

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

**Date: June 4, 2019**

**Time: 5:00 p.m.**

**MES Board Room  
800 Beech St., Manawa**

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

**In Attendance:**

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

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

1. Policy Updates: Vol. 28 No. 1 + Safety Update (Information / Action)
2. Negative Food Balance ag 8500A (Information / Action)
3. Email Address Updates on Policies 1623, 3123, 4123 (Information/Action)
4. Policy & Human Resources Committee Planning Guide (Information)
5. Set Next Meeting Date
6. Next Meeting Items:
  - a. Support Staff Handbook (Revised)
  - b.
7. Adjourn

**Chair:** \_\_\_\_\_  
Signature

**Date:** \_\_\_\_\_ **Time:** \_\_\_\_\_



Book	Policy Manual
Section	For Board Review - Vol. 28, No.1 + Safety Update
Title	1-Overview & Comments
Code	1 - For Board Review - Explanations & Comments - Vol. 28, No. 1.
Status	

## WISCONSIN OVERVIEW AND COMMENTS

### **Volume 28, Number 1 January 2019**

All production-related materials and questions should be directed to the Coshocton Office at 632 Main Street, Coshocton, Ohio 43812 (phone 800-407-5815, fax 740-622-2557). Billing questions should be directed to the Stow Office at 3914 Clock Pointe Trail, Suite 103, Stow, Ohio 44224 (phone 330-926-0514, fax 330-926-0525).

Please make any revisions on the BoardDocs software using the instructions provided to you. You may direct questions related to content to your Neola Associate. Questions regarding the software should be directed to the BoardDocs help desk staff.

If a District chooses not to adopt a policy or administrative guideline, the District is still obligated to follow applicable Federal and State laws relating to that topic.

The proposed new, revised, and replacement policies, administrative guidelines and forms included in this update have been thoroughly prepared and reviewed by Neola's legal counsel for statutory compliance. If you make changes or substitute in its entirety policies or other materials of your own drafting, those materials should be reviewed by your legal counsel to verify compliance. Neola does not review District-specific edits to update materials or District-specific policies for statutory compliance.

If a policy or guideline is marked as a revision, the changes have been marked in bold (to add material) and crossed out (to delete material). As you review a revised policy or guideline, you may choose to accept one, many, or all of the changes provided. If a policy or guideline is marked as a replacement, that means there have been enough changes made that justify a complete, clean replacement copy. As you review a replacement policy or guideline, you should also check the materials you have in your current policy or guideline to see if there is some specific wording you want to be included in the replacement policy. If so, a copy of any wording to be added and where it should be inserted should be forwarded with the replacement policy or guideline when it is returned to the Coshocton office for processing.

If the District authors language and adds it to a policy template or deletes content that is not marked as a choice in the policy template, then these actions will constitute District-specific edits.

Policies that are to be deleted from the policy manual require Board action to rescind the policy.

Your Neola Associate will contact you in the near future to schedule an appointment to review this update and ensure you are current on this and previous updates.

If you are not an administrative guidelines client, you did not receive those materials in this packet. Contact your Associate for more information about becoming an administrative guidelines client.

#### Processing Update Materials

Revisions to your policies and administrative guidelines should be made on the BoardDocs software using the instructions provided to you.

## District-Specific Material

If the District chooses, during any step of the Update process, to incorporate District-specific material into a new policy or guideline that has been proposed or to insert District-specific material into a current policy or guideline for which revisions have been proposed in an update issued by Neola, then the District agrees to hold Neola harmless for those District-specific edits and acknowledges that Neola's warranty for legal challenges to that District-specific language in that policy or guideline will not be in effect. In addition, Neola retains ownership of the text from the original policy template that remains in a policy to which District-specific material has been added. District-specific materials include the following:

1. Materials from the District's existing materials that the District requests be incorporated during the drafting process;
2. New materials that the District develops in their entirety and exclusive of Neola; and
3. Revisions or deletions that substantively depart from Neola's templates.

Further, Neola does not recommend the use or incorporation of District-specific materials. Neola will, at the request of the District, incorporate District-specific materials into the licensed materials, with the implicit understanding that the District bears all risks associated with the District's decision to request that such District-specific materials be incorporated. Neola reserves the right to but is not obligated to, advise the District to seek its own legal review of District-specific materials.

## **BYLAWS & POLICIES**

### **Policy 1130 - Conflict of Interest (Revised)**

### **Policy 3230 - Conflict of Interest (Revised)**

### **Policy 4230 - Conflict of Interest (Revised)**

These policies are revised to clarify the scope of the conflict of interest laws in the policy, particularly as it pertains to situations when there is a conflict or a potential conflict, and clearly identify that the conflict may not harm the interests of the school district. The law, both section 19.59, Wis. Stats. and the criminal conflict statute, section 946.13, Wis. Stats. does not require that a violation is to the actual detriment of the district. The appearance and potential for compromised loyalty are sufficient to trigger application of the prohibitions if a public official is, due to his or her position as a public official, in a position to influence or does influence a course of action that also benefits that individual.

These changes are recommended to make it more clear to employees that the scope of the conflicts rules are not mitigated by assertions that the conflict produced a benefit to the school district. As such, the changes are recommended, but not required.

The law does not include any ill intent or harm element, only the presence of the conflict and, in the case of the ethical conflict statute (Section 19.59, Wis. Stats.) some action, including participating in discussion or deliberations on a matter of personal interest, as well as an actual vote.

### **Policy 1400V1 - Job Descriptions (Revised)**

### **Policy 3120.01 - Job Descriptions (Revised)**

### **Policy 4120.01 - Job Descriptions (Revised)**

These policies have been clarified to distinguish the board's obligation to approve job descriptions for licensed personnel while allowing the option for approval of support staff job descriptions by the administration.

These revisions are recommended for clarity and flexibility but not required.

### **Policy 1422 - Nondiscrimination and Equal Employment Opportunity (Revised)**

### **Policy 2260 - Nondiscrimination and Access to Equal Educational Opportunity (Revised)**

### **Policy 3122 - Nondiscrimination and Equal Employment Opportunity (Revised)**

### **Policy 4122 - Nondiscrimination and Equal Employment Opportunity (Revised)**

### **Policy 5517 - Student Anti-Harassment (Revised)**

The United States Department of Education's Office for Civil Rights expects to see policy language mandating that school districts retain records and materials gathered during the course of investigations of harassment. The revised policy now includes a section addressing the Board's responsibility to maintain investigatory records. Boards should already be maintaining such records as a matter of practice.

The District Administrator should recommend adoption of these policies, and the Board should take such action so that its policies are legally correct.

### **Policy 1662 - Employee Anti-Harassment (Revised)**

### **Policy 3362 - Employee Anti-Harassment (Revised)**

### **Policy 4362 - Employee Anti-Harassment (Revised)**

These policies are revised to clarify the investigation process and the rights of the accused during the course of the investigation,

including the effect of failure to meet certain timelines and, includes a new section authorizing the use of administrative leave pending an investigation.

Further, the United States Department of Education's Office for Civil Rights expects to see policy language mandating that school districts retain records and materials gathered during the course of investigations of harassment. The revised policy now includes a section addressing the Board's responsibility to maintain investigatory records. Boards should already be maintaining such records as a matter of practice.

The District Administrator should recommend adoption of these policies, and the Board should take such action so that its policies are legally correct.

#### **Policy 2270 - Religion in the Curriculum (Revised)**

As outside parties have appeared to increase their scrutiny of references to religion in the curriculum, the terminology in this policy has been clarified to better conform to legal standards.

The revisions are recommended but not required.

#### **Policy 2420 - Education for Employment (Replacement)**

This policy is being offered as a replacement document, as it has been re-written to more clearly identify the requirements from PI 26 and addresses the grade level requirements for providing education regarding employment. The revised policy also explains the regulatory requirements and addresses the requirements for the district's plan regarding education for employment. The revised policy is required for compliance with PI 26.

#### **Policy 2270.01 - School Performance and Accountability Reports (Revised)**

The language which refers to prior statutory programs which are no longer active has been deleted from the policy.

These modifications are recommended for consistency with current regulations.

#### **Policy 3120 – Employment of Professional Staff (Revised)**

This policy is revised to clarify the legal requirements about full-time teacher contracts and situations in which employment before board approval may be permitted.

The policy revisions are recommended, and as to the initial employment of certain employees, are necessary to more accurately reflect the law.

#### **Policy 3139 – Staff Discipline (Revised)**

This policy has been revised to remove reference to termination, as that is covered by Policy 3140 - Non-renewal, Resignation, and Termination. The policy is also revised to include an option to address the non-disciplinary nature of corrective action related to performance, such as the use of performance improvement plans.

These revisions are recommended.

#### **Policy 3140 – Non-Renewal, Resignation, and Termination (Revised)**

This policy is re-drafted to clarify the processes applicable to different types of employees depending on whether the employee is a teacher covered by Section 118.22, Wis. Stats., and an administrator covered by Section 118.24, Wis. Stats., an employee not covered by express statutory rules, but who has an employment agreement, and other employees.

These revisions are recommended to clarify the policy and applicable procedures for each different type of employee.

#### **Policy 3143 - Non-Renewal of Administrative Contracts (DELETE)**

The language regarding professional staff nonrenewal, term, and resignation have been incorporated into other policies and therefore it should be removed from the District's policy collection.

#### **Policy 5111 – Eligibility of Resident/Nonresident Students (Revised)**

The policy is revised to more accurately reflect the districts' responsibility in determining resident status of a student at enrollment. Importantly, the policy is revised to avoid situations that put the district in the position of interpreting custody and/or physical placement orders within the context of divorced or separated parents.

These revisions are recommended. In the case of divorced parents, school districts are not permitted to make enrollment decisions based on a court's divorce order, but rather based on standard concepts of residency. It is the responsibility of the parents to address

perceived violations of a custody/physical placement order and/or educational placement disputes.

The policy is also revised to clarify the imposition of conditional enrollment in the case of a student permitted to enroll that would otherwise be excluded from enrollment due to expulsion from another school district.

**Policy 5113 - Open Enrollment Program (Interdistrict) (Revised)**

Language has been added to the policy to be consistent with the statutory provision addressing non-resident school boards approving applications that were initially denied. The policy is also revised to remove reference to the transition year of 2015-2016 and to incorporate changes to the alternative application procedures implemented by emergency rule. Note that DPI is taking comments on the emergency rule provisions and if final regulations vary from the incorporated procedures, subsequent policy revisions will be provided. The revision is recommended for consistency with current law.

**Policy 5114 - Nonimmigrant Students In Visitor Programs (Revised)**

Language has been deleted from the policy which suggested a host family must reside in the district. Since a host family may be a non-resident family that has one or more children open enrolled in the district, the deletion of the residency reference is required for consistency with law.

**Policy 5341 - Emergency Medical Authorization (Revised)**

The policy has been revised to acknowledge that the Emergency Medical Authorization forms might be maintained in electronic files or a student management system.

The revision is recommended but not required.

**Policy 5512 – Use of Tobacco or Nicotine by Students (Revised)**

This policy is revised to permit an exception to the use by students of certain products containing nicotine if done so under the direction of a medical practitioner and consistent with the district's medications policy in situations in which the product is part of an approved cessation program.

This revision is recommended but not required.

**Policy 5724 - High School Voter Registration Program (Delete)**

Section 6.28, Wis. Stats. was revised to eliminate the requirement for schools to assist with voter registration. However, nothing in the law prohibits a district from voluntarily conducting such a program if the district chooses.

Since there is no longer a statutory requirement to continue the program, the policy should be deleted.

**Policy 6150 - Tuition Income (Revised)**

The terminology in this policy has been clarified for better consistency with the statutes, and the revisions are recommended for that purpose.

**Policy 6220 - Budget Preparation (Revised)**

As DPI currently provides a format for the preparation of the proposed budget, the detailed components in the policy are not necessary and could lead to confusion.

The revisions are recommended for consistency with current DPI budget preparation formats.

**Policy 6235 – Fund Balance (Revised)**

This policy is revised so that it more accurately reflects the accounting practices, and incorporates the descriptions of different fund balance designations directly in this policy.

Adoption of this revision is recommended, but not required.

**Policy 6440 - Cooperative Purchasing (Revised)**

The language has been modified to acknowledge current practices of purchasing via the state contract administered by the Wisconsin Department of Administration or through CESA joint purchasing contracts.

The revisions are recommended for consistency with current practices.

**Policy 6520 - Payroll Deductions (Revised)**

Language regarding withholding has been clarified and a drafting note added to explain that even though Act 10 and the recent Supreme Court decision prohibit mandatory dues deductions or fair share payments to unions, if a district does not allow voluntary payments to a labor organization when it allows voluntary payments to other outside parties, the district might be alleged to be acting in a discriminatory manner toward union affiliation. Thus, that remains as a voluntary option.

#### **Policy 8330 – Student Records (Revised)**

The policy is revised to reflect the requirement that student records be transferred to a new school the next working day if such a request is received in writing.

This revision reflects a change in state law and is required.

#### **Policy 9130 - Public Requests, Suggestions or Complaints (Revised)**

Modifications have been made to the policy to clarify appeal steps and the temporary vs. permanent withdrawal of materials pending committee recommendations.

The revisions are recommended but not required.

#### **Policy 9150 – School Visitors (Revised)**

A statutory citation has been added to the policy to expressly reference Section 120.13(35), Wis. Stats., which grants school boards the authority to control the presence of persons on school grounds.

## **ADMINISTRATIVE GUIDELINES**

#### **AG 2271 – Early College Credit Program (Revised)**

The guideline is revised to reflect the revisions made by the biennial budget bill's replacement of the Youth Options Program with the Early College Credit Program and DPI's issuance of an emergency rule implementing that change. The rule was issued on October 27, 2018.

Note that the policy does not include detail concerning the implementation of the program, and therefore, no changes are necessary to the policy. However, the guideline provides detail that requires revision, and those revisions are made. Specifically, those include clarifications regarding the determination of comparability of postsecondary courses to those offered by the district, as well as notice timelines for students' intent to participate in the summer session, if applicable. Note that this first notice deadline is February 1.

Note as well that the rule provides that DPI will determine that students receiving free and reduced lunch meet the undue hardship standard for tuition waiver under the program. The law still, however, states that districts will waive the cost if informed by DPI that the student is entitled to such waiver. The rule, at least in its emergency form, establishes the basis for that decision but does not change the district's role, which is to waive tuition for students DPI has informed it is entitled to such waiver. For this reason, this provision is not incorporated into the revised guideline language.

For Grade School Districts – note that although grade school districts do not implement the early college credit program, the notice requirements apply to 8th-grade students. There is no exception to the notice requirement that excludes grade school districts. The initial deadlines for students to state their intent to participate in the program occur during the 8th-grade year for participation in 9<sup>th</sup> grade; therefore, those students should be given notice of the program.

#### **AG 4231 – Outside Activities (DELETE)**

This guideline is being deleted from the templates. The guideline's statements are, as written, potentially ambiguous and these issues are adequately covered elsewhere in policy and guideline.

#### **AG 5540A – Relationship with Governmental Agencies (Revised)**

Revisions have been made to this guideline for the purpose of consistency with terminology in other policies and guidelines. Revisions are recommended but not required.

#### **AG 5610 – Suspension and Expulsion (Revised)**

The guideline is revised to clarify certain timelines, and to correct language referencing law enforcement instead of the criminal justice system.

#### **AG 8330 – Student Records (Revised)**

See Notes to Policy 8330.

### **AG 8600 - Transportation (Revised)**

This guideline has been revised to include additional options regarding the contract between the district and a transportation provider, as well as clarifying language about student conduct on buses.

The revisions are recommended but not required.

### **AG 9270 – Home-Based Private Education Students (Revised)**

Several language improvements and structural revisions are made to make the guideline more accurate and user-friendly.

## **FORMS**

### **Form 1422 F2 - Notice of Nondiscrimination and Complaint Procedures (Including Title II, Title VI, Title VII, and Title IX, Section 504, and ADA) (Revised)**

This form has been revised to be consistent with the necessary notice requirements established by the OCR and the changes made to Policy 1422.

### **Form 2260 F2 - Notice of Nondiscrimination and Internal Complaint Procedures (Including Title VI, Title VII, and Title IX) (Revised)**

This form has been revised to be consistent with the necessary notice requirements established by the OCR and the changes made to Policy 2260.

### **Form 3122 F2 - Notice of Nondiscrimination and Complaint Procedures (Including Title II, Title VI, Title VII, and Title IX, Section 504, and ADA) (Revised)**

This form has been revised to be consistent with the necessary notice requirements established by the OCR and the changes made to Policy 3122.

### **Form 4122 F2 - Notice of Nondiscrimination and Complaint Procedures (Including Title II, Title VI, Title VII, and Title IX, Section 504, and ADA) (Revised)**

This form has been revised to be consistent with the necessary notice requirements established by the OCR and the changes made to Policy 4122.

Last Modified by Steve LaVallee on March 28, 2019



Book	Policy Manual
Section	For Board Review - Vol. 28, No.1 + Safety Update
Title	Overview & Comments
Code	1 - For Board Review - Explanations & Comments 1 - Safety Update
Status	

## WISCONSIN OVERVIEW AND COMMENTS

### SCHOOL SAFETY UPDATE MATERIALS FEBRUARY 2019

The issue of school safety has been and continues to be a focus of both school district officials and legislators. This past year saw a flurry of activity in the legislative realm, along with efforts to provide resources to school districts for safety-related initiatives through multiple rounds of grant funding. The legislative initiatives, passed in 2017 Wisconsin Act 143, published into law on March 27, 2018, included several specific components applicable to public school districts.

Specifically, the law imposed new on-site safety assessment requirements, requires school violence drills, and the development of school safety plans. In addition, the law expands mandatory reporting requirements to include, in addition to reporting of an instance of suspected child abuse or neglect, that all school personnel must report certain threats of violence made in or targeted at a school. A threat must be reported if the reporter believes in good faith that the threat creates a serious and imminent threat to the health or safety of a student, school employee, or the public.

All school districts will have, by now, submitted facility documents to local law enforcement agencies (e.g. blueprints), which was to be completed by July 1, 2018. Also, all districts will have created an initial school safety plan and submitted a report to the Department of Public Instruction, which includes those components identified in revised Policy 8420 (included in this update). This report is to be submitted to DPI every year before January 1.

Schools have been asked to engage in a significant amount of school safety and security-related activity over the past 9-12 months. Specifically, Districts have been required to conduct threat assessments and develop updated or in some cases new facilities' safety and security plans, to evaluate and potentially apply for and implement two rounds of school safety grants and resulting projects, including preparing staff for grant required training, and all other activities necessitated by the flurry of school safety and security efforts. Now that the grant cycle is quiet and the initial plans and blueprints have been submitted, this time presents an opportunity to review other board policies and guidelines affected by, related to, or that may be improved by reference to school safety concepts.

Neola has reviewed these legal changes and identified policies that touch on subject matter impacted by this law. The following update materials are provided to school district clients to consider adopting and/or revising to continue to address school safety matters and to continue to focus on efforts to improve security and prepare to respond to threats to that security.

## **BYLAWS AND POLICIES**

### **Policy 1213 – Student Supervision and Welfare (Revised)**

### **Policy 3213 - Student Supervision and Welfare (Revised)**

### **Policy 4213 - Student Supervision and Welfare (Revised)**

The policy is revised to make it clear that the Board expects that all administrators are responsible for taking steps to monitor and maintain student welfare matters.

### **Policy 5112 - Entrance Age (Revised)**

This policy is revised to make reference to initial enrollment safeguards relative to prior expulsions and other conduct potentially denoting a violation of the student code of conduct. This is intended to assist in identifying students coming into the district whose prior conduct justifies analysis of the student's potential threat to school safety, and references other policies concerning the code of conduct and prior expulsions.



### **Policy 5500 – Student Code of Conduct (Revised)**

Policy language is expanded to describe the information that must be included in the student code of conduct, and to remind staff that removing a student for a threat of violence may be appropriate as unruly and disruptive behavior, but may also separately necessitate reporting. Removing the student does not itself constitute a report.

### **Policy 5600 – Student Discipline (DELETE)**

This policy is redundant to Policy 5500, and at least to the extent that it asserts that the Code of Conduct is “promulgated by the administration” it is not consistent with current law. The Student Code of Conduct must already be in place, but more importantly, it must be approved by the Board.

### **Policy 5610 – Suspension and Expulsion (Revised)**

An option is added to the list of topics expected for inclusion in the administrative guidelines implementing this section, to reference, as a reminder, that suspension or the commencement of expulsion procedures as discipline for student conduct is not sufficient in instances in which a report is required due to the good faith belief in the threat of harm.

### **Policy 7440 – Facility Security (Revised)**

The policy is revised to refer to the District’s policy on developing the school safety plan in the manner more fully described in Policy 8420. Also, it is revised to remove as an option that the doors be locked during instruction as that is a minimum expectation relative to security.

### **Policy 7440.01 – Video Surveillance and Electronic Monitoring (Revised)**

The Policy is revised to include reference to the school safety plan as an option for the process of establishing the use of surveillance video, as that topic is part of the safety plan and security procedures properly taken up through the process of developing the plan. Other updates are made to this policy to be both consistent with practice and with the permissible nature of the use of video surveillance, and to retain flexibility in case-by-case situations for its use.

Note that many schools and local police departments have discussed interest in establishing a live accessible closed-circuit feed from school cameras to police departments. The policy does not address this, because the Department of Public Instruction has stated that it is working on guidance relative to this type of program and the ongoing accessibility of pupil record information that it implicates. Until further guidance is developed, districts that wish to pursue these types of systems should consult with their legal counsel.

### **Policy 8407 – School Resource Officer Program (Revised)**

This policy, which is a new policy from the most recent update, is revised to make reference to the School Safety and Emergency Preparedness policy, 8420, and the school safety plan.

### **Policy 8410 – Crisis Intervention (Revised)**

This policy has been revised to include only crisis intervention and reference to crisis intervention topics, guidance, etc. Note that the school safety components have been incorporated into the emergency preparedness policy, 8420. This policy is explicitly limited to crisis intervention as it relates to individuals exhibits signs of stressors that may be indicative of a potential crisis or threat as it relates to that individual, along with intervention efforts associated with those concepts. Facilities’ threat assessments and interventions are incorporated into Policy 8420.

### **Policy 8420 – School Safety and Emergency Preparedness (Revised)**

The policy is revised to incorporate all aspects of the school district’s school safety and emergency preparedness plans, including the requirements for development, regular review and approval, facility threat assessments, training requirements, reporting requirements, and confidentiality measures.

### **Policy 8462 – Child Abuse or Neglect (Revised)**

This policy has been changed to remove reference to the mandatory reporting requirements associated with threats of violence and relocating them to a separate related policy.

### **Policy 8462.01 – Threats of Violence (NEW)**

This is a new policy developed out of the mandatory reporting policy which previously incorporated reporting and training obligations for both instances of suspected child abuse or neglect and of instances of threats of violence. These two obligations are connected in that there are overlapping requirements and statutory incorporations and the contents of the obligations and policies have not materially changed. However, the decision was made to separate the two types of reporting situations so they are more readily accessed and reviewed when needed.

## **ADMINISTRATIVE GUIDELINES**

### **AG 7440.01 – Video Surveillance and Electronic Monitoring (Delete)**

This content is incorporated into Policy 7440 and into the School Safety plan development policy language in Policy 8420.

**AG 8410F - Crisis Procedure Checklist (Delete)**

This guideline has been deleted and its contents have been incorporated into Policy 8420. This Guideline does not directly relate to crisis intervention but is rather more related to the procedures

**AG 8410G - Characteristics of a Safe Physical Environment (Delete)**

This guideline has been deleted and its contents have been incorporated into Policy 8420. This Guideline does not directly relate to crisis intervention but is rather more related to the procedures.

**AG 8420 - Emergency Procedures (Revised)**

The guideline is revised to reflect the schools' obligation to conduct a safety drill annually, although an option to do so more frequently is still available. The guideline also references the Board's obligation to review and approve reports verifying details of the required drill and to submit the report to the office of school safety.

**AG 8462 – Mandatory Reporting of Child Abuse or Neglect and Threats of Violence (Revised)**

The guideline implements both policy 8462 and 8462.01 regarding procedures for reporting instances of child abuse and neglect and threats of violence.

Last Modified by Steve LaVallee on March 28, 2019



Book	Policy Manual
Section	For Board Review - Vol. 28, No.1 + Safety Update
Title	Overview & Comments Supplement
Code	1 - For Board Review - Explanations & Comments 2 - Vol. 28, No. 1 + Safety Update
Status	

### **Overview and Comments School Safety Update**

Earlier this year Neola released an update providing revisions to policies related to school safety legislation and related policy considerations. As is always the case, we are continuously reviewing and improving policies, including in response to input from our school district clients throughout Wisconsin. As a result, we have identified in a few of the school safety policies improvements that are being offered prior to the adoption of the policy revisions. Those improvements are described below.

#### **Policies 1213/3213/4213 – Student Supervision and Welfare (Revised)**

Revisions have been made to this policy to clarify the options regarding incident reporting procedures. The revisions are intended to clarify that while reporting to law enforcement is required, as part of that procedure, staff may be required to report to the building administrator as well. Revision is also made to clarify that the restriction on social media posting of student related material refers to staff personal social media accounts. This provision is not intended to prohibit or limit content on school or district-managed accounts, provided that parental opt-out elections and other pupil confidentiality requirements are observed relative to any such postings.

#### **Policy 7440 – Facility Security (Revised)**

The policy is revised to restore language to better align with the balance of the procedures in the policy involving signing in and providing tags for visitors.

#### **Policy 8420 – School Safety and Emergency Preparedness (Revised)**

The policy is revised in several ways to be more user-friendly and to more accurately reflect the law relative to the creation of the school safety plan and its incorporation of measures related to school violence as well as the incorporation of existing plan requirements regarding preparedness for other hazards, such as fire, tornados, etc.

The policy is revised to reference the school safety plans' inclusion of drill requirements, including the scheduling of fire drills, tornado and other hazards drills, school safety incident drills, and school violence drills. The law requires monthly fire drills and twice annual tornado and other hazard drills, and twice annual school safety drills. The school safety drills can take the place of one of the fire or tornado drills. Further, the law requires at least once annually that each school conduct a school violence drill, which can take the place of one of the school safety incident drills. Any school may conduct more drills than required. Because of the different permutations that may exist in terms of different drills and scheduling, this should be covered in the school safety plan. The law requires that the plan include reference to the drills and describe the process for the evaluation of each drill.

Finally, the policy is revised to provide the option for the Board to review and approve the school safety plan annually OR every three years. While the law only requires review and approval every three years, it is advisable to complete the process annually to assure that it gets completed and that the importance of the issue is reflected in more regular and deliberate consideration of each school's preparedness.

Book	Policy Manual
Section	For Board Review - Vol. 28, No.1 + Safety Update
Title	Copy of CONFLICT OF INTEREST
Code	po1130
Status	
Adopted	October 17, 2016

### 1130 - CONFLICT OF INTEREST - PRIVATE PRACTICE

The maintenance of unusually high standards of honesty, integrity, impartiality, and professional conduct by School District employees and is essential to ensure the proper performance of school business as well as to earn and keep public confidence in the School District.

To accomplish this, the Board has adopted the following guidelines to assure that conflicts of interest do not occur. These are not intended to be all inclusive, nor to substitute for good judgment on the part of all employees. Administrative employees are expected to perform their duties in a manner free from an actual conflict of interest or from situations that create the appearance of a conflict of interest, in a manner consistent with 19.59, Wis. Stats. The Board's interest in enforcing this policy is to assure that the decisions and actions of public employees retain the public's trust. Therefore, even a conflict relationship that can be viewed as beneficial to the District or that was intended to be beneficial to the District, may still be a violation of this policy. ~~Employees are expected to perform their duties in a manner free from conflict of interest consistent with 19.59, Wis. Stats.~~

- A. No employee 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 duties and responsibilities in the school system. This includes not only those interests that violate state criminal law, which typically requires at least \$15,000 in financial interest, but also lesser valued conflicts that nonetheless create the appearance of using one's public position to secure a private benefit.
- B. Employees shall not engage in business, private practice of their profession, the rendering of services, or the sale of goods of any type where advantage is taken of any professional relationship they may have with any student, client, or parents of such students or clients in the course of their employment with the School District.

