



School District of Manawa

Policy & Human Resources COMMITTEE MEETING

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

Wednesday, December 6, 2023
6:55 P.M.

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

❖ **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. Free Lunch for Substitute Teachers Discussion (BOE request)

2. Updated Policies for Review:
 - a. *PO 0113 Boundaries REVISION*
Language should read "Village of Ogdensburg" not township

 - b. *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.

 - c. *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 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

 - d. *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 for comprehensiveness and clarity.

 - e. *PO 1260 Incapacity of the District Administrator REVISION*

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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 for coverage of the contingency.

f. 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

g. 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 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

h. PO 3121 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

i. PO 3139 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.

j. PO 3430.01 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.

k. 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.

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l. 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).

m. PO 5215 Missing and Absent Children NEW

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.

n. PO 5517 Student Anti-Harassment REVISION

The policy is revised to better define the reference to the Garrity warning.

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

p. PO 6151 Returned / Outstanding-Stale Checks REVISION

This policy is updated to include a procedure for handling payments made by check by the district that remain uncashed after a period of time determined by policy. The applicable time period may be dictated by the banking institution if the institution's checks state a period of validity, or by policy if no validity period is established by the institution. The Department of Revenue handles unclaimed property, including payments made by public entities that remain unclaimed. The process specifics may change over time, so that the recommended policy language is to consult the Wisconsin Department of Revenue's current guidance.

q. PO 6236 Community Services Fund (Fund 80) NEW

This new policy is offered to cover the requirements under which the Board may opt to utilize its authority to levy taxes for community programs through Fund 80.

r. PO 6610 Non District-Supported Student Activity Accounts REPLACEMENT

This policy revision is provided as a replacement to account for significant revisions on the recommendation of school district auditors in response to GASB 84 as it relates to accounts that are under the control of, but not audited nor managed by the District to support specific student activities. These activities are funded by students, parents, or other organizations and are approved as appropriate student activities, but do not receive direct district financial support. Replacement is recommended.

s. PO 7250.01 Memorials for Staff and Students NEW

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This policy is offered as a new policy to assist Districts with requests for commemoration following the death of a student or staff member.

t. PO7440.01 Video Surveillance and Electronic Monitoring REVISION

This policy is revised to provide clarification on the notification concerning monitoring collected by video and, if applicable, audio collection technology. The policy revisions also refer to the school safety plan's determination of proper location of such equipment, which may need to remain confidential. Finally, reference is included in the policy to electronic monitoring on school buses, including specific regulatory authority for audio monitoring in that context. A drafting note has been incorporated as well to draw attention to a lack of clarity in the law relative to sufficient notice as consent in the context of audio monitoring. Adoption of these revisions is recommended.

u. PO 7440.02 Smart Monitoring Equipment NEW

This is a new policy to address emerging use of smart monitoring technology used to monitor for such things as vape smoke, and the like. Recommended but not required.

v. PO 8121 Personal Background Check - Contracted Services NEW

This policy is provided to assist districts in navigating the difficult task of protecting the security of school facilities and the safety of students with an ever-increasing reliance on contract workers in construction work being done at school sites, or other services being performed by individuals that may have access to students.

w. PO 8146 Notification of Education Options REVISION

This policy is revised to reflect the authority to satisfy the Class 1 notice requirement by publishing the notice on the District's website.

x. PO 8310 Public Records REVISION

The Wisconsin Records Retention Schedule for School Districts (WRRSSD) was replaced by the Public Records Board (PRB) in March 2023. School Districts that wish to retain public records for less than the 7 years prescribed by Wis. Stat. 19.21(6) may now adopt one (1) or more general records schedules. The new schedule applicable to school districts no longer contains all public records a school district might maintain. Instead, it only includes those records that are unique to school districts. If school districts adopt that schedule only, they will need to retain all public records not listed in the schedule for 7 years. If school districts adopt other schedules, they may avoid the 7-year retention period for any public records listed in those adopted schedules. DPI and PRB have identified 10 additional general records schedules that may relate to the other public records retained by school districts. As such, school districts can elect to adopt up to 11 general records schedules. To do so, they will need to complete the Notification of Adoption form for each schedule they wish to adopt, send the form to the Wisconsin Historical Society (WHS), and get formal authorization to use the schedule(s) from the PRB and WHS. Because of the complexities that would be involved in using 11 different retention schedules, a school district may find it more beneficial to determine whether they maintain any records that are not included in the GRS that they would like to be able to destroy prior to the 7-year statutory period. If the district has such a record(s), the school district could then consult the DPI's informational "Crosswalk" to determine what schedule addresses that particular record(s) and adopt that particular schedule, or adopt a portion of that schedule as appropriate. The "Crosswalk" can be found on the following DPI webpage: <https://dpi.wi.gov/libraries/records>. Even if a district adopts schedules created by the PRB, the law still requires that the district obtain the PRB and Historical Society's approval of the schedule(s) adopted. Lastly, it is important to note that the schedules define a minimum period of retention. Some records will be maintained for a longer period. Also, in some cases the minimum retention period permitted will not be the best operational decision. For example, the school specific schedule provides for a retention period of one year from the event in the case of student disciplinary records. Typically, districts maintain student cumulative

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records throughout the period of the student's attendance in the district, which will in many cases continue beyond one year from the date of any given disciplinary record. That is permissible despite a shorter retention period in the schedule. Note as well that state law requires that student disciplinary records be destroyed within one year from the date the student ceases to be enrolled in the district. This requirement is added to the policy language as well.

y. PO8407 School Resource Officer Program RESCIND

Irrelevant, we currently have no program

z. PO 8420 School Safety REVISION

The policy is revised to reflect the provision of training consistent with the school safety plan. In addition, the records retention requirement contained within Wis. Stat. 118.07(2)(a) is included and cross references Policy 8310 - Public Records in an effort to avoid conflict with retention requirements in light of changes to the records retention schedules produced by the Public Records Board. Finally, the citation to Wis. Stat. 121.02(1)(i) is removed as that refers to toxic substances and lead, which is not covered by this policy.

aa. PO 8500 Food Services REVISION

This policy has been revised to update the verbiage of the USDA required nondiscrimination language and to remove reference to redundant nondiscrimination language included elsewhere in the policy. Likewise, the policy is revised to incorporate dietary modification options that are not pursuant to a medical request that complies with the federal regulations for such medically-based modifications, but are still based on either noncompliant medical documentation or purely individual preferences at the Board's discretion. These options incorporate guidance provided by the Department of Public Instruction. Further, this policy language is revised in response to DPI auditor determinations about policy requirements regarding permissible delinquent school lunch balances. The revisions included generally remove the authority of the District Administrator and place in the authority of the Board the determination of a set level of permissible delinquent school lunch account balance, as opposed to allowing a determination be made by the administration based on the program, experience, etc. The current policy language does not lend itself to individualized determinations of permissible account balances, such that concerns of discriminatory practices are not realistic; however, the auditor's determination does not change the establishment of negative account balance rules, it merely shifts responsibility for setting the value from the administration to the Board. Likewise, it is legal to set different permissible levels of negative account balances based on grade level (accounting for the different levels of individual responsibility between a 1st grade student and a high school student). The current policy language again provides for establishing a different level of permitted delinquency by grade level – not individually, so that discrimination is not a realistic concern. The revisions are provided in response to current auditor expectations but still allow for differentiation by grade level (not by individual, and therefore not reasonably subject to discriminatory practice).

bb. PO 8531 Free and Reduced-Price Meals REVISION

This policy is revised to update the language to assure it matches the USDA's required nondiscrimination language. Adoption of this revision is required to maintain USDA-approved policy language.

cc. PO 9210 Parent Organizations RESCIND

The policy is removed as the content is already sufficiently covered in Policy 9211.

dd. PO 9211 District Support Organizations REVISION

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The policy is revised to add an option to include a requirement that any organization described in this policy requires advance permission to use any of the district's identifying logos, name, and, if applicable, slogans or taglines used by the district or one of the schools in the district.

3. PO8431 Preparedness for Toxic Hazards
 - a. Confirm Toxic Hazard Preparedness (THP) Officer.
 - b. Confirm Chemical Hygiene (CHO) Officer.
 - c. Confirm there is a Chemical Hygiene Plan and when last reviewed.

❖ FUTURE MEETING AGENDA ITEMS



❖ ADJOURN

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Book	Policy Manual
Section	0000 Bylaws
Title	Copy of BOUNDARIES
Code	po0113
Status	Proposed to Policy & Human Resources Committee
Adopted	April 25, 2016
Last Reviewed	December 6, 2023

0113 - BOUNDARIES

The School District of Manawa is comprised of the following areas: City of Manawa, Townships of Little Wolf, Helvetia, Union, St. Lawrence, ~~Ogdensburg~~, Royalton, Mukwa, Bear Creek, ~~and~~ Lebanon **and Village of Ogdensburg**.

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Last Modified by Ryan Peterson on November 30, 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 Proposed to Policy & Human Resources Committee
 Adopted April 25, 2016
 Last Revised December 6, 2023
 Last Reviewed December 6, 2023

Revised Bylaw - Vol. 32, No. 2

0142.1 - ELECTORAL PROCESS

Members of the Board of Education 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.

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

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

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

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.

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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	Proposed to Policy & Human Resources Committee
Adopted	October 1, 2015
Last Revised	June 19, 2017
Last Reviewed	December 6, 2023

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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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	Proposed to Policy & Human Resources Committee
Adopted	April 25, 2016
Last Revised	January 17, 2022
Last Reviewed	December 6, 2023

Revised Bylaw - Vol. 32, No. 2

0144.3 - CONFLICT OF INTEREST

Board of Education 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/themselves, 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;:-
- F. 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. (X) 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., (X) 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

19.42(7), Wis. Stats.

19.59, Wis. Stats.

120.20, Wis. Stats.

946.13, 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 - INCAPACITY OF THE DISTRICT ADMINISTRATOR
Code	po1260
Status	Proposed to Policy & Human Resources Committee
Adopted	October 1, 2015
Last Revised	November 16, 2020
Last Reviewed	December 6, 2023

Revised Policy - Vol. 32, No. 2

1260 - INCAPACITY OF THE DISTRICT ADMINISTRATOR

It is the duty of the Board of Education 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 the District Administrator's request, be placed on a leave without pay.

As required by Federal law and regulation and Board Policy 143122.02 - 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 ~~1634~~30.01 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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Book	Policy Manual
Section	Vol. 32, No. 2, July 2023
Title	Revised Policy - Vol. 32, No. 2, July 2023 - DISTRICT-SPONSORED TRIPS
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Last Reviewed	December 6, 2023

Revised Policy - Vol. 32, No. 2

2340 - DISTRICT-SPONSORED TRIPS

The Board of Education 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. () arousecultivate 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 (X) 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 - SELECTION OF INSTRUCTIONAL MATERIALS AND EQUIPMENT
Code	po2521
Status	Proposed to Policy & Human Resources Committee
Adopted	October 17, 2016
Last Reviewed	December 6, 2023

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 provides instructional materials to accomplish the goals and objectives of the school system. The Board believes the District shall be responsible for providing instructional materials that meet the following standards:

- A. Enrich and support the curriculum, taking into consideration the varied interests, abilities and maturity levels of the students served.
- B. Stimulate growth in factual knowledge, literary appreciation, aesthetic values and ethical standards.
- C. Provide a background of information that will enable students to make intelligent judgments in their daily lives.

