



School District of Manawa

Policy & Human Resources COMMITTEE MEETING

Manawa School District Office - Board Room
800 Beech Street, Manawa WI
(920)596-2525

Wednesday, October 4, 2023
6:55 P.M.

Board of Education Committee Members:
Reierson (C), Hansen, & Krueger

BOARD OF EDUCATION MISSION STATEMENT: WE WILL REPRESENT OUR COMMUNITY WHILE ADVOCATING FOR OUR STAKEHOLDERS BY DEVELOPING STRONG POLICY AND PROVIDING DIRECTION FOR OUR FUTURE.

❖ **CALL TO ORDER**

❖ **ROLL CALL - Verification of Quorum**

➤ *B.O.E. Members Present:*

❖ **COMPLIANCE WITH OPEN MEETING LAW NOTIFICATION** [*§19.84(2) Wis. Stats.*]

❖ **AGENDA**

1. Policy Discussion
 - a. DRAFT Policy - Parental Rights Policy
 - b. DRAFT Policy - Transgender Policy
2. NEOLA Policy Updates - Vol 32 No 2 Technical Corrections
 - a. PO 5517.01 Bullying - was **Tabled** to Find Policy 3362.01 and 4362.01
 - i. PO 3362.01 Threatening Behavior Toward Staff Members
 - ii. PO 4362.01 Threatening Behavior Toward Staff Members
 - b. PO 7440 - Facility Security - was Tabled
 - c. PO 9700 - Relations with Non-School Affiliated Groups - was **Tabled** (**revision**) Revision is made to the nondiscrimination verbiage to reflect the currently approved language.
 - d. PO 9700.01 - Advertising and Commercial Activities - was **Tabled** (**revision**) Revision is made to the nondiscrimination verbiage to reflect the currently approved language.
3. NEOLA Policy Updates - Vol 32 No 2
 - a. PO 0164.1 Regular Meetings
(**rescind** - info included in PO 0164)

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- b. PO 0164.2 Special Meetings
(**rescind** - info included in PO 0164)
- c. PO 0165.1 Notice of Meetings
(**rescind** - info included in PO 0164)
- d. PO 0165.2 Change of Regular Meetings
(**rescind** - info included in PO 0164)
- e. PO 1623 / 3123 / 4123 Section 504/ADA Prohibition Against Disability
Discrimination in Employment
(**rescind** - info included in PO 8913)
- f. PO 3120.07 Employment of Casual Resource Personnel
(**rescind** - obsolete policy language)
- g. PO 4430.05 Nursing Mothers
(**rescind** - included in PO 8700 to cover all employee groups)
- h. PO 5250 Program or Curriculum Modification
(**rescind** - info included in PO 2451)
- i. PO 0164 Meetings
(**new policy**) This policy has been revised to incorporate all references to meetings, including regular and special meetings, into a single policy specific to Common/Union High School Districts. Additional optional language has been added to address virtual attendance. Recommended
- j. PO 5505 Academic Honesty
(**new policy**) This new policy is provided to address the topic of academic honesty but also to deal with the impact of emerging technologies that make engaging in academic dishonesty more accessible such as artificial intelligence.
- k. PO 5350 Suicide Prevention, Intervention, and Postvention for Death by Suicide
(**replacement**) This policy replaces the existing policy to account for significant revisions. The new policy includes general prevention provisions, including instructional elements, and also provides more procedures pertinent to specific student situations involving suicide intervention. This policy was developed with the assistance of suicide prevention experts.
- l. PO 0142.1 Electoral Process
(**revision**) This policy has been updated to clarify the requirements for a qualified elector to file a Declaration of Candidacy as well as the requirements for incumbents seeking re-election. The legal citations have also been updated. Recommended for consistency with statutes
- m. PO 0143.1 Public Expression of Board Members
(**revision**) This policy has been updated to include instances when Board members make statements to individuals or members of the community that may cause issues for the

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Board and/or District if not made clear that those statements do not reflect the views of the Board or their colleagues on the Board. Recommended

n. **PO 0144.3 Conflict of Interest**

(revision) Language has been added to this policy clarifying that Board members may not be a paid employee of the District. Also added is the statutory language that provides an opportunity for Board members to serve as unpaid volunteers. The appropriate legal reference has also been added. Recommended

o. **PO 1260 Incapacity of the District Administrator**

(revision) Language has been added to this policy to provide temporary authority for the Board President prior to the appointment of an Interim District Administrator when the current District Administrator is incapacitated. Recommended

p. **PO 3121 (1421 & 4121) Criminal History Record Check and Employee Self-Reporting Requirements**

(revision) The self-reporting requirement language in these policies have been revised for greater clarity. Recommended

q. **PO 3430.01 (1630.01 & 4430.01) Family & Medical Leave of Absence ("FMLA")**

(revision) This policy is revised to remove a potentially confusing reference to the status of full-time staff eligibility for FMLA based on the 1,250 work hours requirement for federal eligibility (this does not affect Wisconsin FMLA, which only requires that an employee be compensated for 1,000 hours in the previous year to be eligible for protected leave). While generally speaking a full time instructional staff member will be employed for more than 1,250 hours in the preceding year and does not track actual hours worked as an exempt employee, the law does not require that such employees be automatically considered eligible. There may be circumstances where an individual employee, perhaps due to leave taken in the preceding year, does not meet the requirement even though they may be full-time by contract. Adoption of this revision is strongly recommended.

r. **PO 2340 District Sponsored Trips**

(revision) The policy is revised to remove reference to non-district sponsored trips from language regarding the trip approval process. The policy language retains reference to the expectations concerning student solicitation for such trips as part of the policy, but moves it to the stand alone section. This provides a clearer process and delineation of different types of student trip opportunities that may arise in the school context. Recommended

s. **PO 2451 Program and Curriculum Modifications**

(revision) The policy language is revised to reflect the option, included in statute, for a designee of the Board to deal with such requests. Districts where this process has been delegated to a designee of the Board should adopt this revision to assure that the Board has formally provided for that process.

t. **PO 2521 Selection of Instructional Materials and Equipment**

(revision) This policy is revised to include a definition of "instruction materials" and "instructional equipment" to distinguish between the official curriculum materials provided

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to the students in alignment with the board approved curriculum, as opposed to teacher created lesson plans, assessment tools, worksheets, etc. that are not considered selected through the process described in the policy. Recommended

u. **PO 3139 & 4139 Staff Discipline**

(revision) This policy is revised to include resignation as being covered in either Policy 3140 or Policy 4140. Language has been added with regard to investigations involving potential criminal conduct and issuance of a "Garrity" warning in appropriate circumstances.

v. **PO 5113 Open Enrollment Program (Inter-District)**

(revision) The policy is revised to include additional definitions that are cross-referenced in Policy 5200 - Attendance. Additional language is included that specifies the authority to terminate open enrollment based on habitual truancy and reference to the procedural requirements found in regulations, Wis. Admin PI 36. Further, the provisions for termination in the case of open enrollment into a nonresident school district virtual charter school program as established by the Department of Public Instruction Guidance document, Bulletin 19-05 have been added. These revisions are strongly recommended to comply with procedural requirements.

w. **PO 5200 Attendance**

(revision) Revisions to the policy are made to clarify the types of student absences that require written approval, versus those that may be excused by phone call as is customary practice in many Districts. The policy clarifies that any absence for physical or mental condition (i.e. staying home sick) may be excused by a phone call. In circumstances that justify it, such as prolonged absences, the attendance officer may require a healthcare provider's written statement, which excuses the student for a maximum of 30 days. Separately, a parent may, by written notice, excuse a student for any reason for a pre-planned absence. The pre-planned absences for any reason (not limited to physical or mental condition) must be in writing and may not exceed 10 school days. Wis. Stat. 118.15(3)(c).

x. **PO 5215 Missing and Absent Children**

(revision) This policy is revised to clarify that consistent with state and federal programs providing for safety and assistance in the case of missing or absent children, the school will provide a safe and secure location for a child, even if not a student, during the school day until authorities can be contacted and take responsibility for the child. Current policy suggests access at any time to school buildings, even if not presently open.

y. **PO 5517 Student Anti-Harassment**

(revision) The policy is revised to better define the reference to the *Garrity* warning. A reference to the Neola-provided form has also been included.

z. **PO 5530 Student Use or Possession of Intoxicants, Drugs, or Paraphernalia**

(revision) The policy is updated to reflect the ever-changing and expanding scope of drugs and drug derivatives, particularly marijuana, CBD, and hemp, all of which are being continuously experimented with to create new and often unregulated compounds that have psychoactive effects. Schools are able to prohibit these substances, and this language is

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intended to provide an expansive definition to cover current versions and not yet known future versions.

4. Fundraising Policy Discussion / Request / Recommendation
 - a. PO 5830 Student Fundraising

❖ **FUTURE MEETING AGENDA ITEMS & MEETING DATES/TIMES**



❖ **ADJOURN**

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RESOLUTION

Parental Rights and Transparency

A resolution to affirm the commitment of the School District of Manawa Board of Education to the rights of parents to be informed of and to direct the education of their minor children.

WHEREAS, The School District of Manawa Board of Education believes:

1. Parents play the primary role as decision makers in the student's K-12 educational experience.
2. Parents are their child's first teacher and remain teachers and role models throughout their child's educational journey.
3. The relationship between student and classroom teacher should be positive and formative but does not replace the relationship of parent and child.
4. The school day should focus on learning and individual development, with opportunities for constructive play and intellectual curiosity, and with appropriately challenging academic goals for every student.
5. All students deserve to feel welcome at school, regardless of religious beliefs, race, ethnicity or sexual orientation.
6. No student shall be compelled to affirm, through speech, writing or action, an opinion that violates their deeply held personal, religious or moral beliefs.
7. Minor student questions of gender identity and sexuality are personal and private. Any involvement in these topics by school staff should be done with the full consent or collaboration of the parents.
8. Consideration of controversial issues has a place in the instructional program of the District when related to the instructional goals of the course of study and when introduced and conducted properly, the content is age-appropriate, and is without bias or intent to cause harm or disruption.
9. Student physical safety at school is a District priority.
10. Students, and their parents, have a right to privacy, and information security.
11. Licensed student services professionals play a critical role in creating positive school environments and strengthening family-school partnerships, which are essential for student well-being and academic growth.
12. Access to technology is necessary in a modern learning environment. District-issued student devices are an extension of instructional resources, and should not create an unmitigated risk of introducing harmful or inappropriate content.

THEREFORE, BE IT RESOLVED that the School District of Manawa Board of Education affirms its commitment to the fundamental rights of parents to play the principal role in directing the education of their children, to be fully informed of their children's educational experience, and to expect the District to work to ensure the best possible student outcomes in a safe, secure and inclusive environment.

Among these rights are the following:

- 1. Curriculum Appropriateness and Transparency:** Parents should expect their child to be appropriately challenged and supported in the learning environment, including access to special education and honors programming, where appropriate. Parents have a right to know what is being taught in their child's classrooms and to know what resources are provided to or accessed by their child in the learning environment, including library materials, online resources and digital media, to inspect such materials, and to be assured that those materials are relevant, age-appropriate and not deemed harmful to minors. Parents can expect classrooms, District facilities and District physical assets such as furniture, equipment and computers to be free from political and ideological messaging, signs, flags and symbols that go beyond the scope of relevant or approved curriculum or that do not comply with the District's controversial topics policy.
- 2. Student Privacy and Safety:** Parents shall expect the District to protect their children's privacy by refraining from collecting or sharing student personal information, or information of student's family members, that is not deemed necessary for instructional purposes, essential operations of the District (i.e. transportation) or mandated by state or federal law. The District and its authorized affiliates should not collect, give, sell or negotiate access to student personal information without parental consent, and without legitimate purposes related to education or student well-being. Parents will be informed of any behavioral or safety events involving their children or dangerous or violent activity on school grounds that may affect their child, or that disrupts their child's educational environments. District-issued student devices are an extension of classroom and approved individual learning resources, will not be used to monitor or collect unauthorized information from students, and will be protected from accessing material that is not directly linked to learning goals or that may be deemed inappropriate or harmful to minors.
- 3. Deeply held Family Values:** Parents shall maintain authority over decisions that directly impact the health and well-being of their child. This includes a parent's right to opt their child out of allowable lessons or curriculum that may not align with the family's deeply held personal or religious beliefs. The District will not mandate physical or mental examination or medical intervention beyond statutory obligations, without parental consent. School psychologists, counselors, and social workers, play a critical role in District relations with families in determining the best course of action to serve those utilizing student services for mental health, behavior, emotional, career and learning support.
- 4. Student personal and gender identity:** The School District of Manawa celebrates the diversity of our school community and expects that students feel safe and welcome in the school environment. Staff will cooperate **with** parents to ensure students are referred to in ways that represent the student's identity.
 - a. District staff will not be permitted to call a minor student by names, nicknames or pronouns other than commonly shortened or abbreviated full names (for example, William to "Bill" or Jennifer to "Jen") or pronouns consistent with the student's biological sex, without written permission from the parent.

- b. Students will use shared bathroom and locker room facilities according to their biological sex. Students who request exceptions for shared facility use, shall have a plan on file with the school district that is determined by the District Administrator not to introduce an excess of safety or privacy risks for other District students, and that is approved by the parent.
- c. Students will participate in athletics programs consistent with their biological sex and the rules of the Wisconsin Interscholastic Athletics Association (WIAA). Any consideration of alternate placement due to a student's gender identity, must comply with WIAA policy, and be approved by the Board.

Approved this _____ day of _____, 20___, by a _____ vote of the School Board.

NONDISCRIMINATION AND ACCESS TO EQUAL EDUCATIONAL OPPORTUNITY

The District, through the Board of Education, is committed to providing an equal educational opportunity for all students.

The Board does not discriminate on the basis of race, color, religion, national origin, ancestry, creed, pregnancy, marital status, parental status, sex (including sexual orientation, transgender status, change of sex, or gender identity), disability, or any other protected class, in any of its student program and activities. This policy is intended to support and promote nondiscriminatory practices in all District and school activities. This policy is in addition to the District's other Board policies touching on nondiscrimination, including the District's Title IX Policy [insert cite], and [insert other relevant nondiscrimination/bullying/harassment policies, inclusive of complaint procedures].

The District's Guiding Principles for Nondiscrimination of Transgender Students or Students Do Not Conform to Gender Role Stereotypes

The principles are meant to serve as guidance with regard to students who are transgender and students who do not conform to gender role stereotypes. As such, while this policy addresses guiding factors and considerations, it does not address every potential situation that may arise. Each student is different, and each situation falling under this policy must be addressed on a case-by-case basis. Nonetheless, the guidelines outlined within this policy should be considered in every situation and, when appropriate, utilized so as to place the District, the Board, the student, other students, and the school community in the best position. This is important, because a substantial portion of these guidelines are based on the District's legal obligations under state and federal law. Furthermore, there are many instances where the law may not address a particular scenario or require or forbid a particular decision, action, or inaction. This policy is intended to assist District employees and officials with analyzing those scenarios and making appropriate decisions in accordance with the District's potential legal obligations and the education, safety, and welfare of the student and overall school community.

When necessary, District employees and officials should consult with a student's parent/guardian to address situations that may not be addressed under this policy. Similarly, District employees and officials should consult with the District Administrator and, if appropriate, the District's legal counsel, when evaluating a particular situation relating to this policy.

Definitions

The definitions below are merely provided to allow common understanding as to terminology used within this policy and for purposes of following and applying this policy. The definitions are not intended to label students or diminish them in any capacity, nor is it intended to obligate the use of these terms in any manner outside of reference to this policy.

- A. "Transgender" describes a person whose gender identity is different than their biological sex assigned at birth.
- B. "Gender identity" is a person's deeply held sense or psychological knowledge of their own gender, regardless of the biological sex they were assigned at birth.

- C. "Gender nonconforming" describes a person whose gender expression differs from stereotypical or prevailing social expectations, such as a "feminine" boy or a "masculine" girl, or a person who is perceived as genderless.
- D. "Gender expression" refers to the way a person expresses gender, such as clothing, hairstyles, activities, or mannerisms.

Discrimination, Harassment, and Bullying

Under this policy, as well as other District policies, the District prohibits all forms of discrimination against any students, including a transgender student or any student who does not conform to gender role stereotypes as protected by law.

Student Privacy, Names and Pronouns, and Official School Records

In accordance with state and federal law, certain records and personally identifiable information related to a student's gender identity or biological sex may be protected as both an education record and as a confidential medical record. As such, District employees and officials must exercise care when addressing a student's gender identity or biological sex internally among staff and students. The District strongly encourages District employees and officials to consult the student and their parent/guardian, if a minor student, before making any disclosures as to a change in known gender identity of a particular student. The District strongly encourages transgender and gender nonconforming students and their families to maintain ongoing communication with District employees who are working directly with the student in order to address, among other issues, relevant privacy concerns and privacy preferences. District employees are expected to refer any questions they may have about student privacy and possible disclosures of a student's transgender or gender nonconforming status to the District Administrator or their designee.

When referring to students at school and in connection with school activities, District personnel will normally use the student's legal name and the pronouns that correspond to the student's biological sex assigned at birth. However, an adult student, or the parent/guardian of a minor student, may determine the name and gender pronouns that school employees will use to address the student at school and in connection with school-related activities. A court-ordered name change or medical treatment or medical procedure is not required to initiate such a request. Upon being informed that a student intends to regularly use a particular name and/or prefers to be addressed using particular pronouns that correspond to the student's gender identity, District personnel are expected to respect that decision; however, if District personnel do not refer to any student by their pronouns, it is permissible for District personnel to only refer to utilize the student's newly preferred name.

The District's approach of respecting a student's decision to regularly use a name and the pronouns that correspond to the student's gender identity is not a commitment to change all existing school records in order to reflect those preferences. There may also be situations where the District is required to use or report the legal name or biological sex of the student as that data is reflected in the District's official records. The extent to which official records of the District are modified will depend on a case-by-case evaluation of the information that the District receives and the type(s) of school records affected by the information that is received. For

example, if a school record requires use of a legal name, absent proof of a legal name change, the District may be required to use the student's legal name in lieu of their preferred name.

Restroom and Locker Room Accessibility

Generally, a student who is transgender and has consistently held the belief deeply, is supported by the student's parent/guardian, and for which the student has sought guidance or counseling in coming to the decision, will be permitted to access the segregated, multi-person restrooms that correspond to the gender identity that the student consistently asserts at school and elsewhere. Any student who does not wish to use the segregated, multi-person restrooms may be given access to unisex restrooms if such a facility is reasonably available. No student shall be required to use a unisex restroom solely because of the student's transgender or gender nonconforming status.

If a transgender student makes any request regarding the use of segregated restrooms, the use of segregated locker rooms, or any similar type of changing area, the request shall be assessed on a case-by-case basis, taking into account all relevant interests of the student, the District, and other students affected by the request. The District will consider, in addition to all other relevant factors, such things as the ability of the transgender student to access the District's physical education curriculum and extra-curricular programs and the need to respect the privacy and safety of all students. The District will consider factors including, but not limited to, the layout of the facility, the availability of showers and changing areas, and the degree of undress required when changing for the applicable activity.

Any student who has a need or desire for increased privacy, regardless of the underlying reason, may be provided (to the extent reasonably available) with a reasonable alternative changing area (*e.g.*, a restroom stall with a door, an area separated by a curtain, a physical education teacher's office in the locker room, etc.) or provided with an alternative changing schedule. Any alternative arrangement should be provided in a way that gives adequate consideration to relevant privacy concerns.

These guidelines related to restrooms and changing areas generally assume that a student has a special concern or is in some way uncomfortable with consistently using the facilities that correspond to the biological sex that the student was assigned at birth. However, all students have the option of consistently accessing the facilities that correspond to the biological sex that the student was assigned at birth.

Participation in Physical Education Classes and Sports Activities

A student who is transgender shall be permitted to participate in physical education classes and intramural sports in a manner consistent with the gender identity that the student regularly asserts at school and in other social environments.

Students who are transgender shall be permitted to participate in interscholastic athletics in a manner consistent with the requirements and policies of the Wisconsin Interscholastic Athletic Association (WIAA).

Dress Codes & Other Considerations

Within the constraints of the District's dress code policy and dress codes adopted by the school, students may dress in accordance with their gender identity. District personnel shall not enforce a dress code more strictly against transgender and gender nonconforming students than other students.

The District will identify, evaluate, and provide a free appropriate public education to students with disabilities who are determined eligible for special education and related services under the Individuals with Disabilities Education Act (IDEA) or Section 504 of the Rehabilitation Act of 1973 (Section 504).

The District's educational programs include the academic and nonacademic setting. Each qualified student with a disability shall be educated with students without disabilities to the maximum extent appropriate. In the non academic setting, a student with a disability shall participate with students without disabilities to the maximum extent appropriate.

Notice of the Board's policy on nondiscrimination and the identity of the District's Compliance Officer(s) will be published on the District's website, posted throughout the District, and included in the District's hiring materials or publications.

Principal's Responsibilities

Each Principal shall verify that the procedures used with students and parent/guardian for selection of and participation in any part of the District's academic, co-curricular, or extra-curricular programs do not discriminate on the basis of a student's membership in a protected class. When appropriate, the Principal is to consult the District Administrator, who shall make the final determination with regard to the issue at hand.

Staff Training

The District Administrator or their designee shall develop an ongoing training program for District employees and officials with regard to this Board policy and the guidelines contained herein. Such training shall occur at least annually.



Book	Policy Manual
Section	Vol. 32, No. 2, Technical Corrections, July 2023
Title	Technical Correction - Vol. 32, No. 2, Technical Corrections, July 2023 - BULLYING
Code	po5517.01
Status	From Neola
Adopted	June 20, 2016
Last Revised	December 19, 2022

Technical Correction - Vol. 32, No. 2, Technical Corrections

5517.01 - BULLYING

The Board is committed to providing a safe, positive, productive, and nurturing educational environment for all of its students. The Board encourages the promotion of positive interpersonal relations between members of the school community. Bullying toward a student, whether by other students, staff, or third parties is strictly prohibited and will not be tolerated. This prohibition includes physical, verbal, and psychological abuse. The Board will not tolerate any gestures, comments, threats, or actions which cause or threaten to cause bodily harm or personal degradation. This policy applies to all activities in the District, including activities on school property, including at any of the school buildings or other property used exclusively or in part, whether leased or owned by the District, for the purpose of school-related functions or events; or while traveling to or from school or to and from school-sponsored functions or events; in transporting vehicles arranged for by School District officials. The policy applies as well during activities that occur off school property if the student or employee is at any school-sponsored, school-approved, or school-related activity or function, such as field trips or athletic events where students are under the supervision of school authorities, or where an employee is engaged in school business, or where there is otherwise a connection to the school such that the conduct at issue affects or is intended to affect the student's educational environment. (see also Policy 3362.01 and Policy 4362.01 - Threatening Behavior Toward Staff Members)

Definitions

"Bullying"

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

Some examples of Bullying are:

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

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

1. cyberbullies more easily hide behind the anonymity that the Internet provides;
2. cyberbullies spread their hurtful messages to a very wide audience with remarkable speed;
3. cyberbullies do not have to own their own actions, as it is usually very difficult to identify cyberbullies because of screen names, so they do not fear being punished for their actions; and
4. the reflection time that once existed between the planning of a prank – or a serious stunt – and its commission has all but been erased when it comes to cyberbullying activity;
5. cyberbullies hack into or otherwise gain access to another's electronic accounts (e-mails, social media, etc.) and posing as that individual with the intent to embarrass or harm the individual.

Cyberbullying includes, but is not limited to, the following:

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

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

"Staff" includes all school employees and Board members.

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

For a definition of and instances that could possibly be construed as hazing, consult Policy 5516.

Complaint Procedures

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

Complaints against a Board member shall be filed with () the Board President unless the complaint is against the President in which case the complaint shall be filed with the Board Vice President () another Board member () the District Administrator () either another Board member or with the District Administrator depending on the complainant's preference **[END OF OPTIONS]**, who is authorized to contact District legal counsel for assistance in handling the complaint.

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

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

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

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

If, during an investigation of a reported act of bullying in accordance with this Policy, the Principal determines that the reported misconduct may have created a hostile learning environment, discrimination, and/or may have constituted harassment based on sex (transgender status, change of sex, or gender identity), race, color, national origin, religion, creed, ancestry, marital or parental status, sexual orientation, physical, mental, emotional, or learning disability, or any other characteristic protected by Federal or State civil rights laws, the Principal will report the act of bullying to one (1) of the Compliance Officers who shall assume responsibility to investigate the allegation in accordance with Policy 5517 – Student Anti-Harassment or Policy 2260 -

Nondiscrimination and Access to Equal Educational Opportunity. Additionally, complaints alleging sexual harassment on the basis of sex are also covered by and subject to the investigation procedures in Policy 2266 - Nondiscrimination on the Basis of Sex in Education Programs or Activities. If the investigation under Policy 5517 - Student Anti-harassment, Policy 2260 - Nondiscrimination and Access to Equal Educational Opportunity, or Policy 2266 - Nondiscrimination on the Basis of Sex in Education Programs or Activities does not substantiate harassment based on one (1) or more of the Protected Classes, the complaint of bullying shall still be investigated under this Policy.

If the matter or complaint involves the District Administrator or a member of the Board, it is appropriate to engage outside legal counsel to conduct the investigation consistent with this policy. Legal counsel shall conduct a prompt investigation. The Board attorney is authorized to designate an outside third party to conduct the investigation. The Board attorney or designee will arrange such meetings as may be necessary with all concerned parties within five (5) business days after receipt of the information or complaint. The parties will have an opportunity to submit evidence and a list of witnesses. All findings related to the complaint will be reduced to writing. The Board attorney or designee conducting the investigation shall notify the complainant and parents as appropriate (in writing) when the investigation is concluded and the findings are made.

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

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

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

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

Retaliation/False Reports

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

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

Privacy/Confidentiality

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

To the extent appropriate in conducting a thorough investigation and/or as legally permitted, confidentiality will be maintained during the investigation process.

Notification

Notice of this policy will be **annually** distributed to all students enrolled in the School District and their parents. The policy will also be provided to organizations in the community having cooperative agreements with the schools. Additionally, the policy or a summary will be incorporated into the teacher, student, and parent handbooks.

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

Records and Reports

Records of investigations will be maintained in accordance with Policy 8330 - Student Records and State law.

[DRAFTING NOTE: An annual summary report is not required by statute, however, this provision was included in the initial model bullying policy that the Department of Public Instruction (DPI) was required to develop by law. If your District does not provide this report annually to the Board, do not include this language.]

[] An annual summary report shall be prepared and presented to the Board, which includes trends in bullying behavior and recommendations on how to further reduce bullying behavior. The annual report will be available to the public. **[END OF OPTION]**

Education and Training

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

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Legal 118.46, Wis. Stats.

Last Modified by Ryan Peterson on August 15, 2023



Book	Policy Manual
Section	3000 Professional Staff
Title	THREATENING BEHAVIOR TOWARD STAFF MEMBERS
Code	po3362.01
Status	Active
Adopted	May 16, 2016
Last Revised	November 16, 2020

3362.01 - THREATENING BEHAVIOR TOWARD STAFF MEMBERS

The Board believes that a staff member should be able to work in an environment free of threatening speech or actions.

Threatening behavior consisting of any words or deeds that intimidate, or are intended to intimidate, a staff member or are reasonably likely to cause concern for his/her physical and/or psychological well-being is strictly forbidden. Such actions by any student, parent, visitor, staff member, Board member, contractor, or agent of the Board is prohibited, and the Board authorizes appropriate corrective and remedial action including disciplinary action where appropriate, referral to law enforcement, or pursuit of other remedies, including injunctive relief if appropriate. This policy should be read consistent with, and in conjunction with, school safety and the mandatory reporting of threats of violence in Policy 8462.01 - Threats of Violence.

The District Administrator may administer guidelines to implement procedures for complaints and for investigation, as well as resolution of complaints.

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Legal Chapter 947, Wis. Stats.

Last Modified by Carolyn Fillman on December 4, 2020



Book	Policy Manual
Section	4000 Support Staff
Title	THREATENING BEHAVIOR TOWARD SUPPORT STAFF MEMBERS
Code	po4362.01
Status	Active
Adopted	May 16, 2016
Last Revised	November 16, 2020

4362.01 - **THREATENING BEHAVIOR TOWARD SUPPORT STAFF MEMBERS**

The Board believes that a staff member should be able to work in an environment free of threatening speech or actions.

Threatening behavior consisting of any words or deeds that intimidate, or are intended to intimidate, a staff member or are reasonably likely to cause concern for his/her physical and/or psychological well-being is strictly forbidden. Such actions by any student, parent, visitor, staff member, Board member, contractor, or agent of the Board is prohibited, and the Board authorizes appropriate corrective and remedial action including disciplinary action where appropriate, referral to law enforcement, or pursuit of other remedies, including injunctive relief if appropriate. This policy should be read consistent with and in conjunction with school safety and the mandatory reporting of threats of violence in Policy 8462.01 - Threats of Violence.

The District Administrator may administer guidelines to implement procedures for complaints and for investigation, as well as resolution of complaints.

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Legal Chapter 947, Wis. Stats.

Last Modified by Carolyn Fillman on December 4, 2020



Book	Policy Manual
Section	Vol. 32, No. 2, Technical Corrections, July 2023
Title	Technical Correction - Vol. 32, No. 2, Technical Corrections, July 2023 - FACILITY SECURITY
Code	po7440
Status	From Neola
Adopted	November 21, 2016
Last Revised	July 22, 2019

Technical Correction - Vol. 32, No. 2, Technical Corrections

7440 - FACILITY SECURITY

Promoting the safety of students, staff, and others in the school buildings, as well as providing for the protection of the significant financial investment in the District's buildings is a critical function of the Board. Proper safety measures are to be implemented to protect those who use the buildings and to protect the buildings and equipment owned by the Board from theft and vandalism in order to maintain the optimum conditions for carrying out the educational program.

