student's consent) to appropriate parties, including parents of eligible students, in connection with a health/safety emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals.

Upon receipt of a request for emergency information, the Principal shall consider the totality of the circumstances pertaining to a threat to the health or safety of others. If the Principal determines that an articulable and significant threat exists, s/he may release information from education records to any necessary individuals. If the Principal or another school official releases personally identifiable information pursuant to this Section, s/he must record in the student's education records the basis for the decision that a health or safety emergency existed.

Transfer of Records

All student records relating to a specific student shall be transferred to another school or school district **no later than the next work day** ~~within five (5) work days~~ upon receipt of written notice from:

- A. An eligible student, or the parent/guardian of a minor student, that the student intends to enroll in the other school or School District;
- B. The other school or School District in which the student has enrolled;
- C. A court, in the event that a student has been placed in a juvenile correctional facility or secured child caring institution.

"School" or "School District" in this section includes any secured correctional facility, secured group home, adult correctional institution, mental health institution, or center for the developmentally disabled, that provide an educational program for its residents instead of or in addition to that which is provided by public and private schools.

Transfer of student records, including disciplinary records regarding suspensions and expulsions, shall not be withheld from the school for a student's failure to pay any fees, fines, or charges imposed by this District.

Disclosure For Student Financial Aid

The Principal may release, **without parents' consent**, student information regarding financial aid for which a student has applied or which a student has received, provided that personally-identifiable information from the education records of the student may be used only to:

- A. Determine the eligibility of the student for financial aid;
- B. Determine the amount of financial aid;
- C. Determine the conditions which will be imposed regarding the financial aid;
- D. Enforce the terms or conditions of the financial aid.

Disclosure For Purposes of Marketing Or Selling Information

The School Board shall not permit the collection, disclosure, or use of personal information collected from students for the purpose of marketing or for selling that information (or otherwise providing that information to others for that purpose). For purposes of this section, "personal information" means individually identifiable information including: (1) a student or parent's first and last name; (2) a home or other physical address (including street name and the name of the city or town); (3) a telephone number; or (4) a Social Security identification number.

The parent of a student has the right to inspect upon request any instrument used in the collection of personal information before the instrument is administered or distributed to a student. The parent must submit a written request to the building principal at least fifteen days before the scheduled date of the activity. The instrument will be provided within ten (10) business days of the principal receiving the request. Parents will be notified at least annually at the beginning of the school year of the specific or approximate date(s) during the school year when such activities are scheduled or expected to be scheduled.

This section does not apply to the collection, disclosure, or use of personal information collected from students for the exclusive purpose of developing, evaluating, or providing educational products or services for, or to, students or educational institutions, such as the following:

- A. College or other postsecondary education recruitment, or military recruitment;
- B. Book clubs, magazines, and programs providing access to low-cost literary products;
- C. Curriculum and instructional materials used by elementary and secondary schools;
- D. Tests and assessments used by elementary and secondary schools to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information about students (or to generate other statistically useful data for the purpose of securing such tests and assessments) and the subsequent analysis and public release of the aggregate data from such tests and assessments;
- E. The sale by students of products or services to raise funds for school-related or education-related activities; or
- F. Student recognition programs.

Safeguarding Education Records and Responding to Data Breaches

Significant challenges exist with respect to the safeguarding of education records from unauthorized access and disclosure. These challenges include inadvertent posting of students' grades or financial information on publicly available Web servers; theft or loss of laptops and other portable devices that contain education records; computer hacking; and failure to retrieve education records at the termination of employment or service as a contractor, consultant or volunteer. In light of these challenges, the DRO and COR are directed to work with the District's IT Department/Staff to identify, implement and administer appropriate methods and security controls to protect education records, especially those in electronic information/data systems.

The District's IT Department/Staff is encouraged to review the National Institute of Standards and Technology (NIST) Special Publication (SP) 800-100, "Information Security Handbook: A Guide for Managers," and NIST SP 800-53, "Recommended Security Controls for Federal Information Systems" for guidance and to use any methods or technologies they determine are reasonable to mitigate the risk of unauthorized access and disclosure taking into account the likely harm that would result. The IT Department/Staff is charged with the development of appropriate responses to data breaches and other unauthorized disclosures, and said steps should include at a minimum the following:

- A. Reporting the incident to law enforcement authorities;
- B. Determining exactly what information was compromised (e.g. names, addresses, SSNs, ID numbers, grades, etc.);
- C. Taking steps to immediately retrieve data and prevent further disclosures;
- D. Identifying all affected records and students;
- E. Determining how the incident occurred, including which school officials had control of and responsibility for the information that was compromised;
- F. Determining whether the incident occurred because of a lack of monitoring or oversight;
- G. Determining whether any Board policies and/or District procedures were violated;
- H. Conducting a risk assessment and identifying appropriate physical, technological and administrative measures to prevent similar incidents in the future; and
- I. Notify students and parents that the United States Department of Education's Office of Inspector General maintains a website describing steps students may take if they suspect they are a victim of identity theft.

While notification of students is not required in all circumstances, it shall be the DRO's responsibility to determine, in conjunction with the District Administrator, whether students and/or parents will be notified of any breaches. If the decision is made not to issue a direct notice to a parent or student upon an unauthorized disclosure of education records, the DRO or Principal shall nevertheless record the disclosure so the parent or student will become aware of it during an inspection of the student's education record.

Alleged Noncompliance with Federal Requirements

Eligible students or parents of minor students may file a complaint for alleged District noncompliance with requirements of the Federal Family Educational Rights and Privacy Act (FERPA) with: Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue, S.W., Washington, D.C. 20202-4605 and the Protection of Pupil Rights Amendment (PPRA).