- D. Provide a diversity of viewpoints so that students may develop, under guidance, the practice of analytical reading and thinking.
- E. Represent many religious, ethnic and cultural groups and show how these contributed to the American heritage.
- F. Provide students with options for constructive use of leisure time.
- G. Provide content that is valid, relevant, appropriate and up-to-date.
- H. Contain format quality and variety.

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.

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, sex, national origin, age, marital status, veteran status, parental status, sexual orientation, genetic information, or physical, mental, emotional, or learning disability ("Protected Classes") in its selection of instructional materials and equipment.

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

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

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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
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Status	Proposed to Policy & Human Resources Committee
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Last Revised	December 19, 2022
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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 of Education 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 (**X**) 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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Legal 111.335, Wis. Stats.

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Code	po3139
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Revised Policy - Vol. 32. No. 2

3139 - STAFF DISCIPLINE

The Board of Education 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 ~~she 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 wrongdoing 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)~~

[X] 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]

[X] 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~~they~~ 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]

(X) 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
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Code	po3430.01
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Last Reviewed	December 6, 2023

Revised Policy - Vol. 32, No. 2

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

Introduction

In accordance with Federal and State law, the Board of Education 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~~ **himself/herself** due to a physical or mental disability or, for leave under State law only, unable to care for ~~himself/herself~~ **himself/herself** 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.

[X] 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/their 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/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 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; or
- 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~~ 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~~ 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.

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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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
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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.

[X] 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.~~ As defined by Policy 5200 - Attendance.

I.

J. Truancy and Habitual Truancy

~~See Policy 5200 - Attendance.~~ As defined by Policy 5200 - Attendance.

K.

L. Part of the School Day

~~See Policy 5200 - Attendance.~~ As defined by Policy 5200 - Attendance.

M.

N. Tardiness

~~See Policy 5200 - Attendance.~~ As defined by Policy 5200 - Attendance.

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

During a January meeting, the Board of Education 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]**

E. 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 students 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.

[X] 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. (X) 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. (X) 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

Last Modified by Ryan Peterson on November 30, 2023



Book	Policy Manual
Section	Vol. 32, No. 2, July 2023
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Revised Policy - Vol. 32, No. 2

5200 - ATTENDANCE

The Board of Education 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. **absence and instance of tardiness**_____.

School Attendance Officer

The District Administrator shall designate an administrator at each school to be the School Attendance Officer. The School Attendance Officer shall perform any duties and responsibilities as 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 Administration.

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]

District Administrator Guidelines

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

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

Legal

7.30(2)(am), Wis. Stats.

118.15, Wis. Stats.

118.153, Wis. Stats.

118.16, Wis. Stats.

118.162, Wis. Stats.

Last Modified by Ryan Peterson on November 30, 2023



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	Proposed to Policy & Human Resources Committee
Last Reviewed	December 6, 2023

Revised Policy - Vol. 32, No. 2

5215 - MISSING AND ABSENT CHILDREN

It is the intent of this Board of Education to cooperate with local, State, and National efforts to decrease the number of missing children. For purposes of this 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 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 the child remains 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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Book	Policy Manual
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Title	Revised Policy - Vol. 32, No. 2, July 2023 - STUDENT ANTI-HARASSMENT
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Revised Policy - Vol. 32, No. 2

5517 - STUDENT ANTI-HARASSMENT

Prohibited Harassment

It is the policy of the Board of Education 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) **Jeff Bortle**

 (School District Title) **Dean of Students MMS/LWHS**

 (Telephone Number) **920.596.5806**

 (Office Address) **515 East 4th Street, Manawa, WI 54949**

 (E-mail Address) **jbortle@manawaschools.org**

 (Name) **Michelle Johnson**

 (School District Title) **Principal MMS/LWHS**

 (Telephone Number) **920.596.5310**

 (Office Address) **515 East 4th Street, Manawa WI 54949**

 (E-mail Address) **mjohnson@manawaschools.org**

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 investigation, 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 recurrence, 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 November 30, 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	Proposed to Policy & Human Resources Committee
Last Reviewed	December 6, 2023

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.

[X] 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. **(X)** all dangerous controlled substances as so designated and prohibited by Wisconsin statute;
- B. **(X)** 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. **(X)** all chemicals which release toxic vapors;
- D. **(X)** all alcoholic beverages;
- E. **(X)** any prescription or patent drug, except those for which permission to use in school has been granted pursuant to Board policy;
- F. **(X)** "look-alikes";
- G. **(X)** essential oils and oil like products that may be mistaken for a drug **()** (see Policy 5330 - Administration of Medication/Emergency Care);
- H. **(X)** anabolic steroids;
- I. **(X)** 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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Legal

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 November 30, 2023



Book	Policy Manual
Section	Vol. 32, No. 2, July 2023
Title	Revised Policy - Vol. 32, No. 2, July 2023 - RETURNED/OUTSTANDING-STALE CHECKS
Code	po6151
Status	Proposed to Policy & Human Resources Committee
Adopted	July 18, 2016
Last Revised	January 17, 2022
Last Reviewed	December 6, 2023

Revised Policy - Vol. 32, No. 2

6151 - RETURNED/OUTSTANDING-STALE CHECKS

When the District receives a check from a student or parent that, when deposited, is returned marked "insufficient funds", the District Administrator shall provide an opportunity for the payer to make proper payment or to arrange for a satisfactory payment schedule. If payment is not received within (30) days, the payment schedule is not adhered to, or the monies do not appear to be collectable, the Board of Education authorizes the District Administrator to remove the fee or charge from the District's Accounts Receivable and to take appropriate action against the student and/or the parents. The parent or student may be charged any cost charged by the District's banking institution for a returned check.

Outstanding (Stale Dated) Checks - Unclaimed Property Process

Checks that are outstanding, meaning they have not been cashed by the payee, after (X) the period of time established by the banking institution for the validity period of the check () a period of 180 days after issuance () a period of days after issuance [END OF OPTIONS] [DRAFTING NOTE: Neola recommends that District's consult with their banking institution to determine if the bank has established a period of time after which a check is no longer valid.] shall be deemed to be a "stale" check. Any stale check shall be treated as unclaimed property consistent with the guidance provided by the Wisconsin Department of Revenue's (WI DOR) "Unclaimed Property Holder Report Guide" for locating the owner and/or remitting the unclaimed property to the WI DOR.

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Book	Policy Manual
Section	Vol. 32, No. 2, July 2023
Title	New Policy - Vol. 32, No. 2, July 2023 - COMMUNITY SERVICES FUND (FUND 80)
Code	po6236
Status	Proposed to Policy & Human Resources Committee
Last Reviewed	December 6, 2023

New Policy - Vol. 32, No. 2

6236 - COMMUNITY SERVICES FUND (FUND 80)

It is the purpose of this policy to authorize a Community Services Fund (hereinafter referred to as "Fund 80") for the development and maintenance of programs and services outside of the regular curricular and extra-curricular programs (these programs may include education, training, recreational, cultural and/or athletic programs and services).

The Community Services Program is accounted for in Fund 80 and the Board of Education may fund the program by a combination of a local tax levy and user/rental fees. Fund 80 expenses shall not be paid from the Fund 10 general fund.

Each activity or service covered by this policy must be authorized by the Board before monies can be collected or disbursed in the name of said activity or service.

Each activity or service supported by this fund must be open for participation by the general community within any age or similar guidelines of the activity and not contain prohibitive requirements based on school district membership. The following costs are ineligible costs for community programs and services:

- A. Costs for any program or service that it limited to only District students;
- B. Costs for any program or service whose schedule presents a significant barrier for age-appropriate School District resident to participate in the program or service;
- C. Costs that are not the actual, additional cost to operate community programs and services under this policy; and
- D. Costs that would be incurred by the District if community programs and services were not being provided by the District.

The Board must adopt a budget for Fund 80 expenditures. () A summary of revenues and expenses will be provided at each District Annual Meeting to determine future Fund 80 tax levies. **[DRAFTING NOTE: This option should not be selected by Unified School Districts.]**

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Legal 65.90, Wis. Stat.
120.13(19), Wis. Stats.
Wis. Admin Code PI 80

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Book	Policy Manual
Section	Vol. 32, No. 2, July 2023
Title	Replacement Policy - Vol. 32, No. 2, July 2023 - NONDISTRICT-SUPPORTED STUDENT ACTIVITY ACCOUNTS
Code	po6610
Status	Proposed to Policy & Human Resources Committee
Adopted	July 18, 2016
Last Revised	March 15, 2021
Last Reviewed	December 6, 2023

Replacement Policy - Vol. 32, No. 2

6610 - NONDISTRICT-SUPPORTED STUDENT ACTIVITY ACCOUNTS

The Board of Education authorizes the maintenance of approved student activity accounts for nondistrict-supported student activities as allowed by DPI regulations and the auditor's recommendations in accordance with GASB 84. Approval of the establishment of any student activity account for a nondistrict-supported student activity, after the student activity is approved, without District financial support, in accordance with Policy 2430 - District-Sponsored Clubs and Activities, shall be determined by the () District Administrator () Business Manager () School Administration () **[END OF OPTION]** before monies can be collected or disbursed in the name of said activity.

[DRAFTING NOTE: For consistency, it is recommended to make the selection of the approval entity consistent with Policy 2430 - District-Sponsored Clubs and Activities.]

Definitions

The following definitions are provided for these terms within the context of this policy:

- A. **District-sponsored student activity:** All student activities recognized by the District as approved co-curricular/extra-curricular activities are designated as District-sponsored, including both District-supported and nondistrict-supported student activities. (see Policy 2430 - District-Sponsored Clubs and Activities)
- B. **District-supported student activity:** The District provides financial support of the student activity and exercises administrative control over dispersal of the activity's funds.
- C. **Nondistrict-supported student activity:** The District does not provide financial support of the student activity and does not exercise administrative control over dispersal of funds.

Other terms are used as defined in Bylaw 0100 - Definitions.

Nondistrict-supported Student Activities

Nondistrict-supported student activity accounts are intended to provide a custodial account for an approved student activity for which the District does not provide funds (i.e., have financial involvement) or exercise administrative control over the funds. Such nondistrict-supported student activities may not be required by any course or provide any academic credit. These student activities are established for District students and may have a District-assigned and/or a District-compensated staff advisor/coach for supervisory purposes. While these student activities may use District facilities, equipment, and materials, the funds for these activities are self-managed by the students. Assistance from parents or other volunteers is permissible (see Policy 8120 - Volunteers). Fund-raising is permissible in accordance with District policies (see Policy 5830 - Student Fund-Raising and Policy 9700 - Relations with Non-School Affiliated Groups). Equal access shall be provided in accordance with Policy 5730 - Equal Access for Nondistrict-Sponsored Student Clubs and Activities. A District staff member may serve as an advisor/coach, but decisions regarding money must be made by the students, as long as such expenditures do not violate District policies (e.g., purchase of illegal items, purchase of

nonconforming technology, purchase from a non-approved vendor). As a fiduciary in accordance with GASB 84, the District maintains custodial accounts for the student activity, but does not determine or approve how account monies are used since financial decisions are made by the students without administrative control or endorsement from District staff.