The District Administrator shall develop and supervise the District's School Safety Plan, in compliance with State and Federal laws, as described in Policy 8420 - [School Safety](#).

Every effort shall be made to apprehend those who knowingly cause serious physical harm to students, staff, visitors, and Board property and to require prosecution of those who bring harm to persons and/or property. The Board will seek to repair the damage or seek the payment of a fee to cover such repairs.

The Board authorizes the District Administrator to conduct searches of non-student visitors or vehicles on school property when there is a reasonable suspicion of violation of the law or school rules, and the search is reasonable in scope related to the objectives of the search and not excessively intrusive.

[] Appropriate authorities may be contacted in the case of serious offenses.

[] The District Administrator is authorized to install metal detectors and video surveillance/electronic monitoring equipment on school property in order to protect the health, welfare, and safety of students, staff, visitors and Board property, and other security devices that would assist in the detection of guns and dangerous weapons:

A. () in school buildings;

B. () on District property.

[] The District Administrator shall report to the Board no later than the next regular Board meeting, any significant incident involving vandalism, theft, personal safety or other security risks and the measures being taken to address the situation.

Public Access to School Facilities

The Board expects that during regular school hours only students and school staff need to be present in the school building. The Board also acknowledges that there will be times during the instructional day that members of the public, including parents, invited guests, or other individuals will for appropriate and legitimate reasons require entry into a school facility. In such cases, the following guidelines shall be followed:

A. All exterior doors to every school building shall be locked during the instructional day, preventing entry into the building and all visitors to the school building during those times will be directed to a single entrance into the building. This entrance shall be the entrance closest to the school office. Visitors must identify themselves and the purpose of their visit to the

school through the intercom system.

- B. All persons other than students and building staff shall check in with the school office of the building and shall complete a visitor log. Each visitor shall be given a visitor tag that shall be worn at all times while in the building.
- C. Visitors that intend to visit a classroom during the instructional day must be escorted to the classroom by either a staff member or, if age-appropriate, a student from the class. School office staff must contact the classroom teacher to verify that the visitor is expected.
- D. All visitors are expected to sign out prior to departing the building.
- E. Outside of instructional times, no person other than a staff member may be in any school building except for attendance at a public function (such as a sporting event) or based on an approved facility use request pursuant to Policy 7510 - Use of District Facilities.

Any visitor to the school may be refused entry or asked to leave the building at any time if the building administrator or event supervisor determines that the visitor's presence is disruptive or is likely to become disruptive to the educational environment, including all school-sponsored events, or for other safety or security reasons. If a visitor refuses to leave upon request by the building administrator, the administrator shall contact the school resource officer or local law enforcement as appropriate. No staff member should attempt to physically remove a visitor unless the visitor poses an imminent safety threat.

Failure to follow the requirements above when entering or remaining in school facilities may be subjected to a fine not exceeding \$1,000. In circumstances tending to provoke a disturbance of the peace, persons may be fined not more than \$10,000 or imprisoned not more than ninety (90) days.

Any school staff member that witnesses a visitor in the school building who is not wearing a visitor tag as required shall report the visitor's presence to the school office. In the event the school office does not have a record of such visitor properly checking in, the office staff shall immediately contact an administrator or, if an administrator is not available, the school resource officer, if applicable, or appropriate law enforcement.

Parents as Visitors

The Board encourages parental involvement in the education of students in the District. For this reason, it is important to facilitate the involvement of parents in school activities and the educational process while at the same time preserving the integrity of the educational environment for all students. As a balance, the Board adopts the following requirements for parents visiting the school during the instructional day:

- A. () Parents should make arrangements with their child's teacher or with the building administrator in advance of visiting their child at school unless that is not possible.
- B. () Parents, like any other visitor, must enter the building through only the approved visitor entrance and shall check in at the main office in the same fashion as a visitor.

Parents visiting District schools shall comply with Policy 9150 - School Visitors, and other relevant policies and administrative guidelines.

Parents that do not follow these guidelines or whose presence is disruptive to the educational environment may be asked to leave the building by the building administrator. Any decision to permanently restrict access of a parent may only be made by the District Administrator due to repeated failure to follow rules causing a disruption to the educational environment or for overt threats of harm or actual physical contact with any staff or student.

Court Imposed Restrictions

In any case in which an individual is the subject of a court order restricting the individual's presence at a school building, including any restrictions on the individual's physical proximity to an individual that is a student or staff member at the school facility, the building administrator shall inform staff of the situation and if any staff member sees the individual on school premises that staff member shall immediately contact law enforcement and the school office.

Sex Offenders on School Property

Any person that is a registered sex offender under Wisconsin Law is required to notify the District Administrator of the specific date, time and place of the person's visit to any school facility and must notify the District Administrator of their status as a registered sex offender.

Parents of students enrolled in the District must notify the District Administrator of their status as a registered sex offender and that they have a child enrolled in the District. Notification must occur at the beginning of each school year or at the time the individual is required to register or whenever the child is first enrolled, whichever occurs first.

Notification requirements do not apply if the person will be on school grounds to vote in an election or to attend a non-school sponsored event occurring on the school grounds.

Legal

120.13(35), Wis. Stats.

175.32(2), (3), Wis. Stat.

301.475, Wis. Stat.

State v. Vang, 2018 AP 1730 (Ct. App. 2021), pet. rev. denied.

Last Modified by Ryan Peterson on August 15, 2023



Book	Policy Manual
Section	Vol. 32, No. 2, Technical Corrections, July 2023
Title	Technical Correction - Vol. 32, No. 2, Technical Corrections, July 2023 - FACILITY SECURITY
Code	po7440
Status	
Adopted	November 21, 2016
Last Revised	July 22, 2019

Technical Correction - Vol. 32, No. 2, Technical Corrections

7440 - FACILITY SECURITY

Promoting the safety of students, staff, and others in the school buildings, as well as providing for the protection of the significant financial investment in the District's buildings is a critical function of the Board of Education. Proper safety measures are to be implemented to protect those who use the buildings and to protect the buildings and equipment owned by the Board from theft and vandalism in order to maintain the optimum conditions for carrying out the educational program.

The District Administrator shall develop and supervise the District's School Safety Plan, in compliance with State and Federal laws, as described in Policy 8420 - School Safety.

Every effort shall be made to apprehend those who knowingly cause serious physical harm to students, staff, visitors, and Board property and to require prosecution of those who bring harm to persons and/or property. The Board will seek to repair the damage or seek the payment of a fee to cover such repairs.

The Board authorizes the District Administrator to conduct searches of non-student visitors or vehicles on school property when there is a reasonable suspicion of violation of the law or school rules, and the search is reasonable in scope related to the objectives of the search and not excessively intrusive.

Appropriate authorities may be contacted in the case of serious offenses.

The District Administrator is authorized to install metal detectors and video surveillance/electronic monitoring equipment on school property in order to protect the health, welfare, and safety of students, staff, visitors and Board property, and other security devices that would assist in the detection of guns and dangerous weapons:

- A. in school buildings;
- B. on District property.

[**X**] The District Administrator shall report to the Board no later than the next regular Board meeting, any significant incident involving vandalism, theft, personal safety or other security risks and the measures being taken to address the situation.

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The Board expects that during regular school hours only students and school staff need to be present in the school building. The Board also acknowledges that there will be times during the instructional day that members of the public, including parents, invited guests, or other individuals will for appropriate and legitimate reasons require entry into a school facility. In such cases, the following guidelines shall be followed:

- A. All exterior doors to every school building shall be locked during the instructional day, preventing entry into the building and all visitors to the school building during those times will be directed to a single entrance into the building. This entrance shall be the entrance closest to the school office. Visitors must identify themselves and the purpose of their visit to the school through the intercom system.
- B. All persons other than students and building staff shall check in with the school office of the building and shall complete a visitor log. Each visitor shall be given a visitor tag that shall be worn at all times while in the building.
- C. Visitors that intend to visit a classroom during the instructional day must be escorted to the classroom by either a staff member or, if age-appropriate, a student from the class. School office staff must contact the classroom teacher to verify that the visitor is expected.
- D. All visitors are expected to sign out prior to departing the building.
- E. Outside of instructional times, no person other than a staff member may be in any school building except for attendance at a public function (such as a sporting event) or based on an approved facility use request pursuant to Policy 7510 - Use of District Facilities.

Any visitor to the school may be refused entry or asked to leave the building at any time if the building administrator, **or designee** ~~or event supervisor~~ determines that the visitor's presence is disruptive or is likely to become disruptive to the educational environment, including all school-sponsored events, or for other safety or security reasons. If a visitor refuses to leave upon request by the building administrator, **or designee, the administrator's school personnel** shall contact ~~the school resource officer or~~ local law enforcement as appropriate. No staff member should attempt to physically remove a visitor unless the visitor poses an imminent safety threat.

Failure to follow the requirements above when entering or remaining in school facilities may be subjected to a fine not exceeding \$1,000. In circumstances tending to provoke a disturbance of the peace, persons may be fined not more than \$10,000 or imprisoned not more than ninety (90) days.

Any school staff member that witnesses a visitor in the school building who is not wearing a visitor tag as required shall report the visitor's presence to the school office. In the event the school office does not have a record of such visitor properly checking in, the office staff shall immediately contact an administrator or, if an administrator is not available, the school resource officer, if applicable, or appropriate law enforcement.

Parents as Visitors

The Board encourages parental involvement in the education of students in the District. For this reason, it is important to facilitate the involvement of parents in school activities and the educational process while at the same time preserving the integrity of the educational environment for all students. As a balance, the Board adopts the following requirements for parents visiting the school during the instructional day:

- A. (**X**) Parents should make arrangements with their child's teacher or with the building administrator in advance of visiting their child at school unless that is not possible.
- B. (**X**) Parents, like any other visitor, must enter the building through only the approved visitor entrance and shall check in at the main office in the same fashion as a visitor.

Parents visiting District schools shall comply with Policy 9150 - School Visitors, and other relevant policies and administrative guidelines.

Parents that do not follow these guidelines or whose presence is disruptive to the educational environment may be asked to leave the building by the building administrator, **or designee**. Any decision to permanently restrict access of a parent may only be made by the District Administrator due to repeated failure to follow rules causing a disruption to the educational environment or for overt threats of harm or actual physical contact with any staff or student.

Court Imposed Restrictions

In any case in which an individual is the subject of a court order restricting the individual's presence at a school building, including any restrictions on the individual's physical proximity to an individual that is a student or staff member at the school facility, the building administrator shall inform staff of the situation and if any staff member sees the individual on school premises that staff member shall immediately contact law enforcement and the school office.

Sex Offenders on School Property

Any person that is a registered sex offender under Wisconsin Law is required to notify the District Administrator of the specific date, time and place of the person's visit to any school facility and must notify the District Administrator of their status as a registered sex offender.

Parents of students enrolled in the District must notify the District Administrator of their status as a registered sex offender and that they have a child enrolled in the District. Notification must occur at the beginning of each school year or at the time the individual is required to register or whenever the child is first enrolled, whichever occurs first.

Notification requirements do not apply if the person will be on school grounds to vote in an election or to attend a non-school sponsored event occurring on the school grounds.

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Legal	120.13(35), Wis. Stats.
	175.32(2), (3), Wis. Stat.
	301.475, Wis. Stat.
	State v. Vang, 2018 AP 1730 (Ct. App. 2021), pet. rev. denied.

Last Modified by Ryan Peterson on October 2, 2023



Book	Policy Manual
Section	Vol. 32, No. 2, Technical Corrections, July 2023
Title	Technical Correction - Vol. 32, No. 2, Technical Corrections, July 2023 - RELATIONS WITH NON-SCHOOL AFFILIATED GROUPS
Code	po9700
Status	From Neola
Adopted	November 21, 2016
Last Revised	January 17, 2022

Technical Correction - Vol. 32, No. 2, Technical Corrections

9700 - RELATIONS WITH NON-SCHOOL AFFILIATED GROUPS

It is the policy of the Board that students, staff members, and District facilities not be used for advertising or promoting the interests of any non-school related agency or organization, public or private, without the approval of () the Board () the District Administrator **[END OF OPTION]**; and any such approval, granted for whatever cause or group, shall not be construed as an endorsement of said cause or group by this Board. All crowdfunding activities are subject to Policy 6605 - Crowdfunding () and AG 6605 - **Crowdfunding**.

No non-school affiliated group 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 () Board () District Administrator. Additionally, no non-school affiliated group may use any assets of the District, including but not limited to facilities, technology, or communication networks without the specific written permission of the () Board () District Administrator.

School District Referendum Advocacy

This policy applies expressly to any outside organization's advocacy concerning School District referenda. Any such organization, whether advocating in favor of or in opposition to a referendum question must clearly identify themselves as independent of the School District and may not, under any circumstances, use School District logos, mascots, slogans or other such items that are protected by or regularly used and identified with the District. School District officials may not advocate for a position on a referendum in any manner in which such advocacy is in the individual's capacity as a School District official or may reasonably be perceived as such. School District officials may always provide factual information concerning any referendum question.

Other Activities by Non-School Affiliated Groups

A. Materials or Activities

All materials or activities proposed by outside organizations for student or staff use or participation shall be reviewed by the

() Board

() District Administrator

() principal

on the basis of the proposed activities or materials

() educational contribution to part or all of the school program,

() benefit to students;

and no such approval shall have the primary purpose of advancing the name, product, or special interest of the proposing

group.

[SELECTION OF 1ST OPTION PRECLUDES SELECTION OF 2ND OPTION]

Option #1

The Board shall not permit the use of any type of educational material, program, or equipment in its curricular, co-curricular, or extra-curricular activities or at any time during the school day if such materials, programs, or equipment contain partisan political or commercial messages or are designed to persuade students or staff members to acquire a particular product or service offered by a named individual, company, organization, association, or agency. Professional staff may, however, utilize political materials or those provided by special interest-groups in adopted courses of study with the approval of the principal.

[END OF OPTION #1]

Option #2

The Board shall permit the use of educational materials, programs, and equipment that contains commercial messages providing the content of such messages and the manner of presentation has been approved by the District Administrator () and is in compliance with the District's administrative guidelines.

[END OF OPTION # 2]

Outside speakers representing commercial organizations will be welcome only when the commercial aspect is limited to naming the organization represented and the subject matter advances the educational interests of the District's students.

B. Contests/Exhibits

The Board recognizes that contests, exhibits, and the like may benefit individual students or the District as a whole, but participation in such special activities may not:

1. have the primary effect of advancing a special product, group, or company;
2. make unreasonable demands upon the time and energies of staff or students or upon the resources of the District;
3. interrupt the regular school program;
4. involve any direct cost to the District () unless the student body as a whole derives benefit from such activities;
5. cause the participants to leave the School District, unless:
 - a. the Board's Policy 2340 - District-Sponsored Trips has been complied with in all aspects;
 - b. the Board has granted special permission;
 - c. the parents of a minor student have granted their permission.

C. Distribution/Posting of Literature

Non-school affiliated organizations may distribute or post literature on District property either during or after school hours only with advance permission of the

District Administrator.

principal.

Board.

Staff or students may be permitted to distribute/post literature regarding or on behalf of non-school sponsored organizations or activities, in such a manner as described in this policy and in a manner that does not disrupt or interfere with educational activities and is not done in a manner that conveys the message of endorsement or approval of the school or District of the group or message.

The District Administrator shall establish administrative guidelines which ensure that:

1. criteria established in Policy 5722 - School-Sponsored Publications and Productions - are used to make a decision regarding materials that students seek to post or distribute;
2. the school mail system is not used by students or staff for distribution of nonschool-related materials;
3. no materials from any profit-making organization are distributed for students to take home to their parents;

unless authorized by the District Administrator;

4. the time, place, and manner of distribution of all nonschool-related materials are clearly established and communicated.

D. Solicitation of Funds

Option #1

Because the District cannot accommodate every organization that desires to solicit funds for worthy purposes, the Board shall not permit any organization not related to the District to solicit funds on District property.

Option #2

Any outside organization or staff member representing an outside organization desiring to solicit funds on school property must receive permission to do so from the

Board.

District Administrator.

Decisions regarding the request to solicit funds shall not be based on the purpose or function of the group soliciting funds, unless the purpose of the organization is inappropriate for the age group of students, promotes activity that is unhealthy or unlawful or is otherwise inconsistent with the pedagogical interests of the school.

[END OF OPTIONS]

Permission to solicit funds will be granted only to those organizations or individuals who meet the permission criteria established in the District's administrative guidelines. Solicitation must take place at such times and places and in such a manner as specified in the administrative guidelines. In accordance with Board Policy 5830 - Student Fund-Raising, no District student may participate in the solicitation without the District Administrator's approval.

The Board disclaims all responsibility for the protection of, or accounting for, such funds.

Solicited funds are not to be maintained in any regular or special accounts of the District.

A copy of this policy, as well as the relevant administrative guidelines, shall be given to any individual granted permission to solicit funds on District property.

This policy does not apply to the raising of funds for District-sponsored or school-sponsored activities.

E. Prizes/Scholarships/Other Awards

The Board is appreciative of the generosity of organizations that offer scholarships, prizes, or other awards to deserving students in this District.

In the administration of scholarships, prizes, or other awards, the District shall not unlawfully discriminate on the basis of sex, race, color, religion, national origin, ancestry, creed, pregnancy, marital or parental status, sexual orientation, or physical, mental, emotional, or learning disability discriminate on the basis of race, color, religion, national origin, ancestry, creed, pregnancy, marital status, parental status, sexual orientation, sex (including gender status, change of sex, or gender identity), or physical, mental, emotional, or learning disability (Protected Classes) in any of its student program and activities.

Administration of scholarship or award programs appropriately designated under this policy to benefit individuals in a particular group that has not traditionally been represented does not violate this policy. **[END OF OPTION]**

It will be the District's practice to provide all outside agencies and organizations notification of the nondiscrimination policy in awarding prizes, scholarships, or other aids, benefits, or services.

The District may administer or assist in the administration of scholarships, fellowships, or other forms of financial assistance established by a domestic or foreign will, trust, bequest, or similar legal instrument that requires the award to go to a student of a particular sex, race, color, national origin, or with a particular disability. Such restricted awards must not lead to discrimination in access to the total amount of prizes, scholarships, or other awards available. **[END OF OPTION]**

In accepting the offer of such scholarships or prizes from non-District entities or persons, the Board directs that these guidelines be observed:

1. No information

, either academic or personal,

shall be released from the student's record for the purpose of selecting a scholarship or prize winner without the permission of the student who is eighteen (18), or the parents of a student who is younger in accordance with the

Board's policy on student records.

2. The type of scholarship or prize, the criteria for selection of the winner, and any restrictions upon it shall be approved by the
 - Board.
 - District Administrator.
 - principal.
3. The principal, together with a committee of staff members designated by the principal, shall be involved in the selection of the recipient.
 - and, if agreeable to the sponsoring organization, the selection shall be left entirely to the principal and staff committee.

The District will periodically review its procedures for awarding scholarships, prizes, and other awards. This review will require that the District's procedure does not discriminate on the basis of sex, race, color, national origin, or disability in the overall effect of the scholarships, prizes, and other awards given to students.

F. Sale of School Supplies

In determining the appropriateness of the sale of school supplies by organizations other than the School District, the Board requires that:

1. the organization have a purpose that will benefit the School District and its students;
2. the organization's planned activities are clearly in the best interest of the School District and its students;
3. the organization has submitted the following information and assurances on the form provided by the District: a statement noting the purpose of the organization, financial accountability assurances, and use of facility assurances.

All funds generated by the sale of such school supplies shall be kept separate from other activity funds or other transactions of the Board.

G. Surveys and Questionnaires

Distribution of Surveys and Questionnaires to Students is governed by Policy 2416 - Student Privacy and Parental Access to Information.

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Legal 118.125, Wis. Stats.

Last Modified by Ryan Peterson on August 15, 2023



Book	Policy Manual
Section	Vol. 32, No. 2, Technical Corrections, July 2023
Title	Technical Correction - Vol. 32, No. 2, Technical Corrections, July 2023 - RELATIONS WITH NON-SCHOOL AFFILIATED GROUPS
Code	po9700
Status	
Adopted	November 21, 2016
Last Revised	January 17, 2022

Technical Correction - Vol. 32, No. 2, Technical Corrections

9700 - RELATIONS WITH NON-SCHOOL AFFILIATED GROUPS

It is the policy of the Board that students, staff members, and District facilities not be used for advertising or promoting the interests of any non-school related agency or organization, public or private, without the approval of () the Board () the District Administrator **[END OF OPTION]**; and any such approval, granted for whatever cause or group, shall not be construed as an endorsement of said cause or group by this Board. All crowdfunding activities are subject to Policy 6605 - Crowdfunding () and AG 6605 - Crowdfunding.

No non-school affiliated group 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 () Board () District Administrator. Additionally, no non-school affiliated group may use any assets of the District, including but not limited to facilities, technology, or communication networks without the specific written permission of the () Board () District Administrator.

School District Referendum Advocacy

This policy applies expressly to any outside organization's advocacy concerning School District referenda. Any such organization, whether advocating in favor of or in opposition to a referendum question must clearly identify themselves as independent of the School District and may not, under any circumstances, use School District logos, mascots, slogans or other such items that are protected by or regularly used and identified with the District. School District officials may not advocate for a position on a referendum in any manner in which such advocacy is in the individual's capacity as a School District official or may reasonably be perceived as such. School District officials may always provide factual information concerning any referendum question.

Other Activities by Non-School Affiliated Groups

A. Materials or Activities

All materials or activities proposed by outside organizations for student or staff use or participation shall be reviewed by the

Board

District Administrator

principal

on the basis of the proposed activities or materials

educational contribution to part or all of the school program,

benefit to students;

and no such approval shall have the primary purpose of advancing the name, product, or special interest of the proposing group.

[SELECTION OF 1ST OPTION PRECLUDES SELECTION OF 2ND OPTION]

Option #1

The Board shall not permit the use of any type of educational material, program, or equipment in its curricular, co-curricular, or extra-curricular activities or at any time during the school day if such materials, programs, or equipment contain partisan political or commercial messages or are designed to persuade students or staff members to acquire a particular product or service offered by a named individual, company, organization, association, or agency. Professional staff may, however, utilize political materials or those provided by special interest-groups in adopted courses of study with the approval of the principal.

[END OF OPTION #1]

Option #2

The Board shall permit the use of educational materials, programs, and equipment that contains commercial messages providing the content of such messages and the manner of presentation has been approved by the District Administrator () and is in compliance with the District's administrative guidelines.

[END OF OPTION # 2]

Outside speakers representing commercial organizations will be welcome only when the commercial aspect is limited to naming the organization represented and the subject matter advances the educational interests of the District's students.

B. Contests/Exhibits

The Board recognizes that contests, exhibits, and the like may benefit individual students or the District as a whole, but participation in such special activities may not:

1. have the primary effect of advancing a special product, group, or company;
2. make unreasonable demands upon the time and energies of staff or students or upon the resources of the District;
3. interrupt the regular school program;
4. involve any direct cost to the District () unless the student body as a whole derives benefit from such activities;
5. cause the participants to leave the School District, unless:
 - a. the Board's Policy 2340 - District-Sponsored Trips has been complied with in all aspects;

- b. the Board has granted special permission;
- c. the parents of a minor student have granted their permission.

C. Distribution/Posting of Literature

Non-school affiliated organizations may distribute or post literature on District property either during or after school hours only with advance permission of the District Administrator.

principal.

Board.

Staff or students may be permitted to distribute/post literature regarding or on behalf of non-school sponsored organizations or activities, in such a manner as described in this policy and in a manner that does not disrupt or interfere with educational activities and is not done in a manner that conveys the message of endorsement or approval of the school or District of the group or message.

The District Administrator shall establish administrative guidelines which ensure that:

1. criteria established in Policy 5722 - School-Sponsored Publications and Productions - are used to make a decision regarding materials that students seek to post or distribute;
2. the school mail system is not used by students or staff for distribution of nonschool-related materials;
3. no materials from any profit-making organization are distributed for students to take home to their parents;
 unless authorized by the District Administrator;
4. the time, place, and manner of distribution of all nonschool-related materials are clearly established and communicated.

D. Solicitation of Funds

Option #1

Because the District cannot accommodate every organization that desires to solicit funds for worthy purposes, the Board shall not permit any organization not related to the District to solicit funds on District property.

Option #2

Any outside organization or staff member representing an outside organization desiring to solicit funds on school property must receive permission to do so from the

Board.

District Administrator.

Decisions regarding the request to solicit funds shall not be based on the purpose or function of the group soliciting funds, unless the purpose of the organization is inappropriate for the age group of students, promotes activity that is unhealthy or unlawful or is otherwise inconsistent with the pedagogical interests of the school.

[END OF OPTIONS]

Permission to solicit funds will be granted only to those organizations or individuals who meet the permission criteria established in the District's administrative guidelines. Solicitation must take place at such times and places and in such a manner as specified in the administrative guidelines. In accordance with Board Policy 5830 - **Student Fund-Raising**, no District student may participate in the solicitation without the District Administrator's approval.

The Board disclaims all responsibility for the protection of, or accounting for, such funds.

Solicited funds are not to be maintained in any regular or special accounts of the District.

A copy of this policy, as well as the relevant administrative guidelines, shall be given to any individual granted permission to solicit funds on District property.

This policy does not apply to the raising of funds for District-sponsored or school-sponsored activities.

E. Prizes/Scholarships/Other Awards

The Board is appreciative of the generosity of organizations that offer scholarships, prizes, or other awards to deserving students in this District.

In the administration of scholarships, prizes, or other awards, the District shall not ~~unlawfully discriminate on the basis of sex, race, color, religion, national origin, ancestry, creed, pregnancy, marital or parental status, sexual orientation, or physical, mental, emotional, or learning disability~~ discriminate on the basis of race, color, religion, national origin, ancestry, creed, pregnancy, marital status, parental status, sexual orientation, ~~sex~~gender (including status and identity)~~gender status, change of sex, or gender identity~~, or physical, mental, emotional, or learning disability (Protected Classes) in any of its student program and activities.

Administration of scholarship or award programs appropriately designated under this policy to benefit individuals in a particular group that has not traditionally been represented does not violate this policy. **[END OF OPTION]**

It will be the District's practice to provide all outside agencies and organizations notification of the nondiscrimination policy in awarding prizes, scholarships, or other aids, benefits, or services.

The District may administer or assist in the administration of scholarships, fellowships, or other forms of financial assistance established by a domestic or foreign will, trust, bequest, or similar legal instrument that requires the award to go to a student of a particular sex, race, color, national origin, or with a particular disability. Such restricted awards must not lead to discrimination in access to the total amount of prizes, scholarships, or other awards available. **[END OF OPTION]**

In accepting the offer of such scholarships or prizes from non-District entities or persons, the Board directs that these guidelines be observed:

1. No information

, either academic or personal,

shall be released from the student's record for the purpose of selecting a scholarship or prize winner without the permission of the student who is eighteen (18), or the parents of a student who is younger in accordance with the Board's policy on student records.

2. The type of scholarship or prize, the criteria for selection of the winner, and any restrictions upon it shall be approved by the

Board.

District Administrator.

principal.

3. The principal, together with a committee of staff members designated by the principal, shall be involved in the selection of the recipient.

and, if agreeable to the sponsoring organization, the selection shall be left entirely to the principal and staff committee.

The District will periodically review its procedures for awarding scholarships, prizes, and other awards. This review will require that the District's procedure does not discriminate on the basis of sex, race, color, national origin, or disability in the overall effect of the scholarships, prizes, and other awards given to students.

F. Sale of School Supplies

In determining the appropriateness of the sale of school supplies by organizations other than the School District, the Board requires that:

1. () the organization have a purpose that will benefit the School District and its students;
2. () the organization's planned activities are clearly in the best interest of the School District and its students;
3. () the organization has submitted the following information and assurances on the form provided by the District: a statement noting the purpose of the organization, financial accountability assurances, and use of facility assurances.

All funds generated by the sale of such school supplies shall be kept separate from other activity funds or other transactions of the Board.

G. **Surveys and Questionnaires**

Distribution of Surveys and Questionnaires to Students is governed by Policy 2416 - Student Privacy and Parental Access to Information.

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Legal 118.125, Wis. Stats.

Last Modified by Ryan Peterson on October 2, 2023



Book	Policy Manual
Section	Vol. 32, No. 2, Technical Corrections, July 2023
Title	Technical Correction - Vol. 32, No. 2, Technical Corrections, July 2023 - ADVERTISING AND COMMERCIAL ACTIVITIES
Code	po9700.01
Status	From Neola

Technical Correction - Vol. 32, No. 2, Technical Corrections

9700.01 - ADVERTISING AND COMMERCIAL ACTIVITIES

This policy provides guidance for the appropriate and inappropriate use of advertising or promotion of commercial products or services to the students and parents in the school.

"Advertising" comes in many different categories and forums and is defined as an oral, written or graphic statement made by the producer, manufacturer, or seller of products, equipment, or services which calls for the public's attention to arouse a desire to buy, use or patronize the product, equipment, or services. This includes the visible promotion of product logos for other than identification purposes. Brand names, trademarks, logos or tags for product or service identification purposes are not considered advertising.