Annual Public Notice

Parents and student shall be notified annually of the following: 1) their rights to inspect, review and obtain copies of student records; 2) their rights to request the amendment of the student's school records if they believe the records are inaccurate or

misleading; 3) their rights to consent to the disclosure of the student's school records, except to the extent State and Federal law authorizes disclosure without consent; 4) the categories of student record information which have been designated as directory data and their right to deny the release of such information; and 5) their right to file a complaint with the Family Policy Compliance Office of the U.S. Department of Education. This notice shall be published in the District's official newspaper within three (3) weeks of the start of the school year. It shall also be published annually in District student-parent handbooks.

For students enrolling in the District after the above notice has been given, the notice will be given to the eligible student and his/her parent at the time and place of enrollment.

~~Destruction and Review of Records~~

~~If a student is identified as a student with a disability under the Individuals with Disabilities Education Act ("IDEA") or Section 504 of the Rehabilitation Act of 1973, the COR shall:~~

- A. ~~Maintain the student's educational records for five (5) years after termination of special education programs, services, and/or graduation; and~~
- B. ~~Only destroy such educational records after notifying the parents/eligible students that the information is no longer needed to provide educational services and will be destroyed.~~

~~The personally identifiable information on a disabled student shall be retained permanently unless the parents/eligible students request that it be destroyed as specified in these guidelines. The COR should remind them that the records may be needed by the student or the parents for Social Security benefits or other purposes (see Form 8330 F9).~~

It is important to annually verify the accuracy of the address for complaints regarding the Family Educational Rights and Privacy Act (FERPA) and the Protection of Pupil Rights Amendment (PPRA).

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Legal
20 U.S.C. 1400 et seq.
115.812, 118.125, 118.127, 118.163, 938.396, Wis. Stats.
34 C.F.R. Part 99
20 U.S.C. 1232f through 1232i 20 U.S.C. 1400 et seq.
20 U.S.C. 7908
26 U.S.C. 152

Last Modified by Steve LaVallee on February 23, 2022



Book	Administrative Guideline Manual
Section	For Review - Administrative Guidelines - Vol. 31, No. 1
Title	Copy of TRANSPORTATION
Code	ag8600 - R
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8600 - **TRANSPORTATION**

The following guidelines are established to implement Board policy on transportation.

A. **Administrative Responsibilities**

The Business Manager is responsible for student transportation. Included within this scope of responsibility are:

1. Approval of bus routes;
2. Transportation budgets;
3. Development of specifications for bids on contracted services;
4. Contracting with private entities to provide transportation services as described in Policy 8680.

Quality transportation services require cooperation and effective communication with the Building Principal who shall be responsible for:

1. supervision at bus loading and unloading zones;
2. communication to parents or guardians and students concerning student behavior, safety, schedules, and the like;
3. adjudication of all behavior problems;
4. enforcement of traffic regulations on the school site;
5. communication about overcrowding and unsafe conditions or practices to the Business Manager.

B. **Bus Conduct**

1. Parents ~~or guardians~~ are to be informed that school bus transportation is considered "at school" for purposes of school discipline when students are on the bus. ~~is a privilege and not a right and that t~~he bus driver or, if designated, the bus monitor, is the sole authority on the bus while students are being transported.
2. Parents are also to be informed that they are responsible for:
 - a. the safety of their child while going to or from the bus stop and while waiting for the school bus;
 - b. their child being at the bus stop at least five (5) minutes prior to scheduled pick-up time;

- c. damage by their child to school buses, personal property, or public property;
 - d. informing their children of the rules of conduct and behavior for riding on the buses.
3. Students are expected to conduct themselves in a proper manner at bus stops. The District will not enter into disputes involving parents and/or students concerning matters that take place prior to the student boarding the school bus, or after the student has disembarked from the bus on his/her way home.
 4. Students will ride only assigned school buses and will board and depart from the bus at assigned bus stops. Students will not be permitted to ride unassigned buses for any reason other than an emergency, except as approved by the transportation contractor.
 5. A change in a student's regular assigned bus stop may be granted for a special need, if a note from a parent is submitted to the building principal stating the reason for the request and the duration of the change, the Principal approves, and the information is provided to the transportation contractor.
 6. A permanent transfer to another route or bus stop for morning pick-up and/or afternoon drop-off will only be made upon the approval of the transportation contractor.
 7. Students shall cross all streets at least ten (10) feet in front of the school bus and after the driver has signaled the student that it is all right to do so.
 8. For the safe operation of the school bus, noise on buses shall be kept at a minimum with students speaking in reasonable conversation voices. Students must be quiet at railroad crossings and other danger zones as designated by the bus driver.
 9. The following cargo is forbidden to be transported on a school bus: pets, alcoholic beverages, drugs, ammunition, explosives, firearms, knives, or any other dangerous materials or objects. If there is a question on the transportation of a particular item, the transportation contractor should be consulted.

C. Student Surveillance

In accord with Board policy, the transportation contractor may install the appropriate equipment for video recording the interior of the buses while transporting students.

Any disciplinary action resulting from the use of the video recording device shall be determined by the appropriate building principal who shall ensure that due process is provided to the students involved, in accordance with Board policy and administrative guidelines relating to discipline. Any use of photographs obtained through the use of the video recording devices shall be in accordance with Federal and State law.

The transportation contractor shall be responsible for reviewing the video recordings for the purpose of assuring that bus safety procedures are being followed properly and the buses are being operated in accord with District guidelines and State law.