Criteria for Nondistrict-Supported Student Activity Accounts

Nondistrict-supported student activity accounts may be established if all of the following criteria are met:

- A. The student activity account has been approved in accordance with this policy.
- B. The activity's students or student officers make all decisions regarding revenues, budgeting, and expenditures.
- C. Any request to expend money from the account must be endorsed in writing by the activity's President and Treasurer.
- D. The activity's advisor/coach is NOT permitted to make decisions regarding money, nor may the advisor/coach initiate or endorse any expenditure request.
- E. The student activity account is not under the District's control, nor subject to District oversight.

Accounts for District-Supported Clubs, Activities, and Athletics

District-supported clubs, activities, and athletics are supported, at least in part, with District funds and are therefore subject to District oversight and management. In addition, any club, activity, or athletic team that does not directly receive designated District funds but is required for a course or provides academic credit is also considered District-supported and is subject to District oversight and management.

District-supported clubs, activities, or athletics are not affected by this policy.

Typically, District-supported student co-curricular activities have designated activity funds established either in Fund 10 or Fund 21 in accordance with GASB 84, DPI regulations, and auditor recommendations. Financial support includes, but is not limited to, budgeted funds allocated by the District or school, an advisor/coach paid for by the District or school who exercises control over the activity's fund, some activities offered to students paid for by the District or school, and transportation paid for by the District or school. Also, financial support includes indirect financial assistance as part of the District's educational program when student participation is required by a course or academic credit is awarded for participation in the activity.

General Provisions

The purpose of District-sponsored activities is to enable students to explore a wider range of individual interests than may be available in the District's courses of study but are still related to accomplishing the educational outcomes for students as adopted by the Board in Policy 2131 - Educational Outcome Goals and Expectations. District-sponsored activities must be approved in accordance with Policy 2430 - District-Sponsored Clubs and Activities or Policy 2431 - Interscholastic Athletics.

District-sponsored student activities are authorized to use the District name, logo, mascot, or any other name which would associate an activity with the District provided such use is consistent with other applicable District policies.

Student fund-raising shall be conducted in accordance with Policy 5830 - Student Fund-Raising and Policy 9700 - Relations with Non-School Affiliated Groups.

All collected money shall be handled, secured, and deposited in accordance with Policy 6630 - Cash Handling and Deposits. Misappropriation of activity monies, which includes theft or any other misuse of monies, will result in discipline up to and including suspension, expulsion, and/or termination of employment.

Discontinued Student Activities

After one (1) full school year of inactivity, the unexpended funds of a discontinued nondistrict-supported student activity shall be transferred to the Student Council's account unless the discontinued student activity had provided other instructions for dispersal of its unexpended funds.

After one (1) full school year of inactivity, the unexpended funds of a discontinued District-supported student activity shall be transferred to the District's General Fund - Fund 10.

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Legal 120.16(2) Wis. Stats.

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Book	Policy Manual
Section	Vol. 32, No. 2, July 2023
Title	New Policy - Vol. 32, No. 2, July 2023 - MEMORIALS FOR STAFF AND STUDENTS
Code	po7250.01
Status	Proposed to Policy & Human Resources Committee
Last Reviewed	December 6, 2023

New Policy - Vol. 32, No. 2

7250.01 - MEMORIALS FOR STAFF AND STUDENTS

The Board of Education recognizes the far-reaching impact that a student's or staff member's death may have on other students, staff, families, and the community as well as the importance of remembering deaths of students or staff, and recommends that memorials take an active form.

Some examples of memorials include a blood drive, partnering with local nonprofit organizations and related activities, and/or establishing a scholarship. As a courtesy, the family of the deceased student or staff member should also provide consent before the activity is held. The Board believes that the remembrance of a student or staff member whose life ended should be consistent from case to case, considerate of the grief process of family and friends, and in accordance with this policy.

Generally, the Board does not support permanent memorials including, but not limited to, the use of memorial plaques or markers which are mounted or displayed on District buildings or grounds. Memorials are permissible only after a proposal is approved by the () Board () District Administrator () _____ [END OF OPTION]. [] The () District Administrator () _____ [END OF OPTION] shall inform the Board of all such approved permanent memorials. [END OF OPTION]

[] When there is a death by suicide, it is important that the response to the death not serve as an incentive for self-inflicted acts by others. The American Association of Suicidology concludes that memorials contribute negatively to the contagion effect. Projects that are life-affirming are encouraged. Examples include volunteering, tutoring, fundraising for a charity, or community service.

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Book	Policy Manual
Section	Vol. 32, No. 2, July 2023
Title	Revised Policy - Vol. 32, No. 2, July 2023 - VIDEO SURVEILLANCE AND ELECTRONIC MONITORING
Code	po7440.01
Status	Proposed to Policy & Human Resources Committee
Adopted	November 21, 2016
Last Revised	December 19, 2022
Last Reviewed	December 6, 2023

Revised Policy - Vol. 32, No. 2

7440.01 - VIDEO SURVEILLANCE AND ELECTRONIC MONITORING

The Board of Education authorizes the use of video surveillance and electronic monitoring equipment at various facilities and school sites throughout the District, and on school buses. No audio or video surveillance is permitted within the District other than those authorized by policy or the District Administrator, and only if clear and visible notice is provided to any persons entering an area or building subject to video and/or audio monitoring that such monitoring may occur. This does not restrict the collection of video or audio recording at events open to the public.

~~Wherever video surveillance or electronic monitoring are used, such notification shall identify that video or electronic () and audio [END OF OPTIONS] surveillance () is possible technology () are possible technologies~~

~~[END OF OPTIONS] being employed.~~

~~[DRAFTING NOTE: If opting to employ audio surveillance, this should be done with legal consultation. Whether notice of audio surveillance in a school facility is sufficient to establish consent is not a clearly settled legal concept in Wisconsin.]~~

Placement of Surveillance

[X] The District Administrator is responsible for determining where to install and operate fixed-location video surveillance/electronic monitoring equipment in the District. [END OF OPTIONAL SENTENCE] (X) The District Administrator shall assure that video surveillance is handled in accordance with the placement, monitoring, and access considerations incorporated into the school safety plan as more fully described in Policy 8420 - School Safety. [END OF OPTIONAL SENTENCE] The determination of where and when to use video surveillance/electronic monitoring equipment will be made in a nondiscriminatory manner. Video surveillance/electronic monitoring equipment may be placed in common areas in school buildings (e.g. school hallways, entryways, the front office where students, employees, and visitors are permitted to freely come and go, gymnasiums, cafeterias, libraries), the school parking lots and other outside areas, and in school buses. Except in extraordinary circumstances and with the written authorization of the District Administrator, video surveillance/electronic monitoring equipment shall not be used in areas where persons have a reasonable expectation of privacy (e.g. restrooms, locker rooms, changing areas, private offices (unless there is express consent given by the office occupant), or conference/meeting rooms), or in individual classrooms during instructional times. (X) Security staff and administrators Administrators are authorized to carry and use portable video cameras when responding to incidents. [END OF OPTIONAL SENTENCE] (X) The Board authorizes security personnel to use body-worn video cameras while on duty but prohibits them from being operated while the individual is routinely patrolling restrooms and locker rooms unless the staff member is responding to a specific incident. [END OF OPTIONAL SENTENCE]

Any person who takes action to block, move, or alter the location and/or viewing angle of a video camera shall be subject to disciplinary action.

Notification of Surveillance

[DRAFTING NOTE: If opting to employ audio surveillance, this should be done with legal consultation. Whether notice of audio surveillance in a school facility is sufficient to establish consent is not a clearly settled legal concept in Wisconsin.]

Wherever video surveillance or electronic monitoring are used, such notification shall identify that video or electronic () and audio **[END OF OPTIONS]** surveillance

(X) is possible technology

() are possible technologies

[END OF OPTIONS]

being employed.

[DRAFTING NOTE: The language regarding the notification of parents and students regarding video surveillance/electronic monitoring equipment in the student handbook has been made optional, however, while not mandated by law this method of notification is strongly recommended and is considered best practice.]

Legible and visible signs shall be placed at the main entrance to buildings and in the areas where video surveillance/electronic monitoring equipment is in use to notify people that their actions/behavior are subject to being monitored/recorded, which may include video footage, audio recording, or both. (X) Additionally, the District Administrator is directed to annually notify parents and students through the Student Handbook, () and school newsletters **[END OF OPTION]** and staff via the Staff Handbook(s), of the use of video surveillance/electronic monitoring systems in their schools, which may include either video or audio footage, or both. **[END OF OPTIONAL SENTENCE]** In cases approved by the District Administrator, camera surveillance may be used for investigatory purposes without staff, student, or public notice if the usage is calculated to further investigation into misconduct believed to have occurred or believed to be ongoing.

Uses of Surveillance

Any information obtained from video surveillance/electronic monitoring systems may only be used to support the orderly operation of the School District's schools and facilities, and for law enforcement purposes, and not for any other purposes. As such, recordings obtained through the use of video surveillance/electronic monitoring equipment may be used as evidence in any disciplinary proceeding, administrative proceeding or criminal proceeding, subject to Board policy and regulations. Further, such recordings may become a part of a student's education record or staff member's personnel file.

[X] Ordinarily, video surveillance/electronic monitoring equipment will not be used to make an audio recording of conversation occurring on school grounds or property.

The Board will not place video surveillance/electronic monitoring equipment for the purpose of obtaining information for routine staff appraisal/evaluation or monitoring; however, video footage captured in the normal course of surveillance which shows information pertinent to staff performance or conduct may be used for that purpose.

[X] Additionally, prerecorded lessons or observations of online or virtual learning sessions may be included as part of an employee's evaluation.

Further, if an employee is assigned to work remotely (i.e., telework), the ~~administration~~ **Administration** is authorized to conduct observations that consist of the supervisor reviewing video-recordings of the employee working and/or watching the employee perform their job responsibilities through means of a live-stream that includes both video and audio.

Additionally, nothing herein shall prevent the ~~administration~~ **Administration** from using information gathered through electronic means (i.e., viewing a video-recording or live-stream of an employee working) for employment purposes including, but not limited to, completing components of an evaluation.

[END OF OPTION]

Recordings that capture students may be student records and as such will be treated as confidential, subject to the Board's public records and student records policies.

Retention, Secure Storage, Access to and Disposal of Video Recordings

[DRAFTING NOTE: the minimum period of time that video footage will remain available should be based on the technological capabilities being utilized by the District. If video footage is overwritten every seven (7) days, then the policy should not reflect a longer period of time. The policy accounts for the possibility that certain camera footage may be available longer, for example, if it is triggered by motion detection as opposed to continuous recording, but the availability will have to be case-by-case. Neola recommends consultation with District IT/security personnel when determining how to complete the following sections of this policy.]

The Board shall maintain video surveillance/electronic monitoring recordings for a limited period. Any request to view a recording under this policy must be made within _____ (7 calendar) **[seven (7) to thirty (30)]** days of the event/incident in order to assure its availability. Inquiries after that time period may be available depending on current retention capabilities. Unless a recording is separated and maintained for some reason by the District, any recording may be destroyed after _____ (30 calendar) **[seven (7) to thirty (30)]** days. If, however, action is taken by the Board/~~administration~~ **Administration**, as a result of a formal complaint or incident, recordings shall be kept consistent with the Board's record retention policy depending on the nature of the video record retained, but for a minimum of one (1) year from the date of the action taken. (X) Recordings may also be kept beyond the normal retention period if they are going to be utilized for training purposes. **[END OF OPTIONAL SENTENCE]**

Video recordings, if stored on a removable/portable device or on a locally hosted server, when not in use, shall be stored in a locked, fire-resistant cabinet or room in an area to which students and the public do not normally have access. The recordings should be clearly and properly labeled and stored. Any video data stored on a cloud-based server system must be stored pursuant to a vendor agreement that assures the confidentiality of data accessible only to school officials.