[] [OPTION #1]

It is the policy of the Board that paid commercial advertising shall not be permitted in School District facilities or on School District property and that the District's name, logo, mascot, or any other name which would associate an activity with the District should not be used in connection with such advertising. Additionally, paid commercial advertising shall not use any students, staff members or District facilities for any non-school organization or activity.

[END OF OPTION #1]

[SELECTION OF THE FIRST OPTION PRECLUDES SELECTION OF THE SECOND OPTION]

[] [OPTION #2]

The Board may permit paid commercial advertising in School District facilities or on School District property in the following categories or forums in accordance with the parameters set forth herein:

A. () Product Sales:

1. () product sales benefiting a district, school or student activity (e.g., the sale of beverages or food within schools);
2. () exclusive agreements between the District and businesses that provide the businesses with the exclusive right to sell or promote their products or services in the schools (e.g. pouring rights contracts with soda companies);
3. () fundraisingfund-raising activities (e.g., short termshort-term sales of gift wrap, cookies, candy, etc.) to benefit a specific student population, club or activity where the school receives a share of the profits.

B. () Direct Advertising/Appropriation of Space:

1. () signage and billboards in schools and school facilities;
2. () corporate logos or brand names on school equipment (e.g., marquees, message boards or score boards);
3. () ads, corporate logos, or brand names on book covers, student assignment books, or posters;

4. ads in school publications (newspapers and yearbooks and event programs);
5. media-based electronic advertising (e.g., Channel One or Internet or web-based sponsorship);
6. free samples (e.g., of food or personal hygiene products).

C. Indirect Advertising:

1. corporate-sponsored instructional or educational materials, teacher training, contests, incentives, grants or gifts;
2. the Board approves the use of instructional materials developed by commercial organizations such as films and videos only if the education value of the materials outweighs their commercial nature.

The films or materials shall be carefully evaluated by the school principal for classroom use to determine whether the films or materials contain undesirable propaganda and to determine whether the materials are in compliance with the guidelines as set forth above.

D. Market Research:

1. surveys or polls related to commercial activities;
2. internet surveys or polls asking for information related to commercial activities;
3. _____ . **[other]**

[END OF OPTION #2]

No advertising 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 Board District Administrator **[END OF OPTION]**. It is further the policy of the Board that its name, students, staff members and District facilities shall not be used for promoting the interests of any non-school agency or organization, public or private, without the specific written permission of the Board District Administrator **[END OF OPTION]**.

Any commercial advertising shall be structured in accordance with the General Advertising Guidelines set forth below.

General Advertising Guidelines

The following guidelines shall be followed with respect to any form of advertising on school grounds:

- A. When working together, schools and businesses must protect educational values. All commercial or corporate involvement should be consistent with the District's educational standards and goals.
- B. Any advertising that may become a permanent or semi-permanent part of a school requires prior approval of the Board.
- C. The Board reserves the right to consider requests for advertising in the schools on a case-by-case basis.
- D. No advertisement shall promote or contain references to alcohol, tobacco, drugs, drug paraphernalia, weapons, or lewd, vulgar, obscene, pornographic or illegal materials or activities, gambling, violence, hatred, sexual conduct or sexually explicit material, X or R rated movies, or gambling aids.
- E. No advertisement shall be permitted that conveys the impression of the School District's endorsement of any religious message, political candidate, or ballot initiative.
- F. No advertisement may contain libelous material.
- G. No advertisement may be approved which would tend to create a substantial disruption in the school environment or inhibit the functioning of any school.
- H. No advertisement shall be false, misleading or deceptive.
- I. Each advertisement must be reviewed in advance for age appropriateness.
- J. Advertisements may be rejected by the School District if determined to be inconsistent with the educational objectives of the School District, inappropriate, or inconsistent with the guidelines set forth in this policy.
- K. All corporate support or activity **must be age-appropriate and must be consistent with the Board's policies not to discriminate on the basis of race, color, religion, national origin, ancestry, creed, pregnancy, marital status, parental status, sexual orientation, sex (including gender status, change of sex, or gender identity), or physical, mental, emotional, or learning disability (Protected Classes) in any of its student program and activities prohibiting discrimination on the basis of race, color, national origin, religion, sex, disability, or age, and must be age appropriate.**
- L. Students shall not be required to advertise a product, service, company or industry.

- M. Advertising will not be permitted on the outside or the inside of school buses.
- N. The District Administrator is responsible for screening all advertising.
- O. The District Administrator may require that samples of advertising be made available for inspection.
- P. The inclusion of advertisements in School District publications, in School District facilities, or on School District property does not constitute or imply approval and/or endorsement of any product, service, organization, or activity.
- Q. Final discretion regarding whether to advertise and the content and value of the materials will be with the Board.

Written Contract for Placement

All advertising agreements between the District and an outside entity shall be in writing, shall specify all relevant terms, and must be approved by the Board prior to placement of advertisements.

The contracts shall contain at a minimum the following clauses:

- A. District authority over content and placement of advertisement;
- B. authority of District administration to view and approve all materials prior to actual placement;
- C. specific provisions regarding financial terms, timing of payment, hold harmless clause in the event of lawsuit against advertiser that requires removal of advertisement prior to expiration of contract; and
- D. warranty regarding intellectual property and indemnification against alleged violations of trademark or copyright protections by third parties.

The District Administrator shall negotiate all such agreements with the advertiser.

The District Administrator shall prepare administrative guidelines addressing the Criteria for Commercial Messages and the process by which advertising shall be accomplished (see AG 9700B - Criteria for Commercial Messages). **[END OF OPTION]**

Accounting

Advertising revenues must be properly reported and accounted for as per any administrative guidelines, policies, Generally Accepted Accounting Principles, and DPI Audit Guide requirements.

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Last Modified by Ryan Peterson on August 15, 2023



Book	Policy Manual
Section	Vol. 32, No. 2, Technical Corrections, July 2023
Title	Technical Correction - Vol. 32, No. 2, Technical Corrections, July 2023 - ADVERTISING AND COMMERCIAL ACTIVITIES
Code	po9700.01
Status	

Technical Correction - Vol. 32, No. 2, Technical Corrections

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[] [OPTION #1]

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[END OF OPTION #1]

[SELECTION OF THE FIRST OPTION PRECLUDES SELECTION OF THE SECOND OPTION]

[] [OPTION #2]

The Board may permit paid commercial advertising in School District facilities or on School District property in the following categories or forums in accordance with the parameters set forth herein:

A. () Product Sales:

1. () product sales benefiting a district, school or student activity (e.g., the sale of beverages or food within schools);

2. exclusive agreements between the District and businesses that provide the businesses with the exclusive right to sell or promote their products or services in the schools (e.g. pouring rights contracts with soda companies);
3. fundraising/fund-raising activities (e.g., short term/short-term sales of gift wrap, cookies, candy, etc.) to benefit a specific student population, club or activity where the school receives a share of the profits.

B. Direct Advertising/Appropriation of Space:

1. signage and billboards in schools and school facilities;
2. corporate logos or brand names on school equipment (e.g., marquees, message boards or score boards);
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5. media-based electronic advertising (e.g., Channel One or Internet or web-based sponsorship);
6. free samples (e.g., of food or personal hygiene products).

C. Indirect Advertising:

1. corporate-sponsored instructional or educational materials, teacher training, contests, incentives, grants or gifts;
2. the Board approves the use of instructional materials developed by commercial organizations such as films and videos only if the education value of the materials outweighs their commercial nature.

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D. Market Research:

1. surveys or polls related to commercial activities;
2. internet surveys or polls asking for information related to commercial activities;
3. _____ . **[other]**

[END OF OPTION #2]

No advertising 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 Board District Administrator **[END OF OPTION]**. It is further the policy of the Board that its name, students, staff members and District facilities shall not be used for promoting the interests of any non-school agency or organization, public or private, without the specific written permission of the Board District Administrator **[END OF OPTION]**.

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- B. () Any advertising that may become a permanent or semi-permanent part of a school requires prior approval of the Board.
- C. () The Board reserves the right to consider requests for advertising in the schools on a case-by-case basis.
- D. () No advertisement shall promote or contain references to alcohol, tobacco, drugs, drug paraphernalia, weapons, or lewd, vulgar, obscene, pornographic or illegal materials or activities, gambling, violence, hatred, sexual conduct or sexually explicit material, X or R rated movies, or gambling aids.
- E. () No advertisement shall be permitted that conveys the impression of the School District's endorsement of any religious message, political candidate, or ballot initiative.
- F. () No advertisement may contain libelous material.
- G. () No advertisement may be approved which would tend to create a substantial disruption in the school environment or inhibit the functioning of any school.
- H. () No advertisement shall be false, misleading or deceptive.
- I. () Each advertisement must be reviewed in advance for age appropriateness.
- J. () Advertisements may be rejected by the School District if determined to be inconsistent with the educational objectives of the School District, inappropriate, or inconsistent with the guidelines set forth in this policy.
- K. () All corporate support or activity must be age-appropriate and must be consistent with the Board's policies not to discriminate on the basis of race, color, religion, national origin, ancestry, creed, pregnancy, marital status, parental status, sexual orientation, sex, gender (including gender status, change of sex, or gender and identity), or physical, mental, emotional, or learning disability (Protected Classes) in any of its student program and activities prohibiting discrimination on the basis of race, color, national origin, religion, sex, disability, or age, and must be age appropriate.
- L. () Students shall not be required to advertise a product, service, company or industry.
- M. () Advertising will not be permitted on the outside or the inside of school buses.
- N. () The District Administrator is responsible for screening all advertising.
- O. () The District Administrator may require that samples of advertising be made available for inspection.
- P. () The inclusion of advertisements in School District publications, in School District facilities, or on School District property does not constitute or imply approval and/or endorsement of any product, service, organization, or activity.
- Q. () Final discretion regarding whether to advertise and the content and value of the materials will be with the Board.

Written Contract for Placement

All advertising agreements between the District and an outside entity shall be in writing, shall specify all relevant terms, and must be approved by the Board prior to placement of advertisements.

The contracts shall contain at a minimum the following clauses:

- A. District authority over content and placement of advertisement;
- B. authority of District administration to view and approve all materials prior to actual placement;
- C. specific provisions regarding financial terms, timing of payment, hold harmless clause in the event of lawsuit against advertiser that requires removal of advertisement prior to expiration of contract; and
- D. warranty regarding intellectual property and indemnification against alleged violations of trademark or copyright protections by third parties.

The District Administrator shall negotiate all such agreements with the advertiser.

The District Administrator shall prepare administrative guidelines addressing the Criteria for Commercial Messages and the process by which advertising shall be accomplished (see AG 9700B - Criteria for Commercial Messages). **[END OF OPTION]**

Accounting

Advertising revenues must be properly reported and accounted for as per any administrative guidelines, policies, Generally Accepted Accounting Principles, and DPI Audit Guide requirements.

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Last Modified by Ryan Peterson on October 2, 2023



Book Policy Manual
 Section Vol. 32, No. 2, July 2023
 Title Rescind Bylaw - Vol. 32, No. 2, July 2023 - REGULAR MEETINGS
 Code po0164.1
 Status From Neola
 Adopted April 25, 2016
 Last Revised December 18, 2017

Rescind Bylaw - Vol. 32, No. 2

~~0164.1 REGULAR MEETINGS~~

~~[COMMON AND UNION SCHOOL DISTRICTS]~~

~~The Board shall hold a meeting at least once each month on a date and at a time and place determined annually by a resolution of the Board.~~

~~[UNIFIED SCHOOL DISTRICT]~~

~~The Board shall hold a meeting at least once each month.~~

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Legal [for common and union high school districts] 120.11(1), Wis. Stats.
 [for unified school districts] 120.43(2), Wis. Stats.

Last Modified by Ryan Peterson on August 15, 2023



Book	Policy Manual
Section	Vol. 32, No. 2, July 2023
Title	Rescind Bylaw - Vol. 32, No. 2, July 2023 - SPECIAL MEETINGS
Code	po0164.2
Status	From Neola
Adopted	April 25, 2016
Last Revised	November 16, 2020

Rescind Bylaw - Vol. 32, No. 2

~~0164.2 SPECIAL MEETINGS~~

~~{FOR COMMON OR UNION HIGH SCHOOL DISTRICTS}~~

~~A special meeting of the Board shall be held upon the written request of any Board member provided there is compliance with the following notice provisions and State law.~~

~~The School District Clerk or, in the School District Clerk's absence, the President shall fix a reasonable date, time, and place for the meeting. The School District Clerk or, in the School District Clerk's absence, the President shall notify each Board member of the date, time, and place of the meeting, in a manner likely to give the Board member notice of the meeting, at least twenty four (24) hours before the meeting. If the School District Clerk or, in the School District Clerk's absence, the President determines that providing notice at least twenty four (24) hours before a special Board meeting is, for good cause, shown by the School District Clerk or President, impossible or impractical, the School District Clerk or President may notify each Board member of the date, time, and place of the meeting less than twenty four (24) hours, but not less than two (2) hours, before the meeting. A notice of any special meeting shall be posted at least twenty four (24) hours before said special meeting at the District office and such other places as the Board may determine unless, for good cause, such notice is impossible or impracticable, but in no case may the notice be less than two (2) hours in advance of the meeting.~~

~~A special meeting may be held without prior notice if all Board members are present and consent, or if each member consents in writing even if s/he does not attend, provided appropriate notice is provided as defined under Chapter 19.~~

~~FOR UNIFIED SCHOOL DISTRICTS~~

~~Special meetings of the Board may be called by the President or by the written request of a majority of the members of the Board provided there is compliance with the notice provision of these Bylaws and State law.~~

~~{END OF OPTIONS}~~

~~The District Administrator and those administrators directed by the District Administrator shall attend all meetings, when feasible. Administrative participation shall be by professional counsel, guidance, and recommendation as distinct from deliberation, debate, and voting of Board members.~~

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Legal	19.84(3), Wis. Stats.
	120.11(2), Wis. Stats.
	120.43(2), Wis. Stats.

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Book Policy Manual
 Section Vol. 32, No. 2, July 2023
 Title Rescind Bylaw - Vol. 32, No. 2, July 2023 - NOTICE OF MEETINGS
 Code po0165.1
 Status From Neola

Rescind Bylaw - Vol. 32, No. 2

0165.1 NOTICE OF 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 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 _____, 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."~~

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Legal 19.84, Wis. Stats.
 120.11(4), Wis. Stats.
 985.05(3), Wis. Stats.

Last Modified by Ryan Peterson on August 15, 2023



Book Policy Manual

Section Vol. 32, No. 2, July 2023

Title Rescind Bylaw - Vol. 32, No. 2, July 2023 - CHANGE OF REGULAR MEETINGS

Code po0165.2

Status From Neola

Adopted April 25, 2016

Last Revised April 24, 2023

Rescind Bylaw - Vol. 32, No. 2

~~0165.2 CHANGE OF REGULAR MEETINGS~~

~~If the Board adopts a resolution changing the date, time, or place of a regularly scheduled meeting, the meeting notice shall state the date, time, place, and subject matter of the rescheduled meeting, as well as the name and address of the District. Said notice shall be posted~~

~~(-) on the front door of the Administrative Office Building and~~

~~at such places as the Board may determine. Meeting notices of scheduled Board meetings shall be posted in accordance with State law. (See also Policy 0166 Agenda)~~

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Last Modified by Ryan Peterson on August 15, 2023



Book	Policy Manual
Section	Vol. 32, No. 2, July 2023
Title	Rescind Policy - Vol. 32, No. 2, July 2023 - EMPLOYMENT OF CASUAL RESOURCE PERSONNEL
Code	po3120.07
Status	From Neola
Adopted	May 16, 2016

Rescind Policy - Vol. 32, No. 2

3120.07 — EMPLOYMENT OF CASUAL RESOURCE PERSONNEL

~~It is the purpose of this policy to allow the casual employment of personnel in a consulting capacity for administration, in service, or instruction.~~

~~In the general fund of the Board of Education, money is appropriated annually for special services. This might include resource persons in specialized fields of education that could offer consulting advice on the administration or instructional processes. The District Administrator shall negotiate a reasonable payment with the resource person.~~

~~Specialists from industry, business, agriculture, or health occupation fields may be employed in a consulting capacity to assist with program planning, in services, or directly in the instructional program. Professional staff members employed by the District may be used as casual resource personnel, outside of their regular assignment, at the discretion of the District Administrator.~~

~~The District Administrator shall prepare administrative guidelines to ensure proper implementation of this policy.~~

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Last Modified by Ryan Peterson on August 15, 2023



Book Policy Manual
 Section Vol. 32, No. 2, July 2023
 Title Rescind Policy - Vol. 32, No. 2, July 2023 - NURSING MOTHERS
 Code po4430.05
 Status From Neola
 Adopted May 16, 2016

Rescind Policy - Vol. 32, No. 2, June 2023

4430.05 NURSING MOTHERS

~~As required by the Fair Labor Standards Act (FLSA), it shall be the policy of the Board to support the decision of support staff members to breastfeed their infants by providing unpaid breaks for lactating employees to express breast milk for infants on District premises.~~

~~The building administrator shall designate a private area, other than a restroom, where an employee can express breast milk. The designated area shall be a space where intrusion from coworkers, students, and the public can be prevented, and one where an employee who is using this area can be shielded from view.~~

~~Prior to returning to work from maternity leave, the employee shall notify her supervisor of her intent to continue breastfeeding her infant(s), and of her need to express milk during work hours. It shall be the responsibility of the employee to keep her supervisor informed of her needs in this regard throughout the period of lactation (), or until such time as the child reaches the age of one.~~

~~The employee can express milk during regularly scheduled unpaid break periods. The building administrator or employee's supervisor shall make accommodation in the event that the time of regular breaks needs to be adjusted or, in the event that additional and/or longer unpaid breaks are needed. In the event that the number and duration of the unpaid breaks requires modification to the employee's work schedule, the building administrator or the employee's supervisor shall work with the employee to determine the necessary modifications.~~

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Legal 29 U.S.C. 207 (Section 4207)

Last Modified by Ryan Peterson on August 15, 2023



Book	Policy Manual
Section	Vol. 32, No. 2, July 2023
Title	Rescind Policy - Vol. 32, No. 2, July 2023 - PROGRAM OR CURRICULUM MODIFICATIONS
Code	po5250
Status	From Neola

Rescind Policy - Vol. 32, No. 2

~~5250 — PROGRAM OR CURRICULUM MODIFICATIONS~~

~~In accordance with Policy 5200 — Attendance, the Board may excuse a student from regular school attendance to participate in a program or curriculum modification leading to high school graduation or a high school equivalency diploma.~~

~~Any such request for a program or curriculum modification from the parent, or the student if the parent is notified, shall be in writing.~~

~~The Board, or its designee, shall provide a written decision within ninety (90) days to a properly submitted request for a program or curriculum modification. If the request is denied, the reasons for denial shall be included in the written decision. An exception is if the student has been evaluated by an IEP team but not recommended for special education, then the written decision must be provided within thirty (30) days.~~

~~[] The Board designates the District Administrator to make decisions for program or curriculum modifications. [END OF OPTION]~~

~~Any decision made by the Board or its designee regarding a request for a program or curriculum modification may be appealed by the parent to the Board, and the Board shall provide a written decision to the parent.~~

~~The request for a program or curriculum modification may include, but is not limited to, the following:~~

- ~~A. modifications within the student's current academic program;~~
- ~~B. a school work training or work study program;~~
- ~~C. enrollment in any alternative public school or program located in the school district in which the student resides;~~
- ~~D. enrollment in any nonsectarian private school or program, or tribal school, located in the School District in which the student resides in accordance with applicable State and Federal law;~~
- ~~E. homebound study, including nonsectarian correspondence courses or other courses of study approved by the Board, or nonsectarian tutoring provided by the school in which the student is enrolled;~~
- ~~F. enrollment in any public educational program located outside the School District in which the student resides, which may be pursuant to a contractual agreement between the school districts.~~

~~Annually, the District shall notify students and parents of the provisions of this policy. Inclusion of such notification in the student handbook shall satisfy this provision.~~

~~[] The District Administrator shall issue an administrative guideline specifying the process for submitting a request for program or curriculum modifications and how such requests shall be handled when received by the District.~~

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Legal 118.15(1)(d), 118.15(1)(dm), 118.15(1)(e), 118.15(1)(f), Wis. Stats.

Last Modified by Ryan Peterson on August 15, 2023



Book	Policy Manual
Section	Vol. 32, No. 2, July 2023
Title	New Bylaw - Vol. 32, No. 2, July 2023 - V1 [Common/Union High Schools Only] - MEETINGS
Code	po0164
Status	From Neola

New Bylaw - Vol. 32, No. 2 - V1 [Common/Union High Schools Only]

0164 - **MEETINGS**

Regular Meetings

The Board shall hold a meeting at least once each month on a date and at a time and place determined annually by a resolution of the Board.

Change of Regular Meetings

If the Board adopts a resolution changing the date, time, or place of a regularly scheduled meeting, the meeting notice shall state the date, time, place, and subject matter of the rescheduled meeting, as well as the name and address of the District. Said notice shall be posted

() on the front door of the Administrative Office Building and

at such places as the Board may determine. Meeting notices of scheduled Board meetings shall be posted in accordance with State law. (See also Policy 0166 - Agenda)

Special Meetings

A special meeting of the Board shall be held upon the written request of any Board member provided there is compliance with the following notice provisions and State law.

The School District Clerk or, in the School District Clerk's absence, the President shall fix a reasonable date, time, and place for the meeting. The School District Clerk or, in the School District Clerk's absence, the President shall notify each Board member of the date, time, and place of the meeting, in a manner likely to give the Board member notice of the meeting, at least twenty-four (24) hours before the meeting. If the School District Clerk or, in the School District Clerk's absence, the President determines that providing notice at least twenty-four (24) hours before a special Board meeting is, for good cause, shown by the School District Clerk or President, impossible or impractical, the School District Clerk or President may notify each Board member of the date, time, and place of the meeting less than twenty-four (24) hours, but not less than two (2) hours, before the meeting. A notice of any special meeting shall be posted at least twenty-four (24) hours before said special meeting at the District office and such other places as the Board may determine unless, for good cause, such notice is impossible or impracticable, but in no case may the notice be less than two (2) hours in advance of the meeting.

A special meeting may be held without prior notice if all Board members are present and consent, or if each member consents in writing even if the Board member does not attend, provided appropriate notice is provided as defined under Chapter 19.

The District Administrator and those administrators directed by the District Administrator shall attend all meetings, when feasible. Administrative participation shall be by professional counsel, guidance, and recommendation - as distinct from deliberation, debate, and voting of Board members.

Notice of 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 (1) 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 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 _____, 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." **[DRAFTING NOTE: this language is not required in the meeting notice, however, it is recommended because the Board is obligated to make meetings accessible, including with accommodations, to persons with a disability who wish to attend the meeting regardless of whether this statement is included or not. This clause provides the obligation to give advance notice of any such need so as to assist in providing the accommodation rather than the individual making such requests on the day of or at the meeting itself].**

[END OF OPTION]

Cancellation of Meetings

If a regularly scheduled and legally noticed meeting needs to be canceled (e.g., inclement weather, electrical outage, broken water pipe, lack of quorum, etc.), the Board President or designee shall have the authority to cancel or reschedule the meeting. To the extent practical, a notice of cancellation should be provided, similar to the notice of the meeting.

Virtual Participation in Meetings

Unless otherwise determined by the Board , Board President **[END OF OPTION]** or due to an order by an authorized authority preventing in-person attendance at a meeting, Board members are expected to attend meetings in person at the location set by the Board for the meeting. A Board member may attend virtually in instances where a member is unable to attend in person due to a scheduled absence from the District or due to a physical restriction preventing attendance. The Board member is responsible for making advance arrangements with the District administration to facilitate participation in the meeting.

Any Board member attending a meeting remotely may vote in accordance with Bylaw 0167.1 – Voting.

Board members are not provided with technology to facilitate remote Board attendance unless the Board authorizes such expenditure.

[END OF OPTION]

Any Board member attending a meeting or who intended to attend a meeting remotely but is unable to attend or unable to maintain attendance due to technological complications, such as a poor connection or other equipment failures, will be considered absent for all or part of the meeting. The meeting may continue in the member's absence provided that a quorum is still present.

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Legal 19.84, Wis. Stats.
 120.11, Wis. Stats.
 985.05(3), Wis. Stats.

Last Modified by Ryan Peterson on August 15, 2023



Book	Policy Manual
Section	Vol. 32, No. 2, July 2023
Title	New Policy - Vol. 32, No. 2, July 2023 - ACADEMIC HONESTY
Code	po5505
Status	From Neola

New Policy - Vol. 32, No. 2

5505 – ACADEMIC HONESTY

The Board values honesty and expects integrity in the District’s students. Violating academic honesty erodes the trust between teachers and students as well as compromises the academic standing of other students. So that each student is judged solely on their own merits, the Board prohibits any student from presenting someone else’s work as their own, using artificial intelligence platforms in place of one’s own work, providing unauthorized assistance to another student, and cheating in all its forms.

All school work submitted for the purpose of meeting course requirements must be the individual student’s original work. It is prohibited for any student to unfairly advance their own academic performance or that of any other student. Likewise, no student may intentionally limit or impede the academic performance or intellectual pursuits of other students.

Academic dishonesty includes, but is not limited to:

- A. plagiarism (of ideas, work, research, speech, art, music, etc.);
- B. forgery of another’s work;
- C. presenting the results from an artificial intelligence platform as one’s own () (See Policy 7540.08 - Artificial Intelligence (AI));
- D. downloading or copying information from other sources and presenting it as one’s own;
- E. using language translation work of someone else when the expectation is doing one’s own translation;
- F. copying another person’s work;
- G. allowing another person to copy one’s own work;
- H. stealing another person’s work;
- I. doing another person’s work for them;
- J. distributing copies of one’s work for use by others;
- K. distributing copies of someone else’s work for use by others;
- L. intentionally accessing another’s work for the purpose of presenting it as one’s own;
- M. distributing or receiving answers to assignments, quizzes, tests, assessments, etc.
- N. distributing or receiving questions from quizzes, tests, assessments, etc.
- O. () _____;
- P. () _____.

Faculty and Administration have the responsibility for monitoring students’ work for compliance with this policy.

All teachers, beginning in the elementary grades, will educate students as to what constitutes academic dishonesty and what is acceptable and unacceptable behavior in District schools regarding academic integrity. () Such education shall reference this Board policy.

Students who violate this policy are subject to disciplinary consequences.

Teachers are authorized, in consultation with their Principal, to apply appropriate consequences for violations of this policy. Disciplinary consequences for significant violations may include removal from the class with a failing grade, removal from student leadership positions, elimination of honors recognition, loss of membership in honor organizations, as well as other disciplinary consequences appropriate to the nature of the violation.

Parents shall be contacted as soon as practicable to report any alleged acts of academic dishonesty by their child.

Repeated violations of this policy () at the high school level **[END OF OPTION]** will result in additional disciplinary consequences, up to and including suspension and expulsion.

Student and/or parent appeals of disciplinary consequences resulting from violation of this policy may be made within five (5) business days to the Principal whose decision shall be final. If the Principal was the staff member responsible for the disciplinary consequence being appealed, then student and/or parent appeals should be directed within five (5) business days to the () District Administrator () _____ **[END OF OPTION]** whose decision shall be final.

A summary of this policy shall be included in the Student Handbook and the Employee Handbook.

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Legal 118.01, 118.164, 120.12, Wis. Stats.

Last Modified by Ryan Peterson on August 15, 2023



Book	Policy Manual
Section	Vol. 32, No. 2, July 2023
Title	Replacement Policy - Vol. 32, No. 2, July 2023 - SUICIDE PREVENTION, INTERVENTION, AND POSTVENTION
Code	po5350
Status	From Neola
Adopted	October 1, 2015
Last Revised	April 25, 2022

Replacement Policy - Vol. 32, No. 2

5350 - SUICIDE PREVENTION, INTERVENTION, AND POSTVENTION

The Board recognizes that suicide is a leading cause of death among youth and must be taken seriously. In order to attempt to reduce suicidal behavior and its impact on students and families, the District Administrator shall develop prevention, intervention, and postvention strategies and procedures.

The District Administrator may involve school health professionals, school counselors, administrators, other staff, parents/guardians, students, local health agencies and professionals, and community organizations in planning, implementing, and evaluating the district's strategies for suicide prevention, intervention, and postvention.

() The District's comprehensive health education program shall promote the healthy mental, emotional, and social development of students including, but not limited to, the development of problem-solving skills, coping skills, and self-esteem. Suicide prevention instruction shall be incorporated into the health education curriculum in the secondary grades. Such instruction shall be aligned with state content standards and shall be designed to help students analyze signs of depression and self-destructive behaviors, including potential suicide, and to identify suicide prevention strategies.

The District Administrator may offer parents education or information which describes the severity of the youth suicide problem, the district's suicide prevention curriculum, risk factors and warning signs of suicide, basic steps for helping suicidal youth, and/or school and community resources that can help youth in crisis.

Prevention and Instruction

Using the Department of Public Instruction notice, the District Administrator shall annually inform the professional staff of the resources available from the Department and other resources regarding suicide prevention. The District Administrator shall also implement procedures to obtain payment or reimbursement for professional mental health services provided by any licensed treatment professional.

Suicide prevention strategies may include, but not be limited to, efforts to promote a positive school climate that enhances students' feelings of connectedness with the school and is characterized by caring staff and harmonious interrelationships among students.