Included, by way of illustration rather than limitation are the following:

1. the provision of any private lessons or services for a fee, unless the provision of services is arranged outside of school and is separate from, and in addition to, regular support provided to students as part of the staff member's regular duties
  2. soliciting on school premises or under circumstances which are coercive for the private sale of goods or services to students or other employees.
  3. the use, sale, or improper divulging of any privileged information through his/her access to School District records about a student or client gained in the course of the employee's employment, ~~or through his/her access to School District records~~
  4. the referral of any student or client for lessons or services to any private business or professional practitioner if there is any expectation of reciprocal referrals, sharing of fees, or other remuneration for such referrals
  5. the requirement of students or clients to purchase any private goods or services provided by an employee or any business or professional practitioner with whom any employee has a financial relationship, as a condition of receiving any grades, credits, promotions, approvals, or recommendations
- C. Employees shall not make use of materials, equipment, or facilities of the School District in private practice. Examples would be the use of facilities before, during, or after regular business hours for service to private practice clients, or the checking out of items from an instructional materials center for private practice.

D. Should exceptions to this policy be necessary in order to provide mandatory services to students or clients of the School District, all such exceptions will be made known to the employee's supervisor and will be disclosed to the District Administrator before entering into any private relationship.

Last Modified by Steve LaVallee on March 28, 2019



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Section For Board Review - Vol. 28, No.1 + Safety Update  
Title STUDENT SUPERVISION AND WELFARE  
Code po1213  
Status

### 1213 - STUDENT SUPERVISION AND WELFARE

Administrators ~~because of their proximity to students~~ are frequently confronted with situations which, if handled incorrectly, could result in liability to the District and personal liability to the administrator. It is the intent of the Board to direct the preparation of guidelines that would minimize that possibility.

An administrator who is found to have had sexual contact with any student, ~~including a student age sixteen (16) or older,~~ shall be referred to the proper authorities and be subject to discipline up to and including discharge.

This section should not be construed as affecting any obligations on the part of staff to report suspected child abuse under Wis. Stats. 48.981 and Policy 8462.

Each ~~It is the responsibility of the~~ District Administrator shall ~~to~~ maintain the following a standards of care for the supervision, control, and protection of students commensurate with his/her assigned duties and responsibilities which include, but are not limited to the following:

- A. An administrator shall report immediately any accident or safety hazard about which s/he is informed or detects to his/her supervisor as well as to other authorities or District staff members as may be required by established policies and procedures. ~~( ) Each administrator shall maintain a standard of care for supervision, control, and protection of students commensurate with assigned duties and responsibilities.~~
- B. An administrator shall report unsafe, potentially harmful, dangerous, violent or criminal activities, or threat of these activities by students to the District Administrator and local public safety agencies and/or school officials in accordance with Policy 8420 - School Safety and Emergency Preparedness.
- C. An administrator should not volunteer to assume responsibility for duties s/he cannot reasonably perform. Such assumption carries the same responsibilities as assigned duties.
- D. ~~Each administrator shall immediately report to the Principal any accident or safety hazard s/he detects.~~
- E. ~~Each administrator shall immediately report to the Principal any knowledge of threats of violence by students.~~
- F. An administrator shall not send students on any personal errands.
- G. An administrator shall not associate with students at any time in a manner which gives the appearance of impropriety, including, but not limited to, the creation or participation in any situation or activity which could be considered abusive or sexually suggestive or involve illegal substances such as tobacco, alcohol, or drugs. Any sexual or other inappropriate conduct with a student by any staff member will subject the offender to potential criminal liability and District discipline up to and including termination of employment.

This provision should not be construed as precluding an administrative staff member from associating with students in private for legitimate or proper reasons or to interfere with familial relationships that may exist between staff and students.

- H. ~~If a student comes to an administrator to seek advice or to ask questions regarding a personal problem related to sexual behavior, substance abuse, mental or physical health, and/or family relationships, the administrator may help the student make contact with certified or licensed individuals in the District or community who specialize in the assessment, diagnosis, and treatment of the student's problem. Under no circumstances should an administrator attempt, unless properly licensed and authorized to do so, to counsel, assess, diagnose, or treat the student's problem or behavior.~~

- I. An administrator shall not disclose personally identifiable information about a student to third parties unless specifically authorized by law or the student's parent(s) to do so.
- J. An administrator shall not transport students for school-related activities in a private vehicle without the approval of the District Administrator or his/her immediate supervisor and consistent with the provisions of Policy 8660. This does not apply to any student who is the administrator's family member~~the Principal.~~
- K. A student shall not be required to perform work or services that may be detrimental to his/her health.
- L. The administrator shall not engage students in social media and online networking media, except for appropriate academic, extra-curricular, and/or professional uses only.
- M. Administrators are expressly prohibited from posting any video or comment pertaining to any student on personal or unauthorized social networking media or similar forums.

Since most information concerning a child in school, other than directory information described in Policy 8330 - Student Records, is a confidential student record under Federal and State laws, ~~any administrator who shares confidential information with another person not authorized to receive the information may be subject to discipline and/or civil liability.~~ This includes, but is not limited to, information concerning assessments, grades, behavior, family background, and alleged child abuse ~~(see Policy 8330).~~

Pursuant to the laws of the State and Board Policy 8462, each administrator shall report to the proper legal authorities immediately, any sign of suspected child abuse, abandonment, or neglect.

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Legal                                    48.981, Wis. Stats.  
    948, Wis. Stats.  
    948.095, Wis. Stats.

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#### 1400 - JOB DESCRIPTIONS

The Board recognizes that it is essential for District and employee accountability for each staff member to be fully aware of the duties and responsibilities of his/her position. Job descriptions document and describe the essential functions for professional staff positions and thereby promote organizational effectiveness and efficiency. Therefore, the District Administrator shall maintain a current, comprehensive, and coordinated set of job descriptions for professional and support staff positions.

Job descriptions of licensed personnel, and any revisions thereof, shall be approved by the Board and maintained in the District Office.

The job description of the District Administrator shall be included in the Board policy manual.

All other job descriptions shall be approved by the District Administrator and will be maintained in the District office.

As long as the provisions of the job description(s) are not inconsistent with Board policies, or with Federal/State law, they will be considered to be an extension of the policy manual and binding upon all employees.

Each job description shall contain the following provision:

"The employee shall remain free of any alcohol or illegal substance in the workplace in compliance with Policy 3122.01 throughout his/her employment in the District."

**Each job description shall include a statement that reserves the authority to the District Administrator to assign additional duties and responsibilities as necessary within the scope of the employment position.**

Employees will be evaluated, at least in part, against their job descriptions.

During the hiring process, the current job description for the position for which the individual is interviewing shall be reviewed with the candidate. The emphasis during the review shall be placed upon the essential functions of the position.

From time-to-time, the Board further recognizes that the District Administrator may find it necessary to revise job descriptions.

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Adopted	October 17, 2016
Last Revised	November 19, 2018

#### 1422 - **NONDISCRIMINATION AND EQUAL EMPLOYMENT OPPORTUNITY**

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

#### **District Compliance Officers**

The Board designates the following individuals to serve as the District's "Compliance Officers" (hereinafter referred to as the "COs").

Carmen O'Brien  
Director of Curriculum Assessment  
School District of Manawa  
800 Beech Street  
Manawa, WI 54949  
920-596-5840  
cobrien@manawa.k12.wi.us

Daniel Wolfgram  
High School/Junior High School Principal  
School District of Manawa  
800 Beech Street  
Manawa, WI 54949  
920-596-5310  
dwolfgram@manawa.k12.wi.us

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

The COs are responsible for coordinating the District's efforts to comply with the applicable Federal and State laws and regulations, including the District's duty to address in a prompt and equitable manner any inquiries or complaints regarding discrimination, retaliation or denial of equal access. The COs shall also verify that proper notice of nondiscrimination [has been provided](#) for Title II of the Americans with Disabilities Act (as amended), Title VI and Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendment Act of 1972, Section 504 of the Rehabilitation Act of 1973 (as amended), the Age Discrimination in Employment Act of 1975, and the Genetic Information Nondiscrimination Act (GINA) to students, their parents, staff members, and the general public.

#### **Reports and Complaints of Unlawful Discrimination and Retaliation**

Employees are expected to promptly report incidents of unlawful discrimination and/or retaliation to an administrator, supervisor, or other supervisory employee so that the Board may address the conduct. Any administrator, supervisor, or other supervisory employee who receives such a complaint shall file it with the CO at his/her first opportunity, but no later than two (2) business days.

Employees who believe they have been unlawfully discriminated/retaliated against are entitled to utilize the complaint process set forth below. Initiating a complaint will not adversely affect the complaining individual's employment. While there are no time limits for initiating complaints under this policy, individuals should make every effort to file a complaint as soon as possible after the conduct occurs while the facts are known and potential witnesses are available.

The COs will be available during regular school/work hours to discuss concerns related to unlawful discrimination/retaliation. COs shall accept complaints of unlawful discrimination/retaliation directly from any member of the School District community (District employees, students, parent(s), and member of the Board), a resident of the District, or a visitor to the District. Upon receipt of a complaint, either directly or through a school building administrator, a CO will begin an investigation, or the CO will designate a specific individual to conduct such a process. The CO will provide a copy of this policy to any person who files a complaint. All members of the School District community must report incidents of discrimination/retaliation that are reported to them to the CO within two (2) business days of learning of the incident/conduct.

Any Board employee who directly observes unlawful discrimination/retaliation is obligated, in accordance with this policy, to report such observations to one of the COs within two (2) business days. Additionally, any Board employee who observes an act of unlawful discrimination/retaliation is expected to intervene to stop the misconduct, unless circumstances make such an intervention dangerous, in which case the staff member should immediately notify other Board employees and/or local law enforcement officials, as necessary, to stop the misconduct. Thereafter, the CO must contact the employee within two (2) business days to advise him/her of the Board's intent to investigate the alleged wrongdoing.

### **Investigation and Complaint Procedure (See Form 1422 F2)**

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

Once the complaint process begins, the investigation will be completed in a timely manner (ordinarily, within fifteen (15) business days of the complaint being received).

The procedures set forth below are not intended to interfere with the rights of any individual to pursue a complaint of unlawful discrimination or retaliation with the United States Department of Education Office for Civil Rights, the Wisconsin Equal Rights Division, or the Equal Employment Opportunity Commission ("EEOC").

### **Complaint Procedure**

An individual who believes s/he has been subjected to unlawful discrimination/retaliation (hereinafter referred to as the "Complainant"), may file a complaint, either orally or in writing, with a Principal, the CO, District Administrator, or other supervisory employees. Any complaint received regarding the District Administrator or a Board member shall be referred to the Board's legal counsel, who shall assume the role of the CO for such complaints. Additionally, if the complaint is regarding a CO, the complaint shall be reported to the District Administrator, who shall assume the role of CO for such complaints.

Due to the sensitivity surrounding complaints of unlawful discrimination and retaliation, timelines are flexible for initiating the complaint process; however, individuals should make every effort to file a complaint within thirty (30) calendar days after the conduct occurs while the facts are known and potential witnesses are available. If a Complainant informs a Principal, District Administrator, or other supervisory employee, either orally or in writing, about any complaint of discrimination or retaliation, that employee must report such information to the CO within two (2) business days.

Throughout the course of the process, the CO should keep the parties informed of the status of the investigation and the decision-making process.

All complaints must include the following information to the extent it is available: the identity of the individual believed to have engaged in, or be engaging in, the discriminatory/retaliatory conduct; a detailed description of the facts upon which the complaint is based; a list of potential witnesses; and the resolution sought by the Complainant.

If the Complainant is unwilling or unable to provide a written statement including the information set forth above, the CO shall ask for such details in an oral interview. Thereafter, the CO will prepare a written summary of the oral interview, and the Complainant will be asked to verify the accuracy of the 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 discrimination or retaliation, including, but not limited to, a change of work assignment or schedule for the Complainant and/or the person who allegedly engaged in the misconduct. In making such a determination, the CO should consult the Complainant to assess his/her position to the proposed action. If the Complainant is unwilling to consent to the proposed change, the CO may still take whatever actions s/he deems appropriate in consultation with the District Administrator.

Within two (2) business days of receiving the complaint, the CO will initiate an investigation to determine whether the Complainant has been subjected to unlawful discrimination/retaliation.

Simultaneously, the CO will inform the individual alleged to have engaged in the discriminatory or retaliatory conduct (hereinafter referred to as the "Respondent"), that a complaint has been received. The Respondent will be informed about the nature of the

allegations and provided with a copy of any relevant policies and/or administrative guidelines, including this Policy. The Respondent must also be informed of the opportunity to submit a written response to the complaint within five (5) business days.

Although certain cases may require additional time, the CO will attempt to complete an investigation into the allegations of discrimination/retaliation within fifteen (15) business days of receiving the formal complaint. The investigation will include:

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

At the conclusion of the investigation, the CO shall prepare and deliver a written report to the District Administrator that summarizes the evidence gathered during the investigation and provides recommendations based on the evidence and the definition of unlawful discrimination/retaliation as provided in Board policy and State and Federal law as to whether the Complainant has been subjected to unlawful discrimination/retaliation. The CO's recommendations must be based upon the totality of the circumstances. In determining if discrimination or retaliation occurred, a preponderance of evidence standard will be used. The CO may consult with the Board's legal counsel before finalizing the report to the District Administrator.

Absent extenuating circumstances, within five (5) business days of receiving the report of the CO, the District Administrator must either issue a final decision regarding whether the charges have 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.

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) business days. At the conclusion of the additional investigation, the District Administrator must issue a final written decision as described above.

If the District Administrator determines the Complainant was subjected to unlawful discrimination/retaliation, s/he must identify what corrective action will be taken to stop, remedy, and prevent the recurrence of the discrimination/retaliation. The corrective action should be reasonable, timely, effective, and tailored to the specific situation.

A Complainant or Respondent who is dissatisfied with the final decision of the District Administrator may appeal through a signed written statement to the Board within five (5) business days of his/her receipt of the District Administrator's final decision. In an attempt to resolve the complaint, the Board shall review the findings and may meet with the concerned parties and their representatives within twenty (20) business days of the receipt of such an appeal. A copy of the Board's disposition of the appeal shall be sent to each concerned party within ten (10) business days of its decision. The decision of the Board will be final.

The Board reserves the right to investigate and resolve a complaint or report of unlawful discrimination/retaliation regardless of whether the employee alleging the misconduct pursues the complaint. The Board also reserves the right to have the complaint investigation conducted by an external person in accordance with this policy or in such other manner as deemed appropriate by the Board.

The 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. Use of this internal complaint procedure is not a prerequisite to the pursuit of other remedies.

### **Privacy/Confidentiality**

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

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

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

### **Sanctions and Monitoring**

The Board shall vigorously enforce its prohibitions against unlawful discrimination by taking appropriate action reasonably calculated to stop 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. All disciplinary action will be taken in accordance with applicable State law. When imposing discipline, the District Administrator shall consider the totality of the circumstances involved in the matter. In those

cases where unlawful discrimination/retaliation is not substantiated, the Board may consider whether the alleged conduct nevertheless warrants discipline in accordance with other Board policies and/or the Employee Handbook.

Where the Board becomes aware that a prior remedial action has been taken against an employee, 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 effect.

## **Retaliation**

Retaliation against a person who makes a report or files a complaint alleging unlawful discrimination/retaliation, or participates as a witness in an investigation is prohibited. Specifically, the Board will not retaliate against, coerce, intimidate, threaten or interfere with any individual because the person opposed any act or practice made unlawful by any Federal or State civil rights law, or because that individual made a charge, testified, assisted or participated in any manner in an investigation, proceeding, or hearing under those laws, or because that individual exercised their rights, aided or encouraged any other person in the exercise of any right granted or protected by those laws.

## **Education and Training**

In support of this policy, the Board promotes preventative educational measures to create greater awareness of unlawful 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 staff where appropriate, as well as all information regarding the Board's policy, administrative guidelines, and discrimination in general.

## **Retention of Investigatory Records and Materials**

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

1. all written reports/allegations/complaints/statements;
- 
2. narratives of all verbal reports, allegations, complaints, and statements collected;
- 
3. a narrative of all actions taken by District personnel;
- 
4. any written documentation of actions taken by District personnel;
- 
5. narratives of, notes from, or audio, video, or digital recordings of witness statements;
- 
6. all documentary evidence;
- 
7. e-mails, texts, or social media posts pertaining to the investigation;
- 
8. contemporaneous notes in whatever form made (e.g., handwritten, keyed into a computer or tablet, etc.) pertaining to the investigation;
- 
9. 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;
- 
10. dated written determinations to the parties;
- 
11. dated written descriptions of verbal notifications to the parties;
- 
12. written documentation of any interim measures offered and/or provided to complainants, including no contact orders issued to both parties, the dates issued, and the dates the parties acknowledged receipt; and
- 
13. 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.

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

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

Legal

111.31 et seq., 111.335(d)(2), 118.195, 118.20, Wis. Stats.

Fourteenth Amendment, U.S. Constitution

20 U.S.C. Section 1681, Title IX of Education Amendment Act

20 U.S.C. Section 1701 et seq., Equal Educational Opportunities Act of 1974

20 U.S.C. Section 7905, Boy Scouts of America Equal Access Act

42 U.S.C. 6101 et seq., Age Discrimination Act of 1975

42 U.S.C. 12101 et seq., The Americans with Disabilities Act of 1990, as amended

34 C.F.R. Part 110 (7/27/93)

42 U.S.C. 2000e et seq., Civil Rights Act of 1964

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

29 U.S.C. 701 et seq., Rehabilitation Act of 1973, as amended

29 C.F.R. Part 1635

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## **1662 - EMPLOYEE ANTI-HARASSMENT**

### **Prohibited Harassment**

The Board is committed to a work environment that is free of harassment of any form. The Board will not tolerate any form of harassment and will take all necessary and appropriate action to eliminate it. Any member of the School District community who violates this policy will be subject to disciplinary action, up to and including termination of employment. Additionally, appropriate action will be taken to stop and otherwise deal with any third party who engages in harassment against our employees.

The Board will vigorously enforce its prohibition against harassment based on race, color, national origin, age, sex (including transgender status, change of sex, sexual orientation, or gender identity), pregnancy, creed or religion, genetic information, handicap or disability, marital status, citizenship status, veteran status, military service (as defined in 111.32, Wis. Stats.), national origin, ancestry, arrest record, conviction record, use or non-use of lawful products off the District's premises during non-working hours, declining to attend an employer-sponsored meeting or to participate in any communication with the employer about religious matters or political matters, or any other characteristic protected by law in its employment practices (hereinafter referred to as "Protected Characteristics"), and encourages those within the School District community as well as third parties, who feel aggrieved to seek assistance to rectify such problems. The Board prohibits harassment that affects tangible job benefits, interferes unreasonably with an individual's work performance, or creates an intimidating, hostile, or offensive working environment. Harassment may occur employee- to-employee, employee-to-student, male-to-female, female-to-male, male-to-male, or female-to-female.

The Board will investigate all allegations of harassment and in those cases where harassment is substantiated, the Board will take immediate steps calculated to end the harassment, prevent its reoccurrence, and, if applicable, remedy its effects. Individuals who are found to have engaged in harassment will be subject to appropriate disciplinary action.

For purposes of this policy, "School District community" means individuals subject to the control and supervision of the Board including, but not limited to, students, teachers, staff, volunteers, and Board members, agents, contractors, or other persons.

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

### **Definitions**

"Harassment" means any threatening, insulting, or dehumanizing gesture, use of data or computer software, or written, verbal or physical conduct directed against a school employee on the basis of the employee's Protected Characteristics that:

- A. places a school employee in reasonable fear of harm to his/her person or damage to his/her property;
- B. is sufficiently severe, pervasive, and persistent so as to create a hostile working environment which materially alters the employee's working conditions from the perspective of a reasonable person similarly situated;
- C. has the effect of substantially disrupting the orderly operation of a school or any other aspect of the District's operations.

### **Sexual Harassment**

Pursuant to Title VII of the Civil Rights Act of 1964 and Title IX of the Educational Amendments of 1972, "sexual harassment" is defined as unwelcome sexual advances, requests for sexual favors, and other physical, verbal, or visual conduct based on sex constitutes sexual harassment when:

- A. a supervisory employee engages in harassing behavior towards a subordinate employee, regardless of whether such conduct creates a hostile work environment;
- B. acquiescence in or submission to such conduct is an explicit or implicit term or condition of employment;
- C. an individual's acquiescence in, submission to, or rejection of such conduct becomes the basis for employment decisions affecting that individual;
- D. such conduct is sufficiently severe, pervasive, and persistent such that it has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment;
- E. consensual sexual relationships where such relationship leads to favoritism of a subordinate employee with whom the superior is sexually involved and where such favoritism results in an adverse employment action for another employee or otherwise creates a hostile work environment;
- F. inappropriate boundary invasions by a District employee or other adult member of the District into a student's personal space and personal life.

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

Prohibited acts that constitute sexual harassment 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 sexual propositions, invitations, solicitations, and flirtations;
- B. physical and/or sexual assault;
- C. threats or insinuations that a person's employment, wages, promotion, assignments, or other conditions of employment may be adversely affected by not submitting to sexual advances;
- D. unwelcome verbal expressions of a sexual nature, including graphic sexual commentaries about a person's body, dress, appearance, or sexual activities; the unwelcome use of sexually degrading language, jokes or innuendoes; unwelcome suggestive or insulting sounds or whistles; obscene telephone calls, text messages, or social media postings;
- E. sexually suggestive objects, pictures, videotapes, audio recordings, or literature, placed in the work or educational environment, which may embarrass or offend individuals;
- F. unwelcome and inappropriate touching, patting, or pinching; obscene gestures;
- G. 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;
- H. remarks speculating about a person's sexual activities or sexual history, or remarks about one's own sexual activities or sexual history;
- I. consensual sexual relationships where such relationship leads to favoritism of a subordinate employee with whom the superior is sexually involved and where such favoritism adversely affects other employees or otherwise creates a hostile work environment; and
- J. verbal, nonverbal or physical aggression, intimidation, or hostility based on sex or sex-stereotyping that does not involve conduct of a sexual nature.

Sexual relationships between staff members, where one staff member has supervisory responsibilities over the other, are discouraged as a matter of Board policy. Such relationships have an inherent possibility of being construed as sexual harassment because the consensual aspect of the relationship may be the result of implicit or explicit duress caused by uncertainty regarding the consequences of non-compliance.

Romantic or sexual relationships between District staff (teachers, aides, administrators, coaches or other school authorities) and a student is expressly prohibited. Any school staff member who engages in sexual conduct with a student may also be guilty of a crime and any information regarding such instances will be reported to law enforcement authorities.

## Boundary Invasions

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:

- A. hugging, kissing, or other physical contact with a student;
- B. telling sexual jokes to students;
- C. engaging in talk containing sexual innuendo or banter with students;
- D. talking about sexual topics that are not related to curriculum;
- E. showing pornography to a student;
- F. taking an undue interest in a student (i.e. having a "special friend" or a "special relationship");
- G. initiating or extending contact with students beyond the school day for personal purposes;
- H. using e-mail, text-messaging or websites to discuss personal topics or interests with students;
- I. giving students rides in the staff member's personal vehicle or taking students on personal outings without administrative approval;
- J. 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);
- K. going to a student's home for non-educational purposes;
- L. inviting students to the staff member's home without proper chaperones (i.e. another staff member or parent of student);
- M. giving gifts or money to a student for no legitimate educational purpose;
- N. accepting gifts or money from a student for no legitimate educational purpose;
- O. being overly "touchy" with students
- P. favoring certain students by inviting them to come to the classroom at non- class times;
- Q. getting a student out of class to visit with the staff member;
- R. 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;
- S. talking to a student about problems that would normally be discussed with adults (i.e. marital issues);
- T. being alone with a student behind closed doors without a legitimate educational purpose;
- U. telling a student "secrets" and having "secrets" with a student;
- V. other similar activities or behavior;

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

## 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 performance; or of creating an intimidating, hostile, or offensive working environment. 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 Harassment



Prohibited national origin harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's national origin and when the conduct has the purpose or effect of interfering with the individual's work performance; or of creating an intimidating, hostile, or offensive working environment. Such harassment may occur where conduct is directed at the characteristics of a person's national origin, such as negative comments regarding customs, manner of speaking, language, surnames, or ethnic slurs.

#### Age Harassment

Prohibited age based harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's age, being over age forty (40), and when the conduct has the purpose or effect of interfering with the individual's work performance; or of creating an intimidating, hostile, or offensive working environment.

#### Race/Color Harassment

Prohibited race/color based harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's race and/or color and when the conduct has the purpose or effect of interfering with the individual's work performance; or of creating an intimidating, hostile, or offensive working environment.

#### Disability Harassment

Prohibited disability harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's disability, perceived disability, or record of disability, and when the conduct has the purpose or effect of interfering with the individual's work performance; or of creating an intimidating, hostile, or offensive working environment. Such harassment may occur where conduct is directed at the characteristics of a person's current or past disabling condition or a perceived condition, such as negative comments about speech patterns, movement, physical impairments or defects/appearances, or the like. Such harassment may further occur where conduct is directed at or pertains to a person's genetic information.

#### Reports and Complaints of Harassing Conduct

Members of the School District community and third parties, which includes all staff, are encouraged to promptly report incidents of harassing conduct to an administrator, supervisor or other District official so that the Board may address the conduct before it becomes severe, pervasive, or persistent. Any administrator, supervisor, or other District official who receives such a complaint shall file it with the District's Compliance Officer at his/her first opportunity.

Members of the School District community or third parties who believe they have been harassed by another member of the School District community or a third party are entitled to utilize the Board's complaint process that is set forth below. Initiating a complaint, whether formally or informally, will not adversely affect the complaining individual's employment unless the complaining individual makes the complaint maliciously or with knowledge that it is false.

Reporting procedures are as follows:

- A. Any employee who believes s/he has been the victim of harassment prohibited under this policy is encouraged to report the alleged harassment to the appropriate school official as identified in D below.
- B. Teachers, administrators, and other ~~District~~school officials who have knowledge of or receive notice that an employee has or may have been the victim of harassment prohibited under this policy shall immediately report the alleged harassment to the appropriate school official as defined in D below.
- C. Any other person with knowledge or belief that an employee has or may have been the victim of harassment prohibited by this policy shall be encouraged to immediately report the alleged acts to an appropriate school official as identified in D below.
- D. Appropriate ~~District~~school officials are as follows:
  1. Any complaint under this policy shall be reported to the District's Compliance Officer unless the complaint is regarding the Compliance Officer. In such cases, the complaints shall be reported to the District Administrator, who shall assume the role of the District Compliance Officer for such complaints.
  2. Any complaint under this policy regarding the District Administrator or Board Member that is received by the District Compliance Officer shall be referred to the Board's legal counsel, who shall assume the role of the District Compliance Officer for such complaints.
- 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. Further, nothing in this policy shall prevent any person from reporting harassment directly to the District Administrator.

F. To provide individuals with options for reporting harassment to an individual of the gender with which they feel most comfortable, the District shall designate both a male and a female District Compliance Officer.

#### District Compliance Officers

The Board designates the following individuals to serve as the District's "Compliance Officers" (hereinafter referred to as the "COs").

Carmen O'Brien\_  
Director of Curriculum Assessment\_  
School District of Manawa  
800 Beech Street  
Manawa, WI 54949  
920-596-5840  
cobrien@manawa.k12.wi.us d

Daniel Wolfgram  
High School/Junior High School Principal

School District of Manawa  
800 Beech Street  
Manawa, WI 54949  
920-596-5310

wolfgram@manawa.k12.wi.us

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

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

The COs are assigned to accept complaints of harassment directly from any member of the School District community or a visitor to the District, or to receive complaints that are initially filed with a school building administrator. Upon receipt of a complaint either directly or through a school building administrator, a CO will begin either an investigation or the CO will designate a specific individual to conduct such a process. The CO will prepare recommendations or will oversee the preparation of such recommendations. All members of the School District community should report incidents of harassment that are reported to them to the CO within two (2) business days of learning of the incident.