Access to and viewing of video recordings is limited to authorized personnel. () The Administrator **or Technology Director** is responsible for maintaining a proper audit trail for all video recordings (i.e., logs must be maintained of all instances of access to, and use of, recorded material – the log must document the person accessing the recording, the date and time of access, and the purpose). The Administrator shall approve requests for access to recorded and stored video images **[END OF OPTION]**. **[DRAFTING NOTE: Caution should be exercised in selecting the option that requires the creation and maintenance of a log regarding access to the video recordings. Once created, the log is subject to open records requests. A log of video recordings, unlike pupil record logs, is not required by Wisconsin law and the Board is not required to create written policies regarding retention or the creation of a storage log in this instance. If this option is selected, then the logs must be created and maintained.]**

The Administrator **or Technology Director** may authorize the viewing of recorded images in the event of an ongoing law enforcement investigation, an incident involving property damage or loss, or for other reasons deemed appropriate.

Video footage should not be removed from school officials' custody except as required by law or upon a request from law enforcement. [] All video recordings to be taken off-site in any portable format must be signed out by the requestor and the building principal. When returned, the requestor who originally signed the recording out and the building principal shall sign the recording back in. () Video files should not be transmitted electronically to sources outside the District except as required or permitted by law () and only with the approval of the District Administrator **[END OF OPTION]**. **[DRAFTING NOTE: If the District creates a log for signing in/out video recordings, this log may also be subject to open records requests.]**

All video surveillance/electronic monitoring recording media shall be considered legal evidence and treated as confidential or as directed by Board counsel. The release of original video recordings to individuals or outside agencies may only occur pursuant to subpoena or court order after the same has been reviewed by Board counsel.

Original video recordings shall never be edited or manipulated in any manner. When video recordings are requested by any law enforcement agency as part of an ongoing investigation, a duplicate may be provided for that purpose. The original media shall be protected from accidental overwrite or erasure during the duplicating process. Nothing in this paragraph prohibits the redaction of personally identifiable information from duplicated media when mandated by FERPA.

Video recordings may never be sold publicly, viewed or distributed in any other fashion except as provided for by Board policy and () AG 7440 - Facility Security, and **[END OF OPTION]** consistent with State and Federal law.

Devices containing video recordings, scheduled to be destroyed must be securely disposed of in such a way that the personal information cannot be reconstructed or retrieved (e.g. shredding, burning, magnetically erasing the personal information).

Surveillance on School Buses

[DRAFTING NOTE: Whether posted notice of audio surveillance in a school facility is sufficient to establish consent is not a clearly settled legal concept in Wisconsin, there is the express regulatory authority for the use of audio surveillance on school buses.]

School buses owned by the District or a contractor under contract with the District may be equipped with video and/or audio recording equipment in specified locations within the vehicle as provided in the Wisconsin Department of Transportation regulations.

Exceptions

This policy does not address or cover instances where school officials record a specific event (e.g. a play, music performance, athletic contest, graduation, or Board meeting), or an isolated instance where a classroom is video recorded for educational or research purposes. Authorized video recording for educational, instructional and/or research purposes is permitted and is not addressed by this policy.

Video surveillance is to be implemented in accordance with this policy () and the related administrative guidelines (AG 7440 - Facility Security), **[END OF OPTION]** and consistent with the school safety plan. The Board will not accept or tolerate the improper use of video surveillance/electronic monitoring equipment and will take appropriate action in any cases of wrongful use of this policy.

19.31 – 19.39, 118.125, Wis. Stats.

Wis. Admin. Code Trans 300.81(7)

18 U.S.C. 2510-2521

FERPA 20 U.S.C. 1232g

34 C.F.R. 99.1-99.67

Title I of the Electronic Communication Privacy Act of 1986

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Legal 19.31 19.39, 118.125, Wis. Stats.
Wis. Admin. Code Trans 300.81(7)
18 U.S.C. 2510-2521
FERPA 20 U.S.C. 1232g

34 C.F.R. 99.1-99.67

Title I of the Electronic Communication Privacy Act of 1986

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Book	Policy Manual
Section	Vol. 32, No. 2, July 2023
Title	New Policy - Vol. 32, No. 2, July 2023 - SMART MONITORING EQUIPMENT
Code	po7440.02
Status	Proposed to Policy & Human Resources Committee
Last Reviewed	December 6, 2023

New Policy - Vol. 32, No. 2

7440.02 - SMART MONITORING EQUIPMENT

[DRAFTING NOTE: This policy is being offered to address the emerging monitoring technology used to detect vape smoke and the like.]

In order to protect students and faculty, promote security and protect the health, welfare and safety of students, staff and visitors, the Board of Education authorizes the use of smart sensor and electronic monitoring equipment on school property, and in school buildings and school buses. Information obtained through smart sensor devices may be used to identify intruders and persons breaking the law, Board policy, or the Student Code of Conduct (i.e., it may be used as evidence in disciplinary actions and criminal proceedings).

The monitoring of actions and behavior of individuals who come onto school property is a significant factor in maintaining order and discipline and protecting students, staff, visitors, and school and student property. Smart sensor monitoring systems serve to complement other means being employed in the District to promote and foster a safe and secure teaching and learning environment for students and staff. The Board recognizes that the use of a smart sensor monitoring system does not replace the need for the ongoing vigilance of the school staff assigned by the building principal to monitor and supervise the school building. Rather, the smart sensor monitoring system serves as an appropriate and useful tool with which to augment or support the in-person supervision provided by staff. The building principal is responsible for verifying that due diligence is observed in maintaining general campus safety and security.

The District Administrator is responsible for determining where to install and operate fixed-location smart sensor monitoring equipment in the District. The determination of where and when to use smart sensor equipment will be made in a nondiscriminatory manner. Smart sensor equipment may be placed in designated areas in school buildings (e.g., school hallways, restrooms, classrooms, locker rooms, entryways, the front office where students, employees, and visitors are permitted to freely come and go, gymnasiums, cafeterias, libraries).

Any person who takes action to block, move, or alter the location of a smart sensor shall be subject to disciplinary action.

Any information obtained from smart sensor monitoring systems may only be used to support the orderly operation of the School District's schools and facilities, and for law enforcement purposes, and not for any other purposes. As such, information obtained through the use of smart sensor equipment may be used as evidence in any disciplinary proceedings, administrative proceedings or criminal proceedings, subject to Board policy and regulations.

Smart sensor technology is to be implemented in accordance with this policy and the related guidelines. The Board will not accept or tolerate the improper use of smart sensor equipment and will take appropriate action in any cases of wrongful use of this policy.

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Book	Policy Manual
Section	Vol. 32, No. 2, July 2023
Title	New Policy - Vol. 32, No. 2, July 2023 - PERSONAL BACKGROUND CHECK - CONTRACTED SERVICES
Code	po8121
Status	Proposed to Policy & Human Resources Committee
Last Reviewed	December 6, 2023

New Policy - Vol. 32, No. 2

8121 - PERSONAL BACKGROUND CHECK – CONTRACTED SERVICES

To protect students and staff members, the Board of Education requires an inquiry into the personal background of each contractor, subcontractor, and employee of a contractor or subcontractor who is likely to have direct, ongoing contact with children within the scope of their contracted service or employment.

The District Administrator shall establish the necessary procedures to provide that (1) individuals serving as contractors or subcontractors submit to a background check and (2) entities operating as contractors or subcontractors conduct an inquiry into the background information of their employees who are likely to have direct, ongoing contact with children.

Each individual serving as a contractor or subcontractor who is likely to have direct, ongoing contact with children in the course of providing services to the District shall be required to report the (**X**) arrest and the filing of criminal charges against the contractor or subcontractor, **[END OF OPTION]** conviction of the contractor or subcontractor for a crime, and substantiated report of child abuse or neglect of which the contractor or subcontractor is the subject.

Each contractor and subcontractor providing services to the District shall screen all employees who are likely to have direct, ongoing contact with children in the course of providing services to the District. Screening shall be required only one (1) time during the period of the current contract with the District as long as the contractor has continuously screened new hires, required the same of its subcontractors, and required that these employees report the (**X**) arrest and the filing of criminal charges against the employee, **[END OF OPTION]** conviction of the employee for a crime, and substantiated report of child abuse or neglect of which the employee is the subject.

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Book	Policy Manual
Section	Vol. 32, No. 2, July 2023
Title	Revised Policy - Vol. 32, No. 2, July 2023 - NOTIFICATION OF EDUCATIONAL OPTIONS
Code	po8146
Status	Proposed to Policy & Human Resources Committee
Last Reviewed	December 6, 2023

Revised Policy - Vol. 32, No. 2

8146 - NOTIFICATION OF EDUCATIONAL OPTIONS

~~The Board recognizes the need to provide alternative means by which students achieve the goals of the District.~~

Annually, by January 31, a list of all educational options available to children who reside in the District will be provided to parents as a class 1 notice ~~and (X)~~ on the District's website. **[END OF OPTION]**. These options include public schools, private schools participating in a parental choice program, charter schools, virtual schools, full-time open enrollment, Early College Credit Program, Start College Now Program, part-time open enrollment in a nonresident school district, youth apprenticeship programs offered under 106.13, Wis. Stats. and options for students enrolled in a home-based private education program. **(X)** (See Policy 2370 - Educational Options Provided by the District) **[DRAFTING NOTE: This option cross reference is only for districts that have Policy 2370.]**

In the class 1 notice, ~~as well as the notice on the District website,~~ the Board **of Education** shall identify the most recent report card accountability rating that has been assigned to each school within the District boundaries, including charter schools and private schools participating in a parental choice program. This notice shall also inform parents of the availability of the full school and School District accountability reports. (See also Policy 2700.01 - School Performance and State Accountability Report Cards)

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Legal	115.385(4), Wis. Stats.
	118.15, Wis. Stats.
	118.55, Wis. Stats.
	118.57, 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 - PUBLIC RECORDS
Code	po8310
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Adopted	November 21, 2016
Last Revised	April 27, 2020
Last Reviewed	December 6, 2023

Revised Policy - Vol. 32, No. 2

8310 - PUBLIC RECORDS

The Board of Education recognizes its responsibility to maintain the public records of this District and to make such records available for inspection and reproduction. The Board designates the District Administrator as the District Records Custodian (DRC), to be the legal custodian of records for the District. The DRC shall safely keep and preserve the public records of the District and shall have the authority to render decisions and carry out duties related to those public records. The DRC may deny access to records only in accordance with the law. The DRC is authorized and encouraged to consult with the District's legal counsel to determine whether to deny access to a records request in whole or in part.