Developmentally appropriate, student-centered education materials will be integrated into the curriculum of all K-12 health classes. The content of these materials will: **[Drafting Note - Letters A-D are required by statute]**

- A. encourage positive social and emotional development.
- B. teach life skills such as problem-solving and sound decision-making.
- C. provide knowledge of the relationship between youth suicide and the use of alcohol and controlled substances.

- D. promote awareness of the warning signs of suicide, how to respond to potential suicidal persons and available community counseling and mental services.
- E. stress the importance of safe and healthy choices and coping strategies.
- F. instruct how to recognize risk factors and warning signs of mental disorders and suicide in oneself and others.
- G. facilitate help-seeking strategies for oneself or others, including how to engage school resources and refer friends for help. In addition, schools may provide supplemental small group suicide prevention programming for students.

Staff Development

Suicide prevention training for staff shall be designed to help staff identify and respond to students at risk of suicide. The training shall be offered under the direction of a school counselor/school psychologist and/or in cooperation with one or more community mental health agencies and must include information on:

- A. the role of protective factors with an emphasis on school climate, connectedness, caring staff, and positive student relationships, and building support for these protective factors within staff and community as a positive purpose of suicide prevention.
- B. research identifying risk factors, such as previous suicide attempt(s), history of depression or mental illness, substance use problems, family history of suicide or violence, feelings of isolation, interpersonal conflicts, a recent severe stressor or loss, family instability, and other factors.
- C. warning signs that may indicate suicidal intentions include changes in students' appearance, personality, or behavior. Warning signs of this nature should receive particular attention when displayed by an individual in one or more of the following groups:
 1. Youth bereaved by suicide
 2. Youth with disabilities, mental illness, or substance abuse
 3. Homeless youth
 4. LGBTQ youth
 5. Youth in the juvenile justice or welfare system
 6. Native American youth
 7. Youth on the fringes of mainstream social groups
- D. research-based instructional strategies for teaching the suicide prevention curriculum and promoting mental and emotional health.
- E. school and community resources and services.
- F. District procedures for intervening when a student attempts, threatens, or discloses the desire to die by suicide.

Training will be provided annually regularly **[END OF OPTIONS]** for all teachers and staff.

Suicide Intervention; Civil Liability Exemption

Any School District officer, employee, or volunteer who in good faith attempts to prevent suicide by a student is immune from civil liability for their acts or omissions in respect to the suicide or attempted suicide.

Postvention

The Board recognizes that the death of a staff member or student, whether by suicide or other means, that affects the entire school and community. In the event of a staff member or student's death, it is critical that the school's response be swift, consistent, and intended to protect the student body and community.

This policy has related AGs that will help guide this response. Following the AG in the context of any student or staff death will aid in providing for a swift, consistent, and thoughtful approach.

Confirming the News and Convening the Education Support Team

Upon receiving news of a student's or employee's death, including an unconfirmed rumor, a staff member must immediately contact the Principal, and/or designee. Contact must be made whether this is during or outside school hours.

The District Administrator Principal **[END OF OPTIONS]** will:

- A. contact the District Administrator Board President.
- B. contact key staff who will comprise the support team; i.e., teaching and classified staff, parents, students, and/or community members.
- C. compose a potential "shared statement" to for students and staff so the same message is disseminated to everyone. This statement should not be read over the intercom but delivered in person by a teacher who has a relationship with the students. This is very important in grades where the deceased student had close connections to his/her classmates.
- D. compose a potential public statement to notify the community at large what the school is experiencing and that the school is focused on providing support to the students. This may be beneficial in the event that the matter becomes publicly discussed, including on social media.
- E. will convene the educational support team which may include:
 1. administrators
 2. school counselor(s)
 3. school psychologist(s)
 4. social worker(s)
 5. _____

In the case of a death by suicide, other concerns such as the prevention of suicide contagion will be taken into account. Suicide contagion is the process by which suicidal behavior or a suicide completion influences an increase in the suicide risk of others. Identification, modeling, and guilt are each thought to play a role in contagion. Although rare, suicide contagion can result in a cluster of suicides within a community.

Publication and Distribution

This policy will be included in age-appropriate student handbooks and on the school website.

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Legal	115.365, Wis. Stats. (Assistance for Schools for Suicide Prevention Programs)
	118.01(2)(d)7, Wis. Stats. (Educational Goals and Expectations)
	118.295, Wis. Stats. (Suicide Intervention, Civil Liability Exemption)
	895.48(1), Wis. Stats. (Liability Exemption)

Last Modified by Ryan Peterson on August 15, 2023



Book	Policy Manual
Section	Vol. 32, No. 2, July 2023
Title	Revised Bylaw - Vol. 32, No. 2, July 2023 - ELECTORAL PROCESS
Code	po0142.1
Status	From Neola
Adopted	April 25, 2016
Last Revised	April 25, 2022

Revised Bylaw - Vol. 32, No. 2

0142.1 - ELECTORAL PROCESS

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

Declaration of Candidacy

Any qualified elector desiring election to the Board must file a Declaration of Candidacy with the Board Clerk, using forms provided by the District, no later than 5:00 P.M. on the first Tuesday in January. Qualified candidates shall then be placed on the ballot.

Incumbent Board members may file a Declaration of Non-Candidacy by 5:00 P.M. on the 2nd Friday preceding the deadline for filing ballot access documents, as specified in the preceding paragraph, to avoid an extension of time for filing such papers.

If an incumbent fails to file a Declaration of Candidacy () and nomination papers **[END OF OPTION]** by the 5:00 P.M. deadline on the first Tuesday in January, candidates may file a Declaration of Candidacy () and nomination papers **[END OF OPTION]** 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.~~

The order of names on the ballot shall be determined by lot, in the event more than one (1) person seeks office from a representative area.

Declaration of Non-Candidacy

If an incumbent files a Declaration of Non-Candidacy no later than 5:00 P.M. on the 2nd 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.

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 bylaw, 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.

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

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

Last Modified by Ryan Peterson on August 15, 2023



Book	Policy Manual
Section	Vol. 32, No. 2, July 2023
Title	Revised Bylaw - Vol. 32, No. 2, July 2023 - PUBLIC EXPRESSION OF BOARD MEMBERS
Code	po0143.1
Status	From Neola
Adopted	October 1, 2015
Last Revised	June 19, 2017

Revised Bylaw - Vol. 32, No. 2

0143.1 - PUBLIC EXPRESSION OF BOARD MEMBERS

The Board President functions as the official spokesperson for the Board. () (see Bylaw 0144.5 - Board Member Behavior and Code of Conduct)

From time-to-time, however, individual Board members make public statements, or statements to individuals, on school matters:

- A. to local media;
- B. on social media;
- C. to members of the community;
- D. to local officials and/or State officials.

Sometimes the public statements, or statements to individuals, by Board members imply, or the readers (listeners) infer, that the opinions expressed or statements made are the official positions of the Board. The misunderstandings that can result from these incidents may cause issues for the member, the Board, as well as the District. Therefore, Board members should, when writing or speaking on school matters on social media, to the media, members of the community, legislators, and other officials, make it clear that their views do not necessarily reflect the views of the Board or of their colleagues on the Board.

This bylaw shall apply to all statements and/or writings by individual Board members not explicitly sanctioned by a majority of its members, except as follows:

- A. correspondence, such as legislative proposals, when the Board member has received official guidance from the Board on the matters discussed in the letter
- B. routine, not for publication, correspondence of the District Administrator and other Board employees
- C. routine "thank you" letters of the Board
- D. statements by Board members on nonschool non-school matters (providing the statements do not identify the author as a member of the Board)
- E. personal statements not intended for publication

[] Copies of this bylaw shall be sent annually to local media by the Board President.

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Last Modified by Ryan Peterson on August 15, 2023



Book	Policy Manual
Section	Vol. 32, No. 2, July 2023
Title	Revised Bylaw - Vol. 32, No. 2, July 2023 - CONFLICT OF INTEREST
Code	po0144.3
Status	From Neola
Adopted	April 25, 2016
Last Revised	January 17, 2022

Revised Bylaw - Vol. 32, No. 2

0144.3 - CONFLICT OF INTEREST

Board members shall perform their official duties in an ethical manner and free from conflict of interest pursuant to 19.59, Wis. Stats. To this end:

- A. no Board member shall use his/her/their position as a Board member to obtain financial gain or anything of substantial value for himself/herself/themself, immediate family as defined in 19.42(7), Wis. Stats., or any organization with which s/he/the Board member is associated;
- B. no Board member shall accept any offer of anything of value from a person either directly or indirectly, nor shall solicit or accept anything of value, if it could be reasonably expected to influence the Board member's actions;
- C. no Board member shall engage in or have a financial interest, directly or indirectly, in any activity that conflicts or raises a reasonable question of conflict with his/her/the Board member's duties and responsibilities in the school system and as a public officer;
- D. when a member of the Board determines that the possibility of such a personal or financial interest conflict exists, s/he/the Board member should, prior to the matter being considered, disclose his/her/their interest (such disclosure shall become a matter of record in the minutes of the Board), and thereafter shall abstain from participation in both the discussion of the matter and the vote thereon. In the event that the potential conflict involves a program or activity in whole or in part financed through Federal grant funds, the potential conflict of interest must be disclosed to the Federal granting agency consistent with the requirements of the particular granting agency;
- E. Board members shall also perform their duties in a manner that does not violate criminal conflict of interest laws pursuant to 946.13, Wis. Stats. by having a private pecuniary interest in a contract with the District in an amount that exceeds \$15,000 annually or by participating in making or performing some function as a Board member with respect to a contract in which the Board member has a private pecuniary interest, unless statutory exceptions apply;

+ no member of the Board shall hold a paid position within the School District, regardless of the type or level of position or manner of pay. () However, a Board member may serve as a volunteer coach or supervisor of an extra-curricular activity if the provision of 120.20, Wis. Stats., () Policy 8120 - Volunteers, [END OF OPTION] and this policy are satisfied. [END OF OPTIONAL SENTENCE] [DRAFTING NOTE: Selecting this option should be consistent with Policy 8120 - Volunteers.]

19.42(7), Wis. Stats.
 19.59, Wis. Stats.
 120.20, Wis. Stats.
 946.13, Wis. Stats.

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Legal

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19.42(7), Wis. Stats.

19.59, Wis. Stats.

120.20, Wis. Stats.

946.13, Wis. Stats.

Last Modified by Ryan Peterson on August 15, 2023



Book	Policy Manual
Section	Vol. 32, No. 2, July 2023
Title	Revised Policy - Vol. 32, No. 2, July 2023 - INCAPACITY OF THE DISTRICT ADMINISTRATOR
Code	po1260
Status	From Neola
Adopted	October 1, 2015
Last Revised	November 16, 2020

Revised Policy - Vol. 32, No. 2

1260 - INCAPACITY OF THE DISTRICT ADMINISTRATOR

It is the duty of the Board to appoint an interim District Administrator by a majority vote of the Board upon a determination that the District Administrator is incapacitated in such a manner that ~~s/he is~~ the District Administrator is unable to perform the duties of ~~his/her~~ the office. **Until such appointment, the Board President shall have the authority to take or delegate necessary administrative actions on behalf of the District.**

The Board shall fix the compensation of the interim District Administrator who shall serve, pending further determination of the District Administrator's ability to perform assigned duties and functions, or until the District Administrator's employment ends and a new District Administrator assumes office. ~~S/He~~**The interim District Administrator** shall perform all of the duties and functions of the District Administrator, and may be removed at any time using the procedures set forth in Policy 3140 - Non-Renewal, Resignation, and Termination.

The Board will exercise its authority under law to determine the incapacity of the District Administrator and to place **the District Administrator** ~~him/her~~ on leave for a physical or mental condition that affects the District Administrator's ability to perform assigned duties in conformance with the law. The Board may require that the District Administrator submit to an appropriate examination by a healthcare provider of the District Administrator's choice, a healthcare provider designated and compensated by the District, or both.

The District Administrator will be required to execute a release that complies with the requirements of the Health Insurance Portability and Accountability Act (HIPAA) in order to allow the report of the medical examination to be released to the Board and to allow the Board to speak to the health care provider who conducted the medical examination if clarification is needed. Refusal to submit to an appropriate examination or to execute the HIPAA release will be grounds for disciplinary action, up to and including termination.

If the Board determines that the District Administrator is unable to perform the duties of ~~his/her~~ the office, ~~s/he~~**the District Administrator** may:

- A. () at ~~his/her~~**the District Administrator's** request, be placed on sick leave, with pay, not to exceed the amount of ~~his/her~~ accumulated, but unused, sick leave and any advancement of such sick leave which may be authorized by Board policy;
- B. () at the request of the Board be placed on sick leave with such pay to which ~~s/he~~**the District Administrator** may be entitled or which may be authorized by Board policy;
- C. () at ~~their~~**the District Administrator's** request, be placed on a leave without pay.

As required by Federal law and regulation and Board Policy 1422.02 - Nondiscrimination Based on Genetic Information of the Employee, the Board shall direct the provider designated by the Board to conduct the examination not to collect genetic information or provide any genetic information, including the individual's family medical history, in the report of the medical examination.

Pursuant to State law and in accordance with the Americans with Disabilities Act, as amended (ADA) and the Genetic Information Nondiscrimination Act (GINA), the results of any such examination shall be treated as a confidential medical record and will be exempt from release, except as provided by law. If the District inadvertently receives genetic information about an individual who is required to submit to an appropriate examination from the medical provider it shall be treated as a confidential medical record as required by the ADA.

If, as a result of ~~his/her~~ such examination, the District Administrator is found to be unable to perform assigned duties, the District Administrator may be placed on a leave of absence until such time as the District Administrator is able to return to the performance of the position or other action is taken.

The Board may designate any period of leave under this policy as qualifying leave under State and/or Federal FMLA leave entitlement consistent with Policy 1630.01 as provided by law.

The foregoing leave shall not extend beyond the contract of the District Administrator.

The District Administrator shall, upon request to the President of the Board, be returned to active duty status, unless the Board denies the request within ten (10) days of receipt of the request. The Board may require the District Administrator to establish to its satisfaction that ~~s/he~~ **the District Administrator** is capable of resuming such duties on a full-time basis.

The Board may demand that the District Administrator return to active service ~~and~~ upon medical documentation that the District Administrator is able to resume ~~his/her~~ **the position's** duties.

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Last Modified by Ryan Peterson on August 15, 2023



Book	Policy Manual
Section	Vol. 32, No. 2, July 2023
Title	Revised Policy - Vol. 32, No. 2, July 2023 - CRIMINAL HISTORY RECORD CHECK AND EMPLOYEE SELF-REPORTING REQUIREMENTS
Code	po1421
Status	From Neola

Revised Policy - Vol. 32, No. 2

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 (e.g. non-moving violations, failure to yield, failure to obey a traffic signal, unattended vehicle, illegal parking). However, an offense of operating under the influence, revocation or suspension of license, and driving after revocation or suspension or any moving violation 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.~~

The requirement to report a conviction or deferred adjudication applies to major traffic offenses (e.g., operating under the influence of an intoxicant or other drug, reckless driving, operating after suspension/revocation, failure to report an accident, refusal to take a breath test). Minor traffic offenses (e.g., non-moving violations, speeding, failure to yield, failure to obey a traffic signal, unattended vehicle, illegal parking) do not need to be reported.

However, if an employee drives or operates a District vehicle or piece of mobile equipment or transports students or staff, other than the staff member's own family, in any vehicle they must report any traffic offense (not including parking tickets).

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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Book	Policy Manual
Section	Vol. 32, No. 2, July 2023
Title	Revised Policy - Vol. 32, No. 2, July 2023 - CRIMINAL HISTORY RECORD CHECK AND EMPLOYEE SELF-REPORTING REQUIREMENTS
Code	po3121
Status	From Neola
Adopted	May 16, 2016
Last Revised	December 19, 2022

Revised Policy - Vol. 32, No. 2

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 (e.g., non-moving violations, failure to yield, failure to obey a traffic signal, unattended vehicle, illegal parking). However, an offense of operating under the influence, revocation or suspension of license, and driving after revocation or suspension or any moving violation 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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However, if an employee drives or operates a District vehicle or piece of mobile equipment or transports students or staff, other than the staff member's own family, in any vehicle they must report any traffic offense (not including parking tickets).

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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Book	Policy Manual
Section	Vol. 32, No. 2, July 2023
Title	Revised Policy - Vol. 32, No. 2, July 2023 - CRIMINAL HISTORY RECORD CHECK AND EMPLOYEE SELF-REPORTING REQUIREMENTS
Code	po4121
Status	From Neola
Adopted	May 16, 2016
Last Revised	December 19, 2022

Revised Policy - Vol. 32, No. 2

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 support 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 (e.g., non-moving violations, failure to yield, failure to obey a traffic signal, unattended vehicle, illegal parking). However, an offense of operating under the influence, revocation or suspension of license, and driving after revocation or suspension or any moving violation 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.~~

The requirement to report a conviction or deferred adjudication applies to major traffic offenses (e.g., operating under the influence of an intoxicant or other drug, reckless driving, operating after suspension/revocation, failure to report an accident, refusal to take a breath test). Minor traffic offenses (e.g., non-moving violations, speeding, failure to yield, failure to obey a traffic signal, unattended vehicle, illegal parking) do not need to be reported.

However, if an employee drives or operates a District vehicle or piece of mobile equipment or transports students or staff, other than the staff member's own family, in any vehicle they must report any traffic offense (not including parking tickets).

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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Book	Policy Manual
Section	Vol. 32, No. 2, July 2023
Title	Revised Policy - Vol. 32, No. 2, July 2023 - FAMILY & MEDICAL LEAVE OF ABSENCE ("FMLA")
Code	po1630.01
Status	From Neola
Adopted	October 17, 2016
Last Revised	November 19, 2018

Revised Policy - Vol. 32, No. 2

1630.01 - FAMILY & MEDICAL LEAVE OF ABSENCE ("FMLA")

Introduction

In accordance with Federal and State law, the Board will provide family and medical leave to administrative staff. The Board's Family and Medical Leave Act policy is intended to conform to and comply with, but not exceed, the requirements of the Federal Family and Medical Leave Act of 1993 ("FMLA") and the Wisconsin Family and Medical Leave Act ("WFMLA"). To the extent that this policy is ambiguous or conflicts with the FMLA or the WFMLA, the FMLA and the WFMLA will govern.

Family and medical leave taken under this policy may be covered by Federal law, State law, or both. When leave taken by a staff member under this policy is governed by both Federal and State law, the more generous provision will control in the event of a conflict. However, when leaves are governed by State or Federal law, but not both, the applicable law will control under this policy. In this regard, staff members should note that certain leaves may be covered by both State and Federal law for only a portion of the leave. To the extent permitted by law, leave under the FMLA, leave under the WFMLA and leave granted under the Board's other policies will run concurrently (at the same time).

Eligibility Requirements

To be eligible for leave under the FMLA, a staff member must have been employed by the Board for at least twelve (12) months in the past seven(7) years and must have worked at least 1,250 hours during the twelve (12) month period immediately preceding the commencement of the requested leave. ~~All full-time instructional staff members are deemed to meet the 1,250 hour requirement.~~

To be eligible for leave under the WFMLA, a staff member must have been employed for more than fifty-two (52) consecutive weeks and have worked or been paid for at least 1,000 hours in the preceding fifty-two (52) weeks. The kind and amount of leave available to the staff member under this policy, as well as the staff member's rights during leave, depend upon whether the staff member satisfies the above requirements.

Qualifying Reasons for Leave

The Board provides family and medical leave for eligible staff members under the following circumstances:

- A. for the birth of the eligible staff member's child and to care for a newborn child
- B. for placement with the eligible staff member of a child for adoption or foster care
- C. to care for an eligible staff member's spouse, child or parent with a "serious health condition"

The term "child" generally includes a legal ward or a biological, adopted foster or stepchild. For leaves governed exclusively by the FMLA, the term also includes a son or daughter for whom the staff member has assumed the day-to-day obligations of a parent. A child must be **either** under eighteen (18) years of age or unable to care for ~~himself/herself~~ **themselves** due to

a physical or mental disability or, for leave under State law only, unable to care for ~~himself/herself~~ **themselves** due to a serious health condition.

"Parent" includes a staff member's spouse's legal guardian only if the staff member is requesting leave under the WFMLA.

"Spouse" includes a qualified domestic partner for leaves governed by the WFMLA. Domestic partnerships must be registered with the county of residence and proof of such registration may be requested prior to approval of leave. Unregistered domestic partners must demonstrate that they are 1) both over age eighteen (18); 2) not in a domestic partnership or marriage with another individual; 3) they share a common residence; 4) they are not related in any way that would prohibit marriage under Wisconsin law; 5) they consider each other to be immediate family members and agree to be responsible for the other's living expense.

D. because of a serious health condition that makes the eligible staff member unable to perform the essential functions of ~~his/her~~ **the staff member's** position

E. because of a qualifying exigency resulting from active military service by the employee's spouse, son, daughter, or parent in covered active duty or call to covered active duty in the United States Armed Forces including the National Guard and Reserves

Qualifying exigencies, as defined by Federal regulations, include: 1) short-notice deployment; 2) military events and related activities; 3) childcare and school activities; 4) financial and legal arrangements; 5) counseling; 6) rest and recuperation; (maximum fifteen (15) calendar days); 7) post-deployment activities; 8) caring for a military member's parent who is incapable of self-care when the care is necessitated by the member's covered active duty; and 9) additional activities not encompassed in the other categories, but agreed to by the employer and employee. Covered active duty means deployment with the Armed Forces to a foreign country.

F. to care for a service member who is the employee's parent, spouse, child or next of kin who, while on active military duty, sustains a serious injury or illness or aggravation of a pre-existing illness or injury while in the line of duty, while on covered active duty in the United States Armed Forces, including the National Guard and Reserves, in the line of duty which renders the service member medically unfit to perform the member's office, grade, rank, or rating

Covered active duty means deployment with the Armed Forces to a foreign country. This leave is also available to care for veterans of the United States Armed Forces, including the National Guard and Reserves, provided the veteran was a service member at any time within the five (5) years prior to the start of the treatment, recuperation or therapy. In accordance with applicable regulations, a veteran's serious injury or illness incurred or aggravated in the line of active duty can also be manifested by: 1) a physical or mental condition with a VA Service Disability Rating of 50% or greater and is the condition precipitating the need for leave; or 2) a physical or mental condition that substantially impairs the ability to secure or substantially follow a gainful occupation, or would do so absent treatment; or 3) an injury, including psychological, for which the veteran has been enrolled in the Dept. of V.A. Program of Comprehensive Assistance for Family Care Givers. Leave is available for up to twenty-six (26) weeks in a twelve (12) month period. This type of leave is available for serious injury or illness which results in:

1. inpatient medical treatment, recuperation or therapy;
2. outpatient services at a military treatment facility or assignment to a unit established for the purpose of providing command and control of service members receiving outpatient medical services; or
3. assignment to the temporary disability retired list.

The maximum twenty-six (26) weeks of Federal leave to care for a service member includes, and is not in addition to, all other FMLA leave. In other words, employees may not take more than a total of twenty-six (26) weeks of FMLA leave during a single twelve (12) month period for any qualifying reasons under the FMLA. For instance, if an employee takes the maximum twelve (12) weeks of Federal FMLA leave for ~~his/her~~ **the staff member's** own serious health condition, the employee may then only take fourteen (14) weeks of FMLA leave within that same twelve (12) month period to care for a military family member injured in the line of duty.

The District Administrator will determine whether an employee's request for leave qualifies under one (1) of the above categories.

Amount of Leave Available

Under the FMLA, if the staff member satisfies the eligibility requirements set forth above, ~~s/he~~ **the staff member** is entitled to a total of twelve (12) work weeks of leave in a () a calendar year () a fiscal year running from July 1 to the following June 30 () a twelve (12) month period marked by each employees' date of hire () a rolling twelve (12) month period measured forward from the date of any employee's first FMLA usage **[END OF CALENDAR OPTIONS]** for any of the reasons stated above, with the exception of leave to care for an injured service member, which is provided as described in (F) above.

[DRAFTING NOTE: If a decision is made to change the manner of counting Federal leave entitlement usage, the change must be made following at least sixty (60) days notice to employees and in a manner such that any employee qualifying for leave during the transition period is afforded whichever counting method during the leave that affords the employee the greatest benefit.]

() Spouses who are both employed by the District may take a combined total of twelve (12) weeks of leave for the birth or placement of a child for adoption or foster care. **[Drafting Note: this option is available under Federal law, but should only be selected upon the advice of District legal counsel for compliance with Wisconsin's marital status discrimination law].**

Under the WFMLA, if the staff member satisfies the eligibility requirements set forth above, ~~s/he~~ **the staff member** is entitled to ten (10) work weeks of leave in a **calendar year** as follows:

- A. a total of six (6) weeks of leave for the birth of ~~his/her~~ **the staff member's** natural child and/or the placement of a child with the staff member for, or as a precondition to, adoption;
- B. a total of two (2) weeks of leave to care for a covered family member with a serious health condition; and
- C. a total of two (2) weeks of leave due to the staff member's serious health condition.

Board policy calls for concurrent Federal/State leave coverage whenever a staff member is eligible for leave under both the FMLA and WFMLA to the extent available under the law. All periods of absence from work due to or necessitated by USERRA-covered service is counted in determining an employee's eligibility for FMLA leave.

Definitions of Serious Health Conditions

In conjunction with the certification provided by a healthcare provider, the Board reserves the right to determine whether an illness, injury, impairment or physical or mental condition constitutes a serious health condition entitling a staff member to family or medical leave under State or Federal law.

In general, a "serious health condition" under this policy means an illness, injury, impairment, or physical or mental condition that involves one (1) of the following:

A. Hospital Care

Inpatient care (i.e., an overnight stay) in a hospital or other care facility, including any period of incapacity or subsequent treatment in connection with or consequent to such inpatient care.

B. Absence Plus Treatment

A period of incapacity of more than three (3) consecutive calendar days* (including any subsequent treatment or period of incapacity relating to the same condition), that also involves:

1. treatment two (2) or more times by a healthcare provider, a nurse, physician's assistant or physical therapist under a healthcare provider's supervision, order or referral as appropriate within thirty (30) days of the first date of incapacity; or
2. treatment by a healthcare provider on at least one (1) occasion which results in a regimen of continuing treatment under the supervision of the healthcare provider and occurs within seven (7) days of the first day of incapacity.

*Under the WFMLA, leave may also be available for a "serious health condition" of less than three (3) consecutive days in duration.

C. Pregnancy

Any period of incapacity due to pregnancy, or for prenatal care.

D. Chronic Conditions Requiring Treatment

A chronic condition which:

1. requires periodic visits of at least two (2) times per year for treatment by a healthcare provider, or by a nurse or physician's assistant under a healthcare provider's supervision;
2. continues over an extended period of time (including recurring episodes of a single underlying condition); and
3. may cause episodic rather than continuing periods of incapacity (e.g., asthma, diabetes, epilepsy, etc.).

E. Permanent/Long-Term Conditions Requiring Supervision

A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective. The staff member or ~~his/her~~ **their** family member must be under the continuing supervision of, but need not be receiving active treatment by, a healthcare provider (e.g., Alzheimer's disease, a severe stroke, or the terminal stages of a disease). The continued existence of such a chronic condition is subject to certification no more than once every six (6) months.

F. Multiple Treatments (Non-Chronic Conditions)

Any period of absence to receive multiple treatments (including any period of recovery therefrom) by a healthcare provider

or by a provider of healthcare services under orders of, or on referral by, a healthcare provider, either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three (3) consecutive calendar days in the absence of medical intervention or treatment, including: cancer (chemotherapy, radiation, etc.); severe arthritis (physical therapy); or kidney disease (dialysis).

Required Staff Member Notice

The staff member must provide the District Administrator with notice in a reasonable and practicable manner before leave taken under this policy is to begin, if the need for leave is foreseeable (e.g., an expected birth, placement or adoption or foster care, or planned medical treatment for the staff member's own serious health condition or that of a family member). When requesting partial or intermittent leave in connection with childbirth or adoption under the WFMLA, the staff member must provide at least as much notice as required for taking other non-emergency or non-medical leave, as well as a definite schedule for the leave. Where advance notice is not practical due to uncertainty as to when leave will be required to begin, a change in circumstances or medical emergency, notice must be given as soon as practical. Leave will be accounted for in increments no greater than the smallest increment used for other similar leaves but in no event greater than one (1) hour increments. Leave entitlement will not be reduced by more than the amount of leave actually taken.

[] Staff members must provide an explanation as to why proper advance notice was not provided in such cases and may be required to verify the explanation. Notice that was not provided timely without reasonable explanation may result in the denial of the leave request.

The staff member must provide a written request for leave, the reasons for the requested leave, and the anticipated beginning date and duration of the leave by submitting a FMLA leave request form to the District Administrator (forms available from the U.S. Department of Labor).

When planning medical treatment, the staff member should consult with his/her/their supervisor and make a reasonable effort to schedule the leave so as not to disrupt unduly the District's operations, subject to the approval of the staff member's healthcare provider. The staff member is ordinarily expected to consult with his/her/their supervisor in order to work out a treatment schedule which best suits his/her/the staff member's needs, as well as the District's.

If a staff member must take more leave than originally anticipated, s/he/they must notify the District Administrator within two (2) business days of learning of the circumstances necessitating the extension.

Certification By Healthcare Provider

If a staff member requests leave due to his/her/their own serious health condition or the serious health condition of his/her/their spouse, child or parent, the Board requires that the leave request be supported by certification issued and signed by the healthcare provider for the individual with a serious health condition. For service member leave, any certification permitted under 29 C.F.R. 825.310 shall be allowed. The Board reserves the right to certify all information permitted by law.