#### Investigation and Complaint Procedure

Any employee or other member of the School District community or visitor to the District who believes that s/he has been subjected to harassment or has witnessed harassment of another may seek resolution of his/her complaint through the procedures as described below. Further, a process for investigating claims of harassment and a process for rendering a decision regarding whether the claim of harassment was substantiated are set forth below.

Once the complaint process begins, the investigation will be complete in a timely manner (ordinarily, within fifteen (15) business days of the complaint being received).

#### Complaint Procedure

An individual who believes s/he has been subjected to harassment hereinafter referred to as the "complainant," may file a complaint, either orally or in writing with a teacher, Principal, CO, District Administrator, or other supervisory employee. As noted above, any complaint received regarding the District Administrator or a Board member shall be referred to the Board's legal counsel, who shall assume the role of the CO for such complaints. Additionally, if the complaint is regarding a CO, the complaint shall be reported to the District Administrator, who shall assume the role of the CO for such complaints.

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) calendar days after the conduct occurs while the facts are known and potential witnesses are available. If a Complainant informs a Principal, District Administrator, or other supervisory employee, either orally or in writing, about any complaint of discrimination or retaliation, that employee must report such information to the CO within two (2) business days.

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

All written complaints must include the following information to the extent it is available: the identity of the individual believed to have engaged in, or be actively engaging in, harassment; a detailed description of the facts upon which the

complaint is based; and a list of potential witnesses.

If the complainant is unwilling or unable to provide a written statement including the information set forth above, the CO shall ask for such details in an oral interview. Thereafter, the CO will prepare a written summary of the oral interview, and the complainant will be asked to verify the accuracy of the 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 work assignment or schedule for the complainant and/or the alleged harasser. In making such a determination, the CO should consult the Complainant to assess his/her position to the proposed action. If the Complainant is unwilling to consent to the proposed change, the CO may still take whatever actions s/he deem appropriate in consultation with the District Administrator. No temporary arrangements shall be disciplinary to either the complainant or respondent.

Within two (2) business days of receiving a complaint, the CO will inform the individual alleged to have engaged in the harassing or retaliatory conduct, hereinafter referred to as the "Respondent", that a complaint has been received.

~~The Respondent is not entitled to receive a copy of any written complaint unless the CO determines it is appropriate to do so; however, Simultaneously, the CO will inform the individual alleged to have engaged in the discriminatory or retaliatory conduct (hereinafter referred to as the "Respondent"), that a complaint has been received. The respondent will be informed about the nature of the allegations. The CO shall inform the Respondent of the requirements of this policy, which may include providing the Respondent with a copy of this policy or information about where to find it. Respondent shall be afforded the opportunity to submit a written response to the complaint. The CO shall inform the Respondent of the Respondent's deadline to provide the CO with the written response to the allegations in the complaint. and a copy of this policy shall be provided to the respondent at that time. The respondent must also be informed of the opportunity to submit a written response to the complaint within five (5) business days.~~

Within five (5) business days of receiving the complaint, the CO will initiate a formal investigation to determine whether the complainant has been subject to offensive conduct/harassment.

Although certain cases may require additional time, the CO will attempt to complete an investigation into the allegations of harassment within fifteen (15) calendar days of receiving the formal complaint. The investigation will include:

- A. interviews with the complainant;
- B. interviews with the respondent;
- C. interviews with any other witnesses who may reasonably be expected to have any information relevant to the allegations, as determined by the CO;
- D. consideration of any documentation or other evidence presented by the complainant, respondent, or any other witness that is reasonably believed to be relevant to the allegations, as determined by the CO.

At the conclusion of the investigation, the CO shall prepare and deliver a written report to the District Administrator that summarizes the evidence gathered during the investigation and provides recommendations based on the evidence and the definition of harassment as provided in this policy and State and Federal law as to whether the complainant has been subject to harassment. 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 School Board Attorney before finalizing the report to the District Administrator.

Absent extenuating circumstances, within five (5) business days of receiving the report of the CO, the District Administrator must either issue a final decision regarding whether or not the complaint of harassment has been substantiated or request further investigation. A copy of the District Administrator's final decision will be delivered to both the complainant and the respondent.

If the District Administrator requests additional investigation, the District Administrator must specify the additional information that is to be gathered, and such additional investigation must be completed within five (5) business days. At the conclusion of the additional investigation, the District Administrator must issue a final written decision as described above.

The decision of the District Administrator shall be final. If the investigation results in disciplinary action, the employee subject to discipline is entitled to file a grievance pursuant to Board Policy 3340. Nothing in this policy shall be construed to prevent an employee from bringing a complaint before the Equal Employment Opportunity Commission or the Wisconsin Equal Rights Division.

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 formal complaint investigation conducted by an external person in accordance with this policy or in such other manner as deemed appropriate by the Board.

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. Use of this internal complaint procedure is not a prerequisite to the pursuit of other remedies.

All timelines pertinent to the investigation process are intended to be guidelines to assure that the investigation proceeds with all deliberate efficiency. Failure of the CO to meet any specific timeline does not invalidate the investigation or provide a defense to the allegations.

#### Privacy/Confidentiality

The School District will employ all reasonable efforts to protect the rights of the Complainant, the Respondent(s), and all the witnesses as much as possible, consistent with the Board's legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligation in an investigation of harassment. The School District will respect the privacy of the complainant, the respondent, and all witnesses in a manner consistent with the School District's legal obligations under State and Federal law. Confidentiality, however, cannot be guaranteed. All complainants proceeding through the formal investigation process should be advised that their identities may be disclosed to the respondent.

During the course of an investigation, the CO will determine whether confidentiality during the investigation process is necessary to protect the interests and reputations of those involved and/or to protect the integrity of the investigation and if so, shall instruct all members of the School District community and third parties who are interviewed about the importance of maintaining confidentiality. Any individual who is interviewed as part of a harassment investigation is expected not to disclose any information that s/he learns or that s/he provides during the course of the investigation.

~~All public records created as a part of an investigation of a complaint of harassment will be maintained by the CO in accordance with the Board's records retention policy. Any records that are considered student records in accordance with the State or Federal law will be maintained in a manner consistent with the law.~~

#### **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. 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 his/her obligations to answer questions truthfully and honestly while preserving the right against self-incrimination in the context of any resulting criminal investigation or prosecution.

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.

#### Sanctions and Monitoring

The Board shall vigorously enforce its prohibitions against harassment by taking appropriate action reasonably calculated to stop the harassment and prevent further such harassment. While observing the principles of due process, a violation of this policy may result in disciplinary action up to and including the discharge of an employee. All disciplinary action will be taken in accordance with applicable law. When imposing discipline, the District Administrator shall consider the totality of the circumstances. 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.

All sanctions imposed by the Board and/or District Administrator shall be reasonably calculated to end such conduct, prevent its reoccurrence, and remedy its effects.

#### Allegations Constituting Criminal Conduct

If the CO has reason to believe that the complainant has been the victim of criminal conduct, such knowledge should be reported to local law enforcement. After such report has been made, the District Administrator shall be advised that local law enforcement was notified.

If the complainant has been the victim of criminal conduct and the accused is the District Administrator, such knowledge should be reported by the CO to local law enforcement. After such report has been made the Board President shall be advised that local law enforcement was notified.

Any reports made to local law enforcement shall not terminate the CO's obligation and responsibility to continue to investigate a complaint of harassment. While the CO may work cooperatively with outside agencies to conduct concurrent investigations, the harassment investigation shall not be stopped due to the involvement of outside agencies without good cause and after consultation with the District Administrator.

#### Reprisal

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

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

#### Miscellaneous

The District shall conspicuously post a notice including this policy against harassment in each school in a place accessible to the School District community and members of the public. This notice shall also include the name, mailing address, and telephone number of the COs, the name, mailing address, and telephone number of the State agency responsible for investigating allegations of discrimination in educational employment, and the mailing address and telephone number of the United States Equal Opportunity Employment Commission.

A link to this policy and any related administrative guidelines shall appear in the employee handbook and a copy shall be made available upon request of employees and other interested parties.

#### Education and Training

In support of this policy, the Board promotes preventative educational measures to create greater awareness of harassment. 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 staff at such times as the Board in consultation with the District Administrator determines is necessary or appropriate.

The Board will respect the privacy of the complainant, the individuals against whom the complaint is filed, and the witnesses as much as practicable, consistent with the Board's legal obligations to investigate, to take appropriate action, and to conform with any discovery, disclosure, or other legal obligations.

### **Retention of Investigatory Records and Materials**

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

1. all written reports/allegations/complaints/statements;
2. narratives of all verbal reports, allegations, complaints, and statements collected;
3. a narrative of all actions taken by District personnel;
4. any written documentation of actions taken by District personnel;
5. narratives of, notes from, or audio, video, or digital recordings of witness statements;
6. all documentary evidence;
7. e-mails, texts, or social media posts pertaining to the investigation;
8. contemporaneous notes in whatever form made (e.g., handwritten, keyed into a computer or tablet, etc.) pertaining to the investigation;
9. 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;
10. dated written determinations to the parties;

11. dated written descriptions of verbal notifications to the parties;
12. written documentation of any interim measures offered and/or provided to complainants, including no contact orders issued to both parties, the dates issued, and the dates the parties acknowledged receipt; and
13. 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.

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

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

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#### Legal

Wis. Stats. 111.31, 118.195, 118.20  
20 U.S.C. 1400 et seq., The Individuals with Disabilities Improvement Act of 2004, as amended (commonly known as The Individuals with Disabilities Act)  
20 U.S.C. 1681 et seq.  
20 U.S.C. 1681 et seq., Title IX  
29 U.S.C. 621 et seq., Age Discrimination in Employment Act of 1967  
29 U.S.C. 794, Rehabilitation Act of 1973  
29 C.F.R. Part 1635  
29 U.S.C. 6101, The Age Discrimination Act of 1975  
42 U.S.C. 2000d et seq.  
42 U.S.C. 2000e et seq.  
42 U.S.C. 1983  
42 U.S.C. 12101 et seq., Americans with Disabilities Act of 1990, as amended  
42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act

#### Legal

Wis. Stats. 111.31, 118.195, 118.20  
20 U.S.C. 1681 et seq., Title IX  
29 C.F.R. Part 1635  
29 U.S.C. 6101, The Age Discrimination Act of 1975 42 U.S.C. 2000d et seq.  
42 U.S.C. 2000e et seq.  
42 U.S.C. 1983

Last Modified by Steve LaVallee on March 28, 2019



Book	Policy Manual
Section	For Board Review - Vol. 28, No.1 + Safety Update
Title	Copy of NONDISCRIMINATION AND ACCESS TO EQUAL EDUCATIONAL OPPORTUNITY
Code	po2260
Status	
Adopted	October 17, 2016
Last Revised	December 18, 2017

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

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

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

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

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

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

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

- A. Curriculum Content

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

#### B. Staff Training

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

#### C. Student Access

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

#### D. District Support

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

#### E. Student Evaluation

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

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

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

#### Reporting Procedures

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

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

#### Title IX Complaint Coordinators/~~District~~-Compliance Officers

The Board designates the following individuals to serve as the District's "Title IX Complaint Coordinators/Compliance Officers" (hereinafter referred to as the "COs").

Carmen O'Brien  
Director of Curriculum & Assessment  
School District of Manawa  
800 Beech Street



Manawa, WI 54949  
920-596-5840  
cobrien@manawa.k12.wi.us

Daniel Wolfgram  
High School/Junior High School Principal  
800 Beech Street  
Manawa, WI 54949  
920-596-5310  
dwolfgram@manawa.k12.wi.us

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

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

#### Investigation and Complaint Procedure

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

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

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

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

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

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

The investigation will include:

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

At the conclusion of the investigation, the CO shall prepare and deliver a written report to the District Administrator that summarizes the evidence gathered during the investigation and provides recommendations based on the evidence and the definitions in this Policy, as well as in State and Federal law as to whether the Complainant has been denied access to educational opportunities on the basis of one of the protected classifications, based on a preponderance of evidence standard. The CO's recommendations must be based upon the totality of the circumstances, including the ages and maturity levels of those involved. The CO may consult with the Board Attorney before finalizing the report to the District Administrator.

Absent extenuating circumstances, within ten (10) business days of receiving the report of the CO, the District Administrator must either issue a final decision regarding or request the complaint further investigation. A copy of the District Administrator's final decision will be delivered to the complainant.

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

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

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

#### Additional School District Action

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

#### Confidentiality

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

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

~~All public records created as a part of an investigation will be maintained by the CO in accordance with the Board's records retention policy (see Policy 8130). Any records which are considered student records in accordance with the state or Federal law will be maintained in a manner consistent with the provisions of the law.~~

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

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

1. all written reports;
- 
2. narratives of all verbal reports or statements;
- 
3. a narrative of all actions taken by District personnel;
- 
4. any written documentation of actions taken by District personnel;
- 
5. written witness statements;
- 
6. narratives or audio, video, or digital recordings of verbal witness statements;
- 
7. any documentary evidence;
- 
8. handwritten and contemporaneous notes;
- 
9. e-mails, texts, or social media posts related to the investigation and allegations;
- 
10. dated written determinations;
- 
11. dated written descriptions of verbal notifications to the parties;
- 
12. written documentation of any interim measures offered and/or provided to complainants, including no contact orders; and
- 
13. documentation of all actions taken to stop the discrimination of harassment, prevent its recurrence, eliminate any hostile environment, and remedy the discriminatory effects.

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

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

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Legal

- 118.13 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
- 20 U.S.C. Section 7905, Boy Scouts of America Equal Access Act
- 29 U.S.C. Section 794, Rehabilitation Act of 1973, as amended
- 42 U.S.C. Section 2000 et seq., Civil Rights Act of 1964
- 42 U.S.C. Section 2000ff et seq., The Genetic Information Nondiscrimination Act
- 42 U.S.C. 6101 et seq., Age Discrimination Act of 1975
- 42 U.S.C. 12101 et seq., The Americans with Disabilities Act of 1990, as amended
- Vocational Education Program Guidelines for Eliminating Discrimination and Denial of Services, Department of Education, Office of Civil Rights, 1979

Last Modified by Steve LaVallee on March 28, 2019

Book	Policy Manual
Section	For Board Review - Vol. 28, No.1 + Safety Update
Title	Copy of RELIGION IN THE CURRICULUM
Code	po2270
Status	
Adopted	October 17, 2016
Last Revised	November 19, 2018

## 2270 - RELIGION IN THE CURRICULUM

As a public entity, the District must comply with the U.S. Constitution's First Amendment requirement that the District neither establishes religion in the schools nor prohibits students' free exercise of religion according to pertinent interpretation and application of those Constitutional provisions by the Courts. Accordingly, no Board employee will promote religion in the classroom or in the District's curriculum, or compel or pressure any student to participate in devotional exercises. Displays of a religious character must conform with Policy 8800 and AG 8800A, AG 8800B, and AG 8800D. Instructional activities shall not be permitted to advance or inhibit any particular religion or religion generally. Teachers shall forward requests for religious accommodation in instruction to the Principal.

An understanding of religions and their effects on civilization is essential to the thorough education of young people and to their appreciation of a pluralistic society. To that end, the curriculum may include, as appropriate to the various ages and attainments of the students, instruction about the religions of the world.

The Board acknowledges the degree to which ~~religion~~ ~~religious consciousness~~ ~~often is incorporated into certain aspects of~~ ~~has permeated~~ the arts, literature, music, and issues of morality. The instructional and resource materials approved for use in the District schools ~~sometimes~~ ~~frequently~~ contain religious references or concern moral issues that have traditionally been the focus of religious concern. That such materials ~~may contain such references, or may concern such issues,~~ ~~may be religious in nature~~ shall not, by itself, bar their use by the District. The Board directs that professional staff members employing such materials be neutral in their approach and avoid using them to advance or inhibit religion in any way.

The Board recognizes that religious traditions vary in their perceptions and doctrines regarding the natural world and its processes. The curriculum is chosen for its place in the education of the District's students, not for its conformity to religious principles. Students should receive unbiased instruction in the schools, so they may privately accept or reject the knowledge thus gained, in accordance with their own religious tenets if any.

Accordingly, no student shall be exempted from completion of a required course of study on the grounds that components of the instruction interfere with the free exercise of his/her religion. However, if after careful personal review of the program's lessons and/or materials, a parent indicates to the school that either the content or activities conflict with his/her religious beliefs or value system, the school will honor a written request for his/her child to be excused from a particular class period.

The student will be provided with alternate learning activities during the times of such parent's request for absence.

For the privacy of students whose parents request that they not take part in the particular class period prior arrangements will be made for the student(s) to go to a supervised location where, under the supervision of a staff member the student(s) will be provided with the alternate learning activities during the requested absence.

The District's instructional materials shall not be designed to influence students to accept or reject a particular religious belief or point of view and the District Administrator shall prepare administrative guidelines to that ~~e~~ffect.

Complaints by students or the public regarding any such course of study will be handled in accordance with Board Policy 9130.

See Reference: Policy 8800

See References: AG 8800A, AG 8800B, and AG 8800D

Legal

U.S. Constitutional Amendment 1

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Book	Policy Manual
Section	For Board Review - Vol. 28, No.1 + Safety Update
Title	EDUCATION FOR EMPLOYMENT
Code	po2420
Status	

#### 2420 - **EDUCATION FOR EMPLOYMENT**

A. The education for employment program provides career awareness for elementary grade levels by developing an understanding of the following:

1. Why people work;
2. The kinds of conditions under which people work;
3. The levels of training and education needed for work;
4. Common expectations for employees in the workplace;
5. How expectations at school are related to expectations in the world of work.

B. Career exploration at the middle school grade levels includes developing an understanding of the continuum of careers across work environments, duties, and responsibilities and how a student's personal interests and skills relate to those careers. Career exploration may also include work-based learning experiences and career research identifying personal preferences in relation to occupations and careers students may pursue.

C. Career planning and preparation at the high school grade levels, which shall include the following:

1. Conducting career research to identify personal preferences in relation to specific occupations.
2. School-supervised, work-based learning experiences.
3. Instruction in career decision making.
4. Instruction that provides for the practical application of academic skills, applied technologies, economics, including entrepreneurship education and personal financial literacy.
5. Student access to career and technical education programs, including programs at technical colleges.
6. Student access to accurate national, regional, and State labor market information, including labor market supply and demand.
7. Instruction and experience in developing and refining the skills and behaviors needed by students to obtain and retain employment.

D. An education for employment program shall include a long-range plan approved by the Board and developed by a team of District staff and community stakeholders, which may include businesses, postsecondary education institutions, and workforce development organizations. The Board will annually review the plan and, if necessary, update the long-range plan and education for employment program under s. PI 26.03. This review shall evaluate student postsecondary outcomes. At the conclusion of the review, the Board shall prepare a report on the District's education for employment program. The report shall describe the education for employment program's current progress and future goals related to improving student postsecondary outcomes. The Board will publish its long-range plan and the report on the District's website. The District shall annually notify parents of its

education for employment program. The notice shall inform parents of the information and opportunities available to students under s. PI 26.03 (2) and (3), including the availability of programs at technical colleges.

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P.I. 26.03, Wis. Admin. Code

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Book	Policy Manual
Section	For Board Review - Vol. 28, No.1 + Safety Update
Title	Copy of SCHOOL PERFORMANCE REPORT
Code	po2700.01
Status	
Adopted	October 1, 2015
Last Revised	June 19, 2017

#### 2700.01 - **SCHOOL PERFORMANCE REPORT**

The Board believes that a vital component of the District's educational programs is ensuring that parents and other individuals are informed of the performance of the schools and the School District.

##### **State School Performance Report**

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

The annual school and School district report shall be made available on the District's website for public viewing.

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

- A. indicators of academic achievement, including the performance of students on Statewide assessment examinations by subject area
- B. dropout, attendance, retention in grade and graduation rates
- C. percentage of habitual truants, percentage of students participating in extracurricular and community activities and advanced placement courses
- D. percentage of graduates in postsecondary educational programs and percentage of graduates entering the workforce
- E. number of suspensions and expulsions, the reasons for, and duration of, the suspensions and expulsions and the length of time students are expelled
- F. staffing and financial data information
- G. number and percentage of resident students attending a course in a nonresident district and the number and percentage of nonresident students attending a course in the district, and
- H. method of reading instruction used in the District

##### **Title I Provisions of the School Performance Report**

In any year that the District receives Title I funding, its school performance report must also include the following information:

- A. the number and percentage of schools identified for school improvement and how long they have been in that category
- B. a comparison of the achievement by the Districts' students on the Statewide academic assessment to the achievement of students in the State as a whole



- C. for each school, whether it has been identified for school improvement, and a comparison of the school's student achievement on the Statewide achievement assessments and other adequate yearly progress indicators to those students in the District and the State as a whole
- D. aggregated achievement information on State assessments in math, reading or language arts, and science
- E. achievement information for math, reading or language arts, and science disaggregated by race, ethnicity, disability, gender, migrant status, English proficiency, and status as economically disadvantaged, except in cases where numbers are too small to be statistically robust or where the results would reveal personally identifiable information about an individual student
- F. the percentage of students not tested, disaggregated with the same conditions as in paragraph E above
- G. information that can be used to compare actual achievement levels with State objectives for each group
- H. the most recent two (2) year trend data in achievement by subject area and grade level in areas where assessments are required
- I. aggregate information on State indicators used to determine adequate yearly progress in achieving State academic achievement indicators
- J. graduation rates for high school students
- K. information about ~~the~~ performance of the District and whether it is making adequate yearly progress, including the number and names of schools identified for school improvement under "Consequences for Low-Performing Schools", and
- L. the professional qualifications of teachers and the percentage of such teachers teaching with permits or emergency licensure, both in the aggregate and disaggregated by high-poverty compared to low-poverty schools.

This information must be disseminated annually, no later than the beginning of the school year, to all buildings and all parents, and made widely available through public means such as posting on the Internet and distribution to local media and public agencies. Distribution to parents should be in an understandable format and in a language the parents can understand. This report to parents may be included with the student report cards at the end of the year, if all students receive report cards.

**School Accountability Reports**

A copy of the accountability reports and ranking levels for each school within the District shall be provided to all parents on an annual basis. ~~Additionally, on an annual basis a list of all educational options available to children who reside in the District, including public school, private schools participating in a parental choice program, charter schools, virtual schools, full time open enrollment, youth options, course options, and options for pupils enrolled in a home-based private education program.~~

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

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Book	Policy Manual
Section	For Board Review - Vol. 28, No.1 + Safety Update
Title	Copy of EMPLOYMENT OF PROFESSIONAL STAFF
Code	po3120
Status	
Adopted	May 16, 2016
Last Revised	November 19, 2018

### 3120 - EMPLOYMENT OF PROFESSIONAL STAFF

The Board recognizes that positions be filled with highly-qualified and competent personnel are vital to the successful operation of the District.

All employees other than the District Administrator or support staff members (Policy 0100 – Definitions) are considered professional employees.

The Board shall approve the employment, fix the compensation, and establish the term of employment for each professional staff member employed by this District. Teachers, governed by Wis. Stat. 118.22 and administrators, governed by Wis. Stat. 118.24, may only be employed by contract and only following majority vote of the full membership of the Board or as required or permitted by law. ~~The Board shall approve the employment of any employee required by law to be employed only following the majority vote of the full membership of the Board.~~

The District Administrator shall provide a description of the work schedule, hours of work per week, a determination of whether the employee is exempt or non-exempt for purposes of overtime eligibility (See Policy 6700). For non-exempt employees, there shall be a clear statement in the job description and employee handbook which states the following: "No non-exempt employee may perform work for the District outside of his/her regular schedule without prior supervisory approval. Violations of this requirement will result in disciplinary action, up to and including termination from employment," and for overtime eligible employees, there shall be a clear statement in the job description and employee handbook which states the following: "No overtime eligible employee may perform overtime work for the District without prior supervisory approval. Violations of this requirement will result in disciplinary action, up to and including termination from employment."

Such approval shall be given only to those candidates for employment recommended by the District Administrator.

When any recommended candidate has been rejected by the Board, the District Administrator shall make a substitute recommendation.

All applications for employment shall be referred to WECAN.

Relatives of Board members may be employed by the Board. If the Board member benefits financially either directly or indirectly, the Board member may not participate in any way in the discussion or vote on any matter relating to said employment.

Relatives of staff members may be employed by the Board. The newly employed staff member shall not be placed in a position in which s/he will be supervised directly by, or supervise directly, his/her relative.

Any professional staff member's intentional misstatement of fact pertaining to his/her qualifications for employment or the determination of salary shall constitute grounds for dismissal by the Board.

The employment of professional staff members prior to approval by the Board is authorized when their employment is required to maintain continuity in the educational program, except as prohibited by law, including the employment of full-time teachers and certain administrative employees on a substitute basis, pending Board approval. Employment shall be recommended to the Board at the next regular meeting.

No candidate for employment as professional staff shall receive recommendation for such employment without having proffered visual evidence of proper certification or application for such certification. For staff members instructing children in reading and/or language

arts, pre-school and/or grades kindergarten through sixth grade, their certificate must verify successful completion of instruction that includes the teaching of phonics.

For each candidate, a satisfactory background check will be conducted by the Department of Public Instruction or appropriate State agency.

Any person who signs a contract to teach in the District must, within ten (10) days after signing the contract, file in the office of the District Administrator a statement showing the date of expiration and the grade and character of the certificate or license held.

The District Administrator shall prepare procedures for the recruitment and selection of all professional staff that includes reporting newly hired employees to the Wisconsin Department of Workforce Development.

#### **DISTRICT SUPPORTED ALTERNATIVE LICENSING PROGRAMS**

As part of the Board's efforts to provide the highest quality education for all students in all subject areas, the Board authorizes the District Administrator, where appropriate, to support teacher licensure opportunities.

#### **EXPERIENCED-BASED LICENSURE FOR TECHNICAL AND VOCATIONAL EDUCATION**

"Technical education" means technology education and any technology related occupation.

"Vocational education" means agriculture, child services, clothing services, food services, housing and equipment services, family and consumer education, family and consumer services, home economic-related occupations, health care related occupations, trade specialist, business education, business and office, and marketing education.

The District Administrator may support the application for an experience-based license for a teacher to teach in a technical and/or vocational education field, provided that the individual can be credited with at least 100 points using the following system:

- A. The following points for experience in a technical field (must comprise at least twenty-five (25) of the required 100 points):
  1. For a bachelor's degree in any science, technology, engineering, or mathematics field and any teaching license or permit, or in a field related to the vocational subject, 100 points.
  2. For a bachelor's degree in any science, technology, engineering, or mathematics field, or in a field related to the vocational subject seventy-five (75) points.
  3. For a bachelor's degree in a field other than those described in numbers 1. and 2., above, any science, technology, engineering, mathematics, or technical or technology education field, sixty-five (65) points.
  4. For industry or vocational certification, ninety (90) points.
  5. For industry experience in a trade or technical field or vocation, five (5) points per forty (40) hours worked up to a maximum of ninety (90) points.
  6. For an internship in a trade or technical field or in the vocation, twenty-five (25) points.
  7. For being mentored in a trade or technical skill or in the vocation by a colleague or a Wisconsin Technology Education Association or a recognized vocational association approved mentor, twenty-five (25) points.
  8. For an apprenticeship in a trade or technical field or in the vocation, five (5) points per forty (40) hours worked up to a maximum of ninety (90) points.
- B. The following points for pedagogical experience (must be at least twenty-five (25) out of the 100 required points):
  1. For a bachelor's degree in technical or technology education, 100 points.
  2. For a bachelor's degree in a field other than any science, technology, engineering, mathematics, or technical or technology education field, or in a subject related to the vocation and any teaching license or permit, seventy-five (75) points.
  3. For credit earned at an accredited institution of higher education or technical college, three (3) points per credit up to a maximum of seventy-five (75) points for technical or technology education courses and science, technology, engineering, or mathematics courses or any field related to the vocation and three (3) points per credit up to a maximum of seventy-five (75) points for education and pedagogical courses.
  4. For completing at least 100 hours of training in pedagogy, five (5) points per fifty (50) hours up to a maximum of seventy-five (75) points.