D. Special Services

In compliance with Board policy, the transportation services may be provided for field trips, co-curricular trips, and extra-curricular trips, including athletics.

Transportation may be provided on weekends and holidays to District students who are participating in approved School District programs that are under the supervision of professional staff members.

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Book	Administrative Guideline Manual
Section	For Review - Administrative Guidelines - Vol. 31, No. 1
Title	Copy of CARE, CUSTODY, AND DISPLAY OF THE UNITED STATES FLAG
Code	ag8800D - L
Status	
Adopted	July 22, 2019

8800D - CARE, CUSTODY, AND DISPLAY OF THE UNITED STATES FLAG

The following rules and customs will be observed concerning the care, custody, and display of the flag of the United States of America:

- A. The flag should be displayed in or near every school building in the District during each day school is in session.
- B. The flag should be displayed every day in or near the School District's administration or central office.
- C. **In accordance with the U.S. Flag Code requirements, the flag of the United States shall be raised above each school and/or at other appropriate places during all school sessions. ~~The flag should be displayed only from sunrise to sunset when it is displayed on a building or on a stationary flagstaff in the open. The flag may be displayed twenty-four (24) hours a day if properly illuminated during the hours of darkness.~~**
- D. The flag should not be displayed on days when the weather is inclement, except when an all weather flag is displayed.
- E. When the flag is carried in a procession with other flags, it should be on the flag's own right. If it is a line of flags, it should be in front of the center of the line.
- F. The flag should not be draped over the hood, top, sides, or back of a vehicle.
- G. When the flag is displayed with another flag against the wall from crossed staffs, it should be on the flag's own right and its staff should be in front of the staff of the other flag.
- H. When the flag is displayed from a staff projecting horizontally or at an angle from the windowsill, balcony, or front of a building, the union of the flag should be placed at the peak of the staff.
- I. When the flag is displayed either horizontally or vertically against a wall, the union should be uppermost and to the flag's own right.
- J. When the flag is used on a speaker's platform, it should be displayed flat on the wall and above and behind the speaker.
- K. When the flag is displayed from a staff in the auditorium, the staff should be displayed in the position of honor at the speaker's right as **they faces/he faces** the audience. Any other flag should be displayed to the left of the speaker.
- L. The flag shall be flown at half-staff as follows:
 - From the day of death and ---
 1. For thirty (30) days for the President or a former President

2. For ten (10) days for the Vice President, the Chief Justice or a retired Chief Justice of the United States, and the Speaker of the House of Representatives
 3. Until interment for an Associate Justice of the Supreme Court, a Secretary of an executive or military department, a former Vice President, and the Governor of a State
 4. On the day of death and the following day for a member of Congress
 5. By order of the President
 6. By order of the Governor of Wisconsin
- On Memorial Day until noon, and then it is to be raised to the top of the staff.

When a flag is flown at half-staff, it is to be positioned at one-half the distance between the top and bottom of the staff.

- M. The flag should not be dipped to any person or thing.
- N. The flag should never be displayed with the union down, except as a signal of dire distress in instances of extreme danger to life or property.
- O. The flag should never touch anything beneath it, such as the ground, the floor, water, or merchandise.
- P. The flag should always be carried aloft and free.
- Q. The flag should never be fastened, displayed, used, or stored in such a manner as to permit it to be easily torn, soiled, or damaged in any way.
- R. The flag should never be used as a covering for a ceiling.
- S. The flag should never be used as a receptacle for receiving, holding, carrying, or delivering anything.
- T. The flag, when it is in such a condition that it is no longer a fitting emblem for display, should be destroyed in a dignified way, preferably by burning.
- U. The flag should be folded as follows when being stored:
1. Straighten out the flag to full length and fold lengthwise once.
 2. Fold it lengthwise a second time to meet the open edge, making sure that the union of stars on the blue field remains outward in full view.
 3. A triangular fold is then started by bringing the striped corner of the folded edge to the open edge.
 4. The outer point is then turned inward parallel with the open edge to form a second triangle.
 5. This diagonal or triangular folding is continued toward the blue union until the end is reached with only the blue showing and the form being that of a cocked hat.



Book	Administrative Guideline Manual
Section	For Review - Administrative Guidelines - Vol. 31, No. 1
Title	Copy of HOME-BASED PRIVATE EDUCATION STUDENTS
Code	ag9270 - R
Status	
Adopted	July 16, 2018

9270 - HOME-BASED PRIVATE EDUCATION STUDENTS

The District has established the following requirements and limitations to home-based private education:

Participation in a District School

A student receiving home-based private education may attend up to two (2) courses per semester in the public school classroom provided that the student meets the minimum standards for enrollment in each course as established by the District. Such student may attend no more than two (2) courses per semester, which shall include any courses being taken by the student in another public school district such that the aggregate number of courses taken in a public school district in any semester does not exceed two (2).

Participation in Extra-curricular Activities

A student receiving home-based private education may participate in interscholastic athletics in the District, including WIAA sanctioned interscholastic athletics, on the same basis and to the same extent that the District permits students enrolled in the District to participate. Upon request, the home-based private educational program in which the student is enrolled shall provide the District with a written statement that the student meets the Board's requirements for participation in interscholastic athletics based on age and academic and disciplinary records. No person may provide a false statement.

~~A student receiving home-based private education may participate in extracurricular activities in the District on the same basis and to the same extent that it permits students enrolled in the District to participate.~~

The District may charge a student who participates in interscholastic athletics or extracurricular activities participation fees, including fees for uniforms, equipment, and musical instruments, on the same basis and to the same extent that it charges these fees to a student who is enrolled in the District.