The staff member must provide the fully completed certification to the District Administrator within fifteen (15) calendar days of the date that the certification is provided to the staff member unless it is not practicable to do so despite the staff member's diligent, good faith efforts. If it is not practicable to return the certification within fifteen (15) calendar days, it must be returned to the District Administrator as soon as practicable.

If the staff member fails to submit the certification, the leave or continuation of leave may be delayed until the certification is submitted. Further, any absence prior to the date the certification is furnished may be considered unauthorized. A staff member who is absent without authorization may be disciplined, up to and including termination.

The District Administrator will give a staff member a reasonable opportunity to cure any deficiency in a certification, but not fewer than seven (7) calendar days. It is the responsibility of the staff member or family member with a serious health condition to use a healthcare provider who will complete and furnish an accurate certification in a timely manner.

A member of the administration, other than the staff member's direct supervisor, may contact the healthcare provider to clarify illegible answers and to authenticate the certification. If the certification is incomplete or otherwise unclear, the administrator must request that the employee obtain updated or completed information from the healthcare provider and return it directly to the administrator.

If the District Administrator doubts the validity of a certification, the District Administrator may require, at the Board's expense, that the staff member obtain a second opinion from a Board-designated provider, not regularly employed by the Board. If the opinions of the staff member's and the Board's healthcare providers differ, a third, final and binding opinion may be obtained. The staff member must cooperate in obtaining a second or third opinion including facilitating the transfer of pertinent records to the subsequent healthcare providers.

The District Administrator may request re-certifications on a periodic basis as permitted by law.

Designation of Leave

In all circumstances, it is the responsibility of the District Administrator to designate leave, whether paid or unpaid, as FMLA leave and to give the staff member notice of the designation and his/her/their rights and responsibilities under this policy.

The District Administrator will give the staff member the notice on each occasion that s/he the staff member notifies his/her their supervisor of the need for leave that may be FMLA-qualifying, including, but not limited to, when the staff member requests another type of leave for an FMLA-qualifying reason. In the case of intermittent or reduced schedule leave, only one (1) notice will be provided unless the circumstances regarding the leave have changed.

Absent extenuating circumstances, the District Administrator will provide to the employee a "Designation Notice" stating whether a request for leave has been approved or denied within five (5) business days. At a minimum, the staff member will be verbally notified whether leave is being designated as FMLA leave within five (5) business days of the date the staff member provides information to the District Administrator sufficient to enable him/her the District Administrator to determine that the leave is being taken for an FMLA-qualifying reason.

The District Administrator will confirm the verbal notice with the written notice as soon as feasible, but no later than the first payday following the verbal notice (unless the payday is less than one (1) week after the verbal notice, in which case the notice must be no later than the subsequent payday).

Manner In Which Leave Can Be Taken

Leave available under this policy may be taken in full and, under certain circumstances, may also be taken intermittently or on a reduced leave schedule. Intermittent leave is leave taken in separate blocks of time due to a single qualifying reason. Reduced schedule leave is leave that reduces the usual number of working hours per day or week. The staff member must consult with his/her their supervisor and make a reasonable effort to schedule intermittent or reduced schedule leave so it does not unduly disrupt the District's operations.

When leave is governed only by the FMLA, intermittent or reduced schedule leave to be with the employee's newborn child, or after the placement of a child with the employee for adoption or foster care, requires the District's agreement, unless the intermittent or reduced schedule leave is due to a serious health condition.

Intermittent or reduced schedule leave due to a serious health condition must be medically necessary. Medically necessary means there must be a medical need for the leave and the leave can be best accommodated through an intermittent or reduced leave schedule, as certified by the healthcare provider in the Certification.

When leave is governed only by the FMLA, the District Administrator may offer a staff member a temporary transfer to another position for which s/he the staff member is qualified with equivalent pay and benefits that better accommodates the intermittent or reduced schedule leave when the need for leave is foreseeable based on planned medical treatment or the staff member takes such leave for the birth of a child or for placement of a child for adoption or foster care. The staff member may reject this offer in which case there will be no adverse effect on the leave or entitlement to return to the same or similar position following leave. Any time spent by the staff member in an alternative position will not count against the employee's FMLA leave entitlement.

Instructional staff members (i.e. individuals whose principal function is to teach and instruct students in a class, a small group, or an individual setting) who request intermittent leave or a reduced-leave schedule governed only by the FMLA, which would exceed twenty percent (20%) of the total number of working days over the period of anticipated leave, must elect either to:

- A. take leave for a period or periods of a particular duration, not greater than the duration of the planned treatment; or
- B. transfer temporarily to an available alternative position offered by the District Administrator for which the instructional staff member is qualified, and that has equivalent pay and benefits and that better accommodates the recurring periods of leave than the staff member's regular position.

Coordinating Leaves - Substitution

Generally, leave taken under this policy is unpaid. However, for leave governed exclusively by the FMLA, the staff member () must () may [END OF OPTION] use the following leaves provided by the Board, if available:

- A. vacation or personal leave, if available, for any family or medical leave;
- B. accrued paid family leave (i.e., paid leave covering the particular circumstances for which the staff member is seeking leave), if available, for birth, adoption, or to care for a seriously ill family member; and
- C. accrued paid medical or sick leave, if available, to care for a seriously ill family member, or for the staff member's own serious health condition.

A staff member may not substitute paid leave for unpaid FMLA leave taken under this policy in any situation where the Board would not normally provide such paid leave.

For leaves governed by the WFMLA, a staff member may substitute paid or unpaid leave, which s/he have earned and accrued, for leave taken under this policy, if available. The Board reserves the right to deny substitution as permitted by law.

Any paid leave substituted for unpaid FMLA leave or WFMLA leave will decrease, in whole or in part, the staff member's FMLA and/or WFMLA leave entitlement.

Continuation of Benefits

A staff member will remain eligible for group health insurance benefits under the Board's group health plan during leave taken under this policy under the same conditions as coverage would have been provided if the staff member had been actively employed during the entire leave. However, the staff member has the option of choosing not to retain such coverage during family or medical leave.

During leave taken under this policy, the Board will continue to pay any portion of group health insurance premiums for coverage that it was responsible for paying immediately prior to the leave as required by law. The staff member will be responsible for paying his/her/their portion of health insurance premiums regardless of whether his/her/the family and medical leave is paid or unpaid. It is the staff member's responsibility to make arrangements with the District Administrator for making premium payments for group health insurance during leaves.

To the extent permitted by law, the Board reserves the right to require the staff member to place up to eight (8) weeks of health insurance premiums in escrow prior to leave, or to discontinue coverage if such premiums are received more than thirty (30) days late.

The staff member's entitlement to benefits other than group health benefits during a period of family or medical leave is determined by the Board's policy regarding provision of such benefits when a staff member is on other types of leave.

If a staff member fails to return to work or fails to remain at work for a period provided under the law, the District may recover its portion of the premiums paid for medical benefit coverage during the leave, unless the reason for the staff member's failure to return to work is due to the continuation of the serious health condition or the onset of a new serious health condition.

Accrual of Benefits

The use of leave under this policy will not result in the loss of any employment benefit that accrued prior to the start of the staff member's leave. A staff member will not continue to accrue seniority or any other employment benefit during leave taken under this policy, except that such benefit shall accrue if the staff member elects to use other leaves provided by the Board, and if such benefits would normally accrue during such leave.

Employment Restoration

A staff member will generally be reinstated to the same position s/he/they held when leave began or a position with equivalent pay, benefits, and other terms and conditions of employment, if such position remains available, and the staff member possesses the ability to perform the essential functions of the job satisfactorily, with or without any accommodation that may be required by the Americans With Disabilities Act of 1990. The staff member, however, has no greater right to reinstatement or benefits than if s/he/the staff member had been actively employed during the leave. Further, if the staff member gives unequivocal notice of intent not to return to work, s/he/the staff member is not entitled to be reinstated.

A staff member who exceeds his/her/the FMLA/WFMLA leave, but remains off work under a non-FMLA/WFMLA leave policy, is not entitled to reinstatement to the same or a similar position under the FMLA/WFMLA; however, the staff member may be eligible to be reinstated under the non-FMLA/WFMLA leave policy.

A staff member who is able to return to work prior to the expiration of leave must notify his/her/their supervisor immediately. Upon such notice, the District Administrator will promptly reinstate the staff member to active employment, provided s/he/the staff member has the present skill and ability to perform the essential functions of his/her/their job satisfactorily with or without accommodation. However, the reinstatement need not occur until the third business day following the staff member's notification of his/her/their ability to return to work.

Fitness For Duty Certification

If leave is due to the staff member's serious health condition, s/he/the staff member must present certification to return to work to his/her/their supervisor upon returning to work. The staff member's Principal attending physician must complete the certification. The certification must indicate that the staff member has been released to return to work. It must also specify any physical or other limitation on the staff member's ability to perform regular or other duties and the duration of the limitations. No certification will be required when the staff member returns from intermittent leave, except as otherwise permitted or required by the Americans With Disabilities Act of 1990.

The certification will be limited to the particular health condition that caused the staff member's need for leave, except as otherwise permitted by the Americans With Disabilities Act of 1990. If the staff member is an "individual with a disability" within the meaning of the ADA, any fitness-for-duty physical examination or inquiry by the District will be job-related and consistent with business necessity.

Reinstatement may be delayed until the staff member submits the certification. Under such circumstances, if the staff member does not promptly provide a certification or qualify for another leave of absence, s/he/the staff member may be disciplined, up to and including termination.

With the staff member's permission, the Board's healthcare provider may contact the staff member's healthcare provider to clarify and authenticate the certification, but no additional information may be requested or required, and the staff member's return to work may not be delayed while the contact is being made. No second or third fitness for duty certification may be required.

Confidentiality

All medical information relating to leave, whether written or verbal, shall be kept confidential to the maximum extent possible. All medical documents including, but not limited to, medical certifications and return-to-work statements must be maintained in confidential, secure files separate from personnel files.

No Discrimination

Leave under this policy will not be used as a negative factor in employment actions, such as hiring, promotions, disciplinary actions or under attendance policies.

Miscellaneous

The District Administrator may designate another administrator to perform ~~his/her~~ **their** duties under this policy.

A staff member who fraudulently obtains leave under this policy is not protected by this policy's job restoration or maintenance of health benefits provisions.

The District Administrator shall see that the policy is posted properly.

The District Administrator shall provide a copy of the policy upon the request of a staff member.

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Legal 29 U.S.C. 2601 et. seq.
 29 C.F.R. Part 825
 103.10, Wis. Stats.
 Wis. Admin. Department of Workforce Development (DWD) 225
 National Defense Authorization Act of 2010

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Revised Policy - Vol. 32, No. 2

3430.01 - FAMILY & MEDICAL LEAVE OF ABSENCE ("FMLA")

Introduction

In accordance with Federal and State law, the Board will provide family and medical leave to professional staff. The Board's Family and Medical Leave Act policy is intended to conform to and comply with, but not exceed, the requirements of the Federal Family and Medical Leave Act of 1993 ("FMLA") and the Wisconsin Family and Medical Leave Act ("WFMLA"). To the extent that this policy is ambiguous or conflicts with the FMLA or the WFMLA, the FMLA and the WFMLA will govern.

Family and medical leave taken under this policy may be covered by Federal law, State law, or both. When leave taken by a staff member under this policy is governed by both Federal and State law, the more generous provision will control in the event of a conflict. However, when leaves are governed by State or Federal law, but not both, the applicable law will control under this policy. In this regard, staff members should note that certain leaves may be covered by both State and Federal law for only a portion of the leave. To the extent permitted by law, leave under the FMLA, leave under the WFMLA and leave granted under the Board's other policies will run concurrently (at the same time).

Eligibility Requirements

To be eligible for leave under the FMLA, a staff member must have been employed by the Board for at least twelve (12) months in the past seven (7) years and must have worked at least 1,250 hours during the twelve (12) month period immediately preceding the commencement of the requested leave. ~~All full-time instructional staff members are deemed to meet the 1,250 hour requirement.~~

To be eligible for leave under the WFMLA, a staff member must have been employed for more than fifty-two (52) consecutive weeks and have worked or been paid for at least 1,000 hours in the preceding fifty-two (52) weeks. The kind and amount of leave available to the staff member under this policy, as well as the staff member's rights during leave, depend upon whether the staff member satisfies the above requirements.

Qualifying Reasons for Leave

The Board provides family and medical leave for eligible staff members under the following circumstances:

- A. for the birth of the eligible staff member's child and to care for a newborn child
- B. for placement with the eligible staff member of a child for adoption or foster care
- C. to care for an eligible staff member's spouse, child or parent with a "serious health condition"

The term "child" generally includes a legal ward or a biological, adopted foster or stepchild. For leaves governed exclusively by the FMLA, the term also includes a son or daughter for whom the staff member has assumed the day-to-day obligations of a parent. A child must be **either** under eighteen (18) years of age or unable to care for **himself/herself/themself** due to a physical or mental disability or, for leave under State law only, unable to care for **himself/herself/themself** due to a serious health condition.

"Parent" includes a staff member's spouse's legal guardian only if the staff member is requesting leave under the WFMLA.

"Spouse" includes a qualified domestic partner for leaves governed by the WFMLA. Domestic partnerships must be registered with the county of residence and proof of such registration may be requested prior to approval of leave. Unregistered domestic partners must demonstrate that they are 1) both over age eighteen (18); 2) not in a domestic partnership or marriage with another individual; 3) they share a common residence; 4) they are not related in any way that would prohibit marriage under Wisconsin law; 5) they consider each other to be immediate family members and agree to be responsible for the other's living expense.

D. because of a serious health condition that makes the eligible staff member unable to perform the essential functions of his/her/the position

E. because of a qualifying exigency resulting from active military service by the employee's spouse, son, daughter, or parent in covered active duty or call to covered active duty in the United States Armed Forces including the National Guard and Reserves

Qualifying exigencies, as defined by Federal regulations, include: 1) short-notice deployment; 2) military events and related activities; 3) childcare and school activities; 4) financial and legal arrangements; 5) counseling; 6) rest and recuperation; (maximum fifteen (15) calendar days); 7) post-deployment activities; 8) caring for a military member's parent who is incapable of self-care when the care is necessitated by the member's covered active duty; and 9) additional activities not encompassed in the other categories, but agreed to by the employer and employee. Covered active duty means deployment with the Armed Forces to a foreign country.

F. to care for a service member who is the employee's parent, spouse, child or next of kin who, while on active military duty, sustains a serious injury or illness or aggravation of a pre-existing illness or injury while in the line of duty, while on covered active duty in the United States Armed Forces, including the National Guard and Reserves, in the line of duty which renders the service member medically unfit to perform the member's office, grade, rank, or rating

Covered active duty means deployment with the Armed Forces to a foreign country. This leave is also available to care for veterans of the United States Armed Forces, including the National Guard and Reserves, provided the veteran was a service member at any time within the five (5) years prior to the start of the treatment, recuperation or therapy. In accordance with applicable regulations, a veteran's serious injury or illness incurred or aggravated in the line of active duty can also be manifested by: 1) a physical or mental condition with a VA Service Disability Rating of 50% or greater and is the condition precipitating the need for leave; or 2) a physical or mental condition that substantially impairs the ability to secure or substantially follow a gainful occupation, or would do so absent treatment; or 3) an injury, including psychological, for which the veteran has been enrolled in the Dept. of V.A. Program of Comprehensive Assistance for Family Care Givers. Leave is available for up to twenty-six (26) weeks in a twelve (12) month period. This type of leave is available for serious injury or illness which results in:

1. inpatient medical treatment, recuperation or therapy;
2. outpatient services at a military treatment facility or assignment to a unit established for the purpose of providing command and control of service members receiving outpatient medical services; or
3. assignment to the temporary disability retired list.

The maximum twenty-six (26) weeks of Federal leave to care for a service member includes, and is not in addition to, all other FMLA leave. In other words, employees may not take more than a total of twenty-six (26) weeks of FMLA leave during a single twelve (12) month period for any qualifying reasons under the FMLA. For instance, if an employee takes the maximum twelve (12) weeks of Federal FMLA leave for his/her/their own serious health condition, the employee may then only take fourteen (14) weeks of FMLA leave within that same twelve (12) month period to care for a military family member injured in the line of duty.

The District Administrator will determine whether an employee's request for leave qualifies under one (1) of the above categories.

Amount of Leave Available

Under the FMLA, if the staff member satisfies the eligibility requirements set forth above, s/he/the staff member is entitled to a total of twelve (12) work weeks of leave in a () a calendar year () a fiscal year running from July 1 to the following June 30 () a twelve (12) month period marked by each employees' date of hire () a rolling twelve (12) month period measured backward from the date of usage () a twelve (12) month period measured forward from the date of any employee's first FMLA usage **[END OF CALENDAR OPTIONS]** for any of the reasons stated above, with the exception of leave to care for an injured service member, which is provided as described in (F) above. **[DRAFTING NOTE: If a decision is made to change the manner of counting Federal leave entitlement usage, the change must be made following at least sixty (60) days notice to employees and in a manner such that any employee qualifying for leave during the transition period is afforded whichever counting method during the leave that affords the employee the greatest benefit.]**

() Spouses who are both employed by the District may take a combined total of twelve (12) weeks of leave for the birth or placement of a child for adoption or foster care. **[DRAFTING NOTE: This option is available under Federal law, but should only be selected upon the advice of District legal counsel for compliance with Wisconsin's marital status discrimination law.]**

Under the WFMLA, if the staff member satisfies the eligibility requirements set forth above, s/he/the staff member is entitled to ten (10) work weeks of leave in a calendar year as follows:

- A. a total of six (6) weeks of leave for the birth of his/her~~the~~ natural child and/or the placement of a child with the staff member for, or as a precondition to, adoption;
- B. a total of two (2) weeks of leave to care for a covered family member with a serious health condition; and
- C. a total of two (2) weeks of leave due to the staff member's serious health condition.

Board policy calls for concurrent Federal/State leave coverage whenever a staff member is eligible for leave under both the FMLA and WFMLA to the extent available under the law. All periods of absence from work due to or necessitated by USERRA-covered service is counted in determining an employee's eligibility for FMLA leave.

Definitions of Serious Health Conditions

In conjunction with the certification provided by a healthcare provider, the Board reserves the right to determine whether an illness, injury, impairment or physical or mental condition constitutes a serious health condition entitling a staff member to family or medical leave under State or Federal law.

In general, a "serious health condition" under this policy means an illness, injury, impairment, or physical or mental condition that involves one (1) of the following:

A. Hospital Care

Inpatient care (i.e., an overnight stay) in a hospital or other care facility, including any period of incapacity or subsequent treatment in connection with or consequent to such inpatient care.

B. Absence Plus Treatment

A period of incapacity of more than three (3) consecutive calendar days* (including any subsequent treatment or period of incapacity relating to the same condition), that also involves:

1. treatment two (2) or more times by a healthcare provider, a nurse, physician's assistant or physical therapist under a healthcare provider's supervision, order or referral as appropriate within thirty (30) days of the first date of incapacity; or
2. treatment by a healthcare provider on at least one (1) occasion which results in a regimen of continuing treatment under the supervision of the healthcare provider and occurs within seven (7) days of the first day of incapacity.

*Under the WFMLA, leave may also be available for a "serious health condition" of less than three (3) consecutive days in duration.

C. Pregnancy

Any period of incapacity due to pregnancy, or for prenatal care.

D. Chronic Conditions Requiring Treatment

A chronic condition which:

1. requires periodic visits of at least two (2) times per year for treatment by a healthcare provider, or by a nurse or physician's assistant under a healthcare provider's supervision;
2. continues over an extended period of time (including recurring episodes of a single underlying condition); and
3. may cause episodic rather than continuing periods of incapacity (e.g., asthma, diabetes, epilepsy, etc.).

E. Permanent/Long-Term Conditions Requiring Supervision

A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective. The staff member or his/her~~their~~ family member must be under the continuing supervision of, but need not be receiving active treatment by, a healthcare provider (e.g., Alzheimer's disease, a severe stroke, or the terminal stages of a disease). The continued existence of such a chronic condition is subject to certification no more than once every six (6) months.

F. Multiple Treatments (Non-Chronic Conditions)

Any period of absence to receive multiple treatments (including any period of recovery therefrom) by a healthcare provider or by a provider of healthcare services under orders of, or on referral by, a healthcare provider, either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three (3) consecutive calendar days in the absence of medical intervention or treatment, including: cancer (chemotherapy, radiation, etc.); severe arthritis (physical therapy); or kidney disease (dialysis).

Required Staff Member Notice

The staff member must provide the District Administrator with notice in a reasonable and practicable manner before leave taken under this policy is to begin, if the need for leave is foreseeable (e.g., an expected birth, placement or adoption or foster care, or planned medical treatment for the staff member's own serious health condition or that of a family member). When requesting partial or intermittent leave in connection with childbirth or adoption under the WFMLA, the staff member must provide at least as much notice as required for taking other non-emergency or non-medical leave, as well as a definite schedule for the leave. Where advance notice is not practical due to uncertainty as to when leave will be required to begin, a change in circumstances or medical emergency, notice must be given as soon as practical. Leave will be accounted for in increments no greater than the smallest increment used for other similar leaves, but in no event greater than one (1) hour increments. Leave entitlement will not be reduced by more than the amount of leave actually taken.

[] Staff members must provide an explanation as to why proper advance notice was not provided in such cases and may be required to verify the explanation. Notice that was not provided timely without reasonable explanation may result in the denial of the leave request.

The staff member must provide a written request for leave, the reasons for the requested leave, and the anticipated beginning date and duration of the leave by submitting a FMLA leave request form to the District Administrator (forms available from the U.S. Department of Labor).

When planning medical treatment, the staff member should consult with his/her/their supervisor and make a reasonable effort to schedule the leave so as not to disrupt unduly the District's operations, subject to the approval of the staff member's healthcare provider. The staff member is ordinarily expected to consult with his/her/their supervisor in order to work out a treatment schedule which best suits his/her/the staff member's needs, as well as the District's.

If a staff member must take more leave than originally anticipated, s/he/the staff member must notify the District Administrator within two (2) business days of learning of the circumstances necessitating the extension.

Certification By Healthcare Provider

If a staff member requests leave due to his/her/their own serious health condition or the serious health condition of his/her/the staff member's spouse, child or parent, the Board requires that the leave request be supported by certification issued and signed by the healthcare provider for the individual with a serious health condition. For service member leave, any certification permitted under 29 C.F.R. 825.310 shall be allowed. The Board reserves the right to certify all information permitted by law.

The staff member must provide the fully completed certification to the District Administrator within fifteen (15) calendar days of the date that the certification is provided to the staff member, unless it is not practicable to do so despite the staff member's diligent, good faith efforts. If it is not practicable to return the certification within fifteen (15) calendar days, it must be returned to the District Administrator as soon as practicable.

If the staff member fails to submit the certification, the leave or continuation of leave may be delayed until the certification is submitted. Further, any absence prior to the date the certification is furnished may be considered unauthorized. A staff member who is absent without authorization may be disciplined, up to and including termination.

The District Administrator will give a staff member a reasonable opportunity to cure any deficiency in a certification, but not fewer than seven (7) calendar days. It is the responsibility of the staff member or family member with a serious health condition to use a healthcare provider who will complete and furnish an accurate certification in a timely manner.

A member of the administration, other than the staff member's direct supervisor, may contact the healthcare provider to clarify illegible answers and to authenticate the certification. If the certification is incomplete or otherwise unclear, the administrator must request that the employee obtain updated or completed information from the healthcare provider and return it directly to the administrator.

If the District Administrator doubts the validity of a certification, the District Administrator may require, at the Board's expense, that the staff member obtain a second opinion from a Board-designated provider, not regularly employed by the Board. If the opinions of the staff member's and the Board's healthcare providers differ, a third, final and binding opinion may be obtained. The staff member must cooperate in obtaining a second or third opinion including facilitating the transfer of pertinent records to the subsequent healthcare providers.

The District Administrator may request re-certifications on a periodic basis as permitted by law.

Designation of Leave

In all circumstances, it is the responsibility of the District Administrator to designate leave, whether paid or unpaid, as FMLA leave and to give the staff member notice of the designation and his/her/their rights and responsibilities under this policy.

The District Administrator will give the staff member the notice on each occasion that s/he/the staff member notifies his/her/their supervisor of the need for leave that may be FMLA-qualifying, including, but not limited to, when the staff member requests another type of leave for an FMLA-qualifying reason. In the case of intermittent or reduced schedule leave, only one notice will be provided unless the circumstances regarding the leave have changed.

Absent extenuating circumstances, the District Administrator will provide to the employee a "Designation Notice" stating whether a request for leave has been approved or denied within five (5) business days. At a minimum, the staff member will be verbally notified whether leave is being designated as FMLA leave within five (5) business days of the date the staff member provides

information to the District Administrator sufficient to enable ~~him/her~~ **the District Administrator** to determine that the leave is being taken for an FMLA-qualifying reason.

The District Administrator will confirm the verbal notice with the written notice as soon as feasible, but no later than the first payday following the verbal notice (unless the payday is less than one (1) week after the verbal notice, in which case the notice must be no later than the subsequent payday).

Manner In Which Leave Can Be Taken

Leave available under this policy may be taken in full and, under certain circumstances, may also be taken intermittently or on a reduced leave schedule. Intermittent leave is leave taken in separate blocks of time due to a single qualifying reason. Reduced schedule leave is leave that reduces the usual number of working hours per day or week. The staff member must consult with his/her supervisor and make a reasonable effort to schedule intermittent or reduced schedule leave so it does not unduly disrupt the District's operations.

When leave is governed only by the FMLA intermittent or reduced schedule leave to be with the employee's newborn child, or after the placement of a child with the employee for adoption or foster care, requires the District's agreement, unless the intermittent or reduced schedule leave is due to a serious health condition. Intermittent or reduced schedule leave due to a serious health condition must be medically necessary. Medically necessary means there must be a medical need for the leave and the leave can be best accommodated through an intermittent or reduced leave schedule, as certified by the healthcare provider in the Certification.

When leave is governed only by the FMLA, the District Administrator may offer a staff member a temporary transfer to another position for which ~~s/he~~ **the staff member** is qualified with equivalent pay and benefits that better accommodates the intermittent or reduced schedule leave when the need for leave is foreseeable based on planned medical treatment or the staff member takes such leave for the birth of a child or for placement of a child for adoption or foster care. The staff member may reject this offer in which case there will be no adverse effect on the leave or entitlement to return to the same or similar position following leave. Any time spent by the staff member in an alternative position will not count against the employee's FMLA leave entitlement.

Instructional staff members (i.e. individuals whose principal function is to teach and instruct students in a class, a small group, or an individual setting) who request intermittent leave or a reduced-leave schedule governed only by the FMLA, which would exceed twenty percent (20%) of the total number of working days over the period of anticipated leave, must elect either to:

- A. take leave for a period or periods of a particular duration, not greater than the duration of the planned treatment; or
- B. transfer temporarily to an available alternative position offered by the District Administrator for which the instructional staff member is qualified, and that has equivalent pay and benefits and that better accommodates the recurring periods of leave than the staff member's regular position.

The District Administrator may require instructional staff members who take Federal leave near the end of an academic term to extend their leave through the end of the academic term if:

- A. the leave is commenced more than five (5) weeks from the end of the term but the employee intends to return during the final three (3) weeks of the term and the leave is longer than three (3) weeks in duration;
- B. the leave is commenced within five (5) weeks of the end of the term and the employee intends to return during the final two (2) weeks of the term and the leave period was at least two (2) weeks in duration;
- C. the leave commences within three (3) weeks of the end of a term and the leave was at least five (5) working days in duration.

Staff members whose leave is extended at the end of an academic term under this section will be charged against their FMLA entitlement only the time that they required for purposes of their leave.

Coordinating Leaves - Substitution

Generally, leave taken under this policy is unpaid. However, for leave governed exclusively by the FMLA, the staff member () must () may **[END OF OPTION]** use the following leaves provided by the Board, if available:

- A. vacation or personal leave, if available, for any family or medical leave;
- B. accrued paid family leave (i.e., paid leave covering the particular circumstances for which the staff member is seeking leave), if available, for birth, adoption, or to care for a seriously ill family member; and
- C. accrued paid medical or sick leave, if available, to care for a seriously ill family member, or for the staff member's own serious health condition.

A staff member may not substitute paid leave for unpaid FMLA leave taken under this policy in any situation where the Board would not normally provide such paid leave.

For leaves governed by the WFMLA, a staff member may substitute paid or unpaid leave, which ~~s/he have~~ **the staff member has** earned and accrued, for leave taken under this policy, if available. The Board reserves the right to deny substitution as permitted by law.

Any paid leave substituted for unpaid FMLA leave or WFMLA leave will decrease, in whole or in part, the staff member's FMLA and/or WFMLA leave entitlement.

Continuation of Benefits

A staff member will remain eligible for group health insurance benefits under the Board's group health plan during leave taken under this policy under the same conditions as coverage would have been provided if the staff member had been actively employed during the entire leave. However, the staff member has the option of choosing not to retain such coverage during family or medical leave.

During leave taken under this policy, the Board will continue to pay any portion of group health insurance premiums for coverage that it was responsible for paying immediately prior to the leave as required by law. The staff member will be responsible for paying his/her/their portion of health insurance premiums regardless of whether his/her family and medical leave is paid or unpaid. It is the staff member's responsibility to make arrangements with the District Administrator for making premium payments for group health insurance during leaves.