Individuals that have sufficient points may be employed by the District under an experience-based license provided that the District Administrator implements a professional development curriculum for the teacher to follow during the three (3) year period of the initial license. The District Administrator shall monitor the teacher's progress in fulfilling the curriculum.

### **PROFESSIONAL TEACHING PERMIT**

The District Administrator may support the teaching license application of an individual to teach a course in engineering, mathematics, science, computer science, art, music, or world languages that do not yet hold a professional teacher license provided that the following criteria are met:

- A. The District is experiencing a shortage in the availability of teachers with professional teaching certification in the subject area and is unable to fill a position with an acceptable licensed teacher.
- B. The individual holds at least a bachelor's degree in engineering, mathematics, science, computer science, art, music, or world languages.
- C. The individual possesses at least five (5) years of verifiable industry experience in the same field as the bachelor's degree.
- D. The individual has completed at least 100 hours of pedagogical training in an alternative teacher licensing program approved by DPI.
- E. The District Administrator shall implement a plan to provide supervision of the teacher by a teacher that holds regular professional teaching licensure during the two (2) year period of the permit.
- F. The hiring of the teacher under this alternative licensure program will not displace a regularly licensed teacher in the District.

See also AG 3120E

Revised 8/22/16

Revised 7/17/17

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Legal

- 118.191, Wis. Stats.
- 118.192, Wis. Stats.
- 118.21, Wis. Stats.
- 118.22(2), Wis. Stats.
- 118.24, Wis. Stats.
- 121.02, Wis. Stats.
- Wis. Admin. Code P.I. 34
- 20 U.S.C. 6319
- 20 U.S.C. 7801
- 34 C.F.R. 200.55
- 34 C.F.R. 200.56

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Book	Policy Manual
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Title	NONDISCRIMINATION AND EQUAL EMPLOYMENT OPPORTUNITY
Code	po3122
Status	
Adopted	October 17, 2016
Last Revised	November 19, 2018

### 3122 - **NONDISCRIMINATION AND EQUAL EMPLOYMENT OPPORTUNITY**

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

#### **District Compliance Officers**

The Board designates the following individuals to serve as the District's "Compliance Officers" (hereinafter referred to as the "COs").

Carmen O'Brien  
Director of Curriculum Assessment  
School District of Manawa  
800 Beech Street  
Manawa, WI 54949  
920-596-5840  
cobrien@manawa.k12.wi.us

Daniel Wolfgram  
High School/Junior High School Principal  
School District of Manawa  
800 Beech Street  
Manawa, WI 54949  
920-596-5310  
dwolfgram@manawa.k12.wi.us

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

The COs are responsible for coordinating the District's efforts to comply with the applicable Federal and State laws and regulations, including the District's duty to address in a prompt and equitable manner any inquiries or complaints regarding discrimination, retaliation or denial of equal access. The COs shall also verify that proper notice of nondiscrimination [has been provided](#) for Title II of the Americans with Disabilities Act (as amended), Title VI and Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendment Act of 1972, Section 504 of the Rehabilitation Act of 1973 (as amended), the Age Discrimination in Employment Act of 1975, and the Genetic Information Nondiscrimination Act (GINA) to students, their parents, staff members, and the general public.

#### **Reports and Complaints of Unlawful Discrimination and Retaliation**

Employees are expected to promptly report incidents of unlawful discrimination and/or retaliation to an administrator, supervisor, or other supervisory employee so that the Board may address the conduct. Any administrator, supervisor, or other supervisory employee who receives such a complaint shall file it with the CO at his/her first opportunity, but no later than two (2) business days.

Employees who believe they have been unlawfully discriminated/retaliated against are entitled to utilize the complaint process set forth below. Initiating a complaint will not adversely affect the complaining individual's employment. While there are no time limits for initiating complaints under this policy, individuals should make every effort to file a complaint as soon as possible after the conduct occurs while the facts are known and potential witnesses are available.

The COs will be available during regular school/work hours to discuss concerns related to unlawful discrimination/retaliation. COs shall accept complaints of unlawful discrimination/retaliation directly from any member of the School District community (District employees, students, parent(s), and member of the Board), a resident of the District, or a visitor to the District. Upon receipt of a complaint, either directly or through a school building administrator, a CO will begin an investigation, or the CO will designate a specific individual to conduct such a process. The CO will provide a copy of this policy to any person who files a complaint. All members of the School District community must report incidents of discrimination/retaliation that are reported to them to the CO within two (2) business days of learning of the incident/conduct.

Any Board employee who directly observes unlawful discrimination/retaliation is obligated, in accordance with this policy, to report such observations to one of the COs within two (2) business days. Additionally, any Board employee who observes an act of unlawful discrimination/retaliation is expected to intervene to stop the misconduct, unless circumstances make such an intervention dangerous, in which case the staff member should immediately notify other Board employees and/or local law enforcement officials, as necessary, to stop the misconduct. Thereafter, the CO must contact the employee within two (2) business days to advise him/her of the Board's intent to investigate the alleged wrongdoing.

### **Investigation and Complaint Procedure (See Form 1422 F2)**

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

Once the complaint process begins, the investigation will be completed in a timely manner (ordinarily, within fifteen (15) business days of the complaint being received).

The procedures set forth below are not intended to interfere with the rights of any individual to pursue a complaint of unlawful discrimination or retaliation with the United States Department of Education Office for Civil Rights, the Wisconsin Equal Rights Division, or the Equal Employment Opportunity Commission ("EEOC").

### **Complaint Procedure**

An individual who believes s/he has been subjected to unlawful discrimination/retaliation (hereinafter referred to as the "Complainant"), may file a complaint, either orally or in writing, with a Principal, the CO, District Administrator, or other supervisory employees. Any complaint received regarding the District Administrator or a Board member shall be referred to the Board's legal counsel, who shall assume the role of the CO for such complaints. Additionally, if the complaint is regarding a CO, the complaint shall be reported to the District Administrator, who shall assume the role of CO for such complaints.

Due to the sensitivity surrounding complaints of unlawful discrimination and retaliation, timelines are flexible for initiating the complaint process; however, individuals should make every effort to file a complaint within thirty (30) calendar days after the conduct occurs while the facts are known and potential witnesses are available. If a Complainant informs a Principal, District Administrator, or other supervisory employee, either orally or in writing, about any complaint of discrimination or retaliation, that employee must report such information to the CO within two (2) business days.

Throughout the course of the process, the CO should keep the parties informed of the status of the investigation and the decision-making process.

All complaints must include the following information to the extent it is available: the identity of the individual believed to have engaged in, or be engaging in, the discriminatory/retaliatory conduct; a detailed description of the facts upon which the complaint is based; a list of potential witnesses; and the resolution sought by the Complainant.

If the Complainant is unwilling or unable to provide a written statement including the information set forth above, the CO shall ask for such details in an oral interview. Thereafter, the CO will prepare a written summary of the oral interview, and the Complainant will be asked to verify the accuracy of the 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 discrimination or retaliation, including, but not limited to, a change of work assignment or schedule for the Complainant and/or the person who allegedly engaged in the misconduct. In making such a determination, the CO should consult the Complainant to assess his/her position to the proposed action. If the Complainant is unwilling to consent to the proposed change, the CO may still take whatever actions s/he deems appropriate in consultation with the District Administrator.

Within two (2) business days of receiving the complaint, the CO will initiate an investigation to determine whether the Complainant has been subjected to unlawful discrimination/retaliation.

Simultaneously, the CO will inform the individual alleged to have engaged in the discriminatory or retaliatory conduct (hereinafter referred to as the "Respondent"), that a complaint has been received. The Respondent will be informed about the nature of the

allegations and provided with a copy of any relevant policies and/or administrative guidelines, including this Policy. The Respondent must also be informed of the opportunity to submit a written response to the complaint within five (5) business days.

Although certain cases may require additional time, the CO will attempt to complete an investigation into the allegations of discrimination/retaliation within fifteen (15) business days of receiving the formal complaint. The investigation will include:

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

At the conclusion of the investigation, the CO shall prepare and deliver a written report to the District Administrator that summarizes the evidence gathered during the investigation and provides recommendations based on the evidence and the definition of unlawful discrimination/retaliation as provided in Board policy and State and Federal law as to whether the Complainant has been subjected to unlawful discrimination/retaliation. The CO's recommendations must be based upon the totality of the circumstances. In determining if discrimination or retaliation occurred, a preponderance of evidence standard will be used. The CO may consult with the Board's legal counsel before finalizing the report to the District Administrator.

Absent extenuating circumstances, within five (5) business days of receiving the report of the CO, the District Administrator must either issue a final decision regarding whether the charges have 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.

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) business days. At the conclusion of the additional investigation, the District Administrator must issue a final written decision as described above.

If the District Administrator determines the Complainant was subjected to unlawful discrimination/retaliation, s/he must identify what corrective action will be taken to stop, remedy, and prevent the recurrence of the discrimination/retaliation. The corrective action should be reasonable, timely, effective, and tailored to the specific situation.

A Complainant or Respondent who is dissatisfied with the final decision of the District Administrator may appeal through a signed written statement to the Board within five (5) business days of his/her receipt of the District Administrator's final decision. In an attempt to resolve the complaint, the Board shall review the findings and may meet with the concerned parties and their representatives within twenty (20) business days of the receipt of such an appeal. A copy of the Board's disposition of the appeal shall be sent to each concerned party within ten (10) business days of its decision. The decision of the Board will be final.

The Board reserves the right to investigate and resolve a complaint or report of unlawful discrimination/retaliation regardless of whether the employee alleging the misconduct pursues the complaint. The Board also reserves the right to have the complaint investigation conducted by an external person in accordance with this policy or in such other manner as deemed appropriate by the Board.

The 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. Use of this internal complaint procedure is not a prerequisite to the pursuit of other remedies.

### **Privacy/Confidentiality**

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

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

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

### **Sanctions and Monitoring**

The Board shall vigorously enforce its prohibitions against unlawful discrimination by taking appropriate action reasonably calculated to stop 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. All disciplinary action will be taken in accordance with applicable State law. When imposing discipline, the District Administrator shall consider the totality of the circumstances involved in the matter. In those

cases where unlawful discrimination/retaliation is not substantiated, the Board may consider whether the alleged conduct nevertheless warrants discipline in accordance with other Board policies and/or the Employee Handbook.

Where the Board becomes aware that a prior remedial action has been taken against an employee, 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 effect.

## **Retaliation**

Retaliation against a person who makes a report or files a complaint alleging unlawful discrimination/retaliation, or participates as a witness in an investigation is prohibited. Specifically, the Board will not retaliate against, coerce, intimidate, threaten or interfere with any individual because the person opposed any act or practice made unlawful by any Federal or State civil rights law, or because that individual made a charge, testified, assisted or participated in any manner in an investigation, proceeding, or hearing under those laws, or because that individual exercised their rights, aided or encouraged any other person in the exercise of any right granted or protected by those laws.

## **Education and Training**

In support of this policy, the Board promotes preventative educational measures to create greater awareness of unlawful 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 staff where appropriate, as well as all information regarding the Board's policy, administrative guidelines, and discrimination in general.

## **Retention of Investigatory Records and Materials**

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

1. all written reports/allegations/complaints/statements;
2. narratives of all verbal reports, allegations, complaints, and statements collected;
3. a narrative of all actions taken by District personnel;
4. any written documentation of actions taken by District personnel;
5. narratives of, notes from, or audio, video, or digital recordings of witness statements;
6. all documentary evidence;
7. e-mails, texts, or social media posts pertaining to the investigation;
8. contemporaneous notes in whatever form made (e.g., handwritten, keyed into a computer or tablet, etc.) pertaining to the investigation;
9. 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;
10. dated written determinations to the parties;
11. dated written descriptions of verbal notifications to the parties;
12. written documentation of any interim measures offered and/or provided to complainants, including no contact orders issued to both parties, the dates issued, and the dates the parties acknowledged receipt; and
13. 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.

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

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



Legal

111.31 et seq., 111.335(d)(2), 118.195, 118.20, Wis. Stats.

Fourteenth Amendment, U.S. Constitution

20 U.S.C. Section 1681, Title IX of Education Amendment Act

20 U.S.C. Section 1701 et seq., Equal Educational Opportunities Act of 1974

20 U.S.C. Section 7905, Boy Scouts of America Equal Access Act

42 U.S.C. 6101 et seq., Age Discrimination Act of 1975

42 U.S.C. 12101 et seq., The Americans with Disabilities Act of 1990, as amended

34 C.F.R. Part 110 (7/27/93)

42 U.S.C. 2000e et seq., Civil Rights Act of 1964

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

29 U.S.C. 701 et seq., Rehabilitation Act of 1973, as amended

29 C.F.R. Part 1635

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Book	Policy Manual
Section	For Board Review - Vol. 28, No.1 + Safety Update
Title	Copy of STAFF DISCIPLINE
Code	po3139
Status	
Adopted	May 16, 2016
Last Revised	November 19, 2018

### 3139 - **STAFF DISCIPLINE**

The Board retains the right and the responsibility to oversee all District personnel. 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 or designee may issue discipline, ~~except termination~~, when she/he deems appropriate and with the seriousness of the offense. However, student performance on examinations however, may not form the basis for staff discipline. This policy does not cover decisions to terminate or nonrenew a staff member's employment (see Policy 3140).

#### **Investigation of Possible Criminal Activity**

The District may be required to investigate potential wrongdoings on the part of its employees. Such investigations may require that the employee answer questions relating to the activity. Employees may be required to answer such questions, consistent with any applicable law. 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 employee 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.

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

The District Administrator may issue discipline to staff members when she/he deems appropriate. The level of discipline may range from oral reprimands to suspension or recommendation for 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.

( ) 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.

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

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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	For Board Review - Vol. 28, No.1 + Safety Update
Title	REVISED POLICY - VOL. 28, NO. 1 - NON-RENEWAL, RESIGNATION, AND TERMINATION
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Adopted	May 16, 2016
Last Revised	July 17, 2017

3140 - ~~TERMINATION, NON-RENEWAL, AND RESIGNATION~~, AND TERMINATION

~~TERMINATION AND NON-RENEWAL~~

A critical function of the Board is maintaining personnel necessary to carry out the District's educational program and mission. In the course of carrying out this function, the Board will at times find it necessary to end an employment relationship with a member of the professional staff. This policy governs the process of nonrenewal and termination of employees, as well as the conditions under which a resignation may be accepted.

Full-Time Teachers

All full-time teachers are required to be under contract with the District. A full-time teacher's employment contract is automatically void and employment ended if the teacher does not have an appropriate teaching license issued by the DPI. Otherwise, a full-time teacher's employment shall be subject to non-renewal, termination, or resignation as follows:

A. Non-Renewal

In the event that the District Administrator intends to recommend the non-renewal of a full-time teacher's contract, all applicable statutory non-renewal procedures and timelines will apply, including both preliminary and final notice of nonrenewal. No teacher may be non-renewed solely on the basis of the results of mandatory student examinations. The District Administrator shall be responsible for notifying the affected teacher of his/her rights relative to the non-renewal process.

Teacher ~~and administrator~~ contracts may be ~~terminated or~~ non-renewed upon a majority vote of the full membership of the Board of Education.

B. Termination

A full-time teacher's contract may be terminated only by a majority vote of the full membership of the Board. The District Administrator shall, if deemed appropriate, recommend a teacher's termination to the Board. The District Administrator is responsible for providing the teacher with appropriate notice regarding the hearing and for taking the necessary steps to present any such recommendation to the Board.

(.) The District Administrator may engage in negotiations with the teacher for purposes of resignation short of a hearing, subject to final Board approval.

C. Resignation

A full-time teacher may resign from his/her position only upon approval of a majority of the full membership of the Board. The District Administrator may negotiate terms of resignation with such a teacher as appropriate and present those terms to the Board in an appropriately noticed, regular or special Board meeting, as necessary. A resignation is only in effect once approved by the Board. A resignation, once accepted by the Board, may not be rescinded without approval by the Board.

Part-Time Teachers

Teachers employed less than full-time, but not including substitute teachers whose employment is covered by Policy 3120.04, and whose employment contract does not specify procedures for termination of contract, may be terminated either by the District for appropriate reasons or through resignation (.) to the District Administrator (.) by a majority vote of a quorum of the Board members present at a properly noticed meeting. A resignation, once accepted, may not be rescinded by the teacher.

A part-time teacher whose contract does not specify otherwise is not entitled to notice of intent to renew or of intent not to renew his/her contract for a subsequent school year.

The terms of the part-time teacher contract shall apply when the contract provides for procedures different than those noted in this policy.

## **Administrators**

The Board employs administrative employees under a variety of employment arrangements. Generally, those arrangements include those administrators who, by law, are required to have an employment contract and are provided statutory rights with respect to those contracts; those that are not required to have contracts by law, but are nonetheless employed pursuant to a written contract approved by the Board; and those who perform administrative functions, but who do not have a contract which specifies the terms of employment as they relate to termination, resignation, and nonrenewal of the employment arrangement.

### **A. Statutory Administrators**

The Board shall employ by contract the following persons: the District Administrator, business manager, school principals, and assistants to such persons, as well as the following persons employed solely to perform administrative functions: personnel administrators and supervisors, curriculum administrators, and assistants to such administrative personnel.

Such administrators may only be terminated, either due to appropriate circumstances justifying termination of employment or by tendered resignation, by a majority of the full membership of the Board.

Such administrators are entitled to contract renewal or notice of intent not to renew the administrator's contract pursuant to applicable statutory procedures, and any additional procedures incorporated into the said contract.

The District Administrator shall be responsible for assuring compliance with the procedures necessary for Board action to terminate or to non-renew an administrator's contract. In the case of the District Administrator's contract, the Board President (.) with the assistance of Board legal counsel [END OF OPTION], shall be responsible for assuring procedural compliance with termination or non-renewal processes.

A resignation, once accepted by the Board, may not be rescinded except by approval of the majority of the full membership of the Board.

### **B. Administrators with Contracts including Provisions Governing Termination**

The Board may employ administrators who are not statutorily entitled to an employment contract or to statutory termination and non-renewal procedures, but who nonetheless are issued employment contracts with provisions governing this process applicable to the manner in which the employment relationship is concluded, either by resignation, termination, or non-renewal. In such cases, the District Administrator shall be responsible for assuring adherence to applicable contractual procedures.

### **C. Administrative Personnel with no Contractual or Statutory Coverage**

Employees performing administrative functions, but who are not covered by applicable statutory termination or non-renewal procedures, and who have not been issued an employment contract with provisions governing the termination or non-renewal process, are not entitled to notice of intent to renew or not to renew an employment agreement. In such a case, an employment agreement shall expire and the employee shall have no expectation of continued employment beyond the term of the agreement.

Such an administrative employee's employment may be terminated by

(.) the District Administrator.

(.) a majority of a quorum of the Board present at a regular or special Board meeting.

Such an administrative employee's resignation may be accepted by

(.) the District Administrator.

(.) a majority of a quorum of the Board present at a regular or special Board meeting.

A resignation, once accepted, may not be rescinded without agreement.

Legal

118.30(2)(c), Wis. Stats.

118.22, Wis. Stats.

118.24, Wis. Stats.

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Title Copy of NON-RENEWAL OF ADMINISTRATIVE CONTRACTS  
Code po3143 - DELETE - Covered by 3140  
Status  
Adopted May 16, 2016

**~~3143—NON-RENEWAL OF ADMINISTRATIVE CONTRACTS~~**

~~If the Board of Education intends to non-renew an administrative contract, it shall give the administrator written preliminary notice by registered mail at least five (5) months prior to the expiration of the contract.~~

~~If the administrator files a written request with the Board within seven (7) days after receiving such notice, the administrator has a right to a hearing prior to being given the notice of non-renewal of the contract. The administrator may request a public or private hearing and request that the Board provide its reasons for non-renewal, in writing, prior to the hearing.~~

~~At least four (4) months prior to the expiration of the contract of an administrator, the Board shall provide notice, in writing, of either renewal of the contract or refusal to renew such contract. No person may be employed or dismissed except by a majority vote of the full Board.~~

~~Non-renewal of administrative contracts shall be consistent with State law and with the provisions of the employment contract between the Board and the administrator.~~

~~By mutual agreement of the Board and the administrator, the employment contract may be modified or terminated.~~

~~See also Policy 1241 which applies to the District Administrator.~~

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Legal 118.24(6), and (7), Wis. Stats.

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Title STUDENT SUPERVISION AND WELFARE  
Code po3213  
Status

### 3213 - STUDENT SUPERVISION AND WELFARE

Professional staff members ~~because of their proximity to students~~ are frequently confronted with situations which, if handled incorrectly, could result in liability to the District, personal liability to the professional staff member, and/or harm to the welfare of the student(s). It is the intent of the Board to direct the preparation of guidelines that would minimize that possibility.

~~Each~~ ~~It is the responsibility of the~~ District employee shall maintain a standard of care for the supervision, control, and protection of students commensurate with his/her assigned duties and responsibilities which include, but are not limited to ~~Administrator to prepare administrative guidelines to ensure the maintenance of~~ the following standards:

- A. A professional staff member shall report immediately any accident or safety hazard about which s/he is informed or detects to his/her supervisor as well as to other authorities or District staff members as may be required by established policies and procedures. ~~(-) Each professional staff member shall maintain a standard of care for supervision, control, and protection of students commensurate with assigned duties and responsibilities.~~
- B. A professional staff member shall report unsafe, potentially harmful, dangerous, violent or criminal activities, or threat of these activities by students to the District Administrator and local public safety agencies and/or school officials in accordance with Policy 8420 - School Safety and Emergency Preparedness.
- C. A professional staff member should not volunteer to assume responsibility for duties s/he cannot reasonably perform. Such assumption carries the same responsibilities as assigned duties.
- D. A professional staff member shall provide proper instruction in the safety matters presented in assigned course guides.
- E. ~~(-) Each professional staff member shall immediately report to the Principal any accident or safety hazard s/he detects.~~
- F. ~~(-) Each professional staff member shall immediately report to the Principal any knowledge of threats of violence by students.~~
- G. A professional staff member shall not send students on any personal errands.
- H. A professional staff member shall not associate with students at any time in a manner which gives the appearance of impropriety, including, but not limited to, the creation or participation in any situation or activity which could be considered abusive or sexually suggestive or involve illegal substances such as tobacco, alcohol, or drugs. Any sexual or other inappropriate conduct with a student by any staff member will subject the offender to potential criminal liability and District discipline up to and including termination of employment.  
  
This provision should not be construed as precluding a professional staff member from associating with students in private for legitimate or proper reasons or to interfere with familial relationships that may exist between staff and students.
- I. ~~If a student comes to a staff member to seek advice or to ask questions regarding a personal problem related to sexual behavior, substance abuse, mental or physical health, and/or family relationships, the staff member may help the student make contact with certified or licensed individuals in the District or community who specialize in the assessment, diagnosis, and treatment of the student's problem. Under no circumstances should a staff member attempt, unless properly licensed and authorized to do so, to counsel, assess, diagnose, or treat the student's problem or behavior.~~
- J. A professional staff member shall not disclose personally identifiable information about a student to third parties unless specifically authorized by law or the student's parent(s) to do so.



- K. A professional staff member shall not transport students for school-related activities in a private vehicle without the approval of the District Office or his/her immediate supervisor and consistent with the provisions of Policy 8660. This does not apply to any student who is the professional staff member's family member;
- L. A student shall not be required to perform work or services that may be detrimental to his/her health.
- M. Staff members are discouraged from engaging students in social media and online networking media, except for appropriate academic, extra-curricular, and/or professional uses only;
- N. Staff members are expressly prohibited from posting any video or comment pertaining to any student on personal or unauthorized social networking media or similar forums.

A professional staff member, or a person who works or volunteers with children, who is found to have had sexual contact with any student, including a student age sixteen (16) or older, shall be referred to the proper authorities and be subject to discipline up to and including discharge.

This policy should not be construed as affecting any obligations on the part of staff to report suspected child abuse under Wis. Stats. 48.981 and Policy 8462.

**Since** most information concerning a child in school, other than directory information described in Policy 8330 - Student Records, is a confidential student record under Federal and State laws, a ~~Any~~ staff member who shares confidential information with another person not authorized to receive the information may be subject to discipline and/or civil liability. This includes, but is not limited to, information concerning assessments, grades, behavior, family background, and alleged child abuse ~~(see Policy 8330)~~.

Pursuant to the laws of the State and Board Policy 8462, each professional staff member shall report to the proper legal authorities immediately, any sign of suspected child abuse, abandonment, or neglect.

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Legal 48.981, 948, 948.095 Wis. Stats.

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Status	
Adopted	May 16, 2016
Last Revised	November 19, 2018

### 3230 - **CONFLICT OF INTEREST**

The proper performance of school business is dependent upon the maintenance of unusually high standards of honesty, integrity, impartiality, and professional conduct by Board members, and the District's employees, officers and agents and is essential to the Board's commitment to earn and keep the public's confidence in the School District.

For these reasons, the Board adopts the following guidelines to ensure that conflicts of interest do not occur. These guidelines apply to all District employees, officers, and agents, including members of the Board. These guidelines are not intended to be all inclusive, nor to substitute for good judgment on the part of all professional employees, officers, and agents. Professional employees are expected to perform their duties in a manner free from an actual conflict of interest or from situations that create the appearance of a conflict of interest, in a manner consistent with 19.59, Wis. Stats. The Board's interest in enforcing this policy is to assure that the decisions and actions of public employees retain the public's trust. Therefore, even a conflict relationship that can be viewed as beneficial to the District or that was intended to be beneficial to the District, may still be a violation of this policy.

- A. No professional employee, officer, or agent shall engage in or have financial or other interest, directly or indirectly, in any activity that conflicts or raises a reasonable question of conflict with his/her duties and responsibilities in the school system. This includes not only those interests that violate state criminal law, which typically requires at least \$15,000 in financial interest, but also lesser valued conflicts that nonetheless create the appearance of using one's public position to secure a private benefit.
- B. Professional employees, officers, and agents shall not engage in business, private practice of their profession, the rendering of services, or the sale of goods of any type where advantage is taken of any professional relationship they may have with any student, client, or parents of such students or clients in the course of their employment or professional relationship with the School District.

Included, by way of illustration, rather than limitation are the following:

1. the provision of any private lessons or services for a fee unless the provision of services is arranged outside of school and is separate from and in addition to regular support provided to students as part of the staff member's regular duties.
2. soliciting on school premises or under circumstances which are coercive for the private sale of goods or services to students or other employees
3. the use, sale, or improper divulging of any privileged information through his/her access to School District records, about a student or client granted in the course of the employee's, officer's or agent's employment or professional relationship with the School District. ~~through his/her access to School District records~~
4. the referral of any student or client for lessons or services to any private business or professional practitioner if there is any expectation of reciprocal referrals, sharing of fees, or other remuneration for such referrals
5. the requirement of students or clients to purchase any private goods or services provided by an employee, officer or agent or any business or professional practitioner with whom any employee, officer or agent has a financial or other relationship, as a condition of receiving any grades, credits, promotions, approvals, or recommendations

- C. Should exceptions to this policy be necessary in order to provide mandatory services to students or clients of the School District, all such exceptions will be made known to the employee's supervisor and will be disclosed to the District Administrator and approval of the Board of Education **before** entering into any private relationship.
- D. Professional employees, officers, and agents shall not make use of materials, equipment, or facilities of the School District for their own personal financial gain or business interest. Examples would be the use of facilities before, during, or after regular business hours for service to private practice clients, or the checking out of items from an instructional materials center for private practice.
- E. Professional employees, officers, and agents shall not participate in the selection, award and administration of any contract to an entity in which they have a pecuniary interest or from which they derive a profit or in which a dependent of the employee has a pecuniary interest or from which the dependent derives a profit. "Dependent" includes the employee's spouse; unemancipated child, stepchild or adopted child under the age of eighteen (18); or individual for whom the employee provides more than one-half (1/2) of the individual's support during a year. A "pecuniary interest" means an interest in a contract or purchase that will result or is intended to result in an ascertainable increase in the income or net worth of the employee or the employee's dependent who is under the direct or indirect administrative control of the professional employee or who receives a contract or purchase order that is reviewed, approved, or directly or indirectly administered by the employee.