Academic Assessment

The District strongly recommends that the parent maintain a record of the program of instruction including any assessments of student learning ~~what has been learned~~. This documentation will be important if the child ~~wished to re-enroll~~ in a District school. Such a record could include:

- A. resources and books used in the course;
- B. the number of hours devoted to each course of study (800 hours minimum);
- C. courses of study completed;
- D. a portfolio of work done;
- E. examples of tests and test scores;
- F. standardized test scores demonstrating the student's ability.

The District shall not administer statewide examinations/assessments to students receiving a Hhome-Bbased private education, including those enrolled in the District for two (2) or fewer classes per day. The District shall not pay for any standardized testing of students not enrolled in the School EDistrict.

The District may permit the home-based private education student to take local District achievement/ability tests normally given at each grade by the District. This may be done on a fee basis, as determined at the time of the parent request. It is the parent's responsibility to make the appropriate arrangements with the school principal.

Re-Enrollment in a District School

If a parent wishes to have his/her child enroll or re-enroll in return to a District school, s/he must follow normal enrollment guidelines. The conditions and assessment procedures described in AG 5463 - Student Transfer from a Nonpublic School will apply.

In grades 9-12, if the student wishes to enroll, the parent should provide an academic assessment report for each class taken during at the child's home-based private education. In addition, the school will need the grades from the last public or private school attended prior to home-based private education. Athletic eligibility will be determined by WIAA guidelines and District athletic policy.

Students are encouraged to enroll at the beginning of a semester.

Course Grades, Credits, and Honors

All home-based, private education courses will be given a grade of P/F (Pass/Fail) and transcripts will denote home-based private education with P/F grades and "credits" assigned by the parents.

All home-based, private education courses will be given a grade of P/F (Pass/Fail) and transcripts will denote home education with P/F grades and "credits" assigned by the parents.

The student's grade-point average will be established only after s/he has completed two consecutive semesters of attendance at the high school. To be eligible for awards such as Distinguished Scholar, National Honor Society, etc., the student must be enrolled for consecutive semesters prior to the second semester of the senior year.

Academic Excellence Scholarships shall be awarded in accordance with Policy 5451.01 and Policy 5451.02.

If the student wishes to graduate from a District high school, s/he must meet the requirements specified in Board Policy 5460 and the graduation requirements guidelines of the high school.

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Book	Administrative Guideline Manual
Section	For Review - Administrative Guidelines - Vol. 31, No. 1
Title	Copy of ADMISSION OF STUDENTS FROM NONAPPROVED SCHOOLS
Code	ag9270A - DELETE - Included in 5463
Status	
Adopted	July 16, 2018

~~9270A—ADMISSION OF STUDENTS FROM NONAPPROVED SCHOOLS~~

~~The following guideline applies to students who are transferring from a home school, nonchartered religious school, or foreign school. It does not apply to any school that has been approved or licensed by a State educational agency.~~

~~General Procedures:~~

- ~~A. The parent is to submit to the Building Principal written notification of the intent to enter the school no later than five (5) days prior to the expected date of enrollment.~~
- ~~B. The Building Principal is responsible for conducting a thorough placement study including an assessment of current learnings relative to each course of study (see AG 5463). The placement study should also include a review of information provided by the parent such as student achievement data, standardized test scores, topics studied, resources used, and samples of student work and accomplishments. It should also include a comparison with the criteria established for private schools under Wis. Statute 118.165. No student is to be placed in any school or grade without a written placement review.~~
- ~~C. A final meeting with the parent and student shall be scheduled to review the District's assessment results, establish credits (if applicable), and discuss placement.~~
- ~~D. In the event the advance notice is not provided, a temporary placement decision may be made by the Building Principal while the placement review is conducted. The parent is to be informed of the District's placement review procedure.~~
- ~~E. Prior to placement, the parent must complete normal enrollment procedures as outlined in AG 5111.~~
- ~~F. A review of student progress shall be conducted by the Building Consultation Team at the end of the quarterly grading periods to evaluate the effectiveness of the placement decision.~~
- ~~G. A parent may request, during the placement procedure, that his/her child participate in special education programming. If so, the District's special education identification and evaluation procedure is to be followed. If there is no conclusive evidence that special education testing should be initiated or if the student does not qualify, the 504 evaluation procedure (AG 2260) may be applicable or the Building Consultation Team may be notified prior to student placement.~~
- ~~H. If the District's assessment of a student indicates mastery of curriculum objectives that far exceed the normal age/grade placement, and whose standardized test scores indicate qualification for gifted education, s/he may be referred to the Building Consultation Team for placement.~~

~~Admission to Kindergarten Through Grade Eight~~

~~Placement into a grade shall be made in accordance with the following:~~

- ~~A. age appropriateness~~
- ~~B. data resulting from the assessment procedure described in AG 5463—Student Transfer from Nonaccredited Schools~~

C. ~~results of the examination of the student's most recent annual academic assessment report which shall include one (1) of the following:~~

- ~~1. data resulting from the assessment procedure described in AG-5463—Student Transfer from Nonaccredited Schools~~
- ~~2. results of a nationally normed, standardized achievement test~~
- ~~3. written narrative indicating that a portfolio of the student's work has been reviewed and his/her academic progress for the year is in accordance with the student's abilities and the District's applicable courses of study~~

D. ~~review of previous regular education program records, if any, to check last grade placement~~

E. ~~results of universal screeners or competency tests at the appropriate grade level(s) to measure achievement of performance objectives in each applicable subject~~