To the extent permitted by law, the Board reserves the right to require the staff member to place up to eight (8) weeks of health insurance premiums in escrow prior to leave, or to discontinue coverage if such premiums are received more than thirty (30) days late.

The staff member's entitlement to benefits other than group health benefits during a period of family or medical leave is determined by the Board's policy regarding provision of such benefits when a staff member is on other types of leave.

If a staff member fails to return to work or fails to remain at work for a period provided under the law, the District may recover its portion of the premiums paid for medical benefit coverage during the leave, unless the reason for the staff member's failure to return to work is due to the continuation of the serious health condition or the onset of a new serious health condition.

Accrual of Benefits

The use of leave under this policy will not result in the loss of any employment benefit that accrued prior to the start of the staff member's leave. A staff member will not continue to accrue seniority or any other employment benefit during leave taken under this policy, except that such benefit shall accrue if the staff member elects to use other leaves provided by the Board, and if such benefits would normally accrue during such leave.

Employment Restoration

A staff member will generally be reinstated to the same position s/he/they held when leave began or a position with equivalent pay, benefits, and other terms and conditions of employment, if such position remains available, and the staff member possesses the ability to perform the essential functions of the job satisfactorily, with or without any accommodation that may be required by the Americans With Disabilities Act of 1990. The staff member, however, has no greater right to reinstatement or benefits than if s/he/they had been actively employed during the leave. Further, if the staff member gives unequivocal notice of intent not to return to work, s/he/they the staff member is not entitled to be reinstated.

A staff member who exceeds his/her/their FMLA/WFMLA leave, but remains off work under a non-FMLA/WFMLA leave policy, is not entitled to reinstatement to the same or a similar position under the FMLA/WFMLA; however, the staff member may be eligible to be reinstated under the non-FMLA/WFMLA leave policy.

A staff member who is able to return to work prior to the expiration of leave must notify his/her/their supervisor immediately. Upon such notice, the District Administrator will promptly reinstate the staff member to active employment, provided s/he/they the staff member has the present skill and ability to perform the essential functions of his/her/their job satisfactorily with or without accommodation. However, the reinstatement need not occur until the third business day following the staff member's notification of his/her/their ability to return to work.

Fitness For Duty Certification

If leave is due to the staff member's serious health condition, s/he/they must present certification to return to work to his/her/their supervisor upon returning to work. The staff member's principal attending physician must complete the certification. The certification must indicate that the staff member has been released to return to work. It must also specify any physical or other limitation on the staff member's ability to perform regular or other duties and the duration of the limitations. No certification will be required when the staff member returns from intermittent leave, except as otherwise permitted or required by the Americans With Disabilities Act of 1990.

The certification will be limited to the particular health condition that caused the staff member's need for leave, except as otherwise permitted by the Americans With Disabilities Act of 1990. If the staff member is an "individual with a disability" within the meaning of the ADA, any fitness-for-duty physical examination or inquiry by the District will be job-related and consistent with business necessity.

Reinstatement may be delayed until the staff member submits the certification. Under such circumstances, if the staff member does not promptly provide a certification or qualify for another leave of absence, s/he/they the staff member may be disciplined, up to and including termination.

With the staff member's permission, the Board's healthcare provider may contact the staff member's healthcare provider to clarify and authenticate the certification, but no additional information may be requested or required, and the staff member's return to work may not be delayed while the contact is being made. No second or third fitness for duty certification may be required.

Confidentiality

All medical information relating to leave, whether written or verbal, shall be kept confidential to the maximum extent possible. All medical documents including, but not limited to, medical certifications and return-to-work statements must be maintained in confidential, secure files separate from personnel files.

No Discrimination

Leave under this policy will not be used as a negative factor in employment actions, such as hiring, promotions, disciplinary actions or under attendance policies.

Miscellaneous

The District Administrator may designate another administrator to perform ~~his/her~~ **their** duties under this policy.

A staff member who fraudulently obtains leave under this policy is not protected by this policy's job restoration or maintenance of health benefits provisions.

The District Administrator shall see that the policy is posted properly.

The District Administrator shall provide a copy of the policy upon the request of a staff member.

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Legal 29 U.S.C. 2601 et. seq.
 29 C.F.R. Part 825
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 National Defense Authorization Act of 2010

Last Modified by Ryan Peterson on August 15, 2023



Book	Policy Manual
Section	Vol. 32, No. 2, July 2023
Title	Revised Policy - Vol. 32, No. 2, July 2023 - FAMILY & MEDICAL LEAVE OF ABSENCE ("FMLA")
Code	po4430.01
Status	From Neola
Adopted	May 16, 2016
Last Revised	November 19, 2018

Revised Policy - Vol. 32, No. 2

4430.01 - FAMILY & MEDICAL LEAVE OF ABSENCE ("FMLA")

Introduction

In accordance with Federal and State law, the Board will provide family and medical leave to support staff. The Board's Family and Medical Leave Act policy is intended to conform to and comply with, but not exceed, the requirements of the Federal Family and Medical Leave Act of 1993 ("FMLA") and the Wisconsin Family and Medical Leave Act ("WFMLA"). To the extent that this policy is ambiguous or conflicts with the FMLA or the WFMLA, the FMLA and the WFMLA will govern.

Family and medical leave taken under this policy may be covered by Federal law, State law, or both. When leave taken by a staff member under this policy is governed by both Federal and State law, the more generous provision will control in the event of a conflict. However, when leaves are governed by State or Federal law, but not both, the applicable law will control under this policy. In this regard, staff members should note that certain leaves may be covered by both State and Federal law for only a portion of the leave. To the extent permitted by law, leave under the FMLA, leave under the WFMLA and leave granted under the Board's other policies will run concurrently (at the same time).

Eligibility Requirements

To be eligible for leave under the FMLA, a staff member must have been employed by the Board for at least twelve (12) months in the past seven (7) years and must have worked at least 1,250 hours during the twelve (12) month period immediately preceding the commencement of the requested leave. ~~All full-time instructional staff members are deemed to meet the 1,250-hour requirement.~~

To be eligible for leave under the WFMLA, a staff member must have been employed for more than fifty-two (52) consecutive weeks and have worked or been paid for at least 1,000 hours in the preceding fifty-two (52) weeks. The kind and amount of leave available to the staff member under this policy, as well as the staff member's rights during leave, depends upon whether the staff member satisfies the above requirements.

Qualifying Reasons for Leave

The Board provides family and medical leave for eligible staff members under the following circumstances:

- A. for the birth of the eligible staff member's child and to care for a newborn child
- B. for placement with the eligible staff member of a child for adoption or foster care
- C. to care for an eligible staff member's spouse, child or parent with a "serious health condition"

The term "child" generally includes a legal ward or a biological, adopted foster or stepchild. For leaves governed exclusively by the FMLA, the term also includes a son or daughter for whom the staff member has assumed the day-to-day obligations of a parent. A child must be either under eighteen (18) years of age or unable to care for ~~himself/herself~~ themselves due to a

physical or mental disability or, for leave under State law only, unable to care for himself/herself/themself due to a serious health condition.

"Parent" includes a staff member's spouse's legal guardian only if the staff member is requesting leave under the WFMLA.

"Spouse" includes a qualified domestic partner for leaves governed by the WFMLA. Domestic partnerships must be registered with the county of residence and proof of such registration may be requested prior to approval of leave. Unregistered domestic partners must demonstrate that they are 1) both over age eighteen (18); 2) not in a domestic partnership or marriage with another individual; 3) they share a common residence; 4) they are not related in any way that would prohibit marriage under Wisconsin law; 5) they consider each other to be immediate family members and agree to be responsible for the other's living expense.

D. because of a serious health condition that makes the eligible staff member unable to perform the essential functions of his/her/the position

E. because of a qualifying exigency resulting from active military service by the employee's spouse, son, daughter, or parent in covered active duty or call to covered active duty in the United States Armed Forces including the National Guard and Reserves

Qualifying exigencies, as defined by Federal regulations, include: 1) short-notice deployment; 2) military events and related activities; 3) childcare and school activities; 4) financial and legal arrangements; 5) counseling; 6) rest and recuperation; (maximum fifteen (15) calendar days); 7) post-deployment activities; 8) caring for a military member's parent who is incapable of self-care when the care is necessitated by the member's covered active duty; and 9) additional activities not encompassed in the other categories, but agreed to by the employer and employee. Covered active duty means deployment with the Armed Forces to a foreign country.

F. to care for a service member who is the employee's parent, spouse, child or next of kin who, while on active military duty, sustains a serious injury or illness or aggravation of a pre-existing illness or injury while in the line of duty, while on covered active duty in the United States Armed Forces, including the National Guard and Reserves, which renders the service member medically unfit to perform the member's office, grade, rank, or rating

Covered active duty means deployment with the Armed Forces to a foreign country. This leave is also available to care for veterans of the United States Armed Forces, including the National Guard and Reserves, provided the veteran was a service member at any time within the five (5) years prior to the start of the treatment, recuperation or therapy. In accordance with applicable regulations, a veteran's serious injury or illness incurred or aggravated in the line of active duty can also be manifested by: 1) a physical or mental condition with a VA Service Disability Rating of 50% or greater and is the condition precipitating the need for leave; or 2) a physical or mental condition that substantially impairs the ability to secure or substantially follow a gainful occupation, or would do so absent treatment; or 3) an injury, including psychological, for which the veteran has been enrolled in the Dept. of V.A. Program of Comprehensive Assistance for Family Care Givers. Leave is available for up to twenty-six (26) weeks in a twelve (12) month period. This type of leave is available for serious injury or illness which results in:

1. inpatient medical treatment, recuperation or therapy;
2. outpatient services at a military treatment facility or assignment to a unit established for the purpose of providing command and control of service members receiving outpatient medical services; or
3. assignment to the temporary disability retired list.

The maximum twenty-six (26) weeks of Federal leave to care for a service member includes, and is not in addition to, all other FMLA leave. In other words, employees may not take more than a total of twenty-six (26) weeks of FMLA leave during a single twelve (12) month period for any qualifying reasons under the FMLA. For instance, if an employee takes the maximum twelve (12) weeks of Federal FMLA leave for his/her/their own serious health condition, the employee may then only take fourteen (14) weeks of FMLA leave within that same twelve (12) month period to care for a military family member injured in the line of duty.

The District Administrator will determine whether an employee's request for leave qualifies under one (1) of the above categories.

Amount of Leave Available

Under the FMLA, if the staff member satisfies the eligibility requirements set forth above, s/he/the staff member is entitled to a total of twelve (12) work weeks of leave in () a calendar year () a fiscal year running from July 1 to the following June 30 () a twelve (12) month period marked by each employees' date of hire () a rolling twelve (12) month period measured backward from the date of usage () a twelve (12) month period measured forward from the date of any employee's first FMLA usage **[END OF CALENDAR OPTIONS]** for any of the reasons stated above, with the exception of leave to care for an injured service member, which is provided as described in (F) above. **[DRAFTING NOTE: If a decision is made to change the manner of counting Federal leave entitlement usage, the change must be made following at least sixty (60) days notice to employees and in a manner such that any employee qualifying for leave during the transition period is afforded whichever counting method during the leave that affords the employee the greatest benefit.]**

() Spouses who are both employed by the District may take a combined total of twelve (12) weeks of leave for the birth or placement of a child for adoption or foster care. **[DRAFTING NOTE: This option is available under Federal law, but should only be selected upon the advice of District legal counsel for compliance with Wisconsin's marital status**

discrimination law.]

Under the WFMLA, if the staff member satisfies the eligibility requirements set forth above, ~~s/he~~ the staff member is entitled to ten (10) work weeks of leave in a calendar year as follows:

- A. a total of six (6) weeks of leave for the birth of ~~his/her~~ the staff member's natural child and/or the placement of a child with the staff member for, or as a precondition to, adoption;
- B. a total of two (2) weeks of leave to care for a covered family member with a serious health condition; and
- C. a total of two (2) weeks of leave due to the staff member's serious health condition.

Board policy calls for concurrent Federal/State leave coverage whenever a staff member is eligible for leave under both the FMLA and WFMLA to the extent available under the law. All periods of absence from work due to or necessitated by USERRA-covered service is counted in determining an employee's eligibility for FMLA leave.

Definitions of Serious Health Conditions

In conjunction with the certification provided by a healthcare provider, the Board reserves the right to determine whether an illness, injury, impairment or physical or mental condition constitutes a serious health condition entitling a staff member to family or medical leave under State or Federal law.

In general, a "serious health condition" under this policy means an illness, injury, impairment, or physical or mental condition that involves one (1) of the following:

A. Hospital Care

Inpatient care (i.e., an overnight stay) in a hospital or other care facility, including any period of incapacity or subsequent treatment in connection with or consequent to such inpatient care.

B. Absence Plus Treatment

A period of incapacity of more than three (3) consecutive calendar days* (including any subsequent treatment or period of incapacity relating to the same condition), that also involves:

1. treatment two (2) or more times by a healthcare provider, a nurse, physician's assistant or physical therapist under a healthcare provider's supervision, order or referral as appropriate within thirty (30) days of the first date of incapacity; or
2. treatment by a healthcare provider on at least one (1) occasion which results in a regimen of continuing treatment under the supervision of the healthcare provider and occurs within seven (7) days of the first day of incapacity.

*Under the WFMLA, leave may also be available for a "serious health condition" of less than three (3) consecutive days in duration.

C. Pregnancy

Any period of incapacity due to pregnancy, or for prenatal care.

D. Chronic Conditions Requiring Treatment

A chronic condition which:

1. requires periodic visits of at least two (2) times per year for treatment by a healthcare provider, or by a nurse or physician's assistant under a healthcare provider's supervision;
2. continues over an extended period of time (including recurring episodes of a single underlying condition); and
3. may cause episodic rather than continuing periods of incapacity (e.g., asthma, diabetes, epilepsy, etc.).

E. Permanent/Long-Term Conditions Requiring Supervision

A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective. The staff member or ~~his/her~~ their family member must be under the continuing supervision of, but need not be receiving active treatment by, a healthcare provider (e.g., Alzheimer's disease, a severe stroke, or the terminal stages of a disease). The continued existence of such a chronic condition is subject to certification no more than once every six (6) months.

F. Multiple Treatments (Non-Chronic Conditions)

Any period of absence to receive multiple treatments (including any period of recovery therefrom) by a healthcare provider or by a provider of healthcare services under orders of, or on referral by, a healthcare provider, either for restorative

surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three (3) consecutive calendar days in the absence of medical intervention or treatment, including: cancer (chemotherapy, radiation, etc.); severe arthritis (physical therapy); or kidney disease (dialysis).

Required Staff Member Notice

The staff member must provide the District Administrator with notice in a reasonable and practicable manner before leave taken under this policy is to begin, if the need for leave is foreseeable (e.g., an expected birth, placement or adoption or foster care, or planned medical treatment for the staff member's own serious health condition or that of a family member). When requesting partial or intermittent leave in connection with childbirth or adoption under the WFMLA, the staff member must provide at least as much notice as required for taking other non-emergency or non-medical leave, as well as a definite schedule for the leave. Where advance notice is not practical due to uncertainty as to when leave will be required to begin, a change in circumstances or medical emergency, notice must be given as soon as practical. Leave will be accounted for in increments no greater than the smallest increment used for other similar leaves, but in no event greater than one (1) hour increments. Leave entitlement will not be reduced by more than the amount of leave actually taken.

[] Staff members must provide an explanation as to why proper advance notice was not provided in such cases and may be required to verify the explanation. Notice that was not provided timely without reasonable explanation may result in the denial of the leave request.

The staff member must provide a written request for leave, the reasons for the requested leave, and the anticipated beginning date and duration of the leave by submitting a FMLA leave request form to the District Administrator (forms available from the U.S. Department of Labor).

When planning medical treatment, the staff member should consult with his/her/their supervisor and make a reasonable effort to schedule the leave so as not to disrupt unduly the District's operations, subject to the approval of the staff member's healthcare provider. The staff member is ordinarily expected to consult with his/her supervisor in order to work out a treatment schedule which best suits his/her needs, as well as the District's.

If a staff member must take more leave than originally anticipated, s/he/the staff member must notify the District Administrator within two (2) business days of learning of the circumstances necessitating the extension.

Certification By Healthcare Provider

If a staff member requests leave due to his/her/their own serious health condition or the serious health condition of his/her spouse, child or parent, the Board requires that the leave request be supported by certification issued and signed by the healthcare provider for the individual with a serious health condition. For service member leave, any certification permitted under 29 C.F.R. 825.310 shall be allowed. The Board reserves the right to certify all information permitted by law.

The staff member must provide the fully completed certification to the District Administrator within fifteen (15) calendar days of the date that the certification is provided to the staff member, unless it is not practicable to do so despite the staff member's diligent, good faith efforts. If it is not practicable to return the certification within fifteen (15) calendar days, it must be returned to the District Administrator as soon as practicable.

If the staff member fails to submit the certification, the leave or continuation of leave may be delayed until the certification is submitted. Further, any absence prior to the date the certification is furnished may be considered unauthorized. A staff member who is absent without authorization may be disciplined, up to and including termination.

The District Administrator will give a staff member a reasonable opportunity to cure any deficiency in a certification, but not fewer than seven (7) calendar days. It is the responsibility of the staff member or family member with a serious health condition to use a healthcare provider who will complete and furnish an accurate certification in a timely manner.

A member of the administration, other than the staff member's direct supervisor, may contact the healthcare to clarify illegible answers and to authenticate the Certification. If the certification is incomplete or otherwise unclear, the administrator must request that the employee obtain updated or completed information from the healthcare provider and return it directly to the administrator.

If the District Administrator doubts the validity of a Certification, the District Administrator may require, at the Board's expense, that the staff member obtain a second opinion from a Board-designated provider, not regularly employed by the Board. If the opinions of the staff member's and the Board's healthcare providers differ, a third, final and binding opinion may be obtained. The staff member must cooperate in obtaining a second or third opinion including facilitating the transfer of pertinent records to the subsequent healthcare providers.

The District Administrator may request re-certifications on a periodic basis as permitted by law.

Designation of Leave

In all circumstances, it is the responsibility of the District Administrator to designate leave, whether paid or unpaid, as FMLA leave and to give the staff member notice of the designation and his/her/their rights and responsibilities under this policy.

The District Administrator will give the staff member the Notice on each occasion that s/he/the staff member notifies his/her/their supervisor of the need for leave that may be FMLA-qualifying, including, but not limited to, when the staff member requests another type of leave for an FMLA-qualifying reason. In the case of intermittent or reduced schedule leave, only one notice will be

provided unless the circumstances regarding the leave have changed.

Absent extenuating circumstances, the District Administrator will provide to the employee a "Designation Notice" stating whether a request for leave has been approved or denied within five (5) business days. At a minimum, the staff member will be verbally notified whether leave is being designated as FMLA leave within five (5) business days of the date the staff member provides information to the District Administrator sufficient to enable ~~him/her~~ the District Administrator to determine that the leave is being taken for an FMLA-qualifying reason.

The District Administrator will confirm the verbal notice with the written notice as soon as feasible, but no later than the first payday following the verbal notice (unless the payday is less than one (1) week after the verbal notice, in which case the notice must be no later than the subsequent payday).

Manner In Which Leave Can Be Taken

Leave available under this policy may be taken in full and, under certain circumstances, may also be taken intermittently or on a reduced leave schedule. Intermittent leave is leave taken in separate blocks of time due to a single qualifying reason. Reduced schedule leave is leave that reduces the usual number of working hours per day or week. The staff member must consult with his/her supervisor and make a reasonable effort to schedule intermittent or reduced schedule leave so it does not unduly disrupt the District's operations.

When leave is governed only by the FMLA, intermittent or reduced schedule leave to be with the employee's newborn child, or after the placement of a child with the employee for adoption or foster care, requires the District's agreement, unless the intermittent or reduced schedule leave is due to a serious health condition.

Intermittent or reduced schedule leave due to a serious health condition must be medically necessary. Medically necessary means there must be a medical need for the leave and the leave can be best accommodated through an intermittent or reduced leave schedule, as certified by the healthcare provider in the Certification.

When leave is governed only by the FMLA, the District Administrator may offer a staff member a temporary transfer to another position for which s/he is qualified with equivalent pay and benefits that better accommodates the intermittent or reduced schedule leave when the need for leave is foreseeable based on planned medical treatment or the staff member takes such leave for the birth of a child or for placement of a child for adoption or foster care. The staff member may reject this offer in which case there will be no adverse effect on the leave or entitlement to return to the same or similar position following leave. Any time spent by the staff member in an alternative position will not count against the employee's FMLA leave entitlement.

Coordinating Leaves - Substitution

Generally, leave taken under this policy is unpaid. However, for leave governed exclusively by the FMLA, the staff member () must () may **[END OF OPTION]** use the following leaves provided by the Board, if available:

- A. vacation or personal leave, if available, for any family or medical leave;
- B. accrued paid family leave (i.e., paid leave covering the particular circumstances for which the staff member is seeking leave), if available, for birth, adoption, or to care for a seriously ill family member; and
- C. accrued paid medical or sick leave, if available, to care for a seriously ill family member, or for the staff member's own serious health condition.

A staff member may not substitute paid leave for unpaid FMLA leave taken under this policy in any situation where the Board would not normally provide such paid leave.

For leaves governed by the WFMLA, a staff member may substitute paid or unpaid leave, which ~~s/he~~ they have earned and accrued, for leave taken under this policy, if available. The Board reserves the right to deny substitution as permitted by law.

Any paid leave substituted for unpaid FMLA leave or WFMLA leave will decrease, in whole or in part, the staff member's FMLA and/or WFMLA leave entitlement.

Continuation of Benefits

A staff member will remain eligible for group health insurance benefits under the Board's group health plan during leave taken under this policy under the same conditions as coverage would have been provided if the staff member had been actively employed during the entire leave. However, the staff member has the option of choosing not to retain such coverage during family or medical leave.

During leave taken under this policy, the Board will continue to pay any portion of group health insurance premiums for coverage that it was responsible for paying immediately prior to the leave as required by law. The staff member will be responsible for paying ~~his/her~~ their portion of health insurance premiums regardless of whether ~~his/her~~ the family and medical leave is paid or unpaid. It is the staff member's responsibility to make arrangements with the District Administrator for making premium payments for group health insurance during leaves.

To the extent permitted by law, the Board reserves the right to require the staff member to place up to eight (8) weeks of health insurance premiums in escrow prior to leave, or to discontinue coverage if such premiums are received more than thirty (30) days late.

The staff member's entitlement to benefits other than group health benefits during a period of family or medical leave is determined by the Board's policy regarding provision of such benefits when a staff member is on other types of leave.

If a staff member fails to return to work or fails to remain at work for a period provided under the law, the District may recover its portion of the premiums paid for medical benefit coverage during the leave, unless the reason for the staff member's failure to return to work is due to the continuation of the serious health condition or the onset of a new serious health condition.

Accrual of Benefits

The use of leave under this policy will not result in the loss of any employment benefit that accrued prior to the start of the staff member's leave. A staff member will not continue to accrue seniority or any other employment benefit during leave taken under this policy, except that such benefit shall accrue if the staff member elects to use other leaves provided by the Board, and if such benefits would normally accrue during such leave.

Employment Restoration

A staff member will generally be reinstated to the same position ~~s/he~~they held when leave began or a position with equivalent pay, benefits, and other terms and conditions of employment, if such position remains available, and the staff member possesses the ability to perform the essential functions of the job satisfactorily, with or without any accommodation that may be required by the Americans With Disabilities Act of 1990. The staff member, however, has no greater right to reinstatement or benefits than if ~~s/he~~they had been actively employed during the leave. Further, if the staff member gives unequivocal notice of intent not to return to work, ~~s/he~~the staff member is not entitled to be reinstated.

A staff member who exceeds ~~his/her~~their FMLA/WFMLA leave, but remains off work under a non-FMLA/WFMLA leave policy, is not entitled to reinstatement to the same or a similar position under the FMLA/WFMLA; however, the staff member **may** be eligible to be reinstated under the non-FMLA/WFMLA leave policy.

A staff member who is able to return to work prior to the expiration of leave must notify ~~his/her~~supervisor immediately. Upon such notice, the District Administrator will promptly reinstate the staff member to active employment, provided ~~s/he~~the staff member has the present skill and ability to perform the essential functions of ~~his/her~~their job satisfactorily with or without accommodation. However, the reinstatement need not occur until the third business day following the staff member's notification of ~~his/her~~their ability to return to work.

Fitness For Duty Certification

If leave is due to the staff member's serious health condition, ~~s/he~~they must present certification to return to work to ~~his/her~~their supervisor upon returning to work. The staff member's principal attending physician must complete the certification. The certification must indicate that the staff member has been released to return to work. It must also specify any physical or other limitation on the staff member's ability to perform regular or other duties and the duration of the limitations. No certification will be required when the staff member returns from intermittent leave, except as otherwise permitted or required by the Americans With Disabilities Act of 1990.

The certification will be limited to the particular health condition that caused the staff member's need for leave, except as otherwise permitted by the Americans With Disabilities Act of 1990. If the staff member is an "individual with a disability" within the meaning of the ADA, any fitness-for-duty physical examination or inquiry by the District will be job-related and consistent with business necessity.

Reinstatement may be delayed until the staff member submits the certification. Under such circumstances, if the staff member does not promptly provide a certification or qualify for another leave of absence, ~~s/he~~the staff member may be disciplined, up to and including termination.

With the staff member's permission, the Board's healthcare provider may contact the staff member's healthcare provider to clarify and authenticate the certification, but no additional information may be requested or required, and the staff member's return to work may not be delayed while the contact is being made. No second or third fitness for duty certification may be required.

Confidentiality

All medical information relating to leave, whether written or verbal, shall be kept confidential to the maximum extent possible. All medical documents including, but not limited to, medical certifications and return-to-work statements must be maintained in confidential, secure files separate from personnel files.

No Discrimination

Leave under this policy will not be used as a negative factor in employment actions, such as hiring, promotions, disciplinary actions or under attendance policies.

Miscellaneous

The District Administrator may designate another administrator to perform ~~his/her~~their duties under this policy.

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Book	Policy Manual
Section	Vol. 32, No. 2, July 2023
Title	Revised Policy - Vol. 32, No. 2, July 2023 - DISTRICT-SPONSORED TRIPS
Code	po2340
Status	From Neola

Revised Policy - Vol. 32, No. 2

2340 - DISTRICT-SPONSORED TRIPS

The Board recognizes the value of organized trips or other excursions away from the classroom as a valuable part of the District's educational programming and a valuable opportunity to obtain additional educational experiences not offered directly in the curriculum offerings. These opportunities occur in four (4) primary forms addressed in this policy: (a) field trips; (b) extra-curricular/co-curricular program-related trips; (c) overnight trips; and (d) other District-sponsored trips.

Field Trips

The Board recognizes that field trips, when used for teaching and learning integral to the curriculum, are an educationally sound and important ingredient in the instructional program of the schools. For purposes of this policy, a field trip shall be defined as any planned journey by one (1) or more students away from District premises, which is under the supervision of a professional staff member, approved by Administration the Board **[END OF OPTIONS]** and furthers or supplements an integral part of a course of study as planned for and incorporated into that course of study by the teacher. Properly planned and executed field trips should:

- A. supplement and enrich classroom procedures by providing learning experiences in an environment outside the schools;
- B. ~~arouse~~ cultivate new interests among students;
- C. help students relate school experiences to the reality of the world outside of school;
- D. bring the resources of the community - natural, artistic, industrial, commercial, governmental, educational - within the student's learning experience;
- E. afford students the opportunity to study real things and real processes in their actual environment.

Out-of-state field trips that do not include an overnight stay must be approved by the Administration the Board.

Field trips to destinations more than _____ miles from the District must be approved by the District Administrator Board.

Extra-Curricular/Co-Curricular Trips

The Board recognizes that student trips will occur for reasons that are not directly incorporated into the curriculum as part of a class, but rather are part of the extra-curricular/co-curricular activities offered by the District. For example, a District athletic team may travel to away games, or take a trip to an out-of-town tournament. Any such trips must be identified at the beginning of the activity for the school year, or for the particular season. Extra-curricular or co-curricular trips shall be approved by the Administration athletic director Board **[END OF OPTIONS]** in accordance with the same procedures used for approving field trips. In cases where such advance notice is not possible (such as travel to State tournament competition), the staff member responsible for such activity shall notify the athletic director building administrator District Administrator Board **[END OF OPTIONS]** of the activity and pertinent information.

Extra-curricular trips that extend to an overnight stay are considered overnight travel, other than WIAA athletic teams participating in State tournaments/meets.

Overnight Travel

Overnight travel is defined as a field trip that involves one or more overnight stays. Overnight travel includes foreign travel. The District views overnight travel outside of the District related to the curriculum/program as an adjunct to that curriculum/program. As such it is an important feature of the overall educational program. The District recognizes the importance of overnight travel outside of the District to amplify and enhance studies that occur in the schools' classrooms through unique enrichment opportunities that are not available locally. Overnight travel shall first be approved by the () Principal () District Administrator **[END OF OPTIONS]** in accordance with the District's overnight travel guidelines, () and then must be submitted to the Board for final approval.

Other District-Sponsored Trips

Other District-sponsored trips shall be defined as any planned, student-travel activity which is approved as part of the District's total educational program, but not a part of a particular course and not expressly connected to an established extra-curricular/co-curricular activity. These trips may include such trips as summer trip programs, youth service trips, and other types of day trips that are organized by or through school staff or facilitated in some fashion through the District.

[] Trip Approval Process

No staff member may offer or lead any trip ~~as a District-sponsored trip no matter the type~~ unless the trip has been approved in the manner prescribed in this policy.