Professional employees, officers, and agents cannot solicit or accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts.

However, pursuant to Federal rules, the School District has set standards for when an employee, officer or agent may accept a gift of an unsolicited item of nominal value. For purposes of this section, "nominal value" means that the gift has a monetary value of \$50.00 or less.

- F. To the extent that the School District has a parent, affiliate or subsidiary organization, including any charter school authorized by the Board regardless of whether it is an instrumentality of the District or not, that is not a State, local government or Indian tribe, the School District may not conduct a procurement action involving the parent, affiliate or subsidiary organization if the School District is unable, or appears to be unable, to be impartial.
- G. Professional employees, officers, and agents must disclose any potential conflict of interest which may lead to a violation of this policy to the School District. Upon discovery of any potential conflict of interest, the School District will disclose, in writing, the potential conflict of interest to the appropriate Federal awarding agency or, if applicable, the pass-through entity.

The District will also disclose, in a timely manner, all violations of Federal criminal law involving fraud, bribery or gratuity that affect a Federal award to the appropriate Federal awarding agency or, if applicable, the pass-through entity.

- H. Professional employees, officers and agents found to be in violation of this conflict of interest policy will be subject to disciplinary action up to and including termination.

In the event that, within the course of administering a Federally funded grant program or service to the District, any professional employee that identifies a conflict of interest, a potential conflict of interest, or that the appearance of a conflict of interest may arise in the course of administering the Federal grant funds, the employee must immediately notify either the Federal agency administering the grant in a manner consistent with that particular agencies rules on conflict of interests, or the District employee directly responsible for grant compliance. Such notice shall be provided at the earliest possible time.

It is a violation of this policy to take action or to refrain from taking action, or for an employee to otherwise use his/her public position to obtain a financial gain or anything of substantial value for himself/herself or his/her immediate family.

Revised 8/22/16

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- Legal
- 19.59, Wis. Stats.
- 2 C.F.R. 200.12
- 2 C.F.R. 200.113
- 2 C.F.R. 200.318
- 7 C.F.R. 3016.36(b)(3)
- 7 C.F.R. 3019.42

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Adopted	October 17, 2016

### **3362 - EMPLOYEE ANTI-HARASSMENT**

#### **Prohibited Harassment**

The Board is committed to a work environment that is free of harassment of any form. The Board will not tolerate any form of harassment and will take all necessary and appropriate action to eliminate it. Any member of the School District community who violates this policy will be subject to disciplinary action, up to and including termination of employment. Additionally, appropriate action will be taken to stop and otherwise deal with any third party who engages in harassment against our employees.

The Board will vigorously enforce its prohibition against harassment based on race, color, national origin, age, sex (including transgender status, change of sex, sexual orientation, or gender identity), pregnancy, creed or religion, genetic information, handicap or disability, marital status, citizenship status, veteran status, military service (as defined in 111.32, Wis. Stats.), national origin, ancestry, arrest record, conviction record, use or non-use of lawful products off the District's premises during non-working hours, declining to attend an employer-sponsored meeting or to participate in any communication with the employer about religious matters or political matters, or any other characteristic protected by law in its employment practices (hereinafter referred to as "Protected Characteristics"), and encourages those within the School District community as well as third parties, who feel aggrieved to seek assistance to rectify such problems. The Board prohibits harassment that affects tangible job benefits, interferes unreasonably with an individual's work performance, or creates an intimidating, hostile, or offensive working environment. Harassment may occur employee- to-employee, employee-to-student, male-to-female, female-to-male, male-to-male, or female-to-female.

The Board will investigate all allegations of harassment and in those cases where harassment is substantiated, the Board will take immediate steps calculated to end the harassment, prevent its reoccurrence, and, if applicable, remedy its effects. Individuals who are found to have engaged in harassment will be subject to appropriate disciplinary action.

For purposes of this policy, "School District community" means individuals subject to the control and supervision of the Board including, but not limited to, students, teachers, staff, volunteers, and Board members, agents, contractors, or other persons.

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

#### **Definitions**

"Harassment" means any threatening, insulting, or dehumanizing gesture, use of data or computer software, or written, verbal or physical conduct directed against a school employee on the basis of the employee's Protected Characteristics that:

- A. places a school employee in reasonable fear of harm to his/her person or damage to his/her property;
- B. is sufficiently severe, pervasive, and persistent so as to create a hostile working environment which materially alters the employee's working conditions from the perspective of a reasonable person similarly situated;
- C. has the effect of substantially disrupting the orderly operation of a school or any other aspect of the District's operations.

#### **Sexual Harassment**

Pursuant to Title VII of the Civil Rights Act of 1964 and Title IX of the Educational Amendments of 1972, "sexual harassment" is defined as unwelcome sexual advances, requests for sexual favors, and other physical, verbal, or visual conduct based on sex constitutes sexual harassment when:

- A. a supervisory employee engages in harassing behavior towards a subordinate employee, regardless of whether such conduct creates a hostile work environment;
- B. acquiescence in or submission to such conduct is an explicit or implicit term or condition of employment;
- C. an individual's acquiescence in, submission to, or rejection of such conduct becomes the basis for employment decisions affecting that individual;
- D. such conduct is sufficiently severe, pervasive, and persistent such that it has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment;
- E. consensual sexual relationships where such relationship leads to favoritism of a subordinate employee with whom the superior is sexually involved and where such favoritism results in an adverse employment action for another employee or otherwise creates a hostile work environment;
- F. inappropriate boundary invasions by a District employee or other adult member of the District into a student's personal space and personal life.

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

Prohibited acts that constitute sexual harassment 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 sexual propositions, invitations, solicitations, and flirtations;
- B. physical and/or sexual assault;
- C. threats or insinuations that a person's employment, wages, promotion, assignments, or other conditions of employment may be adversely affected by not submitting to sexual advances;
- D. unwelcome verbal expressions of a sexual nature, including graphic sexual commentaries about a person's body, dress, appearance, or sexual activities; the unwelcome use of sexually degrading language, jokes or innuendoes; unwelcome suggestive or insulting sounds or whistles; obscene telephone calls, text messages, or social media postings;
- E. sexually suggestive objects, pictures, videotapes, audio recordings, or literature, placed in the work or educational environment, which may embarrass or offend individuals;
- F. unwelcome and inappropriate touching, patting, or pinching; obscene gestures;
- G. 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;
- H. remarks speculating about a person's sexual activities or sexual history, or remarks about one's own sexual activities or sexual history;
- I. consensual sexual relationships where such relationship leads to favoritism of a subordinate employee with whom the superior is sexually involved and where such favoritism adversely affects other employees or otherwise creates a hostile work environment; and
- J. verbal, nonverbal or physical aggression, intimidation, or hostility based on sex or sex-stereotyping that does not involve conduct of a sexual nature.

Sexual relationships between staff members, where one staff member has supervisory responsibilities over the other, are discouraged as a matter of Board policy. Such relationships have an inherent possibility of being construed as sexual harassment because the consensual aspect of the relationship may be the result of implicit or explicit duress caused by uncertainty regarding the consequences of non-compliance.

Romantic or sexual relationships between District staff (teachers, aides, administrators, coaches or other school authorities) and a student is expressly prohibited. Any school staff member who engages in sexual conduct with a student may also be guilty of a crime and any information regarding such instances will be reported to law enforcement authorities.

## Boundary Invasions

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:

- A. hugging, kissing, or other physical contact with a student;
- B. telling sexual jokes to students;
- C. engaging in talk containing sexual innuendo or banter with students;
- D. talking about sexual topics that are not related to curriculum;
- E. showing pornography to a student;
- F. taking an undue interest in a student (i.e. having a "special friend" or a "special relationship");
- G. initiating or extending contact with students beyond the school day for personal purposes;
- H. using e-mail, text-messaging or websites to discuss personal topics or interests with students;
- I. giving students rides in the staff member's personal vehicle or taking students on personal outings without administrative approval;
- J. 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);
- K. going to a student's home for non-educational purposes;
- L. inviting students to the staff member's home without proper chaperones (i.e. another staff member or parent of student);
- M. giving gifts or money to a student for no legitimate educational purpose;
- N. accepting gifts or money from a student for no legitimate educational purpose;
- O. being overly "touchy" with students
- P. favoring certain students by inviting them to come to the classroom at non- class times;
- Q. getting a student out of class to visit with the staff member;
- R. 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;
- S. talking to a student about problems that would normally be discussed with adults (i.e. marital issues);
- T. being alone with a student behind closed doors without a legitimate educational purpose;
- U. telling a student "secrets" and having "secrets" with a student;
- V. other similar activities or behavior;

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

## 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 performance; or of creating an intimidating, hostile, or offensive working environment. 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 Harassment

Prohibited national origin harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's national origin and when the conduct has the purpose or effect of interfering with the individual's work performance; or of creating an intimidating, hostile, or offensive working environment. Such harassment may occur where conduct is directed at the characteristics of a person's national origin, such as negative comments regarding customs, manner of speaking, language, surnames, or ethnic slurs.

#### Age Harassment

Prohibited age based harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's age, being over age forty (40), and when the conduct has the purpose or effect of interfering with the individual's work performance; or of creating an intimidating, hostile, or offensive working environment.

#### Race/Color Harassment

Prohibited race/color based harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's race and/or color and when the conduct has the purpose or effect of interfering with the individual's work performance; or of creating an intimidating, hostile, or offensive working environment.

#### Disability Harassment

Prohibited disability harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's disability, perceived disability, or record of disability, and when the conduct has the purpose or effect of interfering with the individual's work performance; or of creating an intimidating, hostile, or offensive working environment. Such harassment may occur where conduct is directed at the characteristics of a person's current or past disabling condition or a perceived condition, such as negative comments about speech patterns, movement, physical impairments or defects/appearances, or the like. Such harassment may further occur where conduct is directed at or pertains to a person's genetic information.

#### Reports and Complaints of Harassing Conduct

Members of the School District community and third parties, which includes all staff, are encouraged to promptly report incidents of harassing conduct to an administrator, supervisor or other District official so that the Board may address the conduct before it becomes severe, pervasive, or persistent. Any administrator, supervisor, or other District official who receives such a complaint shall file it with the District's Compliance Officer at his/her first opportunity.

Members of the School District community or third parties who believe they have been harassed by another member of the School District community or a third party are entitled to utilize the Board's complaint process that is set forth below. Initiating a complaint, whether formally or informally, will not adversely affect the complaining individual's employment unless the complaining individual makes the complaint maliciously or with knowledge that it is false.

Reporting procedures are as follows:

- A. Any employee who believes s/he has been the victim of harassment prohibited under this policy is encouraged to report the alleged harassment to the appropriate school official as identified in D below.
- B. Teachers, administrators, and other ~~District~~school officials who have knowledge of or receive notice that an employee has or may have been the victim of harassment prohibited under this policy shall immediately report the alleged harassment to the appropriate school official as defined in D below.
- C. Any other person with knowledge or belief that an employee has or may have been the victim of harassment prohibited by this policy shall be encouraged to immediately report the alleged acts to an appropriate school official as identified in D below.
- D. Appropriate ~~District~~school officials are as follows:
  1. Any complaint under this policy shall be reported to the District's Compliance Officer unless the complaint is regarding the Compliance Officer. In such cases, the complaints shall be reported to the District Administrator, who shall assume the role of the District Compliance Officer for such complaints.
  2. Any complaint under this policy regarding the District Administrator or Board Member that is received by the District Compliance Officer shall be referred to the Board's legal counsel, who shall assume the role of the District Compliance Officer for such complaints.
- 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. Further, nothing in this policy shall prevent any person from reporting harassment directly to the District Administrator.

F. To provide individuals with options for reporting harassment to an individual of the gender with which they feel most comfortable, the District shall designate both a male and a female District Compliance Officer.

#### District Compliance Officers

The Board designates the following individuals to serve as the District's "Compliance Officers" (hereinafter referred to as the "COs").

Carmen O'Brien\_  
Director of Curriculum Assessment\_  
School District of Manawa  
800 Beech Street  
Manawa, WI 54949  
920-596-5840  
cobrien@manawa.k12.wi.us d

Daniel Wolfgram  
High School/Junior High School Principal

School District of Manawa  
800 Beech Street  
Manawa, WI 54949  
920-596-5310

wolfgram@manawa.k12.wi.us

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

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

The COs are assigned to accept complaints of harassment directly from any member of the School District community or a visitor to the District, or to receive complaints that are initially filed with a school building administrator. Upon receipt of a complaint either directly or through a school building administrator, a CO will begin either an investigation or the CO will designate a specific individual to conduct such a process. The CO will prepare recommendations or will oversee the preparation of such recommendations. All members of the School District community should report incidents of harassment that are reported to them to the CO within two (2) business days of learning of the incident.

#### Investigation and Complaint Procedure

Any employee or other member of the School District community or visitor to the District who believes that s/he has been subjected to harassment or has witnessed harassment of another may seek resolution of his/her complaint through the procedures as described below. Further, a process for investigating claims of harassment and a process for rendering a decision regarding whether the claim of harassment was substantiated are set forth below.

Once the complaint process begins, the investigation will be complete in a timely manner (ordinarily, within fifteen (15) business days of the complaint being received).

#### Complaint Procedure

An individual who believes s/he has been subjected to harassment hereinafter referred to as the "complainant," may file a complaint, either orally or in writing with a teacher, Principal, CO, District Administrator, or other supervisory employee. As noted above, any complaint received regarding the District Administrator or a Board member shall be referred to the Board's legal counsel, who shall assume the role of the CO for such complaints. Additionally, if the complaint is regarding a CO, the complaint shall be reported to the District Administrator, who shall assume the role of the CO for such complaints.

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) calendar days after the conduct occurs while the facts are known and potential witnesses are available. If a Complainant informs a Principal, District Administrator, or other supervisory employee, either orally or in writing, about any complaint of discrimination or retaliation, that employee must report such information to the CO within two (2) business days.

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

All written complaints must include the following information to the extent it is available: the identity of the individual believed to have engaged in, or be actively engaging in, harassment; a detailed description of the facts upon which the



complaint is based; and a list of potential witnesses.

If the complainant is unwilling or unable to provide a written statement including the information set forth above, the CO shall ask for such details in an oral interview. Thereafter, the CO will prepare a written summary of the oral interview, and the complainant will be asked to verify the accuracy of the 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 work assignment or schedule for the complainant and/or the alleged harasser. In making such a determination, the CO should consult the Complainant to assess his/her position to the proposed action. If the Complainant is unwilling to consent to the proposed change, the CO may still take whatever actions s/he deem appropriate in consultation with the District Administrator. No temporary arrangements shall be disciplinary to either the complainant or respondent.

Within two (2) business days of receiving a complaint, the CO will inform the individual alleged to have engaged in the harassing or retaliatory conduct, hereinafter referred to as the "Respondent", that a complaint has been received.

~~The Respondent is not entitled to receive a copy of any written complaint unless the CO determines it is appropriate to do so; however, Simultaneously, the CO will inform the individual alleged to have engaged in the discriminatory or retaliatory conduct (hereinafter referred to as the "Respondent"), that a complaint has been received. The respondent will be informed about the nature of the allegations. The CO shall inform the Respondent of the requirements of this policy, which may include providing the Respondent with a copy of this policy or information about where to find it. Respondent shall be afforded the opportunity to submit a written response to the complaint. The CO shall inform the Respondent of the Respondent's deadline to provide the CO with the written response to the allegations in the complaint. and a copy of this policy shall be provided to the respondent at that time. The respondent must also be informed of the opportunity to submit a written response to the complaint within five (5) business days.~~

Within five (5) business days of receiving the complaint, the CO will initiate a formal investigation to determine whether the complainant has been subject to offensive conduct/harassment.

Although certain cases may require additional time, the CO will attempt to complete an investigation into the allegations of harassment within fifteen (15) calendar days of receiving the formal complaint. The investigation will include:

- A. interviews with the complainant;
- B. interviews with the respondent;
- C. interviews with any other witnesses who may reasonably be expected to have any information relevant to the allegations, as determined by the CO;
- D. consideration of any documentation or other evidence presented by the complainant, respondent, or any other witness that is reasonably believed to be relevant to the allegations, as determined by the CO.

At the conclusion of the investigation, the CO shall prepare and deliver a written report to the District Administrator that summarizes the evidence gathered during the investigation and provides recommendations based on the evidence and the definition of harassment as provided in this policy and State and Federal law as to whether the complainant has been subject to harassment. 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 School Board Attorney before finalizing the report to the District Administrator.

Absent extenuating circumstances, within five (5) business days of receiving the report of the CO, the District Administrator must either issue a final decision regarding whether or not the complaint of harassment has been substantiated or request further investigation. A copy of the District Administrator's final decision will be delivered to both the complainant and the respondent.

If the District Administrator requests additional investigation, the District Administrator must specify the additional information that is to be gathered, and such additional investigation must be completed within five (5) business days. At the conclusion of the additional investigation, the District Administrator must issue a final written decision as described above.

The decision of the District Administrator shall be final. If the investigation results in disciplinary action, the employee subject to discipline is entitled to file a grievance pursuant to Board Policy 3340. Nothing in this policy shall be construed to prevent an employee from bringing a complaint before the Equal Employment Opportunity Commission or the Wisconsin Equal Rights Division.

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 formal complaint investigation conducted by an external person in accordance with this policy or in such other manner as deemed appropriate by the Board.

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. Use of this internal complaint procedure is not a prerequisite to the pursuit of other remedies.

All timelines pertinent to the investigation process are intended to be guidelines to assure that the investigation proceeds with all deliberate efficiency. Failure of the CO to meet any specific timeline does not invalidate the investigation or provide a defense to the allegations.

#### Privacy/Confidentiality

The School District will employ all reasonable efforts to protect the rights of the Complainant, the Respondent(s), and all the witnesses as much as possible, consistent with the Board's legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligation in an investigation of harassment. The School District will respect the privacy of the complainant, the respondent, and all witnesses in a manner consistent with the School District's legal obligations under State and Federal law. Confidentiality, however, cannot be guaranteed. All complainants proceeding through the formal investigation process should be advised that their identities may be disclosed to the respondent.

During the course of an investigation, the CO will determine whether confidentiality during the investigation process is necessary to protect the interests and reputations of those involved and/or to protect the integrity of the investigation and if so, shall instruct all members of the School District community and third parties who are interviewed about the importance of maintaining confidentiality. Any individual who is interviewed as part of a harassment investigation is expected not to disclose any information that s/he learns or that s/he provides during the course of the investigation.

~~All public records created as a part of an investigation of a complaint of harassment will be maintained by the CO in accordance with the Board's records retention policy. Any records that are considered student records in accordance with the State or Federal law will be maintained in a manner consistent with the law.~~

#### **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. 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 his/her obligations to answer questions truthfully and honestly while preserving the right against self-incrimination in the context of any resulting criminal investigation or prosecution.

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.

#### Sanctions and Monitoring

The Board shall vigorously enforce its prohibitions against harassment by taking appropriate action reasonably calculated to stop the harassment and prevent further such harassment. While observing the principles of due process, a violation of this policy may result in disciplinary action up to and including the discharge of an employee. All disciplinary action will be taken in accordance with applicable law. When imposing discipline, the District Administrator shall consider the totality of the circumstances. 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.

All sanctions imposed by the Board and/or District Administrator shall be reasonably calculated to end such conduct, prevent its reoccurrence, and remedy its effects.

#### Allegations Constituting Criminal Conduct

If the CO has reason to believe that the complainant has been the victim of criminal conduct, such knowledge should be reported to local law enforcement. After such report has been made, the District Administrator shall be advised that local law enforcement was notified.

If the complainant has been the victim of criminal conduct and the accused is the District Administrator, such knowledge should be reported by the CO to local law enforcement. After such report has been made the Board President shall be advised that local law enforcement was notified.

Any reports made to local law enforcement shall not terminate the CO's obligation and responsibility to continue to investigate a complaint of harassment. While the CO may work cooperatively with outside agencies to conduct concurrent investigations, the harassment investigation shall not be stopped due to the involvement of outside agencies without good cause and after consultation with the District Administrator.

#### Reprisal

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

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

#### Miscellaneous

The District shall conspicuously post a notice including this policy against harassment in each school in a place accessible to the School District community and members of the public. This notice shall also include the name, mailing address, and telephone number of the COs, the name, mailing address, and telephone number of the State agency responsible for investigating allegations of discrimination in educational employment, and the mailing address and telephone number of the United States Equal Opportunity Employment Commission.

A link to this policy and any related administrative guidelines shall appear in the employee handbook and a copy shall be made available upon request of employees and other interested parties.

#### Education and Training

In support of this policy, the Board promotes preventative educational measures to create greater awareness of harassment. 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 staff at such times as the Board in consultation with the District Administrator determines is necessary or appropriate.

The Board will respect the privacy of the complainant, the individuals against whom the complaint is filed, and the witnesses as much as practicable, consistent with the Board's legal obligations to investigate, to take appropriate action, and to conform with any discovery, disclosure, or other legal obligations.

### **Retention of Investigatory Records and Materials**

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

1. all written reports/allegations/complaints/statements;
2. narratives of all verbal reports, allegations, complaints, and statements collected;
3. a narrative of all actions taken by District personnel;
4. any written documentation of actions taken by District personnel;
5. narratives of, notes from, or audio, video, or digital recordings of witness statements;
6. all documentary evidence;
7. e-mails, texts, or social media posts pertaining to the investigation;
8. contemporaneous notes in whatever form made (e.g., handwritten, keyed into a computer or tablet, etc.) pertaining to the investigation;
9. 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;
10. dated written determinations to the parties;

11. dated written descriptions of verbal notifications to the parties;
12. written documentation of any interim measures offered and/or provided to complainants, including no contact orders issued to both parties, the dates issued, and the dates the parties acknowledged receipt; and
13. 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.

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

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

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#### Legal

Wis. Stats. 111.31, 118.195, 118.20  
20 U.S.C. 1400 et seq., The Individuals with Disabilities Improvement Act of 2004, as amended (commonly known as The Individuals with Disabilities Act)  
20 U.S.C. 1681 et seq.  
20 U.S.C. 1681 et seq., Title IX  
29 U.S.C. 621 et seq., Age Discrimination in Employment Act of 1967  
29 U.S.C. 794, Rehabilitation Act of 1973  
29 C.F.R. Part 1635  
29 U.S.C. 6101, The Age Discrimination Act of 1975  
42 U.S.C. 2000d et seq.  
42 U.S.C. 2000e et seq.  
42 U.S.C. 1983  
42 U.S.C. 12101 et seq., Americans with Disabilities Act of 1990, as amended  
42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act

#### Legal

Wis. Stats. 111.31, 118.195, 118.20  
20 U.S.C. 1681 et seq., Title IX  
29 C.F.R. Part 1635  
29 U.S.C. 6101, The Age Discrimination Act of 1975 42 U.S.C. 2000d et seq.  
42 U.S.C. 2000e et seq.  
42 U.S.C. 1983

Last Modified by Steve LaVallee on March 28, 2019



Book	Policy Manual
Section	For Board Review - Vol. 28, No.1 + Safety Update
Title	NONDISCRIMINATION AND EQUAL EMPLOYMENT OPPORTUNITY
Code	po4122
Status	
Adopted	October 17, 2016
Last Revised	November 19, 2018

#### 4122 - **NONDISCRIMINATION AND EQUAL EMPLOYMENT OPPORTUNITY**

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

#### **District Compliance Officers**

The Board designates the following individuals to serve as the District's "Compliance Officers" (hereinafter referred to as the "COs").

Carmen O'Brien  
Director of Curriculum Assessment  
School District of Manawa  
800 Beech Street  
Manawa, WI 54949  
920-596-5840  
cobrien@manawa.k12.wi.us

Daniel Wolfgram  
High School/Junior High School Principal  
School District of Manawa  
800 Beech Street  
Manawa, WI 54949  
920-596-5310  
dwolfgram@manawa.k12.wi.us

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

The COs are responsible for coordinating the District's efforts to comply with the applicable Federal and State laws and regulations, including the District's duty to address in a prompt and equitable manner any inquiries or complaints regarding discrimination, retaliation or denial of equal access. The COs shall also verify that proper notice of nondiscrimination [has been provided](#) for Title II of the Americans with Disabilities Act (as amended), Title VI and Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendment Act of 1972, Section 504 of the Rehabilitation Act of 1973 (as amended), the Age Discrimination in Employment Act of 1975, and the Genetic Information Nondiscrimination Act (GINA) to students, their parents, staff members, and the general public.

#### **Reports and Complaints of Unlawful Discrimination and Retaliation**

Employees are expected to promptly report incidents of unlawful discrimination and/or retaliation to an administrator, supervisor, or other supervisory employee so that the Board may address the conduct. Any administrator, supervisor, or other supervisory employee who receives such a complaint shall file it with the CO at his/her first opportunity, but no later than two (2) business days.

Employees who believe they have been unlawfully discriminated/retaliated against are entitled to utilize the complaint process set forth below. Initiating a complaint will not adversely affect the complaining individual's employment. While there are no time limits for initiating complaints under this policy, individuals should make every effort to file a complaint as soon as possible after the conduct occurs while the facts are known and potential witnesses are available.

The COs will be available during regular school/work hours to discuss concerns related to unlawful discrimination/retaliation. COs shall accept complaints of unlawful discrimination/retaliation directly from any member of the School District community (District employees, students, parent(s), and member of the Board), a resident of the District, or a visitor to the District. Upon receipt of a complaint, either directly or through a school building administrator, a CO will begin an investigation, or the CO will designate a specific individual to conduct such a process. The CO will provide a copy of this policy to any person who files a complaint. All members of the School District community must report incidents of discrimination/retaliation that are reported to them to the CO within two (2) business days of learning of the incident/conduct.

Any Board employee who directly observes unlawful discrimination/retaliation is obligated, in accordance with this policy, to report such observations to one of the COs within two (2) business days. Additionally, any Board employee who observes an act of unlawful discrimination/retaliation is expected to intervene to stop the misconduct, unless circumstances make such an intervention dangerous, in which case the staff member should immediately notify other Board employees and/or local law enforcement officials, as necessary, to stop the misconduct. Thereafter, the CO must contact the employee within two (2) business days to advise him/her of the Board's intent to investigate the alleged wrongdoing.

### **Investigation and Complaint Procedure (See Form 1422 F2)**

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

Once the complaint process begins, the investigation will be completed in a timely manner (ordinarily, within fifteen (15) business days of the complaint being received).

The procedures set forth below are not intended to interfere with the rights of any individual to pursue a complaint of unlawful discrimination or retaliation with the United States Department of Education Office for Civil Rights, the Wisconsin Equal Rights Division, or the Equal Employment Opportunity Commission ("EEOC").

### **Complaint Procedure**

An individual who believes s/he has been subjected to unlawful discrimination/retaliation (hereinafter referred to as the "Complainant"), may file a complaint, either orally or in writing, with a Principal, the CO, District Administrator, or other supervisory employees. Any complaint received regarding the District Administrator or a Board member shall be referred to the Board's legal counsel, who shall assume the role of the CO for such complaints. Additionally, if the complaint is regarding a CO, the complaint shall be reported to the District Administrator, who shall assume the role of CO for such complaints.

Due to the sensitivity surrounding complaints of unlawful discrimination and retaliation, timelines are flexible for initiating the complaint process; however, individuals should make every effort to file a complaint within thirty (30) calendar days after the conduct occurs while the facts are known and potential witnesses are available. If a Complainant informs a Principal, District Administrator, or other supervisory employee, either orally or in writing, about any complaint of discrimination or retaliation, that employee must report such information to the CO within two (2) business days.

Throughout the course of the process, the CO should keep the parties informed of the status of the investigation and the decision-making process.

All complaints must include the following information to the extent it is available: the identity of the individual believed to have engaged in, or be engaging in, the discriminatory/retaliatory conduct; a detailed description of the facts upon which the complaint is based; a list of potential witnesses; and the resolution sought by the Complainant.