Under the Wisconsin Public Records Law, a "record" is defined as any material on which written, drawn, printed, spoken, visual, or electromagnetic information or electronically generated or stored data is recorded or preserved, regardless of physical form or characteristics, that has been created or is being kept by the authority. It includes handwritten, typed, or printed pages, maps, charts, photographs, films, recordings, tapes, optical discs, and any other medium on which electronically generated or stored data is recorded or preserved. A "record" does not include drafts, notes, preliminary computations, and like materials prepared for the originator's personal use or prepared by the originator in the name of a person for whom the originator is working; materials that are purely the personal property of the custodian and have no relation to his/her office; materials to which access is limited by copyright, patent, or bequest; and published materials in the possession of an authority other than a public library that are available for sale, or that are available for inspection at a public library. The personal use exception applies to notes created by the originator solely for the purpose of refreshing his/her recollection and as a matter of convenience (not part of his/her job duties), but does not apply to notes that are distributed to others for the purpose of communicating information or notes that are created or retained for the purpose of memorializing agency activity.

In addition, records may be exempted from disclosure as a matter of statute or common law or, under the balancing test, the public interest in disclosure may be outweighed by the public interest in non-disclosure.

Any person may make an oral or written request for any public records of the District. The person may inspect or receive copies of the public record requested. The District will respond as soon as practicable and without delay. The District will either provide the requested documents, subject to any redactions, or inform the requester of the District's decision to deny the request.

The District will comply with the Safe at Home/Address Confidentiality Program administered by the Wisconsin Department of Justice. (See Policy 5111 - Eligibility of Resident/Nonresident Students, Policy 8320 - Personnel Records and Policy 8330 - Student Records.)

The District may impose a fee upon the requester of a copy of a record of \$ -.02 per page, which represents the actual, necessary, and direct cost of reproduction of the record. In addition, the District may impose a fee upon a requester for the actual time spent by District employees in locating a record, if the cost is \$50.00 or more. In calculating location costs, the District will use the applicable employee's hourly rate for salary and benefits.

The District may also charge the requester for any equipment required to fill the request (such as videotapes, computer disks, etc.). The District may impose a fee upon a requester for the actual, necessary, and direct cost of mailing or shipping of any copies which are mailed or shipped to the requester.

The District may require prepayment of fees if the total amount exceeds \$5.00. If payment is required, the District will calculate the actual cost and charge the requester. If advance payment is required, the District will either invoice the requester for the difference between the estimate and actual cost or refund any overpayment.

No public record may be removed from the office in which it is maintained except by a Board officer or employee in the course of the performance of his/her duties.

Nothing in this policy shall be construed as preventing a Board member from inspecting in the performance of his/her official duties any record of this District, except student records and certain portions of personnel records.

The District Administrator is authorized to develop administrative guidelines to provide for proper compliance with the intent of this policy and the public records law.

~~1~~ Records Retention Schedule

~~The District has adopted the Wisconsin Department of Public Instruction's guidelines on School District record retention.~~

~~It may be accessed at the following web address:~~

~~https://publicrecordsboard.wi.gov/Documents/DPI%20GS_APPROVED%20June%202015%20v8.1.pdf~~

19.21(6), Wis. Stats. requires that school districts retain public records, other than student records, for seven (7) years, unless a shorter period is fixed by the Public Records Board (PRB) in a records retention schedule subsequently adopted by the Board.

The Board has approved the following records retention schedules developed by the Wisconsin Historical Society and PRB: **[DRAFTING NOTE: The Wisconsin Public School District and Related Records GRS contains retention schedules for school-specific records, including student records, and therefore it must be adopted or alternatively, the Board must adopt its own schedule that includes retention for student records to account for their separate treatment under the law. The remaining retention schedules can be adopted as desired but if not adopted those records are covered by the default seven (7) year retention period in statutes. Any schedule adopted by the Board, even those that were created by the PRB, must be approved for District-specific usage by the Wisconsin Historical Society and the PRB after adoption.]**

- A. Wisconsin Public School District and Related Records GRS (expiring March 20, 2033)
- B. Administrative and Related Records GRS (expiring March 21, 2032)
- C. Budget and Related Records GRS (expiring November 21, 2032)
- D. Facilities Management and Related Records GRS (expiring November 18, 2029)
- E. Fiscal and Accounting and Related Records GRS (expiring November 20, 2027)
- F. Human Resources and Related Records GRS (expiring March 25, 2029)
- G. Information Technology and Related Records GRS (expiring November 10, 2024)
- H. Payroll and Benefits and Related Records GRS (expiring August 30, 2031)
- I. Purchasing & Procurement and Related Records GRS (expiring November 11, 2023)
- J. Risk Management and Related Records GRS (expiring August 25, 2024)
- K. Wisconsin Municipal and Related Records GRS (expiring August 27, 2028)

The District will retain public records in accordance with the preceding general records schedule(s). In the event that the preceding general records schedules adopted do not define the retention period for a particular record, the District will retain the record for seven (7) years.

19.21, Wis. Stats.
19.31-39, Wis. Stats.
118.125, Wis. Stats.
120.13(12), Wis. Stats.

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Legal	19.21, Wis. Stats.
	19.31-39, Wis. Stats.
	118.125, Wis. Stats.
	120.13(12), Wis. Stats.

Last Modified by Ryan Peterson on November 30, 2023



Book	Policy Manual
Section	8000 Operations
Title	Copy of SCHOOL RESOURCE OFFICER PROGRAM
Code	po8407
Status	Proposed to Policy & Human Resources Committee
Adopted	July 27, 2020
Last Reviewed	December 6, 2023

~~8407~~ **SCHOOL RESOURCE OFFICER PROGRAM**

~~To promote a safe, secure, and supportive school environment, the Board believes it appropriate for the District to have a collaborative relationship with the law enforcement agency(ies) with jurisdiction in the District through a School Resource Officer (SRO) Program.~~

~~The SRO Program shall provide appropriate and relevant information, instruction, and resource services to students, teachers, and parents. These services along with the District's and the law enforcement agency's(ies') duties and obligations regarding the SRO Program, shall be set forth in an agreement between the District and the law enforcement agency(ies), including:~~

- ~~A. placement of a designated School Resource Officer in specific schools on specific days and times;~~
- ~~B. development of positive law enforcement officer/student relationships;~~
- ~~C. investigation of alleged violations of law, consistent with the authority and duties of law enforcement officers, that involve student or staff conduct on or off of school property;~~
- ~~D. educational presentations/discussions;~~
- ~~E. preventative and/or informational discussions with students/parents;~~
- ~~F. patrol and supervision of various school functions;~~
- ~~G. creation and implementation of crime prevention and safety programs; and~~
- ~~H. performance of duties of regular patrol officers that pertain to school resource matters;~~
- ~~I. a requirement the law enforcement agency(ies) to provide the Board with an annual report regarding the SRO Program.~~

~~This report shall summarize activities conducted throughout the previous school year and shall include recommendations for the upcoming school year. The Board may request additional updates or reports.~~

~~The building principal(s) shall serve as the designated liaisons between the District and the law enforcement agency(ies) and shall oversee the SRO Program as it pertains to the specific building(s). The District and the law enforcement agency(ies) shall collaborate in determining various responsibilities and requirements under the SRO Program, including programming services and development of the school safety plan (See Policy 8420—School Safety). Any services or activities provided or performed by the law enforcement agency(ies) via the SRO Program shall not serve as a substitute for any responsibilities assigned to District personnel.~~

~~Sharing of confidential information and/or student record information with the law enforcement agency(ies) by the District shall fully comply with all relevant statutory provisions and District policies. Use of any devices by any member of the law enforcement agency(ies) to gather or store information in the course of an investigation (e.g., body camera footage) shall~~

~~be done in full compliance with all law enforcement agency(ies) policies, as well as State and Federal law regarding the use of any such devices.~~

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Legal

- Wis. Stat. §§ 968.07(1)(d), (2)
- Wis. Stat. § 165.85(2)(c)
- Wis. Stat. § 121.02(1)(i)
- Wis. Stat. § 120.44 (unified school districts)
- Wis. Stat. § 120.13
- Wis. Stat. § 118.257
- Wis. Stat. § 118.127
- Wis. Stat. § 118.125
- Wis. Stat. § 118.001
- Wis. Stat. § 66.0301

Last Modified by Ryan Peterson on November 30, 2023



Book	Policy Manual
Section	Vol. 32, No. 2, July 2023
Title	Revised Policy - Vol. 32, No. 2, July 2023 - SCHOOL SAFETY
Code	po8420
Status	Proposed to Policy & Human Resources Committee
Adopted	November 21, 2016
Last Revised	March 15, 2021
Last Reviewed	December 6, 2023

Revised Policy - Vol. 32, No. 2

8420 - SCHOOL SAFETY

The Board of Education recognizes that its responsibility for the safety of students extends to its reaction to possible natural and man-made disasters and that such emergencies are best met by preparedness, and planning, and training as determined by the District Administrator consistent with the Board approved school safety plan.

Each school shall develop a school safety plan in accordance with State requirements, and each school's safety plan shall be reviewed and approved () annually (**X**) every three (3) years **[END OF OPTIONS]** by the Board. The plan contains guidelines and procedures to address school violence and attacks, threats of school violence and attacks, bomb threats, fire, weather-related emergencies, intruders, parent-student reunification, and threats to non-classroom events, including recess, concerts and other performances, athletic events, and any other ~~extracurricular~~ extra-curricular activity or event. The plan shall contemplate the use of tools to mitigate threats of school violence, including video surveillance, school resource officers, metal detectors, and other such preventative safety measures in addition to responsive measures.

The school safety plan shall include the manner of scheduling, conducting, and reviewing required drills, including fire drills, tornado or other hazard drills, school safety incident drills, and school violence drills. Each school safety plan shall specify for each type of required drill how many and how frequently they will be conducted for each building in compliance with State law requirements for the performance of such drills. The plan shall designate the responsible administrator for each building for assuring that required drills are completed, reviewed, and reported as required by law. Records of drills and related reports shall be maintained for a period of not less than seven (7) years, consistent with Board Policy 8310 - Public Records.

The Board must submit the following to the Wisconsin Office for School Safety prior to January 1st of each year:

- A. A copy of its school safety plan.
- B. The date(s) of the required annual school violence event drill or drills conducted in accordance with each building's school safety plan during the previous year.
- C. Certification that the Board reviewed a required written evaluation of the drill or drills.
- D. The date of the most recent school training on school safety and the number of attendees.
- E. The most recent date the Board reviewed and approved the school safety plan.
- F. The most recent date the Board consulted with a local law enforcement agency to conduct on-site safety assessments.

School administrators and staff are mandatory reporters of suspected child abuse and neglect pursuant to ~~Wis. Stats. § 48.981 (2)(a)~~, **Wis. Stats.** The Board also requires all employees to receive training regarding mandatory reporting of school violence threats pursuant to ~~Wis. Stats. § 175.32(2) and (3)~~, **Wis. Stats.** If the threat constitutes a serious and imminent threat to the health or safety of a student or school employees or the public, it shall be reported to law enforcement. A good faith standard exists for reporting threats made by an individual seen in the course of professional duties. These obligations and procedures are covered by Board Policy 8462 - Child Abuse and Neglect, as well as Policy 8462.01 - Threats of Violence. All threats to the safety of District facilities shall be identified by appropriate personnel and responded to promptly in accordance with the school safety plan.