[] Any staff member may propose a trip by presenting details of the proposed trip to the principal. **[END OF OPTION]**

[] Proposals shall include the details of the trip, the cost of the trip, identify any third party entities that will be involved in the trip, identify the curriculum-based purpose of the trip, identify what students will be eligible to participate, and any other pertinent information. If overnight, the proposal must describe how accommodations will be provided and how such arrangements will be properly supervised. **[END OF OPTION]**

[] Any trip included in curriculum guides shall be considered to have been approved in advance. All field trips not listed in the curriculum guide must each be approved.

[] A list of field trips may be approved annually. Each proposed field trip not so listed must be separately approved.

General Trip Provisions

[] The Board shall assume the costs of field trips; no regularly enrolled student shall be charged a fee for participation in field trips () except that the school may require reimbursement for the cost of transportation **[END OF OPTION]**. Students may be charged fees, however, for other District-sponsored trips which are not part of a course of study.

[] Students may be charged fees for District-sponsored trips.

[] Students on all District-sponsored trips remain under the supervision of this Board and are subject to the District's administrative guidelines.

The Board does not endorse, support, or assume liability in any way for any staff member, volunteer, or parent of the District who takes students on trips not approved by the Board or District Administrator. No staff member may solicit students of this District for such trips within the facilities or on the school grounds of the District without permission from the District Administrator. Permission to solicit neither grants nor implies approval of the trip. () Such approval must be obtained in accordance with the District's Administrative Guidelines for Extended Trips. **[END OF OPTION]**

[] The District Administrator shall prepare administrative guidelines for the operation of both field and other District-sponsored trips, including athletic trips, which shall ensure:

- A. () the safety and well-being of students;
- B. () parental permission is sought and obtained before any student leaves the District on a trip;
- C. () each trip is properly planned and, if a field trip, is integrated with the curriculum, evaluated, and followed up by appropriate activities which enhance its usefulness;
- D. () the effectiveness of field trip activities is judged in terms of demonstrated learning outcomes;
- E. () each trip is properly monitored;
- F. () student behavior while on all field trips complies with the Student Code of Conduct and on all other trips complies with an approved code of conduct for the trip;
- G. () a copy of each student's Emergency Medical Authorization Form is in the possession of the staff member in charge;
- H. () all necessary arrangements for transportation are made and any cost of transportation which will be charged to participants is approved.

A professional staff member shall not change a planned itinerary while the trip is in progress, except where the health, safety, or welfare of the students in the staff member's charge is imperiled () or where changes or substitutions beyond their control have frustrated the purpose of the trip **[END OF OPTION]**.

In any instance in which the itinerary of a trip is altered, the professional staff member in charge shall notify the administrative superior immediately.

Trips Not Sponsored by the District

No staff member, volunteer, coach, or other individual acting in some capacity for the District may solicit students of this District to participate in any trip not sponsored by the District unless that staff individual has received approval of the () principal () District Administrator **[END OF OPTIONS]** to promote such trips within the facilities or on the school grounds. This includes summer trips abroad or other trips offered through a third-party organizer in which a staff member, volunteer, coach, or other individual acting in some capacity for the District is participating, as well as athletic activities outside the District's athletic program.

If approval is granted to solicit students to participate, that individual must clearly communicate to parents that the trip is not District-sponsored and that that individual is not participating within the staff individual's role representing the District. Coordination and/or participation in such a program shall be consistent with Policy 3210 - Staff Ethics/Policy 4210 - Support Staff Ethics.

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Legal 121.54(7), Wis. Stats.

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Book	Policy Manual
Section	Vol. 32, No. 2, July 2023
Title	Revised Policy - Vol. 32, No. 2, July 2023 - PROGRAM OR CURRICULUM MODIFICATIONS
Code	po2451
Status	From Neola

Revised Policy - Vol. 32, No. 2

2451 - PROGRAM OR CURRICULUM MODIFICATIONS

The Board recognizes that the regular school program may not be appropriate for all students. Some students may need program or curriculum modifications to successfully meet the District's academic goals and/or graduation requirements. (See Policy 5461 - Children At-Risk of Not Graduating from High School)

Any student's parent, or the student if the parent is notified, may submit a written request to the Board, to provide the student with program or curriculum modifications, including, but not limited to:

- A. modifications within the student's current academic program;
- B. a school work training or work-study program;
- C. enrollment in an alternative public school or program located in the School District in which the student resides;
- D. enrollment in any nonsectarian private school or program, or tribal school, located in the School District in which the student resides, which complies with the requirements of State and Federal law;
- E. homebound study, including nonsectarian correspondence courses or other courses of study approved by the Board or nonsectarian tutoring provided by the school in which the child is enrolled;
- F. enrollment in any public educational program located outside the School District in which the student resides, pursuant to a contractual agreement between school districts.

The written request shall be provided to the () building principal () District Administrator [END OF OPTIONS] who will provide it to the Board or an administrator who is designated to do so, must handle such requests. The Board or appropriate staff member shall render its decision, in writing, within ninety (90) days of a request, except that if the request relates to a student who has been evaluated by an Individualized Education Program team and has not been recommended for special education, the decision must be made within thirty (30) days of the request. If the request is denied, the reasons for the denial must be included. A parent may request reconsideration of any decision made by the Board or the designated administrator in response to a request for program or curriculum modifications and such request must be reviewed by the Board. The Board is required to render its determination upon review in writing.

Annually, the District shall notify students and parents of the provisions of this policy. Inclusion of such notification in the student handbook shall satisfy this requirement.

[] The District Administrator shall issue an administrative guideline specifying the process for submitting a request for program or curriculum modifications and how such requests shall be handled when received by the District. [END OF OPTION]

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Legal 118.15, Wis. Stats.

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Book	Policy Manual
Section	Vol. 32, No. 2, July 2023
Title	Revised Policy - Vol. 32, No. 2, July 2023 - SELECTION OF INSTRUCTIONAL MATERIALS AND EQUIPMENT
Code	po2521
Status	From Neola
Adopted	October 17, 2016

Revised Policy - Vol. 32, No. 2

2521 - SELECTION OF INSTRUCTIONAL MATERIALS AND EQUIPMENT

The Board of Education shall provide instructional materials and equipment, within budgetary constraints, to implement the District's educational goals and objectives and to meet students' needs. The primary objective of such instructional materials and equipment shall be to enrich, support, and implement the educational program of the school.

For purposes of this policy, the term "instructional materials" is defined as supplemental books, readings, activities, online resources, and media distributed by a classroom teacher to students for the purpose of teaching the course content in accordance with the Board-approved course of study (see Policy 2220 - Adoption of Courses of Study). Textbooks, as defined in Policy 2510 - Adoption of Textbooks, are not included in this definition or policy. Learning assessment materials designed or selected by the teacher, such as quizzes, tests, exams, worksheets, lesson plans, homework assignments, and the like, are not selected by the Board and therefore not considered instructional materials for purposes of this policy.

The term "instructional equipment" is defined as tools and apparatus used by a classroom teacher for the purpose of conveying the course content or by a student for the purpose of learning the course content. Examples of instructional equipment include, but are not limited to, computing devices, projectors, screens, smartboards, chalkboards/whiteboards, televisions, DVD/video players, overhead projectors, calculators, maps, microscopes, scientific laboratory items, balls, physical activity equipment, musical equipment, career and technical education tools and appliances, art apparatus such as kilns and easels, and the like. Expendable supplies with an expected lifespan of a school year or less, and purchased with a corresponding WUFAR accounting code in accordance with DPI regulations, are not considered instructional equipment.

Any concerns by the public regarding instructional materials and equipment shall be reviewed in accordance with Policy 9130 - Public Requests, Suggestions, or Complaints.

The Board does not discriminate on the basis of any characteristic protected under State or Federal law including, but not limited to race, color, religion, national origin, ancestry, creed, pregnancy, marital status, parental status, sexual orientation, sex, (including transgender status, change of sex or gender identity), or physical, mental, emotional, or learning disability ("Protected Classes") in its selection of instructional materials and equipment.

The District Administrator shall develop administrative guidelines for the selection and maintenance of all educational and instructional materials and equipment.

In addition, s/he The District Administrator shall periodically, provide for a systematic review, by the Board, of the District's educational instructional resources materials and equipment in order to ensure that they are appropriate for the current educational program. Any revisions that occur should be a result of the school improvement process.

Students shall be held responsible for the cost of replacing any materials or properties which are lost or damaged through their negligence.

Cost The cost of materials may be charged for materials used in those activities beyond the basic curriculum in which a student elects to participate, particularly in shop and art activities where the product becomes the property of the student.

118.13, 120.13(5), 121.02(1)(h), Wis. Stats.

P.I. 9, 41, Wis. Adm. Code
Fourteenth Amendment, U.S. Constitution
20 U.S.C. Section 1681, Title IX of Education Amendments Act
20 U.S.C. Section 1701 et seq., Equal Educational Opportunities Act of 1974
29 U.S.C. Section 794, Rehabilitation Act of 1973
42 U.S.C. Section 2000 et seq., Civil Rights Act of 1964
42 U.S.C. Section 12101 et seq., The Americans with Disabilities Act of 1990
Vocational Education Program Guidelines for Eliminating Discrimination and Denial of Services, Department of Education, Office of Civil Rights, 1979

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Legal 118.13, 120.13(5), 121.02(1)(h), Wis. Stats.
P.I. 9, 41, Wis. Adm. Code
Fourteenth Amendment, U.S. Constitution
20 U.S.C. Section 1681, Title IX of Education Amendments Act
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29 U.S.C. Section 794, Rehabilitation Act of 1973
42 U.S.C. Section 2000 et seq., Civil Rights Act of 1964
42 U.S.C. Section 12101 et seq., The Americans with Disabilities Act of 1990
Vocational Education Program Guidelines for Eliminating Discrimination and Denial of Services,
Department of Education, Office of Civil Rights, 1979

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Book	Policy Manual
Section	Vol. 32, No. 2, July 2023
Title	Revised Policy - Vol. 32, No. 2, July 2023 - STAFF DISCIPLINE
Code	po3139
Status	From Neola

Revised Policy - Vol. 32. No. 2

3139 - STAFF DISCIPLINE

The Board retains the right and the responsibility to manage the workforce. 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. The District Administrator may issue discipline when ~~s/he deems~~ deemed appropriate; however, student performance on examinations may not form the basis for staff discipline. This policy does not cover decisions to terminate or nonrenew a staff member's employment ~~or accepting a staff member's resignation~~ (see Policy 3140 - Non-Renewal, Resignation, and Termination).

Investigation of Possible Criminal Activity

The District may be required to investigate potential wrongdoings on the part of its employees, ~~and such wrongdoing in some cases may involve potential criminal conduct and/or co-occurring law enforcement investigation.~~ Such investigations ~~may still~~ require that the employee truthfully answer questions relating to the activity, and refusal to answer may result in discipline up to and including termination. Employees required to respond to questions regarding potential criminal activity are permitted to do so without waiving any Constitutional rights against self-incrimination that may apply during the course of a criminal investigation. As appropriate, employees will be informed of this right, through what is often referred to as a "Garrity Warning". ~~Employees may be required to answer such questions. Failure to cooperate in an investigation may result in discipline, up to and including termination of the employee. In cases where this possible wrongdoing may involve criminal activity, the District shall inform~~The Garrity Warning informs the employee that ~~the employee is required to respond to questions posed during the investigation and that answers to questions relating to the employee's conduct may be used by the District for determining appropriate discipline, but will not be provided to law enforcement officials in the course of their independent criminal investigation, unless otherwise required by law. Employees must also be informed that refusal to answer questions may be considered in determining discipline.~~ (see Form 3139 F1 - "Garrity" Warning)

[] OPTION #1

Staff may be disciplined for violations of Board policy or for other failures to meet the expectations and obligations of their position. Discipline may only be issued when just cause exists to issue discipline. Just cause as used in this policy shall mean that the District has concluded through a preponderance of evidence that a violation has occurred and the level of discipline is appropriate under the circumstances, considering the employee's disciplinary record, ~~and other pertinent factors.~~

[] OPTION #2

Staff may be disciplined for violations of Board policy or for other failures to meet the expectations and obligations of their position. No staff member may be subject to arbitrary or capricious disciplinary action, or disciplinary action that is otherwise in violation of law ~~or public policy.~~

[END OF OPTIONS]

[] OPTION #1

Disciplinary action will normally follow a progressive discipline model that is designed to correct inappropriate conduct on the part of staff members. Progressive discipline will generally progress as follows:

- A. oral reprimand, with a written record placed in the employee file;
- B. written warning;

C. suspension, the length of which is determined by the administration to effect the corrective goal of discipline; and

D. termination, pursuant to the process established for termination as set forth in Policy 3140 - Non-Renewal, Resignation, and Termination.

The District Administrator may skip one or all steps in the progressive discipline model when s/he deems that the severity of the offense requires more substantial discipline, or in the case of termination, where the District Administrator determines that the conduct is so egregious as to require the staff members immediate termination of employment, consistent with the process established for termination as set forth in Policy 3140 - Non-Renewal, Resignation, and Termination.

[] OPTION #2

The District Administrator may issue discipline to staff members when s/he deems deemed appropriate. The level of discipline may range from oral reprimands to suspension or termination and may lead to termination consistent with Policy 3140 - Non-Renewal, Resignation, and Termination. consistent with the process established for termination as set forth in Policy 3140. The level of discipline shall be consistent with the seriousness of the offense as determined by the District Administrator.

[END OF OPTION 2]

() Management efforts engaged to improve an employee's job performance or address specific performance concerns, including letters of direction, performance improvement plans, mandatory training, etc., are not disciplinary in nature and are not subject to this policy or to Policy 3340 - Grievance Procedure.

[END OF OPTIONS]

All instances of staff discipline are subject to the employee grievance procedure, set forth in Policy 3340 - Grievance Procedure.

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Legal 66.0509(1m)(a), Wis. Stats.
 Franklin v. City of Evanston, 384 F.3d 838 (7th Cir. 2004)
 Garrity v. New Jersey, 385 U.S. 493 (1967)

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Book	Policy Manual
Section	Vol. 32, No. 2, July 2023
Title	Revised Policy - Vol. 32, No. 2, July 2023 - STAFF DISCIPLINE
Code	po4139
Status	From Neola

Revised Policy - Vol. 32, No. 2

4139 - STAFF DISCIPLINE

The Board retains the right and the responsibility to manage the work force. 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. The District Administrator may issue discipline, ~~(-) except termination, (-) including termination unless Board action is required by law~~ when ~~s/he deems~~ deemed appropriate. This policy does not cover decisions to terminate a staff member's employment or accepting a staff member's resignation (see Policy 4140 - Termination and Resignation).

Investigation of Possible Criminal Activity

The District may be required to investigate potential wrongdoings on the part of its employees, and such wrongdoing in some cases may involve potential criminal conduct and/or co-occurring law enforcement investigations. Such investigations may still require that the employee answer questions relating to the activity and employees who refuse to answer such questions may be disciplined for failure to cooperate in the investigation. Employees required to respond to questions regarding potential criminal activity are permitted to do so without waiving any Constitutional right against self-incrimination that may apply during the course of a criminal investigation. Employees should be advised of this right, often referred to as a "Garrity Warning". ~~Employees may be required to answer such questions. Failure to cooperate in an investigation may result in discipline, up to and including termination of the employee. In cases where this possible wrongdoing may involve criminal activity, the District shall inform~~The Garrity Warning informs the employee that the employee is required to respond to questions posed during the investigation and that answers to questions relating to the employee's conduct may be used by the District for determining appropriate discipline, but will not be provided to law enforcement officials in the course of their independent criminal investigation, unless otherwise required by law. ~~Employees must also be informed that refusal to answer questions may be considered in determining discipline.~~ (see Form 4139 F1 - "Garrity" Warning)

[] OPTION #1

Staff may be disciplined for violations of Board policy or for other failure to meet the expectations and obligations of their position. Discipline may only be issued when just cause exists to issue discipline. Just cause as used in this policy shall mean that the District has concluded through a preponderance of evidence that a violation has occurred and the level of discipline is appropriate under the circumstances, considering the employee's disciplinary record, and other pertinent factors.

[] OPTION #2

Staff may be disciplined for violations of Board policy or for other failure to meet the expectations and obligations of their position. No staff member may be subject to arbitrary or capricious disciplinary action, or disciplinary action that is otherwise in violation of law.

[END OF OPTIONS]

[] OPTION #1

Disciplinary action will normally follow a progressive discipline model that is designed to correct inappropriate conduct on the part of staff members. Progressive discipline will generally progress as follows:

- A. oral reprimand, with a written record placed in the employee file
- B. written warning

C. suspension, the length of which is determined by the administration to effect the corrective goal of discipline; and

D. termination, pursuant to Policy 4140 - Termination and Resignation

The District Administrator may skip one or all steps in the progressive discipline model when s/he deems that the severity of the offense requires more substantial discipline, or in the case of termination, where the District Administrator determines that the conduct is so egregious as to require the staff members immediate termination of employment, consistent with Policy 4140 - Termination and Resignation.

[] OPTION #2

The District Administrator may issue discipline to staff members when s/he deems deemed appropriate. The level of discipline may range from oral reprimands to suspension or termination and may lead to termination consistent with Policy 4140 - Termination and Resignation. The level of discipline shall be consistent with the seriousness of the offense as determined by the District Administrator.

[END OF OPTIONS]

[] Management efforts engaged to improve an employee's job performance or address specific performance concerns, including letters of direction, performance improvement plans, mandatory training, etc., are not disciplinary in nature and are not subject to this policy or to Policy 4340 - Grievance Procedure. [END OF OPTION]

All instances of staff discipline are subject to the employee grievance procedure, set forth in Policy 4340 - Grievance Procedure.

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Legal 66.0509(1m)(a), Wis. Stats.
Franklin v. City of Evanston, 384 F.3d 838 (7th Cir. 2004)
Garrity v. New Jersey, 385 U.S. 493 (1967)

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Book	Policy Manual
Section	Vol. 32, No. 2, July 2023
Title	Revised Policy - Vol. 32, No. 2, July 2023 - OPEN ENROLLMENT PROGRAM (INTER-DISTRICT)
Code	po5113
Status	From Neola

Revised Policy - Vol. 32, No. 2

5113 - OPEN ENROLLMENT PROGRAM (Inter-District)

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

[] DEFINITIONS

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

A. Nonresident District

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

B. Nonresident Student

A student who does not reside within the geographic boundaries of the District and who seeks admission to this District under the Open Enrollment Program.

C. Tuition Student

A nonresident student who attends school in the District and pays tuition in accordance with State law.

D. Full-Time Enrollment

A student is enrolled for the entire school day and receives all 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 and mitigating circumstances for a particular school, class, or program, including enrollment projections established by the District Administrator.

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 resident of this District and is consequently entitled to attend school in this District in accordance with Policy 5111 - Eligibility of Resident/Nonresident Students.

H. Absences (Excused and Unexcused)

See Policy 5200 - Attendance.

-

1+ Truancy and Habitual Truancy

See Policy 5200 - Attendance.

5+ Part of the School Day

See Policy 5200 - Attendance.

K+ Tardiness

See Policy 5200 - Attendance.

[END OF OPTION]**FULL-TIME OPEN ENROLLMENT****A. Annual Space Determinations**

During a January meeting, the Board shall establish the availability of space by determining the number of regular education and special education spaces in the schools, programs, classes, or grades. In setting space availability, the Board may choose to set no limitations or may set limits on availability using the following criteria:

1. District practices, policies, procedures, or other factors regarding class size ranges for particular programs or classes.
2. District practices, policies, procedures, or other factors regarding faculty-student ratio ranges for particular programs, classes, or buildings.
3. Enrollment projections, which account for factors that include but are not necessarily limited to, likely short and long term economic development in the community, housing starts, current and future needs for special programs, laboratories, or other initiatives.

[] Option 1

In establishing current enrollment numbers for open enrollment availability purposes, the Board does not guarantee open enrollment approvals to any non-resident students.

[END OF OPTION 1]**[] Option 2**

In establishing current enrollment numbers for open enrollment availability purposes, the Board shall include the following as guaranteed open enrollment approvals:

- a. () Students attending the District for whom tuition is paid by written agreement with the resident district under 121.78(1)(a), Wis. Stats.
- b. () All currently attending students.
- c. () All siblings of currently attending students.

[END OF OPTION 2]

[Drafting Note for options b and c: If a nonresident school board's open enrollment policy guarantees approval of currently-attending students and siblings of currently-attending students, it means that all applications for these students must be approved. If a student with a disability is a currently-attending student or a sibling of a currently-attending student and the Board guarantees approval of either or both of those groups of students, the Board must approve their open enrollment application, even if the Board has determined that there is no space available in a specific program for students with disabilities, but may be able to deny the application if a particular service required in the student's IEP is not available in the District.]

4. () If the District is a union high school district, the number of students who have applied under 118.51(3)(a) or (3m)(a), Wis. Stats., and are currently attending an underlying elementary school district.

B. Processing of Open Enrollment Applications

A parent of a nonresident student may submit an application to attend school in the District during the applicable regular open enrollment period or through the alternative open enrollment process. The application must be submitted using the form designated by the Wisconsin Department of Public Instruction.

Upon receipt of an application, the District Administrator shall confirm that the application is complete or request that it be completed before being further considered.

Parents shall be notified of the determination on their applications on or before the first Friday following the first Monday in June following receipt of the application, or within the timeframe otherwise established by law. If approved, the parent shall be notified of the approval and the specific assignment within the District. If, upon enrollment, the student is appropriately placed in a different grade level, the student shall be so assigned unless applications for that grade level have been denied or there is no longer space available at that grade level.

Any notice of a decision to deny shall include the following:

1. Specific reason(s) for denial () and whether the student has been placed on the waiting list. **[Select only if use of a waiting list is selected below.]**
2. Notice of the parents' right to appeal, the address to send the appeal, and information on where to locate the form required for appeal.

Application of Space Determinations and Random Selection Process

If there are more applications than spaces, the Board will fill the available spaces by random selection. Random selection shall be conducted among the student applications for each grade level. The order of grade level selection shall also be randomly determined. The following considerations will be included in the random selection process:

1. Preferences
 - a. If the Board has not guaranteed approval in its determination of space availability to currently attending students, it shall grant preference to such students in the random selection process.
 - b. If the Board has not guaranteed approval in its determination of space availability to the siblings of currently attending students, it shall grant preference to such students in the random selection process.

If in any selection process there are more students eligible for preferred treatment than there are spaces available, the Board shall conduct random selection from among the students granted preference. Both currently attending students and siblings of currently attending students who are not guaranteed approval shall be granted equal preference.
2. The sibling of a student selected in the random selection process shall be granted preference to any spaces available that the sibling has applied for, but the sibling may not be approved if there are no remaining spaces for the sibling.
3. 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, with those students granted a preference under this policy to be included first on the waiting list in random order followed by any other student applicants in random order.

After the date specified in 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:

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

The District shall notify the parent of a student accepted from the waiting list of that student's eligibility to attend the District, unless the student has already enrolled in a different nonresident school district or has since become a resident of the District. The notice shall state the following:

- a. the school or program the student has been assigned to;
- b. a date, at least ten (10) calendar days from the date of the notice, by which the parent must accept the open enrollment approval. Failure to timely accept shall be considered rejection and the approval shall be considered rescinded. **[END OF OPTION]**

C. Decisional Criteria for Nonresident Applications

Decisions on nonresident open enrollment applications will be based only on the following criteria:

1. Space availability as defined in this policy.
2. Whether an applicant for a pre-kindergarten, four (4) year old kindergarten, early childhood or school operated day care program resides in a district which offers the program for which application is made.
3. Whether the nonresident student **is currently under an order of expulsion for any reason;** or has been expelled from any school district within the current school year or the two (2) preceding school years **but the period of expulsion**

has ended, 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 939.22(10), Wis. Stats.) while on school property or under school supervision.

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

The Board may request a copy of a nonresident student's disciplinary records from the resident school board.

The resident board shall provide to the nonresident board a copy of any expulsion order or findings, a copy of any pending disciplinary proceedings, a written explanation of said proceeding, the length of the expulsion or possible outcomes of a pending proceeding, and/or such records as permitted by law.

4. Whether the special education program or related services described in the nonresident 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 nonresident student's IEP, after consideration of class size limits, student-teacher ratios, and enrollment projections.
6. Whether the nonresident student has been referred to the nonresident student's resident board under 115.777(1), Wis. Stats. or identified by the nonresident student's resident school board under 115.77(1m)(a), Wis. Stats., but not yet evaluated by an individualized education program team.
7. If a nonresident student's IEP is developed or changed after starting in the District, and it is then discovered that the District does not have necessary programs available or does not have space in the special education program, the District may notify the student's parent and the student's resident board. If such notice is provided, the nonresident may be transferred to their resident school district.
8. If the Board has made a determination that a nonresident 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 habitual truancy determination shall be made on the sole basis of enrollment in the nonresident district. Open enrollment may not be denied based on the student's truancy from any other district.

D. Reapplication Procedures

The Board will require accepted nonresident students to reapply under the open enrollment policy when the nonresident student enters middle school, junior high school or high school. A nonresident student may be required to reapply only once. **[END OF OPTION]**

The Board will not require accepted nonresident students to reapply under the open enrollment policy as long as the student is continuously enrolled in the District. **[END OF OPTION]**

Termination of Open Enrollment

If the Board determines that a student is habitually truant during either semester of the current school year, the Board may prohibit the nonresident student from attending in the succeeding semester or school year. The District Administrator shall assure compliance with DPI regulations pertaining to open enrollment termination found in Wis. Admin Code PI 36.09.

If the parent or nonresident student believes the student has been marked absent, tardy, or truant in error, the parent or student may contact the school attendance officer and provide a written explanation of the circumstances believed to be in error. The attendance officer shall review the matter and provide a response to the parent or student either correcting the attendance record, confirming the accuracy of the record, or requesting additional information upon which a decision will then be made. If additional information is requested, it must be provided within five (5) school days of the request or no

additional information will be considered in the decision.

Open enrollment of a student in a virtual charter school may also be terminated if, on three (3) occasions during a single semester, the student has failed to respond to a school assignment or directive within five (5) school days not counting any days excused by the student's parents up to a maximum of ten (10) school days per year, and after each occurrence the virtual charter school notified the student's parents. After the third incident, the virtual charter school program shall notify the Board of the nonresident student's failure to participate in the program. The Board may terminate the student's open enrollment.

F. Transportation

The parents of a student attending a nonresident school district will be solely responsible for providing transportation to and from the school site. The District will permit a nonresident student to ride District transportation if space is available on a regularly-scheduled bus route. **[END OF OPTION]** The District will provide transportation for a nonresident student with an identified disability for whom transportation is required by the student's IEP.

The Board may provide transportation to nonresident students from their resident district provided the student's resident district approved. The District Administrator shall develop procedures for implementing this provision.

[SELECT ONE OF THE OPTIONS BELOW:]

[OPTION #1]

The Board will permit a neighboring district to bus resident students from within its boundaries for attendance at the nonresident neighboring district. The District Administrator shall develop procedures for implementing this provision.

[OPTION #2]

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

[END OF OPTIONS]

ALTERNATIVE APPLICATION PROCEDURES

The parent of a nonresident 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 (1) of the statutory criteria and has not applied to more than three (3) nonresident school districts. (See AG 5113 and AG 5113B – Open Enrollment for Students with Disabilities.)

Applications from a nonresident 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 that 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.

[END OF OPTION]

~~ANNUAL~~ REVIEW AND REVISION OF POLICY

The Board shall review its If, in the course of reviewing the Board's Open Enrollment Program annually, it opts to modify the policy, any changes shall be made by resolution and be adopted prior to the first application date of the open enrollment period to which the revisions shall apply.

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.
- C. The District Administrator shall be responsible for developing and promulgating administrative guidelines to implement this policy. (See accompanying pages.) Such guidelines shall address at least the following matters:

1. () participation in interscholastic athletics
2. () District transportation services
3. () transfer of academic credit
4. () assignment within the District
5. () payment of fees and other charges

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	Vol. 32, No. 2, July 2023
Title	Revised Policy - Vol. 32, No. 2, July 2023 - ATTENDANCE
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Revised Policy - Vol. 32, No. 2

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 they fall 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.

Parent Notification 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, **except a parent-excused, pre-planned absence requires written notification as indicated below**. The Board reserves the right to verify such statements and to investigate the cause of each:

- A. single absence;
- B. prolonged absence;
- C. absence of more than ____ (__) days duration;
- D. repeated unexplained absence and tardiness; or
- E. _____.

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 required 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. 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. Absences for this reason may be excused by oral or written notification to the attendance officer by the adult student or minor student's parent. The attendance officer in appropriate circumstances may require a written statement from a health care provider describing the condition and excusing the student for a period not to exceed thirty (30) days.

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~~ Parent-Excused Pre-Planned Absence

The student has been excused in writing by their parent 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 coursework 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 a funeral
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 the student's parent(s) 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 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 the School Attendance Officer's designee, for the following reasons:

A. () Quarantine

Quarantine of the student's home by a public health officer.

B. () Illness of an Immediate Family Member

The illness of an immediate family member.

C. () Emergency

An emergency that requires the student to be absent because of familial responsibilities or other appropriate reasons.

D. () Work at Home Due to Absence of Parents

To work at home due to the absence of the student's parents. Absences under this section shall not exceed ____ (__) days nor be granted to any student younger than ____ (__) years of age.