If the Complainant is unwilling or unable to provide a written statement including the information set forth above, the CO shall ask for such details in an oral interview. Thereafter, the CO will prepare a written summary of the oral interview, and the Complainant will be asked to verify the accuracy of the 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 discrimination or retaliation, including, but not limited to, a change of work assignment or schedule for the Complainant and/or the person who allegedly engaged in the misconduct. In making such a determination, the CO should consult the Complainant to assess his/her position to the proposed action. If the Complainant is unwilling to consent to the proposed change, the CO may still take whatever actions s/he deems appropriate in consultation with the District Administrator.

Within two (2) business days of receiving the complaint, the CO will initiate an investigation to determine whether the Complainant has been subjected to unlawful discrimination/retaliation.

Simultaneously, the CO will inform the individual alleged to have engaged in the discriminatory or retaliatory conduct (hereinafter referred to as the "Respondent"), that a complaint has been received. The Respondent will be informed about the nature of the

allegations and provided with a copy of any relevant policies and/or administrative guidelines, including this Policy. The Respondent must also be informed of the opportunity to submit a written response to the complaint within five (5) business days.

Although certain cases may require additional time, the CO will attempt to complete an investigation into the allegations of discrimination/retaliation within fifteen (15) business days of receiving the formal complaint. The investigation will include:

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

At the conclusion of the investigation, the CO shall prepare and deliver a written report to the District Administrator that summarizes the evidence gathered during the investigation and provides recommendations based on the evidence and the definition of unlawful discrimination/retaliation as provided in Board policy and State and Federal law as to whether the Complainant has been subjected to unlawful discrimination/retaliation. The CO's recommendations must be based upon the totality of the circumstances. In determining if discrimination or retaliation occurred, a preponderance of evidence standard will be used. The CO may consult with the Board's legal counsel before finalizing the report to the District Administrator.

Absent extenuating circumstances, within five (5) business days of receiving the report of the CO, the District Administrator must either issue a final decision regarding whether the charges have 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.

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) business days. At the conclusion of the additional investigation, the District Administrator must issue a final written decision as described above.

If the District Administrator determines the Complainant was subjected to unlawful discrimination/retaliation, s/he must identify what corrective action will be taken to stop, remedy, and prevent the recurrence of the discrimination/retaliation. The corrective action should be reasonable, timely, effective, and tailored to the specific situation.

A Complainant or Respondent who is dissatisfied with the final decision of the District Administrator may appeal through a signed written statement to the Board within five (5) business days of his/her receipt of the District Administrator's final decision. In an attempt to resolve the complaint, the Board shall review the findings and may meet with the concerned parties and their representatives within twenty (20) business days of the receipt of such an appeal. A copy of the Board's disposition of the appeal shall be sent to each concerned party within ten (10) business days of its decision. The decision of the Board will be final.

The Board reserves the right to investigate and resolve a complaint or report of unlawful discrimination/retaliation regardless of whether the employee alleging the misconduct pursues the complaint. The Board also reserves the right to have the complaint investigation conducted by an external person in accordance with this policy or in such other manner as deemed appropriate by the Board.

The 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. Use of this internal complaint procedure is not a prerequisite to the pursuit of other remedies.

### **Privacy/Confidentiality**

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

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

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

### **Sanctions and Monitoring**

The Board shall vigorously enforce its prohibitions against unlawful discrimination by taking appropriate action reasonably calculated to stop 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. All disciplinary action will be taken in accordance with applicable State law. When imposing discipline, the District Administrator shall consider the totality of the circumstances involved in the matter. In those

cases where unlawful discrimination/retaliation is not substantiated, the Board may consider whether the alleged conduct nevertheless warrants discipline in accordance with other Board policies and/or the Employee Handbook.

Where the Board becomes aware that a prior remedial action has been taken against an employee, 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 effect.

## **Retaliation**

Retaliation against a person who makes a report or files a complaint alleging unlawful discrimination/retaliation, or participates as a witness in an investigation is prohibited. Specifically, the Board will not retaliate against, coerce, intimidate, threaten or interfere with any individual because the person opposed any act or practice made unlawful by any Federal or State civil rights law, or because that individual made a charge, testified, assisted or participated in any manner in an investigation, proceeding, or hearing under those laws, or because that individual exercised their rights, aided or encouraged any other person in the exercise of any right granted or protected by those laws.

## **Education and Training**

In support of this policy, the Board promotes preventative educational measures to create greater awareness of unlawful 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 staff where appropriate, as well as all information regarding the Board's policy, administrative guidelines, and discrimination in general.

## **Retention of Investigatory Records and Materials**

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

1. all written reports/allegations/complaints/statements;
2. narratives of all verbal reports, allegations, complaints, and statements collected;
3. a narrative of all actions taken by District personnel;
4. any written documentation of actions taken by District personnel;
5. narratives of, notes from, or audio, video, or digital recordings of witness statements;
6. all documentary evidence;
7. e-mails, texts, or social media posts pertaining to the investigation;
8. contemporaneous notes in whatever form made (e.g., handwritten, keyed into a computer or tablet, etc.) pertaining to the investigation;
9. 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;
10. dated written determinations to the parties;
11. dated written descriptions of verbal notifications to the parties;
12. written documentation of any interim measures offered and/or provided to complainants, including no contact orders issued to both parties, the dates issued, and the dates the parties acknowledged receipt; and
13. 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.

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

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



Legal

111.31 et seq., 111.335(d)(2), 118.195, 118.20, Wis. Stats.

Fourteenth Amendment, U.S. Constitution

20 U.S.C. Section 1681, Title IX of Education Amendment Act

20 U.S.C. Section 1701 et seq., Equal Educational Opportunities Act of 1974

20 U.S.C. Section 7905, Boy Scouts of America Equal Access Act

42 U.S.C. 6101 et seq., Age Discrimination Act of 1975

42 U.S.C. 12101 et seq., The Americans with Disabilities Act of 1990, as amended

34 C.F.R. Part 110 (7/27/93)

42 U.S.C. 2000e et seq., Civil Rights Act of 1964

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

29 U.S.C. 701 et seq., Rehabilitation Act of 1973, as amended

29 C.F.R. Part 1635

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Book Policy Manual  
Section For Board Review - Vol. 28, No.1 + Safety Update  
Title STUDENT SUPERVISION AND WELFARE  
Code po4213  
Status

#### 4213 - STUDENT SUPERVISION AND WELFARE

Support staff members may be confronted with situations which, if handled incorrectly, could result in liability to the District, personal liability to the staff member, and/or harm to the welfare of the student(s). It is the intent of the Board of Education to direct the preparation of guidelines that would minimize that possibility.

~~Each~~ ~~It is the responsibility of the~~ District support staff member shall maintain a standard of care for the supervision, control, and protection of students commensurate with his/her assigned duties and responsibilities which include, but are not limited to ~~Administrator to prepare administrative guidelines to ensure the maintenance of~~ the following standards:

- A. A support staff member shall report immediately any accident or safety hazard about which s/he is informed or detects to his/her supervisor as well as to other authorities or District staff members as may be required by established policies and procedures. (.) Further, each support staff member shall also promptly report to the Principal any accident or safety hazard s/he detects.
  - B. A support staff member shall report unsafe, potentially harmful, dangerous, violent or criminal activities, or threat of these activities by students to the District Administrator and local public safety agencies and/or school officials in accordance with Policy 8420 - School Safety and Emergency Preparedness. (.) Additionally, each support staff member shall also promptly report to the Principal any knowledge of threats of violence by students.
  - C. ~~(-) Each support staff member shall immediately report to the Principal any accident or safety hazard s/he detects.~~
  - D. ~~(-) Each support staff member shall immediately report to the Principal any knowledge of threats of violence by students.~~
  - E. A support staff member shall not send students on any personal errands.
  - F. A support staff member shall not associate with students at any time in a manner which gives the appearance of impropriety, including, but not limited to, the creation or participation in any situation or activity which could be considered abusive or sexually suggestive or involve illegal substances such as tobacco, alcohol, or drugs. Any sexual or other inappropriate conduct with a student by any staff member will subject the offender to potential criminal liability and District discipline up to and including termination of employment.
- This provision should not be construed as precluding a support staff member from associating with students in private for legitimate or proper reasons or to interfere with familial relationships that may exist between staff and students.
- G. ~~If a student comes to a staff member to seek advice or to ask questions regarding a personal problem related to sexual behavior, substance abuse, mental or physical health, and/or family relationships, the staff member may help the student make contact with certified or licensed individuals in the District or community who specialize in the assessment, diagnosis, and treatment of the student's problem. Under no circumstances should a staff member attempt, unless properly licensed and authorized to do so, to counsel, assess, diagnose, or treat the student's problem or behavior.~~
  - H. A support staff member shall not disclose personally identifiable information about a student to third parties unless specifically authorized by law or the student's parent(s) to do so.
  - I. A support staff member shall not transport students for school-related activities in a private vehicle without the approval of the District Office or his/her immediate supervisor and consistent with the provisions of Policy 8660. This does not apply to any student who is the support staff member's family member ~~the principal.~~

J. A student shall not be required to perform work or services that may be detrimental to his/her health.

K. Staff members are discouraged from engaging students in social media and online networking media, except for appropriate academic, extra-curricular, and/or professional uses only.

L. Staff members are expressly prohibited from posting any video or comment pertaining to any student on personal or unauthorized social networking media or similar forums.

A support staff member, or a person who works or volunteers with children, who is found to have had sexual contact with a student, including a student age sixteen (16) or older, shall be referred to the proper authorities and be subject to discipline up to and including discharge.

This policy should not be construed as affecting any obligation on the part of staff to report suspected child abuse under Wis. Stats. 48.981 and Policy 8462.

Since most information concerning a child in school, other than directory information described in Policy 8330 - Student Records, is a confidential student record under Federal and State laws, a Any staff member who shares confidential information with another person not authorized to receive the information may be subject to discipline and/or civil liability. This includes, but is not limited to, information concerning assessments, grades, behavior, family background, and alleged child abuse ~~(see Policy 8330).~~

Pursuant to the laws of the State and Board Policy 8462, each support staff member shall report to the proper legal authorities immediately, any sign of suspected child abuse, abandonment, or neglect.

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Legal 48.981, 948, 948.095 Wis. Stats.

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Book	Policy Manual
Section	For Board Review - Vol. 28, No.1 + Safety Update
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Code	po4230
Status	
Adopted	May 16, 2016
Last Revised	November 19, 2018

#### 4230 - CONFLICT OF INTEREST

The proper performance of school business is dependent upon the maintenance of unusually high standards of honesty, integrity, impartiality, and professional conduct by Board members, and District's employees, officers and agents and is essential to the Board's commitment to earn and keep public confidence in the School District.

For these reasons, the Board adopts the following guidelines to assure that conflicts of interest do not occur. These guidelines apply to all District employees, officers, and agents, including members of the Board. These guidelines are not intended to be all inclusive, nor to substitute for good judgment on the part of all support employees, officers, and agents. Support employees are expected to perform their duties in a manner free from an actual conflict of interest or from situations that create the appearance of a conflict of interest, in a manner consistent with 19.59, Wis. Stats. The Board's interest in enforcing this policy is to assure that the decisions and actions of public employees retain the public's trust. Therefore, even a conflict relationship that can be viewed as beneficial to the District or that was intended to be beneficial to the District, may still be a violation of this policy.

- A. No support employee, officer, or agent shall engage in or have financial or other interest, directly or indirectly, in any activity that conflicts or raises a reasonable question of conflict with his/her duties and responsibilities in the school system. This includes not only those interests that violate State criminal law, which typically requires at least \$15,000 in financial interest, but also lesser valued conflicts that nonetheless create the appearance of using one's public position to secure a private benefit.
- B. Support employees, officers, and agents shall not engage in business, private practice of their profession, the rendering of services, or the sale of goods of any type where advantage is taken of any professional relationship they may have with any student, client, or parents of such students or clients in the course of their employment or professional relationship with the School District.

Included, by way of illustration, rather than limitation are the following:

1. the provision of any private lessons or services for a fee unless the provision of services is arranged outside of school and is separate from and in addition to regular support provided to students as part of the staff member's regular duties.
2. soliciting on school premises or under circumstances which are coercive for the private sale of goods or services to students or other employees
3. the use, sale, or improper divulging of any privileged information through his/her access to School District records about a student or client granted in the course of the employee's, officer's or agent's employment or professional relationship with the School District. ~~through his/her access to School District records~~
4. the referral of any student or client for lessons or services to any private business or professional practitioner if there is any expectation of reciprocal referrals, sharing of fees, or other remuneration for such referrals
5. the requirement of students or clients to purchase any private goods or services provided by an employee, officer or agent or any business or professional practitioner with whom any employee, officer or agent has a financial or other relationship, as a condition of receiving any grades, credits, promotions, approvals, or recommendations

- C. Should exceptions to this policy be necessary in order to provide mandatory services to students or clients of the School District, all such exceptions will be made known to the employee's supervisor and will be disclosed to the District Administrator and approved by the Board of Education before entering into any private relationship.
- D. Support employees shall not make use of materials, equipment, or facilities of the School District for their own personal financial gain or business interest. Examples would be the use of facilities before, during, or after regular business hours for service to private practice clients, or the checking out of items from an instructional materials center for private practice.
- E. Support employees, officers, and agents shall not participate in the selection, award and administration of any contract to an entity in which they have a pecuniary interest or from which they derive a profit or in which a dependent of the employee has a pecuniary interest or from which the dependent derives a profit. "Dependent" includes the employee's spouse; unemancipated child, stepchild or adopted child under the age of eighteen (18); or individual for whom the employee provides more than one-half (1/2) of the individual's support during a year. A "pecuniary interest" means an interest in a contract or purchase that will result or is intended to result in an ascertainable increase in the income or net worth of the employee or the employee's dependent who is under the direct or indirect administrative control of the professional employee or who receives a contract or purchase order that is reviewed, approved, or directly or indirectly administered by the employee.

Support employees, officers, and agents cannot solicit or accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts.

However, pursuant to Federal rules, the School District has set standards for when an employee, officer or agent may accept a gift of an unsolicited item of nominal value. For purposes of this section, "nominal value" means that the gift has a monetary value of \$50.00 or less.

- F. To the extent that the School District has a parent, affiliate or subsidiary organization, including any charter school authorized by the Board regardless of whether it is an instrumentality of the District or not, that is not a State, local government or Indian tribe, the School District may not conduct a procurement action involving the parent, affiliate or subsidiary organization if the School District is unable, or appears to be unable, to be impartial.
- G. Support employees, officers, and agents must disclose any potential conflict of interest which may lead to a violation of this policy to the School District. Upon discovery of any potential conflict of interest, the School District will disclose, in writing, the potential conflict of interest to the appropriate Federal awarding agency or, if applicable, the pass-through entity.

The District will also disclose, in a timely manner, all violations of Federal criminal law involving fraud, bribery or gratuity that affect a Federal award to the appropriate Federal awarding agency or, if applicable, the pass-through entity.

- H. Support employees, officers and agents found to be in violation of this conflict of interest policy will be subject to disciplinary action up to and including termination.

In the event that, within the course of administering a Federally funded grant program or service to the District, any employee that identifies a conflict of interest, a potential conflict of interest, or that the appearance of a conflict of interest may arise in the course of administering the Federal grant funds, the employee must immediately notify either the Federal agency administering the grant in a manner consistent with that particular agencies rules on conflict of interests, or the District employee directly responsible for grant compliance. Such notice shall be provided at the earliest possible time.

It is a violation of this policy to take action or to refrain from taking action, or for an employee to otherwise use his/her public position to obtain a financial gain or anything of substantial value for himself/herself or his/her immediate family.

Revised 8/22/16

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Legal                                    19.59, Wis. Stats.  
     2 C.F.R. 200.12  
     2 C.F.R. 200.318  
     7 C.F.R. 3016.36(b)(3)  
     7 C.F.R. 3019.42

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Title	EMPLOYEE ANTI-HARASSMENT
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Status	
Adopted	October 17, 2016

## **4362 - EMPLOYEE ANTI-HARASSMENT**

### **Prohibited Harassment**

The Board is committed to a work environment that is free of harassment of any form. The Board will not tolerate any form of harassment and will take all necessary and appropriate action to eliminate it. Any member of the School District community who violates this policy will be subject to disciplinary action, up to and including termination of employment. Additionally, appropriate action will be taken to stop and otherwise deal with any third party who engages in harassment against our employees.

The Board will vigorously enforce its prohibition against harassment based on race, color, national origin, age, sex (including transgender status, change of sex, sexual orientation, or gender identity), pregnancy, creed or religion, genetic information, handicap or disability, marital status, citizenship status, veteran status, military service (as defined in 111.32, Wis. Stats.), national origin, ancestry, arrest record, conviction record, use or non-use of lawful products off the District's premises during non-working hours, declining to attend an employer-sponsored meeting or to participate in any communication with the employer about religious matters or political matters, or any other characteristic protected by law in its employment practices (hereinafter referred to as "Protected Characteristics"), and encourages those within the School District community as well as third parties, who feel aggrieved to seek assistance to rectify such problems. The Board prohibits harassment that affects tangible job benefits, interferes unreasonably with an individual's work performance, or creates an intimidating, hostile, or offensive working environment. Harassment may occur employee- to-employee, employee-to-student, male-to-female, female-to-male, male-to-male, or female-to-female.

The Board will investigate all allegations of harassment and in those cases where harassment is substantiated, the Board will take immediate steps calculated to end the harassment, prevent its reoccurrence, and, if applicable, remedy its effects. Individuals who are found to have engaged in harassment will be subject to appropriate disciplinary action.

For purposes of this policy, "School District community" means individuals subject to the control and supervision of the Board including, but not limited to, students, teachers, staff, volunteers, and Board members, agents, contractors, or other persons.

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

### **Definitions**

"Harassment" means any threatening, insulting, or dehumanizing gesture, use of data or computer software, or written, verbal or physical conduct directed against a school employee on the basis of the employee's Protected Characteristics that:

- A. places a school employee in reasonable fear of harm to his/her person or damage to his/her property;
- B. is sufficiently severe, pervasive, and persistent so as to create a hostile working environment which materially alters the employee's working conditions from the perspective of a reasonable person similarly situated;
- C. has the effect of substantially disrupting the orderly operation of a school or any other aspect of the District's operations.

### **Sexual Harassment**

Pursuant to Title VII of the Civil Rights Act of 1964 and Title IX of the Educational Amendments of 1972, "sexual harassment" is defined as unwelcome sexual advances, requests for sexual favors, and other physical, verbal, or visual conduct based on sex constitutes sexual harassment when:

- A. a supervisory employee engages in harassing behavior towards a subordinate employee, regardless of whether such conduct creates a hostile work environment;
- B. acquiescence in or submission to such conduct is an explicit or implicit term or condition of employment;
- C. an individual's acquiescence in, submission to, or rejection of such conduct becomes the basis for employment decisions affecting that individual;
- D. such conduct is sufficiently severe, pervasive, and persistent such that it has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment;
- E. consensual sexual relationships where such relationship leads to favoritism of a subordinate employee with whom the superior is sexually involved and where such favoritism results in an adverse employment action for another employee or otherwise creates a hostile work environment;
- F. inappropriate boundary invasions by a District employee or other adult member of the District into a student's personal space and personal life.

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

Prohibited acts that constitute sexual harassment 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 sexual propositions, invitations, solicitations, and flirtations;
- B. physical and/or sexual assault;
- C. threats or insinuations that a person's employment, wages, promotion, assignments, or other conditions of employment may be adversely affected by not submitting to sexual advances;
- D. unwelcome verbal expressions of a sexual nature, including graphic sexual commentaries about a person's body, dress, appearance, or sexual activities; the unwelcome use of sexually degrading language, jokes or innuendoes; unwelcome suggestive or insulting sounds or whistles; obscene telephone calls, text messages, or social media postings;
- E. sexually suggestive objects, pictures, videotapes, audio recordings, or literature, placed in the work or educational environment, which may embarrass or offend individuals;
- F. unwelcome and inappropriate touching, patting, or pinching; obscene gestures;
- G. 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;
- H. remarks speculating about a person's sexual activities or sexual history, or remarks about one's own sexual activities or sexual history;
- I. consensual sexual relationships where such relationship leads to favoritism of a subordinate employee with whom the superior is sexually involved and where such favoritism adversely affects other employees or otherwise creates a hostile work environment; and
- J. verbal, nonverbal or physical aggression, intimidation, or hostility based on sex or sex-stereotyping that does not involve conduct of a sexual nature.

Sexual relationships between staff members, where one staff member has supervisory responsibilities over the other, are discouraged as a matter of Board policy. Such relationships have an inherent possibility of being construed as sexual harassment because the consensual aspect of the relationship may be the result of implicit or explicit duress caused by uncertainty regarding the consequences of non-compliance.

Romantic or sexual relationships between District staff (teachers, aides, administrators, coaches or other school authorities) and a student is expressly prohibited. Any school staff member who engages in sexual conduct with a student may also be guilty of a crime and any information regarding such instances will be reported to law enforcement authorities.

## Boundary Invasions

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:

- A. hugging, kissing, or other physical contact with a student;
- B. telling sexual jokes to students;
- C. engaging in talk containing sexual innuendo or banter with students;
- D. talking about sexual topics that are not related to curriculum;
- E. showing pornography to a student;
- F. taking an undue interest in a student (i.e. having a "special friend" or a "special relationship");
- G. initiating or extending contact with students beyond the school day for personal purposes;
- H. using e-mail, text-messaging or websites to discuss personal topics or interests with students;
- I. giving students rides in the staff member's personal vehicle or taking students on personal outings without administrative approval;
- J. 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);
- K. going to a student's home for non-educational purposes;
- L. inviting students to the staff member's home without proper chaperones (i.e. another staff member or parent of student);
- M. giving gifts or money to a student for no legitimate educational purpose;
- N. accepting gifts or money from a student for no legitimate educational purpose;
- O. being overly "touchy" with students
- P. favoring certain students by inviting them to come to the classroom at non- class times;
- Q. getting a student out of class to visit with the staff member;
- R. 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;
- S. talking to a student about problems that would normally be discussed with adults (i.e. marital issues);
- T. being alone with a student behind closed doors without a legitimate educational purpose;
- U. telling a student "secrets" and having "secrets" with a student;
- V. other similar activities or behavior;

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

## 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 performance; or of creating an intimidating, hostile, or offensive working environment. 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 Harassment



Prohibited national origin harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's national origin and when the conduct has the purpose or effect of interfering with the individual's work performance; or of creating an intimidating, hostile, or offensive working environment. Such harassment may occur where conduct is directed at the characteristics of a person's national origin, such as negative comments regarding customs, manner of speaking, language, surnames, or ethnic slurs.

#### Age Harassment

Prohibited age based harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's age, being over age forty (40), and when the conduct has the purpose or effect of interfering with the individual's work performance; or of creating an intimidating, hostile, or offensive working environment.

#### Race/Color Harassment

Prohibited race/color based harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's race and/or color and when the conduct has the purpose or effect of interfering with the individual's work performance; or of creating an intimidating, hostile, or offensive working environment.

#### Disability Harassment

Prohibited disability harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's disability, perceived disability, or record of disability, and when the conduct has the purpose or effect of interfering with the individual's work performance; or of creating an intimidating, hostile, or offensive working environment. Such harassment may occur where conduct is directed at the characteristics of a person's current or past disabling condition or a perceived condition, such as negative comments about speech patterns, movement, physical impairments or defects/appearances, or the like. Such harassment may further occur where conduct is directed at or pertains to a person's genetic information.

#### Reports and Complaints of Harassing Conduct

Members of the School District community and third parties, which includes all staff, are encouraged to promptly report incidents of harassing conduct to an administrator, supervisor or other District official so that the Board may address the conduct before it becomes severe, pervasive, or persistent. Any administrator, supervisor, or other District official who receives such a complaint shall file it with the District's Compliance Officer at his/her first opportunity.

Members of the School District community or third parties who believe they have been harassed by another member of the School District community or a third party are entitled to utilize the Board's complaint process that is set forth below. Initiating a complaint, whether formally or informally, will not adversely affect the complaining individual's employment unless the complaining individual makes the complaint maliciously or with knowledge that it is false.

Reporting procedures are as follows:

- A. Any employee who believes s/he has been the victim of harassment prohibited under this policy is encouraged to report the alleged harassment to the appropriate school official as identified in D below.
- B. Teachers, administrators, and other ~~District~~school officials who have knowledge of or receive notice that an employee has or may have been the victim of harassment prohibited under this policy shall immediately report the alleged harassment to the appropriate school official as defined in D below.
- C. Any other person with knowledge or belief that an employee has or may have been the victim of harassment prohibited by this policy shall be encouraged to immediately report the alleged acts to an appropriate school official as identified in D below.
- D. Appropriate ~~District~~school officials are as follows:
  1. Any complaint under this policy shall be reported to the District's Compliance Officer unless the complaint is regarding the Compliance Officer. In such cases, the complaints shall be reported to the District Administrator, who shall assume the role of the District Compliance Officer for such complaints.
  2. Any complaint under this policy regarding the District Administrator or Board Member that is received by the District Compliance Officer shall be referred to the Board's legal counsel, who shall assume the role of the District Compliance Officer for such complaints.
- 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. Further, nothing in this policy shall prevent any person from reporting harassment directly to the District Administrator.

F. To provide individuals with options for reporting harassment to an individual of the gender with which they feel most comfortable, the District shall designate both a male and a female District Compliance Officer.

#### District Compliance Officers

The Board designates the following individuals to serve as the District's "Compliance Officers" (hereinafter referred to as the "COs").

Carmen O'Brien\_  
Director of Curriculum Assessment\_  
School District of Manawa  
800 Beech Street  
Manawa, WI 54949  
920-596-5840  
cobrien@manawa.k12.wi.us d

Daniel Wolfgram  
High School/Junior High School Principal

School District of Manawa  
800 Beech Street  
Manawa, WI 54949  
920-596-5310

wolfgram@manawa.k12.wi.us

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

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

The COs are assigned to accept complaints of harassment directly from any member of the School District community or a visitor to the District, or to receive complaints that are initially filed with a school building administrator. Upon receipt of a complaint either directly or through a school building administrator, a CO will begin either an investigation or the CO will designate a specific individual to conduct such a process. The CO will prepare recommendations or will oversee the preparation of such recommendations. All members of the School District community should report incidents of harassment that are reported to them to the CO within two (2) business days of learning of the incident.

#### Investigation and Complaint Procedure

Any employee or other member of the School District community or visitor to the District who believes that s/he has been subjected to harassment or has witnessed harassment of another may seek resolution of his/her complaint through the procedures as described below. Further, a process for investigating claims of harassment and a process for rendering a decision regarding whether the claim of harassment was substantiated are set forth below.

Once the complaint process begins, the investigation will be complete in a timely manner (ordinarily, within fifteen (15) business days of the complaint being received).

#### Complaint Procedure

An individual who believes s/he has been subjected to harassment hereinafter referred to as the "complainant," may file a complaint, either orally or in writing with a teacher, Principal, CO, District Administrator, or other supervisory employee. As noted above, any complaint received regarding the District Administrator or a Board member shall be referred to the Board's legal counsel, who shall assume the role of the CO for such complaints. Additionally, if the complaint is regarding a CO, the complaint shall be reported to the District Administrator, who shall assume the role of the CO for such complaints.

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) calendar days after the conduct occurs while the facts are known and potential witnesses are available. If a Complainant informs a Principal, District Administrator, or other supervisory employee, either orally or in writing, about any complaint of discrimination or retaliation, that employee must report such information to the CO within two (2) business days.

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

All written complaints must include the following information to the extent it is available: the identity of the individual believed to have engaged in, or be actively engaging in, harassment; a detailed description of the facts upon which the

complaint is based; and a list of potential witnesses.

If the complainant is unwilling or unable to provide a written statement including the information set forth above, the CO shall ask for such details in an oral interview. Thereafter, the CO will prepare a written summary of the oral interview, and the complainant will be asked to verify the accuracy of the 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 work assignment or schedule for the complainant and/or the alleged harasser. In making such a determination, the CO should consult the Complainant to assess his/her position to the proposed action. If the Complainant is unwilling to consent to the proposed change, the CO may still take whatever actions s/he deem appropriate in consultation with the District Administrator. No temporary arrangements shall be disciplinary to either the complainant or respondent.