The District Administrator shall develop guidelines for the handling of all emergency evacuations. A crisis procedure checklist includes at least the following:

- A. Assess life/safety issues immediately.
- B. Provide immediate emergency medical care.
- C. Call 911 and notify police/rescue first. Call the District Administrator second.
- D. Convene the crisis team to assess the situation and implement the crisis response procedures.
- E. Evaluate available and needed resources.
- F. Alert school staff to the situation.
- G. Activate the crisis communication procedure and system of verification.
- H. Secure all areas.
- I. Implement evaluation and other procedures to protect students and staff from harm. Avoid dismissing students to unknown care.
- J. Adjust the bell schedule to ensure safety during the crisis.
- K. Alert persons in charge of various information systems to prevent confusion and misinformation. Notify parents.
- L. Contact appropriate community agencies and the District's public information office, if appropriate.
- M. Implement post-crisis procedures.

In response to public records requests for school safety documents, after consultation with the District legal counsel and local law enforcement authorities, the District Administrator shall redact such information that may be sensitive safety or security information that is in the public's interest to remain confidential.

118.07, ~~121.02(1)(i)~~, 175.32(2), (3), 48.981(2)(a), Wis. Stats.

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Legal 118.07, 175.32(2), (3), 48.981(2)(a), Wis. Stats.

Last Modified by Ryan Peterson on November 30, 2023



Book	Policy Manual
Section	Vol. 32, No. 2, July 2023
Title	Revised Policy - Vol. 32, No. 2, July 2023 - FOOD SERVICES
Code	po8500
Status	Proposed to Policy & Human Resources Committee
Adopted	November 1, 2015
Last Revised	April 24, 2023
Last Reviewed	December 6, 2023

Revised Policy - Vol. 32, No. 2

8500 - FOOD SERVICES

The Board of Education shall provide cafeteria facilities in all school buildings where space permits, and will provide food service for the purchase and consumption of lunch for all students.

[X] The Board shall also provide a breakfast program in accordance with procedures established by the Department of Public Instruction.

~~The Board does not discriminate on the race, color, national origin, age, sex (including gender status, change of sex, sexual orientation, or gender identity), pregnancy, creed or religion, genetic information, handicap or disability, marital status, citizenship status, veteran status, military service (as defined in 111.32, Wis. Stats.), ancestry, arrest record, conviction record, use or non-use of lawful products off the District's premises during non-working hours, declining to attend an employer-sponsored meeting or to participate in any communication with the employer about religious matters or political matters, or any other legally protected category in its programs and activities, including employment opportunities in its educational programs or activities, including the Food Service program. Students and all other members of the District community and Third Parties are encouraged to promptly report incidents of discrimination and/or retaliation related to the Food Service program to a teacher, administrator, supervisor, or other official so that the Board may address the conduct. See Policy 2260 — Nondiscrimination and Access to Equal Educational Opportunity.~~

The food-service program shall comply with Federal and State regulations pertaining to the selection, preparation, delivery, consumption, and disposal of food and beverages, including but not limited to the current USDA's school meal pattern requirements of the United States Department of Agriculture (USDA) and the USDA's Smart Snacks in School nutrition standards, as well as to the fiscal management of the program. Further, the food-service program shall comply with Federal and State regulations pertaining to the fiscal management of the program as well as all the requirements pertaining to food service hiring and food service manager/operator licensure and certification. In addition, as required by law, a food safety program based on the principles of the Hazard Analysis and Critical Control Point (HACCP) system shall be implemented with the intent of preventing food-borne illnesses. For added safety and security, access to the facility and the food stored and prepared therein shall be limited to food service staff and other authorized persons.

The Board shall approve and implement nutrition standards governing the types of food and beverages that may be sold on the premises of its schools and shall specify the time and place each type of food or beverage may be sold. In adopting such standards, the Board shall:

- A. consider the nutritional value of each food or beverage;
- B. consult and incorporate to the maximum extent possible the ~~dietary guidelines~~ Dietary Guidelines for Americans jointly developed by the ~~United States Department of Agriculture (USDA)~~ USDA and the United States Department of Health and Human Services; and
- C. consult and incorporate the ~~USDA~~ USDA's Smart Snacks in School nutrition guidelines.

No food or beverage may be sold on any school premises except in accordance with the standards approved by the Board.

Dietary Modifications [DRAFTING NOTE: This section contains three (3) categories of circumstances in which a student may receive a modified meal. The first category "Compliant Medical Documentation" is mandatory; whereas the second two (2) categories, i.e., "Noncompliant Medical Requests" and "Requests Not Based on a Medical Statement", are optional. The Board may choose either or neither of the two (2) optional categories.]

Modifications Based on Compliant Medical Documentation

Substitutions to the standard meal requirements shall be made, at no additional charge, for students for whom who have received, from a health care provider who has with prescriptive authority in the State of Wisconsin has provided Wisconsin, medical certification that the student's medical condition restricts their diet, in accordance with the criteria set forth in 7 C.F.R. Part 15b.

A request for substitutions to the standard meal requirements shall be made, at no additional charge, for students for whom a health care provider with prescriptive authority in the State of Wisconsin has provided medical certification that the student's medical condition necessitates dietary restrictions for the student. The individual making such an initial request for such substitutions must inform the Food Service Director shall be informed that medical certification that the Special Dietary Accommodation Coordinator that the student has a restricted medical condition that restricts the student's diet, in accordance with the criteria set forth in 7 C.F.R. Part 15b., must be submitted within _____ () school days from a health care provider with prescriptive authority in the State of Wisconsin or the dietary modification may be discontinued until such statement is received. The School District will honor the request for the () school days within the health care providers request. Within (2) school days after receiving the initial request, a health care provider with prescriptive authority in the State of Wisconsin must submit medical certification that the student's medical condition restricts their diet, in accordance with the criteria set forth in 7 C.F.R. Part 15b. The substitutions may be discontinued until such medical certification is received.

The medical certification must identify:

- A. the student's medical condition or symptoms of a condition that restricts one (1) or more major life activity or function;
- B. an explanation of how the condition or symptom affects the student's diet; and
- C. the food(s) to be omitted from the student's diet, and the food or choice of foods that must be substituted (e.g., caloric modifications or use of liquid nutritive formula).

[Optional Provision - for medical statements not compliant with 7 C.F.R. Part 15b

[] Modifications Based on Noncompliant Medical Requests

[] On a case-by-case basis, substitutions to the standard meal requirements may be made, at no additional charge, for students who provide a signed statement from a qualified medical authority that the student cannot consume certain food items due to medical or other special dietary needs, but which does not comply with the requirements above. To qualify for such consideration and substitutions the medical statement must identify:

- A. the medical or dietary need that restricts the student's diet; and
- B. the food(s) to be omitted from the student's diet and the food(s) or choice of foods that may be substituted.

[End Optional Provision of Option]

[Optional Provision – Based on preferences with no medical documentation] [DRAFTING NOTE: If the Board chooses to include this category of modification, it must also choose among the options below.]

[] Modification Based on Student/Parental Preference

When a request for a special dietary accommodation is not supported by an authorized Medical Statement for Special Dietary Needs or included in a student's IEP or 504 plan, the School District cannot provide modified meals that are not in compliance with USDA Child Nutrition Program requirements. However, the Board authorizes the following:

A. [] Fluid Milk Substitution If Selected Choose One]

1. [] The School District shall have no legal obligation to accommodate a student's or a parent's preference for a fluid milk substitute if there is no Medical Statement for Special Dietary Needs on file requiring such a substitute. However, the District will assist the student in choosing a reimbursable meal through offer versus serve (OVS).
2. [] The School District shall offer a Federally approved milk substitute with a written and signed request from a parent that identifies the reason for the special dietary accommodation.

B. [] Religious Reason If Selected Choose One]

1. [] The School District shall have no legal obligation to accommodate a student's or parent's request for accommodations based on religious requests. However, the District will assist the student in choosing a

~~reimbursable meal through offer-versus-serve (OVS).~~

2. ~~[] The School District will provide substitutions based on religious requests to any student, for any religious reason with a written and signed request by a parent that identifies the reason for the accommodation. A substitution for a religious request must meet USDA Child Nutrition Program meal pattern requirements.~~

C. ~~[] General Dietary Preference [If Selected Choose One]~~

1. ~~[] The School District shall have no legal obligation to accommodate a student's or parent's general health, nutrition, or food preferences. However, the District will assist the student in choosing a reimbursable meal through offer-versus-serve (OVS).~~
2. ~~[] The School District will provide substitutions based on lifestyle preferences to any student with a written and signed request by a parent that identifies the reason for the accommodation. A substitution for a personal request must meet USDA Child Nutrition Program meal pattern requirements.~~

~~[END OF OPTIONS]~~

~~IMPLEMENTATION AND DISCONTINUATION~~

~~Review~~

~~Upon receipt of a request for a special dietary accommodation, the Food Service Director or Special Dietary Accommodation Coordinator shall review the request to ensure it is supported as required by Federal law and District policy.~~

~~Implementation~~

~~When the need for a special dietary accommodation is supported by a Medical Statement for Special Dietary Needs signed by a State authorized medical authority, the District will offer a reasonable modification that effectively accommodates the student's disability. Following USDA Child Nutrition Program regulations, the School District may consider factors such as cost and efficiency and is not required to prepare a specific meal, provide a specific brand of food, or provide a meal beyond the meals provided to other students.~~

~~For students who have an IEP or 504 plan that requires specific food related accommodations, the School District shall provide the accommodation as required by law, seeking clarifying medical information, as necessary.~~

~~A special dietary request will be approved and implemented upon submission of a completed authorized Medical Statement.~~

~~Notification~~

~~Parents will be notified of clarifications needed or approval of a special dietary request.~~

~~Student Absence~~

~~If a student receiving a special dietary accommodation is absent or does not wish to participate in school lunch on a day an accommodation is planned, contact the Food Service Director or Special Dietary Accommodation Coordinator by 9:00 a.m. ~~[or enter a time]~~ the same day.~~

~~Renewing A Special Dietary Request~~

~~An authorized Medical Statement does not need to be updated annually. However, the Food Service Director or Special Dietary Accommodation Coordinator may annually seek clarification or updates on special dietary requests.~~

~~Discontinuation of a Special Dietary Request~~

~~A special dietary request or part of a request may be discontinued by a parent by submitting the request in writing to the Food Service Director or Special Dietary Accommodation Coordinator.~~

~~The District may provide a student with a substitute meal without any certification provided that the meal still meets the USDA meal pattern for reimbursement.~~

~~(-) For students who need a nutritionally equivalent milk substitute, only a signed request by a parent is required.~~

~~Meal Charges~~

~~Lunches sold by the school may be purchased by students and staff members and community residents in accordance with the rules of the District's school lunch program.~~

~~The operation and supervision of the food-service program shall be the responsibility of the District Administrator. Food services shall be operated on a self-supporting basis with revenue from students, staff, Federal reimbursement, and surplus food. The Board shall assist the program by furnishing available space, initial major equipment, and utensils. Maintenance and replacement of equipment is the responsibility of the program.~~

~~A periodic review of the food-service accounts shall be made by the Administration. Any surplus funds from the National School Lunch Program shall be used to reduce the cost of the service to students or to purchase cafeteria equipment shall be used in a manner permitted by law as determined by the (X) District Administrator () Board~~

[END OF OPTION]. Surplus funds from a-la-carte foods purchased using funds from the nonprofit food service account must accrue to the nonprofit food service account.