E. () _____ [other].

Unexcused Absences

Unexcused absences are absences from school for part or all of one (1) or more days from school without an acceptable excuse. 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 for out-of-school alternative educational opportunities for truant students rather than to heighten the effects of absence through suspension.

Definitions

A. Truancy

A student will be considered truant if the student is absent 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 of the absent student. A student who is absent intermittently for the purpose of defeating the intent of the Wisconsin Compulsory Attendance Statute 118.15, Wis. Stats., will also be considered truant.

B. Habitual Truant

A student will be considered a habitual truant if the student 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.

C. Part of a School Day

Part of a school day is any time period within a school day, which is from the time the first class period of that day begins until the end of the last class period of that day.

Tardiness/Late Arrival and Early Dismissal

It is necessary that a student be in attendance throughout the school day, or as required by the student's virtual instruction program, in order to benefit fully from the educational program of the District. Unless excused per this policy, tardiness, or late arrival, occurs when a student arrives at the student's registered class location after the bell that signals the start of the class period has sounded. Unless excused, early dismissal occurs when a student leaves the student's registered class location before the bell has rung signaling the end of the class period or the end of the school day. Tardiness and early dismissal can occur more than once per day. Tardiness and early dismissal constitute being absent for part of a school day.

The Board recognizes, however, that from time-to-time compelling circumstances require that a student be late to school or dismissed before the end of the school day.

As agent responsible for the education of the children of this District, the Board shall require that the school be notified in advance of such absences by

written (including e-mail)

personal (phone or face-to-face)

request of the student's parent, who shall state the reason for the tardiness or early dismissal. Justifiable reasons shall be determined by the _____.

No student who has a medical disability which may be incapacitating may be released without a person to accompany him/her.

No student shall be released to anyone who is not authorized such custody by the parents.

Truancy Plan

The Board will issue a Truancy Plan based upon the recommendations of the County Truancy Committee convened under State law, the Board's policies and procedures, and applicable provisions of State law. 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. procedures to be followed for notifying the parents of the unexcused absences of a student who is truant or a habitual truant and for meeting and conferring with such parents
- B. plans and procedures for identifying truant children of all ages and returning them to school, including the identity of school personnel to whom a truant child shall be returned
- C. methods to increase and maintain public awareness of and involvement in responding to truancy within the School District
- D. a provision 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 in dealing with and solving the child's truancy problem

Notice of Truancy

The School Attendance Officer shall notify a truant student's parent of the student's truancy and direct the parent 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. 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, by registered or certified mail, or by 1st 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 responsibility under State law to cause the student to attend school regularly
- B. a statement that the parent 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 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 should meet, a date, time, and place for the meeting and 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 date that the notice is sent, except that with the consent of the student's parent the date for the meeting 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 upon failure to cause the child to attend school regularly as required by State law.

- E. if the student is attending the District through the Open Enrollment Program, each notification shall also inform the parent: (1) that the student's open enrollment may be terminated if the student is habitually truant; and (2) the process described in Board Policy 5113 - **Open Enrollment Program (Inter-District)**, which the parent or student may follow if they believe the student was erroneously marked truant.

The School Attendance Officer will also continue to notify the parent 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 to discuss the student's truancy or attempted to meet with the student's parent 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, except that the student need not be evaluated if tests administered to the student within the previous year indicate that the student is performing at grade level
- 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, which was requested in the Notice of Habitual Truancy to the parent, 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 Coursework and Examinations

[NOTE: How make-up work and course examinations will be dealt with must be in policy.]

[] OPTION #1

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 teachers to determine what coursework and examinations must be made-up. Teachers shall have the discretion to assign substitute coursework and examinations. 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.

[END OF OPTION #1]

[] OPTION # 2

Excused Absences

A student whose absence from school was excused, except for an expelled student, shall be permitted to make-up coursework and any quarterly, semester, or grading period examinations missed during the absences when they return to school. It is the student's responsibility to contact their teachers to determine what coursework and examinations must be made-up. Teachers shall have the discretion to assign substitute coursework and examinations. 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 absences from school.

Students with unexcused absences shall be permitted to make-up coursework and any quarterly, semester, or grading period examinations missed during the absence if the student is at risk of receiving no credit in a course or subject if the work is not made up.

Subject to the immediately preceding two (2) paragraphs, credit may, but is not required to be given for the completion of make-up work. Further, credit for make-up work may be given only after the student has satisfied consequences imposed for unexcused absences. The extent to which make-up credit is given shall be determined on a case-by-case basis by the principal and the respective teachers.

If make-up work has been assigned, it is the student's responsibility to contact their teachers to determine what coursework and examinations must be made-up. Teachers shall have the discretion to assign substitute coursework and examinations. 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.

[NOTE: END OF OPTION # 2]

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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	Vol. 32, No. 2, July 2023
Title	Revised Policy - Vol. 32, No. 2, July 2023 - MISSING AND ABSENT CHILDREN
Code	po5215
Status	From Neola

Revised Policy - Vol. 32, No. 2

5215 - MISSING AND ABSENT CHILDREN

It is the intent of this Board to cooperate with local, State, and National efforts to decrease the number of missing children. For purposes of this ~~Policy~~ policy, the following definitions apply:

"Absent child" means a child that left the child's parents or approved placement through social services and whose whereabouts are known, but who refuses to return. This involves children who are runaways, but not known to be missing.

"Missing child" means a child whose whereabouts are unknown, which may include abducted children who have been abducted by a non-custodial parent, a victim of human trafficking, or another unknown circumstance.

The District Administrator and/or ~~building principals~~ Principals shall permit ~~during the school day the~~ entrance into the school a student lacking records or identification as a student, and shall ~~assure that~~ allow the child ~~remains~~ to remain in the building office area until law enforcement or social services is notified and takes custody of the child. Such a procedure reduces the risk of removal of a missing or absent child from the area before intervention by law enforcement or social services.

Procedures in this policy are to be implemented in coordination with Policy 5111.01 - Homeless Students.

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Revised Policy - Vol. 32, No. 2

5517 - STUDENT ANTI-HARASSMENT

Prohibited Harassment

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

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

The Board will vigorously enforce its prohibition against harassment based on the traits of sex (including gender status, change of sex, or gender identity), race, color, national origin, religion, creed, ancestry, marital or parental status, sexual orientation or physical, mental, emotional or learning disability, or any other characteristic protected by Federal or State civil rights laws (hereinafter referred to as "Protected Classes"), and encourages those within the School District community as well as Third Parties, who feel aggrieved to seek assistance to rectify such problems. Additionally, the Board prohibits harassing behavior directed at students for any reason, even if not based on one of the Protected Classes, through its policies on bullying (See Policy 5517.01 – Bullying).

[] The District will offer counseling services to any person found to have been subjected to harassment and, where appropriate, the person(s) who committed the harassment.

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

Other Violations of the Anti-Harassment Policy

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

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

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

Notice

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

Definitions

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

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

Day(s) means business day(s) (i.e., a day(s) that the District office is open for normal operating hours, Monday – Friday, excluding State-recognized holidays) unless expressly stated otherwise herein.

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

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

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

Bullying

Bullying is prohibited by Board Policy 5517.01 – Bullying. It is defined as deliberate or intentional behavior using words or actions, intended to cause fear, intimidation, or harm. Bullying may be a repeated behavior and involves an imbalance of power. Furthermore, it may be serious enough to negatively impact a student's educational, physical, or emotional well-being. Bullying need not be based on any Protected Class. Bullying behavior rises to the level of harassment when the prohibited conduct is based upon the student's sex (including gender status, change of sex, or gender identity), race, color, national origin, religion, creed, ancestry, marital or parental status, sexual orientation, physical, mental, emotional, or learning disability, or any other characteristic protected by Federal or State civil rights. Complaints brought under this policy that are more appropriately handled under the Bullying policy shall be referred for investigation consistent with the procedures in that policy.

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

Harassment

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

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

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

Examples are:

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

Sexual Harassment

For purposes of this policy only and not sexual harassment under Title IX, addressed in Policy 2266/() AG 2266 [END OF OPTION] - Nondiscrimination on the Basis of Sex in Education Programs or Activities, "sexual harassment" is defined as unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct or other verbal or physical conduct or communication of a sexual nature when:

- A. submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of access to educational opportunities or program;

- B. submission or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's education;
- C. that conduct or communication has the purpose or effect of substantially or unreasonably interfering with an individual's education, or creating an intimidating, hostile, or offensive educational environment.

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

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

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

Examples are:

1. repeatedly asking a person for dates or sexual behavior after the person has indicated no interest;
 2. rating a person's sexuality or attractiveness;
 3. staring or leering at various parts of another person's body;
 4. spreading rumors about a person's sexuality;
 5. letters, notes, telephone calls, or materials of a sexual nature;
 6. displaying pictures, calendars, cartoons, or other materials with sexual content.
- J. inappropriate boundary invasions by a District employee or other adult member of the District community into a student's personal space and personal life;

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

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

1. hugging, kissing, or other physical contacts with a student;
2. telling sexual jokes to students;
3. engaging in talk containing sexual innuendo or banter with students;
4. talking about sexual topics that are not related to the curriculum;
5. showing pornography to a student;

6. taking an undue interest in a student (i.e. having a "special friend" or a "special relationship");
7. initiating or extending contact with students beyond the school day for personal purposes;
8. using e-mail, text messaging or websites to discuss personal topics or interests with students;
9. giving students rides in the staff member's personal vehicle or taking students on personal outings without administrative approval;
10. invading a student's privacy (e.g. walking in on the student in the bathroom, locker-room, asking about bra sizes or previous sexual experiences);
11. going to a student's home for non-educational purposes;
12. inviting students to the staff member's home without proper chaperones (i.e. another staff member or parent of a student);
13. giving gifts or money to a student for no legitimate educational purpose;
14. accepting gifts or money from a student for no legitimate educational purpose;
15. being overly "touchy" with students;
16. favoring certain students by inviting them to come to the classroom at non-class times;
17. getting a student out of class to visit with the staff member;
18. providing advice to or counseling a student regarding a personal problem (i.e. problems related to sexual behavior, substance abuse, mental or physical health, and/or family relationships, etc.), unless properly licensed and authorized to do so;
19. talking to a student about problems that would normally be discussed with adults (i.e. marital issues);
20. being alone with a student behind closed doors without a legitimate educational purpose;
21. telling a student "secrets" and having "secrets" with a student;
22. other similar activities or behavior:
 - a. _____;
 - b. _____;
 - c. _____.

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

- K. remarks speculating about a person's sexual activities or sexual history, or remarks about one's own sexual activities or sexual history;
- L. a pattern of conduct, which can be subtle in nature, that has sexual overtones and is intended to create or has the effect of creating discomfort and/or humiliation to another;
- M. verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping that does not involve conduct of a sexual nature.

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

In addition to investigating and taking appropriate corrective action in instances of harassment, or of sexual harassment or other sexual misconduct, the District shall make available to the victim of such harassment or misconduct resources to assist the student with coping with the effects of victimization. The school counseling services shall identify available resources in the community and provide assistance to students in contacting such resources if desired by the student. The District will not directly provide or pay for assistance unless such services are available in the District program or the Board otherwise approves.

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

Race/Color Harassment

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

Religious (Creed) Harassment

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

National Origin/Ancestry Harassment

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

Disability Harassment

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

Anti-Harassment Compliance Officers

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

[DRAFTING NOTE: Neola suggests the Board appoint both a male and a female Compliance Officer in order to provide Complainants with the option to report their concerns to an individual of the gender with which they feel most comfortable. The Compliance Officers may also serve as the District's Section 504 Compliance Officer(s)/ADA Coordinator(s) and/or Title IX Coordinators. Additionally, by appointing two (2) Compliance Officers, there should also be a Compliance Officer available to investigate a claim of harassment that pertains to the other Compliance Officer, as appropriate.]

(Name)

(School District Title)

(Telephone Number)

(Office Address)

(E-mail Address)

(Name)

(School District Title)

(Telephone Number)

(Office Address)

(E-mail Address)

The names, titles, and contact information of these individuals will be published annually:

- A. on the School District's website.
- B. in the parent and staff handbooks.
- C. in the School District Annual Report to the public.
- D. on each individual school's website.
- E. in the School District's calendar.
- F. _____.

The Compliance Officer(s) are responsible for coordinating the District's efforts to comply with applicable Federal and State laws and regulations, including the District's duty to address in a prompt and equitable manner any inquiries or complaints regarding harassment.

Reports and Complaints of Harassing Conduct

Reporting procedures are as follows:

- A. Any student who believes they have been the victim of harassment prohibited under this policy will be encouraged to report the alleged harassment to any District employee, such as a teacher, administrator or other employees.
- B. Any parent of a student who believes the student has been the victim of harassment prohibited under this policy is encouraged to report the alleged harassment to the student's teacher, building administrator or District Administrator.
- C. Teachers, administrators, and other school employees who have the knowledge or received notice that a student has or may have been the victim of harassment prohibited under this policy shall report the alleged harassment to one (1) of the Compliance Officer(s) and the building principal or District Administrator **[END OF OPTION]** within two (2) days.
- D. Any other person with knowledge or belief that a student has or may have been the victim of harassment prohibited by this policy shall be encouraged to immediately report the alleged acts to any District employee, such as a teacher, administrator or other employees.
- E. The reporting party or Complainant shall be encouraged to use a report form available from the principal of each building or available from the District office, but oral reports shall be considered complaints as well. Use of formal reporting forms shall not be mandated. However, all oral complaints shall be reduced to writing.
- F. To provide individuals with options for reporting harassment to an individual of the gender with which they feel most comfortable, the Board has designated both a male and a female Compliance Officer for receiving reports of harassment prohibited by this policy. At least one (1) Compliance Officer or other individuals shall be available outside regular school hours to address complaints of harassment that may require immediate attention.

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

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

The COs are assigned to accept complaints of harassment directly from any member of the School District community or a Third Party, or to receive complaints that are initially filed with a school building administrator. Upon receipt of a complaint, either directly or through a school building administrator, a CO will contact the Complainant and begin either an informal or formal process (depending on the request of the Complainant or the nature of the alleged harassment), or **Option 1** the CO(s) will designate a specific individual to conduct such a process as identified in a pre-defined list of investigators. **[END OF OPTION 1]** **Option 2** the District Administrator will designate a specific individual to conduct the process necessary for an informal or formal investigation. **[END OF OPTION 2]** The Compliance Officer(s) will provide a copy of this policy to the Complainant and Respondent. The CO will prepare recommendations for the District Administrator. In the case of a complaint against the District Administrator or a Board member, the CO will prepare recommendations for _____ the Board Attorney **[END OF OPTION]** who has been designated to serve as the decision-maker for such complaints. All Board employees must report incidents of harassment that are reported to them to the Compliance Officer as soon as possible, but always within no more than two (2) days of learning of the incident.

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

Filing a Complaint and Initial Processing of a Complaint

Except for Sexual Harassment that is covered by Policy 2266 - Nondiscrimination on the Basis of Sex in Education Program or Activities, any student, or the student's parent/guardian, who believes that the student has been subjected to harassment may seek resolution of the complaint through the procedures described below. The formal complaint process involves an investigation of the Complainant's claims of harassment or retaliation and a process for rendering a decision regarding whether the charges are substantiated.

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

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

If during an investigation of alleged bullying, aggressive behavior, and/or harassment, in accordance with Policy 5517.01 - Bullying, the Principal believes that the reported misconduct may have created a hostile educational environment and may have constituted discriminatory harassment based on a Protected Class, the Principal shall report the act of bullying, aggressive behavior, and/or harassment to one (1) of the Compliance Officer(s) who shall investigate the allegation in accordance with this policy. If the alleged harassment involves Sexual Harassment as defined by Policy 2266 - Nondiscrimination on the Basis of Sex in Education Program or Activities, the matter will be investigated in accordance with the grievance process and procedures outlined in Policy 2266 - Nondiscrimination on the Basis of Sex in Education Program or Activities. While the Compliance Officer investigates the allegation, or the matter is being addressed pursuant to Policy 2266, the Principal shall suspend the Policy 5517.01- Bullying investigation to await the Compliance Officer's written report or the determination of responsibility pursuant to Policy 2266 - Nondiscrimination on the Basis of Sex in Education Program or Activities. The Compliance Officer shall keep the Principal informed of the status of the investigation under this policy and provide the Principal with a copy of the resulting report. Likewise, the Title IX Coordinator will provide the Principal with the determination of responsibility that results from the Policy 2266 - Nondiscrimination on the Basis of Sex in Education Program or Activities grievance process.

Complaint and Investigation Procedure

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

Throughout the course of the process, the CO should keep the parties reasonably informed of the status of the investigation and the decision-making process.

All complaints must include the following information to the extent known: the identity of the Respondent; a detailed description of the facts upon which the complaint is based (i.e., when, where, and what occurred); and a list of potential witnesses.

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

Upon receiving a complaint, the CO will consider whether any action should be taken in the investigatory phase to protect the Complainant from further harassment or retaliation including but not limited to a change of class schedule for the Complainant or the Respondent, or possibly a change of school for either or both of the parties. In making such a determination, the Compliance Officer should consult the () Principal () District Administrator **[END OF OPTION]** prior to any action being taken, except for complaints against the District Administrator, in which case the Board President should be consulted. The Complainant should be notified of any proposed action prior to such action being taken.

As soon as appropriate in the investigation process, the CO will inform the Respondent that a complaint has been received. The Respondent will be informed about the nature of the allegations and a copy of any relevant policies and/or administrative procedures and the Board's anti-harassment policy shall be provided to the Respondent at that time. The Respondent must also be provided an opportunity to respond to the complaint.

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

Generally, within two (2) days of receiving the complaint, the CO will initiate an investigation by at a minimum confirming receipt of the complaint with the Complainant and informing the Complainant of the investigation process.

The investigation generally will include:

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

At the conclusion of the investigation, the CO shall prepare and deliver a report to the District Administrator which summarizes the evidence gathered during the investigation and provides recommendations based on the evidence and the definition of harassment as provided in Board policy and State and Federal law as to whether the Respondent engaged in harassment/retaliation of the Complainant. In determining if harassment occurred, a preponderance of evidence standard will be used. The CO's recommendations must be based upon the totality of the circumstances, including the ages and maturity levels of those involved.

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

Generally, within five (5) days of receiving the report of the CO or designee, the District Administrator, or in the case of a complaint against the District Administrator or a Board member, the person designated to serve as the decision-maker for the complaint either must issue a written decision regarding whether the complaint has been substantiated or request further investigation. A copy of the District Administrator's final decision will be delivered to both the Complainant and the Respondent. The District Administrator may redact information from the decision consistent with applicable law. The Board authorizes the District Administrator to consult with legal counsel to determine the extent to which information in an investigation report must be provided to either the Complainant or Respondent.

If the District Administrator requests additional investigation, the District Administrator must specify the additional information that is to be gathered, and such additional investigation must be completed within five (5) days. At the conclusion of the additional investigation, the District Administrator must issue a final written decision as described above.

The decision of the District Administrator shall be final. If the Complainant feels that the decision does not adequately address the complaint they may appeal the decision to the State Superintendent of Public Instruction by submitting a written request to the Wisconsin Department of Public Instruction ("DPI"), Pupil Nondiscrimination Program, or by contacting the DPI Pupil Nondiscrimination Program at (608) 267-9157.

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

To the extent required by law or permitted by the District, the parties may be represented, at their own cost, at any of the above-described meetings/hearings.

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

Additional School District Action

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

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

Privacy/Confidentiality

The District will employ all reasonable efforts to protect the rights of the Complainant, the Respondent(s), and the witnesses as much as possible, consistent with the District's legal obligations to investigate, take appropriate action, and comply with any discovery or disclosure obligations. Confidentiality cannot be guaranteed, however. Respondents must be provided an opportunity to meaningfully respond to allegations, which may include disclosure of the Complainant's identity.

All records generated under the terms of this policy shall be maintained as confidential to the extent permitted by law. Additionally, the Respondent must be provided with the Complainant's identity.

During the course of an investigation, the CO will instruct each person who are interviewed about the importance of maintaining confidentiality. Any individual who is interviewed as part of an investigation is expected not to disclose to Third Parties any information that is learned or provided during the course of the investigation.

Directives During Investigation

The CO may recommend to the District Administrator placing any employee involved in an investigation under this Policy on administrative leave pending resolution of the matter. If the District Administrator is the Respondent, the CO shall make such recommendation to the Board. For example, administrative leave may be appropriate in situations in which protecting the safety of any individual or the integrity of the investigation necessitates such action.

The CO shall determine whether any witnesses in the course of an investigation ~~should be provided a Garrity warning apprising the person of their obligations to answer questions truthfully and honestly while preserving the right against self incrimination in the context of any resulting criminal investigation or prosecution~~ may be required to answer questions that could also involve criminal investigations or sanctions, including the existence of a co-occurring law enforcement investigation are still required to answer questions concerning the District's investigation, but are entitled to do so without waiving their Constitutional right against self-incrimination that applies during a criminal investigation. Employees should be advised of this right, through what is often referred to as a "Garrity Warning". The Garrity Warning informs the employee that the employee is required to respond to questions posed during the investigation and that answers to questions relating to the employee's conduct may be used by the District for determining appropriate discipline, but will not be provided to law enforcement officials in the course of their independent criminal investigation, unless otherwise required by law. (see Form 5517 F3 - "Garrity" Warning)

Every employee interviewed in the course of an investigation is required to provide truthful responses to all questions. Failure to do so may result in disciplinary action.

Remedial Action and Monitoring

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

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

Sanctions and Disciplinary Action

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

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

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

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

Retaliation

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

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

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

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

Education and Training

In support of this policy, the Board promotes preventative educational measures to create greater awareness of discriminatory practices. The District Administrator shall provide appropriate information to all members of the School District community related to the implementation of this policy and shall provide training for District students and staff where appropriate. All training, as well as all information, provided regarding the Board's policy and discrimination in general, will be age and content appropriate.

Retention of Investigatory Records and Materials

The CO is responsible for overseeing retention of all records that must be maintained pursuant to this policy. All individuals charged with conducting investigations under this policy shall retain all information, documents, electronically stored information ("ESI"), and electronic media (as defined in Policy 8315) created and received as part of an investigation which may include but are not limited to:

- A. all written reports/allegations/complaints/statements;
- B. narratives of all verbal reports, allegations, complaints, and statements collected;
- C. a narrative of all actions taken by District personnel;
- D. any written documentation of actions taken by District personnel or individuals contracted or appointed by the Board to fulfill its responsibilities;
- E. narratives of, notes from, or audio, video, or digital recordings of witness statements;
- F. all documentary evidence;
- G. e-mails, texts, or social media posts pertaining to the investigation;
- H. contemporaneous notes in whatever form made (e.g., handwritten, keyed into a computer or tablet, etc.) pertaining to the investigation;
- I. written disciplinary sanctions issued to students or employees and a narrative of verbal disciplinary sanctions issued to students or employees for violations of the policies and procedures prohibiting discrimination or harassment;
- J. dated written determinations to the parties;
- K. dated written descriptions of verbal notifications to the parties;
- L. written documentation of any supportive measures offered and/or provided to the Complainant and/or the Respondent, including no contact orders issued to both parties, the dates issued, and the dates the parties acknowledged receipt;
- M. documentation of all actions taken, both individual and systemic, to stop the discrimination or harassment, prevent its recurrence, eliminate any hostile environment, and remedy its discriminatory effects;
- N. copies of the Board policy and/or procedures/guidelines used by the District to conduct the investigation, and any documents used by the District at the time of the alleged violation to communicate the Board's expectations to students and staff with respect to the subject of this policy (e.g., Student Code of Conduct and/or Employee Handbooks);
- O. copies of any documentation that memorializes any formal or informal resolutions to the alleged discrimination or harassment;
- P. documentation of any training provided to District personnel related to this policy, including but not limited to, notification of the prohibitions and expectations of staff set forth in this policy and the role and responsibility of all District personnel involved in enforcing this policy, including their duty to report alleged violations of this policy and/or conducting an investigation of an alleged violation of this policy; **[REMINDER: Documentation of training should be maintained regardless of whether there is an investigation of an alleged violation of this policy. It is best practice to maintain a log of all staff members who participate in a training, along with the date, time and location of the training, and a copy of the materials reviewed and/or presented during the training.]**

[DRAFTING NOTE: The following options should be selected if the district concludes that the following items are not adequately encompassed in the preceding paragraphs.]

- Q. () documentation that any rights or opportunities that the District made available to one party during the investigation were made available to the other party on equal terms;
- R. () copies of any notices sent to the alleged perpetrator/responding party of the allegations constituting a potential violation of this policy;
- S. () copies of any notices sent to the Complainant and the Respondent in advance of any interview or hearing;
- T. () copies of any documentation or evidence used during informal and formal disciplinary meetings and hearings, including the investigation report, and any written responses submitted by the Complainant or the Respondent.

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

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

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Legal

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

Last Modified by Ryan Peterson on August 15, 2023



Book	Policy Manual
Section	Vol. 32, No. 2, July 2023
Title	Revised Policy - Vol. 32, No. 2, July 2023 - STUDENT USE OR POSSESSION OF INTOXICANTS, DRUGS, OR PARAPHERNALIA
Code	po5530
Status	From Neola

Revised Policy - Vol. 32, No. 2

5530 - **STUDENT USE OR POSSESSION OF INTOXICANTS, DRUGS, OR PARAPHERNALIA**~~DRUG PREVENTION~~

The Board recognizes that the misuse of drugs is a serious problem with legal, physical, and social implications for the entire school community.

[] As the educational institution of this community, the schools should strive to prevent drug abuse and help drug abusers by educational, rather than punitive, means.

For purposes of this policy, "drugs" shall mean:

- A. () all dangerous controlled substances as so designated and prohibited by Wisconsin statute;
- +** () all derivatives of hemp, except CBD products permitted by the school () (see Policy 5330 - Administration of Medication/Emergency Care);
 This includes Delta-8-THC, Delta-9-THC, Delta-10-THC, Delta-11-THC, THC-0, and all other forms that cause psychosis; in all forms of delivery (i.e., inhalation, ingestion, injection, etc.).
- C. () all chemicals which release toxic vapors;
- D. () all alcoholic beverages;
- E. () any prescription or patent drug, except those for which permission to use in school has been granted pursuant to Board policy;
- F. () "look-alikes";
- +** () essential oils and oil like products that may be mistaken for a drug () (see Policy 5330 - Administration of Medication/Emergency Care);
- H. () anabolic steroids;
- I. () any other illegal substance so designated and prohibited by law.

The Board prohibits the use, possession, concealment, or distribution of any drug and any drug-paraphernalia at any time on District property or at any District-related event.

The District Administrator shall prepare guidelines for the identification, amelioration, and regulation of drug use in the schools, including education, prevention and standards of conduct. Education shall be intended to develop awareness of: drug abuse, including prescription drug abuse, and prevention; the relationship between highway safety and the use of alcohol and controlled substances, including prescription drugs; and the relationship between youth suicide and the use of alcohol and controlled substances, including prescription drugs.

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118.01(2)(d), Wis. Stats.

118.24(2)(f), Wis. Stats.

118.257, Wis. Stats.

125.09(2), Wis. Stats.

Drug-Free Schools and Communities Act of 1986 as amended

20 U.S.C. 3171 et seq.

20 U.S.C. 3224A

Last Modified by Ryan Peterson on August 15, 2023



Book	Policy Manual
Section	5000 Students
Title	STUDENT FUNDRAISING
Code	po5830
Status	Active
Adopted	October 1, 2015
Last Revised	December 19, 2022

5830 - **STUDENT FUNDRAISING**

The Board acknowledges that the solicitation of funds from students must be limited since compulsory attendance laws make the student a captive donor and may also disrupt the program of the schools.

For purposes of this policy, "student fundraising" shall include the solicitation and collection of money from students for any purpose and shall include the collection of money in exchange for tickets, papers, or any other goods or services for approved student activities.

Student-Led Fundraising for School-Related Organizations

All Student-led fundraisers must be approved by the Board. A club or organization must submit the online Fundraising Request Form two (2) months prior to the start of the sale to allow adequate time for approval. The Board will permit student fundraising by students in school, on school property, or at any school-sponsored event only when the profit is to be used for school purposes, for an activity connected with the schools, or to be donated to a non-profit organization approved by the principal. The Board requires that fundraisers by student clubs and organizations that involve the sale to students of food and/or beverage items that will be consumed on campus, the food and/or beverages items to be sold comply with the current USDA Dietary Guidelines for Americans and the Smart Snack Rules. Each student organization shall be permitted two (2) fundraising exceptions per school year where foods and beverages not allowable under the Smart Snack Rules can be sold. If approved, fundraisers that involve the sale to students of food items or beverages to be consumed on District property shall not compete directly with the sale of reimbursable meals. Each exempt fund-raiser cannot be longer than two (2) consecutive weeks.

Fundraising by approved school organizations, whose funds are managed by the District, may be permitted in school by the Principal.

Funds raised by any student organization, club or class shall be processed through the appropriate financial accounting system and in accordance with the District's student activity funds management policy and procedures.

Fundraising off school grounds may be permitted by the Principal.

All crowdfunding activities are subject to AG 6605.

Fundraising by students on behalf of school-related organizations such as, but not limited to, booster clubs, PTO, or FFA Alumni, whose funds are not managed by the District may be permitted on school grounds by the District Administrator. If the fundraising activity involves students under age twelve (12) such students' parents must provide written permission for the student to participate in the fundraising activity. Any student under nine (9) years of age, or each group containing one (1) or more students under nine (9) years of age, must be physically accompanied by a parent or a person at least sixteen (16) years of age.

All other fundraising shall be done in accordance with Board Policy 9700.

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