Within two (2) business days of receiving a complaint, the CO will inform the individual alleged to have engaged in the harassing or retaliatory conduct, hereinafter referred to as the "Respondent", that a complaint has been received.

~~The Respondent is not entitled to receive a copy of any written complaint unless the CO determines it is appropriate to do so; however, Simultaneously, the CO will inform the individual alleged to have engaged in the discriminatory or retaliatory conduct (hereinafter referred to as the "Respondent"), that a complaint has been received. The respondent will be informed about the nature of the allegations. The CO shall inform the Respondent of the requirements of this policy, which may include providing the Respondent with a copy of this policy or information about where to find it. Respondent shall be afforded the opportunity to submit a written response to the complaint. The CO shall inform the Respondent of the Respondent's deadline to provide the CO with the written response to the allegations in the complaint. and a copy of this policy shall be provided to the respondent at that time. The respondent must also be informed of the opportunity to submit a written response to the complaint within five (5) business days.~~

Within five (5) business days of receiving the complaint, the CO will initiate a formal investigation to determine whether the complainant has been subject to offensive conduct/harassment.

Although certain cases may require additional time, the CO will attempt to complete an investigation into the allegations of harassment within fifteen (15) calendar days of receiving the formal complaint. The investigation will include:

- A. interviews with the complainant;
- B. interviews with the respondent;
- C. interviews with any other witnesses who may reasonably be expected to have any information relevant to the allegations, as determined by the CO;
- D. consideration of any documentation or other evidence presented by the complainant, respondent, or any other witness that is reasonably believed to be relevant to the allegations, as determined by the CO.

At the conclusion of the investigation, the CO shall prepare and deliver a written report to the District Administrator that summarizes the evidence gathered during the investigation and provides recommendations based on the evidence and the definition of harassment as provided in this policy and State and Federal law as to whether the complainant has been subject to harassment. 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 School Board Attorney before finalizing the report to the District Administrator.

Absent extenuating circumstances, within five (5) business days of receiving the report of the CO, the District Administrator must either issue a final decision regarding whether or not the complaint of harassment has been substantiated or request further investigation. A copy of the District Administrator's final decision will be delivered to both the complainant and the respondent.

If the District Administrator requests additional investigation, the District Administrator must specify the additional information that is to be gathered, and such additional investigation must be completed within five (5) business days. At the conclusion of the additional investigation, the District Administrator must issue a final written decision as described above.

The decision of the District Administrator shall be final. If the investigation results in disciplinary action, the employee subject to discipline is entitled to file a grievance pursuant to Board Policy 3340. Nothing in this policy shall be construed to prevent an employee from bringing a complaint before the Equal Employment Opportunity Commission or the Wisconsin Equal Rights Division.

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 formal complaint investigation conducted by an external person in accordance with this policy or in such other manner as deemed appropriate by the Board.

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. Use of this internal complaint procedure is not a prerequisite to the pursuit of other remedies.

All timelines pertinent to the investigation process are intended to be guidelines to assure that the investigation proceeds with all deliberate efficiency. Failure of the CO to meet any specific timeline does not invalidate the investigation or provide a defense to the allegations.

#### Privacy/Confidentiality

The School District will employ all reasonable efforts to protect the rights of the Complainant, the Respondent(s), and all the witnesses as much as possible, consistent with the Board's legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligation in an investigation of harassment. The School District will respect the privacy of the complainant, the respondent, and all witnesses in a manner consistent with the School District's legal obligations under State and Federal law. Confidentiality, however, cannot be guaranteed. All complainants proceeding through the formal investigation process should be advised that their identities may be disclosed to the respondent.

During the course of an investigation, the CO will determine whether confidentiality during the investigation process is necessary to protect the interests and reputations of those involved and/or to protect the integrity of the investigation and if so, shall instruct all members of the School District community and third parties who are interviewed about the importance of maintaining confidentiality. Any individual who is interviewed as part of a harassment investigation is expected not to disclose any information that s/he learns or that s/he provides during the course of the investigation.

~~All public records created as a part of an investigation of a complaint of harassment will be maintained by the CO in accordance with the Board's records retention policy. Any records that are considered student records in accordance with the State or Federal law will be maintained in a manner consistent with the law.~~

#### **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. 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 his/her obligations to answer questions truthfully and honestly while preserving the right against self-incrimination in the context of any resulting criminal investigation or prosecution.

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.

#### Sanctions and Monitoring

The Board shall vigorously enforce its prohibitions against harassment by taking appropriate action reasonably calculated to stop the harassment and prevent further such harassment. While observing the principles of due process, a violation of this policy may result in disciplinary action up to and including the discharge of an employee. All disciplinary action will be taken in accordance with applicable law. When imposing discipline, the District Administrator shall consider the totality of the circumstances. 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.

All sanctions imposed by the Board and/or District Administrator shall be reasonably calculated to end such conduct, prevent its reoccurrence, and remedy its effects.

#### Allegations Constituting Criminal Conduct

If the CO has reason to believe that the complainant has been the victim of criminal conduct, such knowledge should be reported to local law enforcement. After such report has been made, the District Administrator shall be advised that local law enforcement was notified.

If the complainant has been the victim of criminal conduct and the accused is the District Administrator, such knowledge should be reported by the CO to local law enforcement. After such report has been made the Board President shall be advised that local law enforcement was notified.

Any reports made to local law enforcement shall not terminate the CO's obligation and responsibility to continue to investigate a complaint of harassment. While the CO may work cooperatively with outside agencies to conduct concurrent investigations, the harassment investigation shall not be stopped due to the involvement of outside agencies without good cause and after consultation with the District Administrator.

#### Reprisal

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

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

#### Miscellaneous

The District shall conspicuously post a notice including this policy against harassment in each school in a place accessible to the School District community and members of the public. This notice shall also include the name, mailing address, and telephone number of the COs, the name, mailing address, and telephone number of the State agency responsible for investigating allegations of discrimination in educational employment, and the mailing address and telephone number of the United States Equal Opportunity Employment Commission.

A link to this policy and any related administrative guidelines shall appear in the employee handbook and a copy shall be made available upon request of employees and other interested parties.

#### Education and Training

In support of this policy, the Board promotes preventative educational measures to create greater awareness of harassment. 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 staff at such times as the Board in consultation with the District Administrator determines is necessary or appropriate.

The Board will respect the privacy of the complainant, the individuals against whom the complaint is filed, and the witnesses as much as practicable, consistent with the Board's legal obligations to investigate, to take appropriate action, and to conform with any discovery, disclosure, or other legal obligations.

### **Retention of Investigatory Records and Materials**

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

1. all written reports/allegations/complaints/statements;
2. narratives of all verbal reports, allegations, complaints, and statements collected;
3. a narrative of all actions taken by District personnel;
4. any written documentation of actions taken by District personnel;
5. narratives of, notes from, or audio, video, or digital recordings of witness statements;
6. all documentary evidence;
7. e-mails, texts, or social media posts pertaining to the investigation;
8. contemporaneous notes in whatever form made (e.g., handwritten, keyed into a computer or tablet, etc.) pertaining to the investigation;
9. 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;
10. dated written determinations to the parties;

11. dated written descriptions of verbal notifications to the parties;
12. written documentation of any interim measures offered and/or provided to complainants, including no contact orders issued to both parties, the dates issued, and the dates the parties acknowledged receipt; and
13. 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.

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

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

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#### Legal

Wis. Stats. 111.31, 118.195, 118.20  
20 U.S.C. 1400 et seq., The Individuals with Disabilities Improvement Act of 2004, as amended (commonly known as The Individuals with Disabilities Act)  
20 U.S.C. 1681 et seq.  
20 U.S.C. 1681 et seq., Title IX  
29 U.S.C. 621 et seq., Age Discrimination in Employment Act of 1967  
29 U.S.C. 794, Rehabilitation Act of 1973  
29 C.F.R. Part 1635  
29 U.S.C. 6101, The Age Discrimination Act of 1975  
42 U.S.C. 2000d et seq.  
42 U.S.C. 2000e et seq.  
42 U.S.C. 1983  
42 U.S.C. 12101 et seq., Americans with Disabilities Act of 1990, as amended  
42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act

#### Legal

Wis. Stats. 111.31, 118.195, 118.20  
20 U.S.C. 1681 et seq., Title IX  
29 C.F.R. Part 1635  
29 U.S.C. 6101, The Age Discrimination Act of 1975 42 U.S.C. 2000d et seq.  
42 U.S.C. 2000e et seq.  
42 U.S.C. 1983

Last Modified by Steve LaVallee on March 28, 2019



Book	Policy Manual
Section	For Board Review - Vol. 28, No.1 + Safety Update
Title	Copy of ELIGIBILITY OF RESIDENT/NONRESIDENT STUDENTS
Code	po5111
Status	
Adopted	June 20, 2016
Last Revised	November 19, 2018

#### 5111 - **ELIGIBILITY OF RESIDENT/NONRESIDENT STUDENTS**

The Board establishes the following policy for determining the eligibility of students to attend the schools of this District.

- A. The Board will educate, tuition-free, students who are residents of the District. Proof of residency will be required for registration in the District. If residency is with individuals other than a parent, the living arrangement must not be solely for purposes of attending the District's schools.
- B. The District shall not make residency determinations on the basis of an individual's alienage.
- C. The District shall consider students who are homeless or in foster placement to be residents unless residency is determined to be in another district.
- D. Upon request of a student's parent, or the request of an adult student, students who have gained twelfth grade status and who no longer reside within the District shall be permitted to complete their high school education tuition free.
- E. Resident students in grades 9-12 who attend a tribal school, private school or home-based private educational program shall be accepted into the District's educational programs for up to two (2) classes if the student satisfies the high school admission standards and sufficient space is available in the classes.
- F. A high school student who now resides in a different school district as a result of a reorganization under Chapter 117 and who has completed 9th and 10th grade at his/her former school district shall be allowed to complete his/her education at the former school district, provided the other district agrees. The school board of residence shall pay the student's tuition. The school of attendance shall count the student in its membership.
- G. If a parent (or adult student) presents information to the District certifying that the parent (or adult student), his/her child, or a member of the parent's household is a participant in the Safe at Home/Address Confidentiality Program administered by the Wisconsin Department of Justice, the Board shall use the address designated by the Department of Justice to serve as the student's address for enrollment purposes. The District shall place a copy of any certification provided by the parent in the enrollment files.
- H. Children of joint custody orders may attend school without payment of tuition if the student otherwise meets residency requirements, unless a court order specifies a different District of attendance. ~~one (1) parent resides in this District or the order designates as the residential parent the parent with legal residence in the District.~~
- I. Foreign students, participating in a bona fide, foreign-exchange program may be admitted tuition-free and consistent with Federal law.
- J. Students whose parents do not reside within the District, but who present evidence that they will move into the District within a short period of time, may enroll in the schools of this District as tuition students for the time not in residence. Tuition will be refunded in accordance with State law.
- K. Minor students residing in the District, but not living with a parent, may be required to provide information sufficient to allow the administration to properly determine resident status under law.

- L. Tuition students may be accepted in accordance with State law and the approval of the District Administrator.
- M. Nonresidents may be accepted into the District's Adult Education classes upon payment of the appropriate fees.
- N. Nonresident students may be accepted into the District's Summer or Interim Session School Program upon payment of appropriate fees.
- O. Nonresident students may be accepted into the District's program under the Part-Time and Full-Time Open Enrollment Program.
- P. The following provision apply to a student who has been expelled from another school or district and seeks to enroll in the District during the term of the expulsion order:

1. **If the student has been expelled from another Wisconsin public school district, the student is not entitled to enroll. The District Administrator may choose whether to recommend the student be enrolled.** In the event that the District Administrator intends to enroll a student during the term of an expulsion order issued by another Wisconsin public school District, the enrollment must be approved by the Board.
2. If the student has been expelled by a public school in another state or by a Wisconsin charter school, the District Administrator may choose to enroll the student, but if the decision is not to enroll the student, the Board must determine that the conduct giving rise to expulsion would have been grounds for expulsion from the District under Policy 5610. The student, or if the student is a minor, the student's parent, shall request that the governing body of the charter school or the public school in another state provide the Board with a copy of the expulsion findings and order as well as a written explanation of the expulsion reasons and terms.
3. Conditional Enrollment

If a student has been expelled by another Wisconsin or out of State public school district, and will not be otherwise enrolled under this policy, the student may be enrolled during the period of expulsion if the Board, (.) following input from the District Administrator, sets forth one (1) or more conditions of enrollment that are related to the reasons for the student's expulsion, and which are agreed to by the student, or if the student is a minor, the student's parents. Acceptance of the enrollment conditions is evidenced by continued enrollment during the period of expulsion. During any period of conditional enrollment, if an alleged violation of any enrollment condition occurs:

- a. Within five (5) school days after the revocation of a student's conditional enrollment, the student or, if the student is a minor, the student's parent, may request a conference with the District Administrator who shall be someone other than a principal, administrator, or teacher in the student's school. If a conference is requested, it shall be held within five (5) school days following the request. If, after the conference, the District Administrator finds that the student did not violate an enrollment condition or that the revocation was inappropriate, the student shall be enrolled in school under the same enrollment conditions under the order previously issued and the conditional enrollment revocation shall be expunged from the student's record. If the District Administrator finds that the student violated an enrollment condition and that the revocation was appropriate, s/he shall mail separate copies of the decision to the student and, if the student is a minor, to the student's parent. The decision of the District Administrator is final.
- b. If a student's conditional enrollment is revoked, the student's expulsion shall continue to the expiration of the term of the expulsion specified in the expulsion order unless the student or, if the student is a minor, the student's parent and the school board that expelled the student, or the independent hearing panel or independent hearing officer, or the out-of-state public school, agree, in writing, to modify the expulsion order.
- c. If a student granted conditional enrollment violates an enrollment condition that the student was required to meet after his/her conditional enrollment, but before the expiration of the term of expulsion, the District Administrator may revoke the student's conditional enrollment. Before revoking the student's conditional enrollment, the District Administrator shall advise the student of the reason for the proposed revocation, including the enrollment condition alleged to have been violated, provide the student an opportunity to present his/her explanation of the alleged violation, and make a determination that the student violated the enrollment condition and that revocation of the student's conditional enrollment is appropriate. If the District Administrator revokes the student's conditional enrollment, the District Administrator shall give prompt written notice of the revocation and the reason for the revocation, including the enrollment condition violated, to the student and, if the student is a minor, to the student's parent.
- d. If the District Administrator determines that the student has met the enrollment conditions established in a written order, the District Administrator may grant the student conditional enrollment in a school in the District. The determination of the District Administrator is final.
- e. The Board may specify in a written order one (1) or more enrollment conditions instead of, or in addition to any early reinstatement conditions, if any, imposed by the school board that expelled the student or instead of or in addition to any conditions imposed, if any, by the out-of-state public school that expelled the student. Any



enrollment conditions must relate to the reasons for the student's expulsion and may not extend the term of expulsion specified in the expulsion order. The School District Clerk shall mail two (2) copies of the order to the student or, if the student is a minor, to the student's parent. The expelled student or, if the student is a minor, the student's parent shall sign and return one (1) copy of the order to the Board. Within fifteen (15) days after the date on which the order is issued, the expelled student or, if the student is a minor, the student's parent may appeal the determination regarding whether an enrollment condition specified in the order is related to the reasons for the student's expulsion to the Board. The decision of the Board regarding that determination is final and not subject to appeal.

Q. Students who have begun the school year as residents and who no longer reside in the District may be permitted to complete the school year tuition-free.

R. Nonresident students may be accepted into the District's program under the Part-Time Open Enrollment Program. Nonresident students accepted into the District's Part-Time Open Enrollment Program may attend no more than two (2) courses at any time.

Revised 8/22/16  
Revised 12/18/17

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Legal

- 118.51, Wis. Stats.
- 118.52, Wis. Stats.
- 120.13(1), Wis. Stats.
- 121.77, Wis. Stats.
- 121.78(2)(a), Wis. Stats.
- 121.81, Wis. Stats.
- 121.84, Wis. Stats.
- 42 U.S.C. 11431 et seq.

Last Modified by Steve LaVallee on March 28, 2019

Book	Policy Manual
Section	For Board Review - Vol. 28, No.1 + Safety Update
Title	Copy of ENTRANCE AGE
Code	po5112
Status	
Adopted	June 20, 2016

#### 5112 - ENTRANCE AGE

The Board of Education shall establish student entrance age requirements that are consistent with Wisconsin Law and sound educational practice and that ensure equitable treatment.

##### A. Kindergarten

1. A child is eligible for entrance into four-(4)-year-old kindergarten if s/he attains the age of four (4) on or before September 1st of the year in which s/he applies for entrance and meets the residency requirements.
2. A child is eligible for five-(5)-year-old kindergarten when s/he attains the age of five (5) on or before September 1st of the year in which s/he applies for entrance and meets residency requirements. The child may not be placed in an alternative program without permission of the parent.

##### B. First Grade

A child must be six (6) years of age on or before September 1st in the year in which s/he enrolls. A student must have completed a kindergarten program or must receive a waiver of this requirement.

Any student who has not completed a five-(5)-year-old kindergarten program, but seeks to enroll into first grade must receive a waiver of the requirement. The following students are eligible to receive a waiver:

1. Any student who has moved to the District from another state or country where completion of a five-(5)-year-old kindergarten program is a prerequisite to enrollment in first grade and that student has received a waiver of the requirement in his or her prior state or country.
2. Any student who has moved to the District from another state or country that does not require the completion of five-(5)-year old kindergarten prior to enrollment in first grade.
3. Any student who, at the discretion of the building principal, in consultation with the first grade teacher(s) of the District, determines that, notwithstanding that the student has not completed a five-(5)-year-old kindergarten program, the student has demonstrated sufficient aptitude in all core competencies normally required of kindergarten students in the District upon completion of the kindergarten program.

The Principal shall perform any required testing to establish the student's academic capabilities and shall prepare a written evaluation that either grants or denies the waiver and provides explanation as to the decision.

##### Appeal of Denial of Waiver

The parents of any student denied a waiver under this section by the building principal may appeal that decision to the District Administrator by submitting a written request to the Administrator within ten (10) days of the decision of the principal.

The decision of the District Administrator is final.

C. **Initial Entry**

(.) Children entering the District for the first time must comply with State law. Students must have an immunization record on file at the school. Any student who does not have the proper immunization may be excluded or permitted to remain in school pursuant to Policy 5320 - Immunization.

A child may be exempt from the required immunizations upon written request of the parent of such child stating the objection to immunizations on religious grounds, personal conviction, or for medical reasons certified by a competent medical authority.

D. **Verification of Residence**

Verification of a parent's residence shall be required at the time the child registers in a District school. Verification of residence may also be required at any other time at the discretion of the District Administrator.

E. Early Admission

The District shall prescribe procedures, conditions, and standards for early admission to kindergarten and first grade.(.) The District does not allow early entrance to four (4)-year-old kindergarten.

F. Older Students

A person who is a resident of the District and over twenty (20) years of age may enroll providing the District Administrator does not think his/her enrollment will interfere with the education of the other students.

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Legal Wis. Stats 118.14, 118.15, 120.12(25)

Last Modified by Steve LaVallee on March 28, 2019



Book Policy Manual  
Section For Board Review - Vol. 28, No.1 + Safety Update  
Title Copy of OPEN ENROLLMENT PROGRAM (Inter-District)  
Code po5113  
Status  
Adopted June 20, 2016

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

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

#### DEFINITIONS

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

A. Non-Resident District

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

B. Non-Resident Student

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

C. Tuition Student

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

D. Full-Time Enrollment

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

E. Class Size

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

F. Program Size

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

G. Resident Student

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

#### FULL TIME OPEN ENROLLMENT

A. Procedures for Processing of Open Enrollment Applications

If there are more applications than spaces, the Board will fill the available spaces by random selection, provided that first priority will be given to non-resident students already attending District schools and their siblings.

If the District determines that space is not otherwise available for open enrollment students in the grade or program to which an individual has applied, the District may nevertheless accept a student or the sibling of a student who is already attending in the District.

The District will establish a numbered waiting list of all applicants. When all available slots have been filled by randomly selecting names from all applicants, the remaining names will be drawn randomly and placed on the waiting list in order of selection.

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

-

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

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

#### B. Decisional Criteria for Non-Resident Applications

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

1. Whether there is space available for non-resident transfer students. The School Board shall determine during a regular meeting each January the anticipated space available for the next school year in the schools, programs, classes and grades of the District. In determining the amount of space available, the District will count resident students, tuition waiver students under 121.84 Wis. Stats., and may include in its counted occupied spaces students and siblings of students who have applied under Section 118.51(3)(a) and are already attending public school in the District.

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

- a. District practices, policies, procedures or other factors regarding class size ranges for particular programs or classes.
  - b. District practices, policies, procedures or other factors regarding faculty-student ratio ranges for particular programs, classes or buildings.
  - c. Enrollment projections for the schools of the District that include, but are not limited to, the following factors: the likely short-and long-term economic development in the community, projected student transfers in and out of the District, preference requirements for siblings of non- resident open enrollment students, the required length of K-12 attendance opportunities for open enrollment students, and current and future space needs for special programs, laboratories (e.g. in technology or foreign languages) or similar District educational initiatives.
  - d. The number of non-resident students currently attending the schools of the District for whom tuition is paid by another district under Section 121.78(1)(a), Wis. Stats.
  - e. The number of resident home schooled or private school students likely to attend the schools of the District in accordance with Section 118.415, Wis. Stats.
2. Whether an applicant for a pre-kindergarten, early childhood resides in a district that offers the program for which application is made.
  3. Whether the non-resident student has been expelled from any school district within the current school year or the two (2) preceding school years, or is pending any disciplinary proceeding, based on any of the following activities:
    - a. Conveying or causing to be conveyed any threat or false information concerning an attempt or alleged attempt being made or to be made, to destroy school property by means of explosives.
    - b. Engaging in conduct while at school or under school supervision that endangered the health, safety or property of others.

- c. Engaging in conduct while not at school or while not under the supervision of a school authority that endangered the health, safety, or property of others at school or under the supervision of a school authority or of any school employee or Board member.
- d. Possessing a dangerous weapon (as defined in Section 939.22(10), Wis. Stats.) while on school property or under school supervision.

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

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

4. Whether the special education program or related services described in the non-resident student's individualized education program ("IEP"), if any, are available in the District. The District shall prepare an estimate of costs associated with providing the special education or related services required by a non-resident student's IEP to the resident school district no later than the 3rd Friday following the first Monday in May, or within ten (10) days of receipt of an application from a student with an IEP under the alternative procedures.
5. Whether there is space available in the District for the special education program identified in the non-resident student's IEP, after consideration of class size limits, student-teacher ratios, and enrollment projections. (See paragraph B. 1. above).
6. Whether the non-resident student has been screened by the resident School Board to determine if there is reasonable cause to believe that s/he is a child with exceptional educational needs.
7. Whether the resident School Board has been informed that the non-resident student may have exceptional education needs that have not yet been evaluated by an IEP Team.
8. Whether the application of a non-resident student has been denied by the District of which s/he is a resident.

(Note: If a non-resident student's IEP is developed or changed after starting in the District, and it is then discovered that the District does not have necessary programs available or does not have space in the special education program, the non-resident may be returned to the resident school district.)

9. Whether the non-resident school board has made a determination that a student attending the non-resident school district is habitually truant from the non-resident school district during either semester of the current school year, the non-resident school board may prohibit the student from attending the non-resident school district in the succeeding semester or school year.

#### C. Procedure for Evaluating Applications by District Residents to Transfer to Another District

The Board will consider only the following criteria for denying resident applications:

Whether the resident student is a special education student and the implementation of his/her IEP in the other district would impose an undue financial burden on the District.

Financial burden is determined through review of actual increased expenses relative to providing services specific to the student in question, not including pro-rated costs of facilities and materials and including expenses for instructional faculty only if those faculty are added as a result of the student and devoted primarily to that student.

(Note: Notwithstanding the Board's approval of a resident student's application, the Board may withdraw approval if, after the District student has begun in the other school district, the IEP as implemented by the non-resident school district would impose an undue financial burden on the District.)

#### D. Reapplication Procedures

The Board will not require accepted non-resident students to reapply under the open enrollment policy when the non-resident student enters junior high school or high school.

#### E. Transportation

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

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

#### ALTERNATIVE APPLICATION PROCEDURES

The parent of a non-resident student who wishes to attend a school in the District may apply at any time throughout the year by submitting an application under the alternative application procedure if the student satisfies at least one of the statutory criteria and has not applied to more than three non-resident school districts. (See AG 5113 – Admission of Students Participating Under Open Enrollment)

[Applications from a non-resident student under the alternative application procedures received after the Board's January meeting, at which it sets open enrollment space availability numbers for the subsequent year, may be approved if space is available in the current year and in the subsequent year in the student's subsequent grade level.](#)

#### ANNUAL REVIEW

The Board shall review its Open Enrollment Program annually.

#### General Provisions

- A. A student, who has been accepted under this program, who has not met the academic prerequisites for participation in a particular program in which the student wishes to enroll shall not be placed in that program.
- B. The District's Policy 2260 – Nondiscrimination and Access to Equal Educational Opportunity shall apply to all applicants under this program. In addition, the District will not discriminate on the basis of an applicant's intellectual, academic, artistic, athletic, or other ability, talent, or accomplishment, or based on a mental or physical disability, except as provided for in the statute authorizing this program.
- C. The District Administrator shall be responsible for developing and promulgating administrative guidelines to implement this policy. Such guidelines shall address at least the following matters:
  1. participation in interscholastic athletics
  2. District transportation services
  3. transfer of academic credit
  4. payment of fees and other charges

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Legal                                    118.145(4), 118.51, 118.51(3), 118.52, Wis. Stats.  
P.I. 36

Last Modified by Steve LaVallee on March 28, 2019



Book	Policy Manual
Section	For Board Review - Vol. 28, No.1 + Safety Update
Title	Copy of NONIMMIGRANT STUDENTS AND FOREIGN-EXCHANGE PROGRAMS
Code	po5114
Status	
Adopted	June 20, 2016

#### 5114 - NONIMMIGRANT STUDENTS AND FOREIGN-EXCHANGE PROGRAMS

The Board recognizes the positive cultural benefits to the students, staff, and the community in meeting students from other countries and in having exchange students as members of the student body of this District's high school(s).

An exchange visitor student is a foreign national who has been selected by a sponsor that has been approved by the United States Department of State (USDOS) to participate in an exchange visitor program and who is seeking to enter or has entered the United States temporarily on a J-1 visa.

##### Exchange Visitor Program for Nonimmigrant Students with J-1 Visas

The Board authorizes the District Administrator to consider a request to admit an exchange visitor student who meets the USDOS requirements and applies for admission through a sponsoring organization, and to determine whether or not that student should be accepted.

In accordance with Federal law, an exchange visitor student will be selected and sponsored by an organization that has been approved by the USDOS. The Board, pursuant to Federal law, requires the sponsoring agency to secure prior written acceptance of the District Administrator for the placement of an exchange visitor student in any District high school.

After written acceptance of school placement is secured, the sponsoring agency shall issue a certificate of eligibility for a J-1 visa to the exchange visitor student who meets the criteria established in Federal law for participation in an Exchange Visitor Program (EVP).

Pursuant to Federal law the sponsoring agency is also responsible for selecting a host family ~~who resides in the District~~ for each exchange visitor student.

With Board approval, the District Administrator may request, in writing, the placement of more than two (2) students from a sponsoring agency in the high school.

##### Student and Exchange Visitor Program for Nonimmigrant Students with F-1 Visas

The Board authorizes the District to petition for approval to provide a Student and Exchange Visitor Program (SEVP). As an authorized SEVP provider, the District will issue the certificate of eligibility to nonimmigrant students who complete the application process successfully, which will enable them to apply for an F-1 visa.

Participation by nonimmigrant students in this program will be consistent with Federal law that requires the following:

- A. the student possess sufficient English language proficiency to participate in the high school curriculum;
- B. the student's participation does not exceed an academic year;
- C. the student pays to the Board the full amount of tuition prior to the commencement of the academic term of attendance;
- D. the student otherwise maintains his/her lawful temporary immigration status.