Admission to Grades Nine Through Twelve

~~Placement into a grade shall be made on the basis of credits earned. Placement into each subject (e.g. English) shall be made based on:~~

A. ~~age appropriateness;~~

B. ~~data resulting from the assessment procedure described in AG-5463—Student Transfer from Nonaccredited Schools;~~

C. ~~results of examination of the student's most recent annual academic assessment report which shall include one (1) of the following:~~

- ~~1. results of a nationally normed, standardized achievement test in the subject area~~
- ~~2. a portfolio of the student's work that demonstrates s/he has developed the knowledge and skills at the previous grade level to the one the student should be placed in based on his/her age~~

D. ~~review of previous regular education program records, if any, to check last grade placement;~~

E. ~~results on the appropriate universal screeners, competency tests or normed, criterion-references test in the subject area, if applicable to the grade placement.~~

Procedures for Receiving Credits/Grades

~~Students shall receive credit for their academic work on the following basis to:~~

A. ~~receive credit in language arts, social studies, mathematics, and/or science, the student must receive a passing grade in the final examination in the subject, plus satisfactory completion of any academic projects student must complete demonstrating competence in the subject area.~~

~~The student will have only one (1) opportunity to take the appropriate test(s). The student must complete the test(s) within five (5) days from the date of enrollment.~~

B. ~~receive credit in courses other than language arts, social studies, mathematics, and/or science, the student must demonstrate proficiency as determined by the building administrator and the teacher of the course.~~

~~In accordance with Board Policy 5463, no letter or number grades will be recorded for courses for which credit is granted. Credit will be issued on a pass/fail (P/F) basis and the transcript will indicate "home-school" credit. The credit will be recognized for high school graduation requirements. Students entering school at any point following the conclusion of the first grading period will be evaluated on a pass/fail basis for competency in the coursework dealt with during the grading period(s).~~

~~The maximum number of credits a student may receive for each year of academic study is eight (8) credits which is equivalent to the maximum number of credits a student may earn while attending the high school.~~

Procedures for Determining Grade Point Average (GPA)/Class Rank/Transcripts

A. ~~Students entering the high school shall have no established grade point average (GPA) until they have completed two (2) semesters.~~

B. ~~Inclusion of the student in graduation honors such as The Laude System shall occur if the student has been enrolled for two (2) consecutive semesters.~~

Graduation and Commencement Exercises

~~Before a diploma will be presented, the student must meet all of the Board's graduation requirements.~~

~~For a student to qualify for participation in the commencement exercises, s/he must be enrolled in the high school for one (1) semester.~~

Last Modified by Steve LaVallee on February 23, 2022



Book	Administrative Guideline Manual
Section	For Review - Administrative Guidelines - Vol. 31, No. 1
Title	Copy of FUND-RAISING BY CHARITABLE ORGANIZATIONS
Code	ag9700 - R
Status	
Adopted	July 16, 2018

9700 - **FUND-RAISING BY CHARITABLE ORGANIZATIONS**

Charitable organizations are defined as any benevolent, philanthropic, patriotic, not-for-profit or charitable group, association, corporation, or organization proposed to be such, which solicits and collects funds for charitable purposes.

No charitable organization may use the name, logo, mascot or any other name which would associate an activity with the District without the specific written permission of the District Administrator. Additionally, no charitable organization may use any assets of the District, including but not limited to facilities, technology, or communication networks without the specific written permission of the District Administrator.

The following criteria will be used in order to ensure equitable consideration of all requests by charitable organizations or groups to solicit funds on District premises. In this context, fund-raising shall also include solicitation of clothing, foodstuffs, or other products.

- A. The purpose of the fund-raising is to help alleviate an economic, health, cultural, educational, or social need in the school community area.
- B. The organization and/or the disbursement of funds are managed by residents of the District.
- C. The funds are not used for religious or political purposes.
- D. The organization has a definite plan for the collection and distribution of funds.
- E. The percentage of funds collected and used for administrative expenses and/or compensation for solicitors does not exceed 10%.

The Principal shall develop a procedure which each approved organization is to follow to solicit and collect funds within the building or on the premises. The procedure is to ensure that:

- A. there is no disruption of the school program;
- B. no funds are left in the building overnight or in an unsecured area.

Each requesting organization shall complete an application form provided by the District which shall include:

- A. the names and addresses of the organization and the persons involved;
- B. the dates and times of solicitation;
- C. where solicitation will take place;
- D. proof that the organization is charitable;
- E. proof of compliance with the percentage limitation for administrative and solicitation expenses.

These guidelines shall apply to all fund-raising activities other than approved student fund-raising activities and those approved for District-related organizations.

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NEW FORM - VOL. 27, NO. 2

SAMPLE CROWDFUNDING SOLICITATION PROJECT PROPOSAL FORM

Crowdfunding solicitations (collaborative funding via the internet) by an employee outside of any sanctioned organization must follow the guidelines established by the School District in policy and administrative guideline 6605. In particular, the crowdfunding applications must be approved by the appropriate administrator(s) before submission to the funding source. Any materials, equipment, gifts, or other property obtained through crowdfunding must be accepted by the District in accordance with Board Policy 7230 - Gifts, Grants, and Bequests.

Funds raised via crowdfunding solicitations must be deposited into a school fund. All items purchased or donated through crowdfunding sources become the property of the District and must be handled in accordance with policy 7230 - Gifts, Grants, and Bequests.