Bad Debt

Bad debt incurred through the inability to collect lunch payment from students is not an allowable cost chargeable to any Federal program. Any related collection cost, including legal cost, arising from such bad debt after they have been determined to be uncollectable are also unallowable. District efforts to collect bad debt shall be in accordance with Policy 6152 - Student Fees, Fines, and Charges.

Bad debt is uncollectable/delinquent debt that has been determined to be uncollectable no sooner than the end of the school year in which the debt was incurred () and after the District Administrator determines that sufficient reasonable effort and approaches to collecting the debt have been made. If the uncollectable/delinquent debt cannot be recovered by the School Meals Program in the year when the debt was incurred, then this is classified as bad debt. Once classified as bad debt, non-Federal funding sources must reimburse the NSFSA for the total amount of the bad debt. The funds may come from the District general fund, State or local funding, school or community organizations such as the PTA, or any other non-federal source. Once the uncollectable/delinquent debt charges are converted to bad debt, records relating to those charges must be maintained in accordance with the record retention requirements in 7 CFR 210.9(b) (17) and 7 CFR 210.15(b).

Negative Account Balances

[DRAFTING NOTE: USDA regulations provide local control with respect to permitting negative lunch account balances, including prohibiting it altogether. The Wisconsin Department of Public Instruction's current position is that it does not intend to issue model policy language or guidelines concerning this issue. As a practical matter, a hard-line rule prohibiting any negative account balances is not recommended. Rather, permitting some limited negative balances to occur, while placing some restrictions on those situations, is likely the most appropriate. Nonetheless, this first option recognizes that each School District does have the choice to prohibit a negative balance without any exceptions].

OPTION #1

No student will be permitted to purchase any meals for which the student does not have sufficient balance in their food service account or sufficient cash on hand to purchase the food items.

Students receiving paid or reduced-price lunch who do not have sufficient account balance or cash on hand to purchase a meal () will not be provided an alternative meal () will be provided an alternative meal that meets the USDA guidelines applicable to alternative meal options. The District Administrator shall, in coordination with the District's food service, assure that any alternative meals that are provided meet the requisite USDA guidelines for alternative meals. The cost of the alternative meal will be added to the delinquent account.

OPTION #2

Students will be permitted to purchase meals from the District's food service using either cash on hand or a food service account. A student may be allowed to incur a negative food service account balance subject to the following conditions.

Students may be permitted to accumulate negative food service account balance ~~as determined by the District Administrator~~ () not to exceed \$ ~~() not to exceed an amount equal to one school week of regular meal price~~ () not to exceed an amount equal to one school week of regular meal price **[END OF OPTIONS]**. () Students up to grade 8 will be allowed to incur a negative balance not to exceed \$ **[END OF OPTIONAL SENTENCE]** **[DRAFTING NOTE: The Board may establish a different permissible negative balance for elementary grades to account for the students' lower level of responsibility for managing these accounts at the younger grade levels.]** ~~The District Administrator shall determine the manner of determining permissible account balances by grade level.~~ A student () shall be () shall not be **[END OF OPTION]** permitted to purchase a la carte items without sufficient account balance or cash on hand. () Likewise, any student that has a negative account balance may not purchase a la carte items with cash unless the student is also able to bring their account current.

A student who has exceeded the permissible negative balance amount in their account and does not have cash on hand sufficient to purchase a meal will be treated respectfully. The District will provide meals to students with unpaid meal balances without stigmatizing them, will provide parents of students who charge meals with notification when a student charges a meal, and will make efforts to collect the charges incurred by the students so that the unpaid charges are not classified as bad debt at the end of the school year.

[Option A]

If a student has ~~a significant~~ **reached the permissible level of** negative lunch account balance, they shall be provided a regular reimbursable meal that follows the USDA meal pattern, the cost of which shall continue to accrue to a negative lunch account balance.

[End of Option A]

[Option B]

If a student has a significant negative lunch account balance, they shall be provided an alternate meal () at a reduced price recommended by the District Administrator and approved by the Board **[END OF OPTION]**, the cost of which shall continue to accrue to a negative lunch account balance, and the student's parent(s) shall be contacted to collect the outstanding charges. The alternate meal will be a low-cost alternative to the regular reimbursable meal and shall meet USDA nutritional standards or the Smart Snacks in Schools Regulations so that it qualifies for reimbursement under the National School Lunch/Breakfast Program.

[End of Option B]

[END OF OPTIONS]

This policy and any implementing guidelines shall be provided in writing to all households at the start of each school year and to households transferring to the school or School District during the school year. The policy and implementing guidelines will also be provided to all District staff with responsibility for enforcing the policies. () The policy and guidelines will be posted on the District website.

[Drafting Note: posting to the website is not sufficient to meet the notice requirement, but could be supplemental]

The food-service program () shall participate () may participate in the Farm to School Program using locally grown food in school meals and snacks.

No foods or beverages, other than those associated with the District's food-service program, are to be sold during food-service hours.

The District's food service program shall serve only food items and beverages determined by the Food Service Department to be in compliance with the current USDA Dietary Guidelines for Americans and the USDA Smart Snacks in School nutrition guidelines. Any competitive food items and beverages that are available for sale to students a la carte in the dining area between midnight and thirty (30) minutes following the end of the school day shall also comply with the current USDA Dietary Guidelines for Americans and the USDA Smart Snacks in School nutrition guidelines, and may only be sold in accordance with Board Policy 8550 - **Competitive Food Sales**. Foods and beverages unassociated with the food-service program may be vended in accordance with the rules and regulations set forth in Board Policy 8540 - **Vending Machines**.

The District Administrator will require that the food service program serve foods in the schools of the District that are wholesome and nutritious and reinforce the concepts taught in the classroom.

The District Administrator is responsible for implementing the food service program in accordance with the adopted nutrition standards and shall provide a report regarding the District's compliance with the standards at one of its regular meetings annually. () The District Administrator shall assure that the District's vendors and/or Food Service Management Contractor is provided a copy of this policy and any implementing guidelines and that any pertinent agreements are consistent with this policy and any implementing guidelines.

Nondiscrimination Statement

~~The following statement applies to all programs administered by the District that are funded in whole or in part by the U.S. Department of Agriculture (USDA):~~

~~In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, sex (including gender status, change of sex, sexual orientation, or gender identity), disability, age, or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA.~~

~~Persons with disabilities who require alternative means of communication for program information (e.g. Braille, large print, audiotape, American Sign Language, etc.), should contact the Agency (State or local) where they applied for benefits. Individuals who are deaf, hard of hearing or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.~~

~~In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, this institution is prohibited from discriminating on the basis of race, color, national origin, sex (including gender identity and sexual orientation), disability, age, race, color, religion, sex, national origin, age, marital status, veteran status, parental status, sexual orientation, genetic information, or physical, mental, emotional, or learning disability ("Protected Classes") or reprisal or retaliation for prior civil rights activity. The District's nondiscrimination statement below is complementary to the District's nondiscrimination policies, including Policy 2260 - Nondiscrimination and Access to Equal Opportunity and Policy 1422/Policy 3122/Policy 4122 - Nondiscrimination and Equal Employment Opportunity.~~

~~Program information may be made available in languages other than English. Persons with disabilities who require alternative means of communication to obtain program information (e.g., Braille, large print, audiotape, American Sign Language), should contact the responsible state or local agency that administers the program or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339.~~

~~To file a program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, (AD-3027) found online at: http://www.ascr.usda.gov/complaint_filing_cust.html, and at any USDA office, or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by:~~

~~To file a program discrimination complaint, a Complainant should complete a Form AD-3027, USDA Program Discrimination Complaint Form which can be obtained online at: <https://www.usda.gov/sites/default/files/documents/USDA-OASCR%20P-Complaint-Form-0508-0002-508-11-28-17Fax2Mail.pdf>, from any USDA office, by calling (866) 632-9992, or by writing a letter addressed to USDA. The letter must contain the complainant's name, address, telephone number, and a written description of the alleged discriminatory action in sufficient detail to inform the Assistant Secretary for Civil Rights (ASCR) about the nature and date of an alleged civil rights violation. The completed AD-3027 form or letter must be submitted to USDA by:~~

1. Mail:
 - U.S. Department of Agriculture
 - Office of the Assistant Secretary for Civil Rights
 - 1400 Independence Avenue, SW

Washington, D.C. 20250-9410; **or**

2. Fax:
(833) 256-1665 or (202) 690-7442; or

3. E-mail:
program.intake@usda.gov.

This institution is an equal opportunity provider.

~~All verbal or written civil rights complaints regarding the school nutrition programs that are filed with the District must be forwarded to the Civil Rights Division of USDA Food and Nutrition Service within three (3) days.~~

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SP 32-2015 Statements Supporting Accommodations for Children with Disabilities in the Child Nutrition Programs

SP 59-2016 Modifications to Accommodate Disabilities in the School Meal Program

OMB Circular No. A-87 USDA Smart Snacks in School Food Guidelines (effective July 1, 2014)

Child Nutrition Act of 1966, 42 U.S.C. 1771 et seq.

Healthy, Hunger-Free Kids Act of 2010 and Richard B. Russell National School Lunch Act, 42 U.S.C. 1751 et seq.

42 U.S.C. 1758

15.137, Wis. Stats.

93.49, Wis. Stats.

115.34 - 115.345, Wis. Stats.

120.10(16), Wis. Stats.

120.13(10), Wis. Stats.

7 C.F.R. Part 15b

7 C.F.R. Part 210

7 C.F.R. Part 215

7 C.F.R. Part 220

7 C.F.R. Part 225

7 C.F.R. Part 226

7 C.F.R. Part 227

7 C.F.R. Part 235

7 C.F.R. Part 240

7 C.F.R. Part 245

42 U.S.C. Chapter 13

Last Modified by Ryan Peterson on November 30, 2023



Book	Policy Manual
Section	Vol. 32, No. 2, July 2023
Title	Revised Policy - Vol. 32, No. 2, July 2023 - FREE AND REDUCED-PRICE MEALS
Code	po8531
Status	Proposed to Policy & Human Resources Committee
Adopted	November 21, 2016
Last Revised	June 26, 2023
Last Reviewed	December 6, 2023

Revised Policy - Vol. 32, No. 2

8531 - FREE AND REDUCED-PRICE MEALS

The Board of Education recognizes the importance of good nutrition to each student's educational performance.

The Board shall provide eligible children with () breakfast and [END OF OPTION] lunch at a reduced rate or at no charge to the student.

Children, eligible for free or reduced-price meals, shall be determined by the criteria established by the Child Nutrition Program. These criteria are issued annually by the Federal government through the Wisconsin Department of Public Instruction's administration of the School Nutrition Programs.

The Board designates the

() District Administrator

() _____

to determine in accordance with Board standards, the eligibility of students for free and/or reduced-price meals.

The schools shall

() annually

() twice a year

notify all families of the availability, eligibility requirements, and/or application procedure for free and reduced-price meals by distributing an application to the family of each student enrolled in the school.

() and shall seek out and apply for such Federal, State, and local funds as may be applied to the District's program of free and reduced-price meals.