Teacher Name: _____

Date: _____

Name of Proposed Project: _____

Proposed Project Submission Date: _____

Crowd Funding source: _____

Proposed Timeline: _____

Briefly describe the proposed project and its intended use: _____

Items/Monetary Goal Requested on crowdfunding website: _____

Beneficiary of crowdfunding activity: _____

A description of any rewards, perks, or thank you gifts provided to donors: _____

Please attach a copy of any narratives that will be submitted as testimonials in order to solicit the funds on the website, along with any photos that the staff member wants to use on the site. If the staff member requests to use student name/images, the staff member must obtain written authorization from the student's parent.

The staff member must also attach a copy of his/her biographical information or personal profile that will be utilized on the crowdfunding site.

The staff member must also post a link to the District's crowdfunding policy as part of the solicitation.

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PUBLIC ATTENDANCE AT SCHOOL EVENTS

Audio/Video Recording of School Performance (Copyrighted Material)

This performance includes copyrighted materials which have been properly licensed specifically for this event. However, audio and/or video recording for re-broadcast or distribution in any way without the express written consent and proper license from the author is a violation of Federal copyright law and is prohibited.

Thank you for your cooperation.

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Book	Policy Manual
Section	2000 Program
Title	INTERSCHOLASTIC ATHLETICS
Code	po2431
Status	Active
Adopted	October 17, 2016
Last Revised	December 18, 2017

2431 - **INTERSCHOLASTIC ATHLETICS**

The Board of Education 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 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-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 which 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.

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 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 Robin Dosser on February 28, 2022



Book	Policy Manual
Section	8000 Operations
Title	WELLNESS
Code	po8510
Status	Active
Adopted	November 21, 2016
Last Revised	April 23, 2018

8510 - **WELLNESS**

As required by law, the Board of Education establishes the following wellness policy for the School District of Manawa as a part of a comprehensive wellness initiative.

The Board recognizes that good nutrition and regular physical activity affect the health and well-being of the District's students. Furthermore, research suggests that there is a positive correlation between a student's health and well-being and his/her ability to learn. Moreover, schools can play an important role in the developmental process by which students establish their health and nutrition habits by providing nutritious meals and snacks through the schools' meal programs, by supporting the development of good eating habits, and by promoting increased physical activity both in and out of school.

Healthy student behaviors and habits with regard to eating and exercise cannot be accomplished by the schools alone.

The Board sets the following goals in an effort to enable students to establish good health and nutrition choices to:

- A. promote nutrition education with the objective of improving students' health and reducing childhood obesity;
- B. improve the health and well-being of our children, increase consumption of healthful foods during the school day, and create an environment that reinforces the development of healthy eating habits;
- C. promote nutrition guidelines, a healthy eating environment, child nutrition programs, and food safety and security on each school campus with the objective of promoting student health and reducing childhood obesity;
- D. provide opportunities for every student to develop the knowledge and skills for specific physical activities, maintain physical fitness, regularly participate in physical activity, and understand the short and long-term benefits of a physically active lifestyle;
- E. promote the health and wellness of students and staff through other school-based activities.

Public Involvement

The District Administrator shall obtain the input of District stakeholders, to include parents, students, representatives of the school food authority, educational staff (including physical education teachers), school health professionals, School Board members, members of the public, and other school administrators in the development, implementation, evaluation, and periodic review and update, if necessary, of the wellness policy.

The wellness committee shall be an administrative committee with members recruited and appointed by the District Administrator.

Policy Leadership and Reporting Requirement

The District Administrator will oversee development, implementation, and evaluation of the wellness procedures and is authorized to designate a staff member or members with the responsibility to assure that wellness initiatives are followed in the District's schools.

The District Administrator shall conduct reviews of the progress toward school wellness procedures, identify areas for improvement, and recommend revision of procedures as necessary.

Before the end of each school year, the wellness committee shall submit to the District Administrator and Board their report in which they describe the environment in each of the District's schools and the implementation of the wellness policy in each school, and identify any revisions to the policy the committee deems necessary.

The District Administrator or a designee of the wellness committee shall report annually to the Board on the District's wellness programs, including the assessment of the environment in the District, evaluation of wellness policy implementation District-wide, and the areas for improvement, if any, identified. The District Administrator or a designee of the wellness committee shall also report on the status of compliance by individual schools and progress made in attaining goals established in the policy.

The program developed shall include the following items, along with any additional measures deemed appropriate:

- A. identify specific goals for nutrition promotion and education, physical activity, and other school-based activities that promote student wellness, with consideration for evidence-based strategies;
- B. develop nutrition guidelines for all foods and beverages sold during the school day, that are consistent with Federal requirements for meal nutrition standards and smart snacks, and restricting marketing efforts to only those items that meet established guidelines;
- C. develop policies pertaining to other food items in the schools, including for classroom parties, birthday snacks, or other food items not for sale, but distributed in the schools;
- D. describes the process and public involvement in the development of the wellness program and initiatives.

Nutrition Education

- A. Nutrition education shall be incorporated into the Health curriculum and other aspects of the curriculum, including science, math, language arts, and elective courses in keeping with state required nutritional standards and benchmarks.
- B. Nutrition education shall be integrated into other subject areas of the curriculum, when appropriate, to complement, but not replace, the standards and benchmarks for health education.
- C. Nutrition education standards and benchmarks shall be age-appropriate and culturally relevant.
- D. Nutrition education shall extend beyond the classroom by engaging and involving the school's food service staff.
- E. Nutrition education shall reinforce lifelong balance by emphasizing the link between caloric intake (eating) and exercise in ways that are age-appropriate.
- F. Nutrition education benchmarks and standards include a focus on media literacy as it relates to food marketing strategies.
- G. Nutrition education standards and benchmarks promote the benefits of a balanced diet that includes fruits, vegetables, whole grain products, and low-fat and fat-free dairy products.
- H. Instruction related to the standards and benchmarks for nutrition education shall be provided by highly qualified teachers.

Nutrition Promotion

School nutrition services shall use the Smarter Lunchroom Self-Assessment Scorecard to determine ways to improve the school meals environment.

Physical Activity

A. Physical Education

1. A sequential, comprehensive physical education program shall be provided for students in K-12 in accordance with the physical education academic content standards and benchmarks adopted by the State.
2. The sequential, comprehensive physical education curriculum shall provide students with opportunities to learn, practice, and be assessed on developmentally appropriate knowledge, attitudes, and skills necessary to engage in lifelong, health-enhancing physical activity.

3. Planned instruction in physical education shall be sufficient for students to achieve a proficient level with regard to the standards and benchmarks adopted by the State.
4. All students in grades K-6, including those with disabilities, special health care needs and in alternative educational settings (to the extent consistent with the students' IEPs), shall receive instruction in physical education for 3 days per week for 30 minutes for the entire school year.
5. All students in grades 7-8, including those with disabilities, special health care needs and in alternative educational settings (to the extent consistent with the students' IEPs), shall receive instruction in physical education for forty (40) minutes every other day for the entire school year.
6. All students, including those with disabilities, special health care needs and in alternative educational settings (to the extent consistent with the students' IEPs), shall receive instruction in physical education for at least 1.5 semesters in grades 9-12.
7. The physical education curriculum shall provide sequential instruction related to the knowledge, attitudes, and skills necessary to participate in lifelong, health-enhancing physical activity.
8. The sequential, comprehensive physical education curriculum shall stress the importance of remaining physically active for life.
9. Planned instruction in physical education shall teach cooperation, fair play, and responsible participation.
10. Planned instruction in physical education shall meet the needs of all students, including those who are not athletically gifted.
11. Planned instruction in physical education shall be presented in an environment free of embarrassment, humiliation, shaming, taunting, bullying, or harassment of any kind.
12. Planned instruction in physical education shall take into account gender and cultural differences.

B. Physical Activity

1. Physical activity should not be employed as a form of discipline or punishment.
2. Physical activity and movement should be integrated, when possible, across the curricula and throughout the school day.
3. The school should provide information to families to encourage and assist them in their efforts to incorporate physical activity into their children's daily lives.
4. The school may provide students in grades 9-12 with the opportunity to use physical activity in which they participate outside the regular school day (other than organized interscholastic athletics) to satisfy physical activity requirements.
5. In addition to planned physical education, the school should provide age-appropriate physical activities (e.g., recess during the school day, intramurals and clubs before and after school, and interscholastic sports) that meet the needs of all students, including males, females, students with disabilities, and students with special health care needs.
6. All students in grades 7-12 shall have the opportunity to participate in extracurricular activities and intramural programs that emphasize physical activity.
7. All students in grades 5-12 shall have the opportunity to participate in interscholastic sports programs.
8. Schools should discourage extended periods of student inactivity.

Other School-Based Strategies for Wellness:

- A. Students, parents, and other community members shall have access to the school's outdoor physical activity facilities outside of the normal school day.
- B. An organized wellness program shall be available to all staff.
- C. The schools may demonstrate support for the health of all students by hosting health clinics and screenings and encouraging parents to enroll their eligible children in Medicaid or in other children's health insurance programs for which they may qualify.

Additional Strategies for Consideration:

- A. The school shall provide attractive, clean environments in which the students eat.
- B. Students are permitted to have bottled water in the classroom.
- C. Activities, such as tutoring or club meetings, shall not be scheduled during mealtimes, unless students may eat during those meetings.
- D. Schools in our system utilize electronic identification and payment systems, therefore, eliminating any stigma or identification of students eligible to receive free and/or reduced meals.
- E. Students are discouraged from sharing their foods or beverages with one another during meal times, given concerns about allergies and other restrictions on some students' diets.

Furthermore, with the objectives of enhancing student health and well being, and reducing childhood obesity, the following guidelines are established:

- A. In accordance with Policy 8500, entitled Food Service, the food service program shall comply with Federal and State regulations pertaining to the selection, preparation, consumption, and disposal of food and beverages as well as to the fiscal management of the program.
- B. As set forth in Policy 8531, entitled Free and Reduced Price Meals, the guidelines for reimbursable school meals are not less restrictive than the guidelines issued by the U.S. Department of Agriculture (USDA).
- C. The food service program will strive to be financially self-supporting; however, if it is necessary to subsidize the operation, it will not be through the sale of foods with minimal nutritious value.
- D. The school food service program may involve students, parents, staff, and school officials in the selection of competitive food items to be sold in the schools.
- E. The food service program shall be administered by a director who is properly qualified, certificated, licensed, or credentialed, according to current professional standards.
- F. All food service personnel shall receive pre-service training in food service operations.
- G. Continuing professional development shall be provided for all staff of the food service program.

Public Notice

The District Administrator shall be responsible for informing the public, including parents, students, and community members, on the content and implementation of this policy. In order to inform the public, the District Administrator shall post the wellness policy on the District's website, including the implementation assessment of the policy prepared by the District.

Record Retention

The District Administrator shall require that the District retains documentation pertaining to the development, review, evaluation, and update of the policy, including:

- A. copy of the current policy;
- B. documentation pertaining to the most recent assessment of the implementation of wellness initiatives identified in the policy;
- C. documentation of efforts to publicize the policy;
- D. documentation of efforts to review and update the policy, including identification of the participating and invited stakeholders.