Nondiscrimination Statement

The following statement applies to all programs administered by the District that are funded in whole or in part by the U.S. Department of Agriculture (USDA):

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on ~~race, color, national origin, sex, disability, age, race, color, religion, sex, national origin, age, marital status, veteran status, parental status, sexual orientation, genetic information, or physical, mental, emotional, or learning disability ("Protected Classes")~~ or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA.

Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotope, American Sign Language, etc.), should contact the Agency (State or local) where they applied for benefits. Individuals who are deaf, hard of hearing or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, (AD-3027) found online at: http://www.ascr.usda.gov/complaint_filing_cust.html, and at any USDA office, or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by:

Program information may be made available in languages other than English. Persons with disabilities who require alternative means of communication to obtain program information (e.g., Braille, large print, audiotope, American Sign Language), should contact the responsible state or local agency that administers the program or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339.

To file a program discrimination complaint, a Complainant should complete a Form AD-3027, USDA Program Discrimination Complaint Form which can be obtained online at: <https://www.usda.gov/sites/default/files/documents/ad-3027.pdf>, from any USDA office, by calling (866) 632-9992, or by writing a letter addressed to USDA. The letter must contain the complainant's name, address, telephone number, and a written description of the alleged discriminatory action in sufficient detail to inform the Assistant Secretary for Civil Rights (ASCR) about the nature and date of an alleged civil rights violation. The completed AD-3027 form or letter must be submitted to USDA by:

1. Mail:
U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20250-9410; or
2. Fax:
(833) 256-1665 or (202) 690-7442; or
3. E-mail:
program.intake@usda.gov.

This institution is an equal opportunity provider.

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Legal 115.34-115.345, 120.10(16), 120.13(10), Wis. Stats.
42 U.S.C. 1771 et seq.

Last Modified by Ryan Peterson on November 30, 2023



Book	Policy Manual
Section	Vol. 32, No. 2, July 2023
Title	Rescind Policy - Vol. 32, No. 2, July 2023 - PARENT ORGANIZATIONS
Code	po9210
Status	Proposed to Policy & Human Resources Committee
Adopted	November 21, 2016
Last Reviewed	December 6, 2023

Rescind Policy - Vol. 32, No. 2

9210 — PARENT ORGANIZATIONS

~~The Board of Education supports all organizations of parents whose objectives are to promote the educational experiences of District students. However, in using the name of the District or its schools and in organizing a group whose identity derives from a school(s) of this District, the parental organization thereby shares responsibility with this Board for the welfare of participating students.~~

~~Any new parent organization desiring to use the name or good offices of the District must obtain the approval of the _____ as a prerequisite to organizing.~~

~~Representatives and members of approved school related organizations shall in all circumstances be treated by District employees as interested friends of the schools and as supporters of public education in the School District.~~

~~[] Staff members are encouraged to join such organization(s) in their related area(s) of specialization or interest.~~

~~The Board relies upon approved organizations to operate in a manner consistent with public expectations for the schools and reserves the right to withdraw sponsorship from organizations which violate the bounds of community taste.~~

~~Further, parent organizations shall comply with the rules and procedures set forth in Policy 9211 — District Support Organizations.~~

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Last Modified by Ryan Peterson on November 30, 2023



Book	Policy Manual
Section	Vol. 32, No. 2, July 2023
Title	Revised Policy - Vol. 32, No. 2, July 2023 - DISTRICT-SUPPORT ORGANIZATIONS
Code	po9211
Status	Proposed to Policy & Human Resources Committee
Adopted	November 21, 2016
Last Revised	April 23, 2018
Last Reviewed	December 6, 2023

Revised Policy - Vol. 32, No. 2

9211 - DISTRICT-SUPPORT ORGANIZATIONS

The Board of Education of Education appreciates the efforts of all organizations whose objectives are to enhance the educational experiences of District students, to help meet educational needs of students, and/or provide extra educational benefits not provided for, at the time, by the Board.

The Board recognizes that parent-teacher organizations and other school-related community organizations are channels through which school personnel, parents, and other citizens may discuss educational concerns, problems, and needs and work together toward solutions. **(X)** The District Administrator is authorized to provide support and assistance as appropriate upon the request of such an organization.

The Board encourages parents and District staff to participate in such organizations.

[] OPTION [DRAFTING NOTE: The more oversight the District takes on with respect to these organizations, the more obligation it takes on relative to the activities of the organization. Districts should carefully consider whether this level of oversight serves the interests of the organization and/or the school/District.]

The District Administrator shall:

- A. **()** review the objectives of each volunteer group to determine that relevant educational needs are being addressed;
- B. **()** provide assistance to a group in planning its activities;
- C. **()** monitor the plans and activities of each group to ensure compliance with laws, Board policies, and the District Administrator's administrative guidelines;
- D. **(X)** communicate school and/or District needs and concerns to the volunteer groups and those of the groups to the Board;
- E. **(X)** approve in-District fund-raising activities of a volunteer group as well as fund-raising activities held off-premises which involve students and require that for any fundraisers by District support organizations that involve the sale to students of food items and/or beverages 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 Smart Snack Rules;
- F. **(X)** establish and maintain procedures related to proposed monetary and other gifts to the District that will provide for proper screening, acceptance, acknowledgement, and use, consistent with accounting procedures established by the State;

inform participants that a Any organization described in this policy must obtain advance written permission from the District Administrator Building Principal or District Administrator the Board **[END OF OPTIONS]** before using any of the District's logos or name as well as the District's or school's slogans, specifically:
[DRAFTING NOTE: Identify any specific slogans or taglines that would identify a connection to the District or a school] [END OF OPTION] for the purpose of describing or promoting the organization or any activity of the organization.

By the end of _____ **June** _____ of each year, each group shall submit its tentative goals and objectives along with its fund-raising plans for the next school year to the District Administrator for review by the Board. Should the goals and objectives or fund-raising plans change during the school year, the District Administrator is to be advised before any final revisions are made.

The District Administrator shall implement administrative guidelines that will require each group's fund-raising activities are in compliance with all applicable Board policies, including, but not limited to, the requirement that, if approved, fundraisers that involve the sale to students of food items or beverages to be consumed on campus can only be conducted from thirty (30) minutes following the close of the last lunch period until thirty (30) minutes after the end of the school day. The guidelines shall also require that the funds are used for school-related projects that have the approval of the District Administrator and the Principal.

The District Administrator shall ensure that the Board receives an annual accounting of each group's receipts and expenditures by no later than _____ **June** _____ of each year.

[END OF OPTION]

Each volunteer organization that intends to work within the school setting may only do so in cooperation with the Principal and other staff members, including for such activities as fundraisers, meetings, and the like.

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Last Modified by Ryan Peterson on November 30, 2023



Book	Policy Manual
Section	8000 Operations
Title	PREPAREDNESS FOR TOXIC HAZARDS
Code	po8431
Status	Active
Adopted	November 21, 2016

8431 - **PREPAREDNESS FOR TOXIC HAZARDS**

The Board of Education is concerned for the safety of the students and staff members and will attempt to comply with all Federal and State statutes and regulations to protect them from hazards that may result from industrial accidents beyond the control of school officials.

TOXIC HAZARDS

These hazards exist in chemicals, pesticides, and other substances used in the school setting such as in laboratories, science classrooms, kitchens, and in the cleaning of rooms and equipment.

The Board will appoint an employee to serve as Toxic Hazard Preparedness (THP) Officer. The THP Officer will:

- A. identify potential sources of toxic hazard in cooperation with material suppliers who shall supply the THP Officer with Safety Data Sheets (SDS's);
- B. ensure that all incoming materials, including portable containers, are properly labeled with the identity of the chemical, the hazard warning, and the name and address of the manufacturer or responsible party;
- C. maintain a current file of SDS for all hazardous materials present on District property;
- D. design and implement a written communication program that:
 1. lists hazardous materials present on District property;
 2. details the methods used to inform staff and students of the hazards;
 3. describes the methods used to inform contractors and their employees of any hazardous substances to which they may be exposed and of any corrective measures to be employed;
- E. conduct a training program for all District employees on such topics as detection of hazards, explanation of the health hazards to which they could be exposed in their work environment, and the District's plan for communication, labeling, etc.;
- F. ensure that any staff member who applies pesticides on District property provides notification each year, prior to any application, to all parents and staff members 1.) that a pesticide is to be applied, 2.) the type of pesticide and its potential side effects, 3.) the location of the application, and 4.) the date of the application.

In fulfilling these responsibilities, the THP Officer may enlist the aid of county and municipal authorities and, if possible, the owners or operators of identified potential sources of toxic hazard.

In accordance with Federal law, the District will designate a Chemical Hygiene Officer (CHO) to maintain safety standards regarding chemical usage within classrooms and other instructional areas. The CHO, who is qualified by training or experience, will provide technical guidance in the development and implementation of the Chemical Hygiene Plan.

Nothing in this policy should be construed in any way as an assumption of liability by the Board for any death, injury, or illness that is the consequence of an accident or equipment failure or negligent or deliberate act beyond the control of the Board or its officers and employees.

The District will comply with any lead-screening requirements promulgated by the Department of Health and Social Services.

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101.58 et seq, 254.162, 254.20, Wis. Stats.

15 U.S.C. 2601

20 U.S.C. 4022

20 U.S.C. 4014

20 U.S.C. 4011

20 U.S.C. 4011 et seq.

29 C.F.R. 1910.1450(b)

OSHA Brief – Hazard Communication Standard: Safety Data Sheets

Last Modified by Kayla Reichley on September 9, 2019



School District of Manawa

Students Choosing to Excel, Realizing Their Strengths

School District of Manawa Staff Member,

We are investigating circumstances related to your employment with the School District of Manawa. The School District does not represent that this warning is necessarily required by law but wants to make clear that any investigation of this situation for purposes other than your employment would be conducted by different authorities – such as law enforcement authorities - and information obtained from this interview would not be provided to those authorities.

It is **extremely** important that you understand that you have a duty, as an employee of the School District, to cooperate during this interview. Your failure to provide any information requested, which includes engaging in actions such as evasiveness, offering false statements, or otherwise failing to comply with any of the instructions given to you, may lead the School District to consider any allegations against you as unchallenged or unrefuted, i.e., to take an adverse inference. Such actions may also **constitute separate grounds for discipline, up to and including your dismissal from employment.**

Under these circumstances, you are entitled to cooperate with the School District’s investigation without waiving any Fifth Amendment privilege against self-incrimination that may apply. This means that any information or evidence you furnish in response to questions asked of you during this meeting, or any information or evidence which is gained by reason of your answers, may not be used against you in criminal proceedings, according to the ruling in *Garrity v. New Jersey*, 385 US 493 (1967); however, any information or evidence you furnish in this meeting may be considered in the context of your employment with the School District.

Do you understand this information as I have explained it to you?

Record Response: YES NO

Read by: _____, on _____, 20_____.

Signature

Date

**School District
of Manawa**

800 Beech Street
Manawa, WI 54949

Phone: (920) 596-2525

Fax: (920) 596-5308

District Administrator: Ryan M. Peterson

**Little Wolf High School
Manawa Middle School**

515 E. Fourth St
Manawa, WI 54949

Phone: (920) 596-5800

Fax: (920) 596-2655

Principal: Michelle Johnson

**Manawa
Elementary**

800 Beech Street
Manawa, WI 54949

Phone: (920) 596-5700

Fax: (920) 596-5308

Principal: Danni Brauer

ManawaSchools.org



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