Review of this policy shall occur every three (3) years, by a committee appointed by the Board, consisting of a representative(s) of the Board, the administration, the food service provider, the parents, the students, and the public. The committee shall provide the Board with a review of the performance of the programs and any recommended changes to this policy.

Revised 3/15/18

Legal

42 U.S.C. 1751 et seq.

42 U.S.C. 1771 et seq.

Last Modified by Kayla Reichley on September 9, 2019



SCHOOL DISTRICT OF MANAWA

Job Description

MIDDLE SCHOOL / HIGH SCHOOL ADMINISTRATIVE ASSISTANT

QUALIFICATIONS:

1. High School Diploma
2. Above average technology use skills
3. Knowledge of student information system
4. Exemplary interpersonal and intrapersonal skills
5. Positive and effective verbal and written communication skills (including telephone manners)
6. Ability to maintain confidentiality
7. Hold a valid driver's license
8. Ability to read and interpret a variety of documents, spreadsheets, and data files
9. Ability to handle multiple tasks and prioritize responsibilities independently
10. Ability to operate office equipment.
11. NVC Training Certificate
12. First aid, CPR, AED, Glucagon, and Epi-pen trained
13. Certified Notary Public

JOB GOALS:

To take the lead role in the day-to-day management of the high school office and to coordinate the middle school and high school office team regarding daily operations.

REPORTS TO:

Building Principal

EVALUATED BY:

Building Principal

TERMS OF EMPLOYMENT:

12 month (1.0) position. Salary and benefits as determined by the Board of Education and Employee Handbook

PERFORMANCE RESPONSIBILITIES:

The duties and responsibilities listed below entail computer proficiency, basic math computation, exemplary organizational skills, and the ability to operate basic office equipment. The job may entail standing, and sitting for prolonged periods of time, and the ability to sort and lift small packages less than 20 pounds.

The range of motion needed to perform the job duties include bending, reaching and manipulating documents (both hard copy and electronic).

The candidate must be able to clearly follow directions and problem solve independently. The ability to handle stressful situations with calm and proficiency is required.

Essential Daily Duties:

- Perform all aspects of running the office under the supervision of the principal.
- Provide first aid to sick and injured students, staff, visitors, contact parents of students when needed, and dispense and record medications given to students.
- Execute money handling, accounting, reconciliation of District accounts, and weekly deposits (student fees, course fees, admissions, fundraisers, credit cards, student activities, apparel sales, work permits, graduation supplies, class rings, petty cash, athletic pass sales, yearbook sales, food service)
- Monitor building security/visitor log-in/badges for visiting students and parents.
- Sort & distribute dailymail; run outgoing mail through postage meter, monitor postage balances. Maintain staff mailboxes.
- Maintains accurate record keeping of student information including student registration & withdrawal.
- Process LWHS and MMS requisitions and purchase orders including credit card purchases and activity account purchases.
- Maintain daily building announcements and update webpage.

Additional Duties:

- Collect and record all student forms; forward pertinent information to staff.
- Update and maintain substitute teacher binders
- Reconcile summer deliveries.
- Order and maintain a central supply room for LWHS and MMS.
- Schedule electronic bells.
- Coordinate all aspects of graduation; ordering of diplomas, jackets, supplies, programs, rehearsal, staging
- Act as a liaison for vendors (Jostens representative for scheduling class meetings for seniors & sophomores and Mecca representative for letter jackets)
- Distribute scholarship monies (September & December)
- Collate and disseminate Grade reports & mailings (term/mid-term)
- Organize and disseminate D-list & F-list to appropriate staff and F Letters to AD (mid-term and term)
- Prepare, greet, and distribute materials to families for Open House and Conferences
- Schedule/maintain building use calendar and LWHS/MMS events calendar
- Schedule District van use reservations
- Prepare year-end data per District Administrative Assistance request
- Process end of year student bills – lock fines, book fines, Chromebook charges.
- Update student yearly volunteer info and each term honors status info on student Skyward account
- Maintain and purge yearly records based on District Retention Schedule
- Reconcile petty cash boxes monthly
- Send 18-year old student record release/school release
- Assist with 8th-grade recognition program
- Plan, organize, prepare materials for District student registration
- Act as a liaison for school picture photographer regarding student data, student ID, and honor pass information, and other District IDs

- Assign student homerooms
- Issue student work permits
- Prepare and send Truancy/suspension/expulsion letters under direction of principal
- Prepare materials for expulsion hearings under the direction of the principal
- Supervise detention room
- Coordinate student locker assignments
- Act as a liaison between staff & principal
- Prepare and maintain Emergency Phone Tree
- Prepare money boxes for event admissions
- Organize and administer the community use of all LWHS/MMS facilities including obtaining facility usage forms/insurance waivers for community use.
- Schedule activity events/homerooms
- Submit honor roll to newspaper – term/semester
- Prepare and special projects as assigned by building principal
- Assist with the fire drill attendance and roll call procedures
- Provide transcription of student recordings
- Complete all other duties as assigned

The employee shall remain free of any alcohol or non-prescribed controlled substance abuse in the workplace throughout his/her employment in the District.

The School District of Manawa does not discriminate against individuals on the basis of sex, race, religion, national origin, ancestry, creed, pregnancy, marital or parental status, sexual orientation, or physical, mental, emotional, or learning disability. Federal law prohibits discrimination in education and employment on the basis of age, race, color, national origin, sex, religion, or disability. Applicants requesting a reasonable accommodation for a disability should contact the District Office by email.