Other Nonimmigrant Students



This policy does not apply to nonimmigrant students other than bona fide foreign exchange students.

When these students seek to enroll in the District's schools are subject to State law and the District's policies regarding enrollment and, if applicable, tuition.

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Legal

8 C.F.R. 214 et seq.

8 U.S.C. 1101 (Immigration Reform and Control Act)

121.84(1)(c), Wis. Stats.

Mutual Education and Cultural Exchange Act of 1961, as amended Immigration and Nationality Act

22 C.F.R. 62, Exchange Visitor Program

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Book	Policy Manual
Section	For Board Review - Vol. 28, No.1 + Safety Update
Title	Copy of EMERGENCY MEDICAL AUTHORIZATION
Code	po5341
Status	
Adopted	June 20, 2016
Last Revised	July 17, 2017

#### 5341 - **EMERGENCY MEDICAL AUTHORIZATION**

The District will distribute annually to parents of all students the Emergency Medical Authorization Form. In the event emergency medical treatment for a student is necessary, the District will adhere to the instructions on the authorization form.

The Emergency Medical Authorization Form will be kept in a separate, easily accessible, [physical or electronic](#) file in each school building [or student management system](#) during the school year.

Any time a student or a group of students is taken out of the District to participate in a school event, the staff in charge of the event must take the Emergency Medical Forms for those students. This applies, and is not limited to, students involved in music trips, athletic trips, field trips, and academic contests. This does not apply to student spectators at events.

Whenever it is necessary for staff members to use emergency procedures in order to care properly for a student, they are to follow Policy 5340 and the procedures described in the District Administrator's administrative guidelines (AG 5340A, AG 5340B and AG 5340D) and are not to abide by any "Do Not Resuscitate" (DNR) agreement that may exist for a student, unless ordered to do so by a court of law.

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Legal 118.29(4), Wis. Stats.

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Book	Policy Manual
Section	For Board Review - Vol. 28, No.1 + Safety Update
Title	Copy of STUDENT CODE OF CLASSROOM CONDUCT
Code	po5500
Status	
Adopted	June 20, 2016

#### 5500 - STUDENT CODE OF CLASSROOM CONDUCT

Respect for law and for those persons in authority shall be expected of all students. This includes conformity to school rules as well as general provisions of law regarding minors. Respect for the rights of others, consideration of their privileges, and cooperative citizenship shall also be expected of all members of the school community.

Respect for real and personal property; pride in one's work; achievement within the range of one's ability; and exemplary personal standards of courtesy, decency, and honesty should be maintained in the schools of this District.

The District Administrator shall establish procedures to carry out Board policy and philosophy, and shall hold all school personnel, students, and parents responsible for the conduct of students in schools, on school vehicles, and at school-related events.

Student conduct on or adjacent to school premises, on school vehicles, and at school-related events and activities shall be governed by the rules and provisions of the Student Code of Classroom Conduct. In addition, student conduct on internet-based social media outlets, ~~such as FaceBook, Twitter, MySpace, YouTube, etc.~~ when such conduct forms a sufficient connection to school or staff, is governed by the Code of Conduct. This Code of Classroom Conduct shall **include the following items:**

- A. specification of what constitutes dangerous, disruptive, or unruly behavior that interferes with the ability of the teacher to teach effectively, which therefore permits the teacher to remove the student from class;
- 
- B. other student conduct that may be used by a teacher as a basis to remove a student from class; and
- 
- C. procedures for notifying the parent of a student's removal and procedures for placement of a student that has been removed from class.

The Code of Conduct, developed by a committee created by the Board for that purpose, consisting of parents, students, Board members, school administrators, teachers, student services professionals, and other appointed residents, and, once created, shall be reviewed by the Board periodically.

(.) Removal of a student from a class that is consistent with the Code of Conduct does not constitute a report under Policy 8462.01. If the staff member believes in good faith that the threat represents a serious and imminent threat to the health or safety of students, staff, or others, and the threat is a threat of violence made in or targeted at a school. Staff must still report such threats as described in Policy 8462.01 - Mandatory Reporting of Threats of Violence. ~~Student conduct in the classroom shall be governed by the rules and provisions of the Code of Classroom Conduct developed for each school in consultation with a committee of School District residents that consists of parents, students, members of the School Board, school administrators, teachers, pupil services professionals, and other residents of the School District who are appointed to the committee by the School Board. Each school's Code of Classroom Conduct shall be adopted by the School Board.~~

Legal

118.13, Wis. Stats.

118.164, Wis. Stats.

120.13, Wis. Stats.

Wis. Admin. Code P.I. 9.03

Wis. Admin. Code P.I. 41

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. 12101 et seq., The Americans with Disabilities Act of 1990

Vocational Education Program Guidelines for Eliminating Discrimination and Denial of Services,  
Department of Education, Office of Civil Rights, 1979

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Book	Policy Manual
Section	For Board Review - Vol. 28, No.1 + Safety Update
Title	Copy of USE OF TOBACCO AND NICOTINE BY STUDENTS
Code	po5512
Status	
Adopted	June 20, 2016
Last Revised	November 19, 2018

**5512 - USE OF TOBACCO AND NICOTINE BY STUDENTS**

The Board is committed to providing students, staff, and visitors with a tobacco and smoke-free environment. The negative health effects of tobacco and nicotine use for both users and non-users, particularly in connection with second hand smoke, are well-established. In addition, students less than eighteen (18) years of age are generally prohibited by law from purchasing or possessing cigarettes and other tobacco products.

For purposes of this policy, "use of tobacco" means to chew or maintain any substance containing tobacco, including smokeless tobacco, in the mouth to derive the effects of tobacco, as well as all uses of tobacco, including cigars, cigarettes, pipe tobacco, chewing tobacco, snuff, any other matter or substances that contain tobacco, in addition to papers used to roll cigarettes and/or the smoking of electronic, "vapor," or other substitute or simulated forms of cigarettes, clove cigarettes and any other lighted smoking devices for burning tobacco or any other substance. This policy also prohibits the use of other products containing nicotine, including but not limited to nicotine patches and nicotine gum, except when a student provides documentation from a licensed medical practitioner that the student's use of non-tobacco nicotine products is being medically supervised for the cessation of a nicotine addiction and the student complies with Policy 5330 - Administration of Medication. ~~unless the provisions of Policy 5330 - Administration of Medication/Emergency Care are followed.~~ Accordingly, the Board prohibits students from using or possessing tobacco or nicotine in any form on District premises, in District vehicles, within any indoor facility owned or while leased or contracted for by the District and used to provide education or library services to children and at all District-sponsored events.

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Legal	120.12(20), Wis. Stats. 254.92, Wis. Stats. 20 U.S.C. 6081 et seq.
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Book	Policy Manual
Section	For Board Review - Vol. 28, No.1 + Safety Update
Title	Copy of STUDENT ANTI-HARASSMENT
Code	po5517
Status	
Adopted	June 20, 2016
Last Revised	December 18, 2017

## 5517 - **STUDENT ANTI-HARASSMENT**

### Prohibited Harassment

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

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

The Board will vigorously enforce its prohibition against harassment based on the traits of sex (including transgender status, change of sex, or gender identity), race, color, national origin, religion, creed, ancestry, marital or parental status, sexual orientation or physical, mental, emotional or learning disability, or any other characteristic protected by Federal or state civil rights laws (hereinafter referred to as "Protected Characteristics"), 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 Characteristics, through its policies on bullying (See Policy 5517.01 – Bullying).

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

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

For purposes of this policy, "third parties" include, but are not limited to, guests and/or visitors on District property (e.g., visiting speakers, participants on opposing athletic teams 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).

### Other Violations of the Anti-Harassment Policy

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

- A. Retaliating against a person who has made a report or filed a complaint alleging harassment, or who has participated as a witness in a harassment investigation.
- B. Filing a malicious or knowingly false report or complaint of harassment.

- C. Disregarding, failing to investigate adequately, or delaying investigation of allegations of harassment, when responsibility for reporting and/or investigating harassment charges comprises part of one's supervisory duties

## Definitions

### 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 Characteristic. Bullying behavior rises to the level of harassment when the prohibited conduct is based upon the student's sex (including transgender status, change of sex, or gender identity), race color, national origin, religion, creed, ancestry, marital or parental status, sexual orientation of physical, mental, emotional or learning disability, or any other characteristic protected by Federal or State civil rights.

### 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 Characteristics that:

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

### Sexual Harassment

"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 either gender against a person of the same or opposite gender.

Prohibited acts that constitute sexual harassment 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. 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;
- D. unwelcome sexual behavior or words including demands for sexual favors, accompanied by implied or overt threats concerning an individual's educational status;
- E. 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;
- F. 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, telephones calls, or materials of a sexual nature;
  6. displaying pictures, calendars, cartoons, or other materials with sexual content.
- G. inappropriate boundary invasions by a District employee or other adult member of the District community into a student's personal space and personal life.
- H. remarks speculating about a person's sexual activities or sexual history, or remarks about one's own sexual activities or sexual history; and
- I. verbal, nonverbal or physical aggression, intimidation, or hostility based on sex or sex-stereotyping that does not involve conduct of a sexual nature.

It is also 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 work place, in that it interferes with the educational process and may involve elements of coercion by reason of the relative status of a staff member to a student.

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

#### Ethnicity/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; of creating an intimidating, hostile, or offensive learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's ethnicity, race or color, such as ethnic or racial slurs, nicknames implying stereotypes, epithets, and/or negative references relative to ethnic or 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; of creating an intimidating, hostile, or offensive learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's religious tradition, clothing, or surnames, and/or involves religious slurs.

#### National Origin Harassment

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

#### Reporting Procedures

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



Students who believe they have been subjected to harassment are entitled to utilize the Board's complaint process that is set forth below. Initiating a complaint will not adversely affect the complaining individual's participation in educational or extra-curricular programs unless the complaining individual makes the complaint maliciously or with knowledge that it is false.

If, during an investigation of a reported act of bullying in accordance with Policy 5517.01 – Bullying, the principal determines that the reported misconduct may have created a hostile learning environment and may have constituted harassment based on sex (including transgender status, change of sex, or gender identity), race, color, national origin, religion, creed, ancestry, marital or parental status, sexual orientation or physical, mental, emotional or learning disability, or any other characteristic protected by Federal or state civil rights laws, the principal will report the act of bullying to one of the Compliance Officers who shall assume responsibility to investigate the allegation in accordance with this policy.

Reporting procedures are as follows:

- A. Any student who believes s/he has been the victim of harassment prohibited under this policy will be encouraged to report the alleged harassment to any District employee, such as a teacher, administrator or other employee.
- B. Any parent of a student who believes the student has been the victim of harassment prohibited under this policy is encouraged to report the alleged harassment to the student's teacher, building administrator or District Administrator.
- C. Teachers, administrators, and other school officials who have knowledge or received notice that a student has or may have been the victim of harassment prohibited under this policy shall immediately report the alleged harassment to the Compliance Officer and the building principal or District Administrator.
- D. Any other person with knowledge or belief that a student has or may have been the victim of harassment prohibited by this policy shall be encouraged to immediately report the alleged acts to any District employee, such as a teacher, administrator or other employee.
- E. The reporting party or complainant shall be encouraged to use a report form available from the principal of each building or available from the District office, but oral reports shall be considered complaints as well. Use of formal reporting forms shall not be mandated. However, all oral complaints shall be reduced to writing.
- F. To provide individuals with options for reporting harassment to an individual of the gender with which they feel most comfortable, each school's building principal shall be advised to designate both a male and a female Compliance Officer for receiving reports of harassment prohibited by this policy. At least one (1) Compliance Officer or other individual shall be available outside regular school hours to address complaints of harassment that may require immediate attention.

District Compliance Officers

The Board designates the following individuals to serve as the District's "Compliance Officers" (hereinafter referred to as the "COs").

Carmen O'Brien  
Director of Curriculum & Assessment  
School District of Manawa  
800 Beech Street  
Manawa, WI 54949  
920-596-5840  
cobrien@manawa.k12.wi.us

Daniel Wolfgram  
High School/Junior High School Principal  
800 Beech Street  
Manawa, WI 54949  
920-596-5310  
dwolfgram@manawa.k12.wi.us

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

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

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

The COs are assigned to accept complaints of harassment directly from any member of the School District community or a visitor to the District, or to receive complaints that are initially filed with a school building administrator. Upon receipt of a complaint, either directly or through a school building administrator, a CO will begin review and investigation or the CO will designate a specific individual to conduct such a process. The CO will prepare recommendations for the District Administrator or will oversee the preparation of such recommendations by a designee. All members of the School District community must report incidents of harassment that are reported to them to the Compliance Officer as soon as possible, but always within no more than two (2) calendar days of learning of the incident.

#### Investigation and Complaint Procedure

Any student who believes that s/he has been subjected to harassment may seek resolution of his/her complaint through the procedures described below. Furthermore, a process for investigating claims of harassment and a process for rendering a decision regarding whether the claim of harassment was substantiated are set forth below.

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

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, because the conduct at issue is not based on a student's Protected Characteristics, the investigator shall transfer the investigation to the appropriate building principal.

#### Complaint Procedure

A student who believes s/he has been subjected to harassment hereinafter referred to as the "complainant", may file a complaint, either orally or in writing with a teacher, principal, or other District employee at the student's school, the CO, District Administrator, or other District employee who works at another school or at the District level. Due to the sensitivity surrounding complaints of harassment, time lines 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 employee at the student's school, the CO, District Administrator, or other District employee, either orally or in writing, about any complaint of harassment, that employee must report such information to the CO within two (2) business days.

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

All complaints must include the following information to the extent it is available: the identity of the individual believed to have engaged in, or to be actively engaging in, harassment; a detailed description of the facts upon which the complaint is based; 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 alleged harasser, or possibly a change of school for either or both of the parties. In making such a determination, the Compliance Officer should consult the Principal, or the District Administrator if the principal is the CO, prior to any action being taken. The Complainant should be notified of any proposed action prior to such action being taken.

As soon as appropriate in the investigation process, the CO will inform the individual alleged to have engaged in the harassing conduct, hereinafter referred to as the "respondent", that a complaint has been received. The respondent will be informed about the nature of the allegations and a copy of these administrative procedures and the Board's anti-harassment policy shall be provided to the respondent at that time. The respondent must also be provided an opportunity to respond to the complaint.

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

Although certain cases may require additional time, the Compliance Officer will attempt to complete an investigation into the allegations of harassment within fifteen (15) calendar days of receiving the formal complaint. The investigation will include:

- A. interviews with the Complainant;
- B. interviews with the respondent;
- C. interviews with any other witnesses who may reasonably be expected to have any information relevant to the allegations, as determined by the CO;

D. consideration of any documentation or other evidence presented by the complainant, respondent, or any other witness which is reasonably believed to be relevant to the allegations, as determined by the CO;

At the conclusion of the investigation, the CO shall prepare and deliver a written report to the District Administrator 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 complainant has been subject to harassment. In determining if harassment occurred, a preponderance of evidence standard will be used. The CO's recommendations must be based upon the totality of the circumstances, including the ages and maturity levels of those involved. The CO may consult with the Board Attorney before finalizing the report to the District Administrator.

Absent extenuating circumstances, within ten (10) business days of receiving the report of the CO, the District Administrator must either issue a final decision regarding whether or not the complaint of harassment 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.

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

The decision of the District Administrator shall be final. If the complainant feels that the decision does not adequately address the complaint s/he may appeal the decision to the State Superintendent of Public Instruction.

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.

#### 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.

#### Confidentiality

The District will make all reasonable efforts to protect the rights of the complainant and the respondent. The District will respect the privacy of the complainant, the respondent, and all witnesses in a manner consistent with the District's legal obligations under State and Federal law. Confidentiality cannot be guaranteed however. All complainants proceeding through the investigation process should be advised that as a result of the investigation, the respondent may become aware of the complainant's identity.

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

~~All public records created as a part of an investigation of a complaint of harassment will be maintained by the CO in accordance with the Board's records retention policy (see Policy 8310). Any records which are considered student records in accordance with the state or Federal law will be maintained in a manner consistent with the provisions of the law.~~

#### Sanctions and Monitoring

The Board shall vigorously enforce its prohibitions against harassment by taking appropriate action reasonably calculated to stop the harassment and prevent further such harassment. While observing the principles of due process, a violation of this policy may result in disciplinary action up to and including the discharge of an employee or the suspension/expulsion of a student. All disciplinary action will be taken in accordance with applicable law. When imposing discipline, the District Administrator shall consider the totality of the circumstances involved in the matter, including the ages and maturity levels of those involved. In those cases where harassment is not substantiated, the Board may consider whether the alleged conduct nevertheless warrants discipline in accordance with other Board policies.

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

#### Reprisal

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

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

#### Education and Training

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

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

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

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

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

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

1. all written reports;
- 
2. narratives of all verbal reports or statements;
- 
3. a narrative of all actions taken by District personnel;
- 
4. any written documentation of actions taken by District personnel;
- 
5. written witness statements;
- 
6. narratives or audio, video, or digital recordings of verbal witness statements;
- 
7. any documentary evidence;
- 
8. handwritten and contemporaneous notes;
- 
9. e-mails, texts, or social media posts related to the investigation and allegations;
- 
10. dated written determinations;
- 
11. dated written descriptions of verbal notifications to the parties;
- 
12. written documentation of any interim measures offered and/or provided to complainants, including no contact orders; and
- 
13. documentation of all actions taken to stop the discrimination of harassment, prevent its recurrence, eliminate any hostile environment, and remedy the discriminatory effects.

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

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

Legal

48.981, Wis. Stats.

118.13, Wis. Stats.

P.I. 9, 41 Wis. Admin. Code

Fourteenth Amendment, U.S. Constitution

20 U.S.C. 1415

20 U.S.C. 1681 et seq., Title IX of Education Amendments Act

20 U.S.C. Section 1701 et seq., Equal Educational Opportunities Act of 1974

29 U.S.C. 794, Rehabilitation Act of 1973

42 U.S.C. 1983

42 U.S.C. Section 2000 et seq., Civil Rights Act of 1964

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

42 U.S.C. 12101 et seq., The Americans with Disabilities Act of 1990

34 C.F.R. Sec. 300.600-300.662

Last Modified by Steve LaVallee on March 28, 2019

Book	Policy Manual
Section	For Board Review - Vol. 28, No.1 + Safety Update
Title	Copy of STUDENT DISCIPLINE
Code	po5600 - DELETE - Covered by 5500 and other policies
Status	
Adopted	June 20, 2016

### **5600—STUDENT DISCIPLINE**

~~The Board of Education acknowledges that conduct is closely related to learning and that an effective instructional program requires an orderly school environment, that is, in part, reflected in the behavior of students.~~

~~The Board believes that the best discipline is self-imposed and that students should learn to assume responsibility for their own behavior and the consequences of their actions.~~

~~The Board shall require each student of this District to adhere to the Code of Conduct promulgated by the administration and to submit to such disciplinary measures as are appropriately assigned for infraction of those rules. Such rules shall require that students:~~

- ~~A. conform to reasonable standards of socially acceptable behavior;~~
- ~~B. respect the person and property of others;~~
- ~~C. preserve the degree of order necessary to the educational program in which they are engaged;~~
- ~~D. respect the rights of others;~~
- ~~E. obey constituted authority and respond to those who hold that authority.~~

~~The District Administrator shall promulgate administrative guidelines for student conduct that carry out the purposes of this policy and:~~

- ~~A. are not arbitrary but bear a reasonable relationship to the need to maintain a school environment conducive to learning;~~
- ~~B. do not discriminate among students;~~
- ~~C. do not demean students;~~
- ~~D. do not violate any individual rights constitutionally guaranteed to students.~~

~~The District Administrator shall designate sanctions, excluding corporal punishment, for the infractions to rules that shall:~~

- ~~A. relate in degree to the infraction;~~
- ~~B. help the student learn to take responsibility for his/her actions;~~
- ~~C. be directed, where possible, to reduce the effects of any harm that may have been caused by the student's misconduct.~~

~~The Board shall attempt to provide, as resources permit, alternative programs and activities for disruptive students as a means to prevent or reduce discipline problems. In planning such programs, the District Administrator shall include guidelines that ensure cooperation with community agencies and organizations potentially helpful to such students.~~

~~The District Administrator shall communicate to all students and their parents the rules of this District regarding student conduct, the sanctions that may be imposed for breach of those rules, and the due process procedures that will be followed in administering the Code of Conduct.~~

~~The building administrators shall have the authority to assign discipline to students, subject to District administrative guidelines and the student's due process right to notice, hearing, and appeal.~~

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Legal 120.13(1), Wis. Stats.

Last Modified by Steve LaVallee on March 28, 2019



Book	Policy Manual
Section	For Board Review - Vol. 28, No.1 + Safety Update
Title	Copy of SUSPENSION AND EXPULSION
Code	po5610 - No Changes.
Status	
Adopted	June 20, 2016
Last Revised	December 18, 2017

## 5610 - **SUSPENSION AND EXPULSION**

The Board of Education recognizes that exclusion from educational programs of the School District, by suspension or expulsion, is a substantial sanction and that such action must comply with the student's due process rights.

### SUSPENSION

For purposes of this policy, "suspension" shall be the short-term exclusion of a student from a regular District program.

The District Administrator, the principal, or a teacher designated by the District Administrator may suspend a student for up to five (5) school days or, if a notice of expulsion hearing has been sent, for up to fifteen (15) consecutive school days, or ten (10) consecutive school days for each incident if the student is eligible for special education services under Chapter 115, Wis. Stats.

The suspension must be reasonably justified based upon the grounds authorized under Sec. 120.13, Wis. Stats., that include, but are not limited to: noncompliance with school rules or Board rules; knowingly conveying any threat or false information concerning an attempt or alleged attempt being made or to be made to destroy any school property by means of explosives; conduct by the student while at school or while under the supervision of a school authority that endangers the property, health, or safety of others; conduct while not at school or while not under the supervision of a school authority that endangers the property, health, or safety of others at school or under the supervision of a school authority; or conduct while not at school or while not under the supervision of a school authority that endangers the property, health, or safety of any employee or School Board member of the District in which the student is enrolled.

The District Administrator, the principal, or a teacher designated by the School District Administrator shall suspend a student if the student possessed a firearm, as defined in 18 U.S.C. 921(a)(3), while at school or while under the supervision of a school authority.

The parent of a suspended minor must be given prompt notice of the suspension and the reason for the suspension. The student's suspension from school shall be entered in the student's record as required by the rules adopted by the Board concerning the content of the student records. The suspended student or the student's parent or guardian may, within five (5) school days following the commencement of the suspension, have a conference with the District Administrator, to discuss removing from the student's records. Reference to the suspension on the student's school record shall be removed if the District Administrator finds that: the student was suspended unfairly or unjustly; the suspension was inappropriate, given the nature of the alleged offense; or the student suffered undue consequences or penalties as a result of the suspension.

A suspended student shall not be denied the opportunity to take any quarterly, semester, or grading period examinations or to complete course work missed during the suspension period. Such work shall be completed pursuant to the procedures established by the Board.

In the event a student is classified as Homeless, the building principal shall consult with the Homeless Coordinator to determine whether the conduct is a result of homelessness. The Homeless Coordinator will assist administration and the student's parents or guardian in correcting conduct subject to disciplinary action that is caused by homelessness.

### EXPULSION

Under this policy, expulsion shall mean the Board will not permit a student to attend school at all, including any school-sponsored events or activities, for a specified period of time. If the student is expelled, the Board will determine the length of the expulsion period, which may extend at a maximum to the student's 21st birthday. The Board's expulsion order may include the opportunity for the student to return to school prior to expiration of the term of expulsion under a specified set of early reinstatement condition(s) which are related to

the conduct for which the student was expelled. The condition(s), once set forth in an expulsion order, shall be administered at the discretion of the District Administrator who shall have the authority to deny early reinstatement if any early reinstatement condition is not met prior to reinstatement or to revoke it for the remainder of the expulsion period if any enrollment conditions applicable to the student's attendance during a period of expulsion under early reinstatement, or conditional enrollment, are deemed by the District Administrator to have been violated. The decision to revoke a student's conditional enrollment shall be explained in writing. The student or student's parent may request a conference with the District Administrator within five (5) school days of a decision to revoke early reinstatement. The District Administrator shall meet with the student and/or parents within five (5) school days of a request. The District Administrator's decision is final.

The District Administrator may designate another School District employee to perform the functions pertaining to a student's early reinstatement, but may not designate someone that is an administrator or teacher in the student's school.

The Board may expel a student only when it is satisfied that the interest of the school demands the student's expulsion and only when the student: repeatedly refused or neglected to obey the rules established by the School District; knowingly conveyed or caused to be conveyed any threat or false information concerning an attempt or alleged attempt being made or to be made to destroy any school property by means of explosives; engaged in conduct while at school while under the supervision of a school authority that endangered the property, health, or safety of others; engaged in conduct while not at school or while not under the supervision of a school authority that endangered the property, health, or safety of others at school or under the supervision of a school authority or endangered the property, health, or safety of any employee or Board member of the School District in which the student is enrolled; or was at least sixteen (16) years old and had repeatedly engaged in conduct while at school or while under the supervision of a school authority that disrupted the ability of school authorities to maintain order or an educational atmosphere at school or at an activity supervised by a school authority and that such conduct did not otherwise constitute grounds for expulsion. For purposes of this policy, conduct that endangers a person or property includes making a threat to the health or safety of a person or making a threat to damage property.

The School Board shall hold an expulsion hearing in the event a student is in possession of a firearm while at school or under the supervision of school authorities and shall expel a student from school for not less than one (1) year whenever it finds that the student brought a firearm to school or, while at school or while under the supervision of a school authority, possessed a firearm, as defined in 18 U.S.C. 921(a) (3), unless the Board finds that the punishment should be reduced based upon the circumstances of the incident. Any such finding by the Board shall be in writing. This does not include any circumstance in which a student possessed a firearm while lawfully hunting on school forest land.

The District shall refer any student who brings a firearm (as defined in 18 U.S.C. 921(a)(3)) or a weapon to school to law enforcement.

As required by 20 U.S.C. 7151, the District Administrator will ensure that the following information is sent to the Wisconsin Department of Public Instruction: a copy of this policy; a description of the circumstances surrounding any expulsion(s) for violating the above-stated firearms policy; the name of the school; the number of students expelled; and the types of firearms involved.

Prior to expelling a student, the Board shall provide the student with a hearing. Prior written notice of the hearing must be sent separately to both the student and if the student is a minor, to his/her parent(s) or guardian(s). The notice must be sent at least five (5) days prior to the date of hearing, not counting the date notice is sent. The notice must also satisfy the requirements of Sec. 120.13(1)(c)4, Wis. Stats.

An expelled student or, if the student is a minor, the student's parent(s) or guardian(s) may appeal the Board's expulsion decision to the Wisconsin Department of Public Instruction. An appeal from the decision of the Department may be taken within thirty (30) days to the circuit court for the county in which the school is located.

In the event a student is classified as Homeless, the building principal shall consult with the Homeless Coordinator to determine whether the conduct is a result of homelessness. The District will not expel a homeless student for conduct that is caused by the student's homelessness. The Homeless Coordinator will assist administration and the student's parents or guardians in correcting conduct subject to disciplinary action that is caused by homelessness. If the conduct in question is determined not to be caused by the student's homelessness, the District shall proceed with expulsion proceedings as outlined in this policy.

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Legal                      119.25, 120.13, Wis. Stats.  
                                  18 U.S.C. 921(a)(3)  
                                  20 U.S.C. 7151  
                                  42 U.S.C. 11431 et seq.

Last Modified by Steve LaVallee on March 28, 2019





Book	Policy Manual
Section	For Board Review - Vol. 28, No.1 + Safety Update
Title	Copy of TUITION INCOME
Code	po6150
Status	
Adopted	July 18, 2016
Last Revised	July 17, 2017

#### 6150 - **TUITION INCOME**

The Board shall assess tuition for attendance in District schools by students who are not entitled to receive a free, public education in this District and whose enrollment has been approved by the Board.

Tuition charges must be based on a statutory formula or other methods approved by DPI. ~~Tuition rates shall be determined in accordance with 121.83 and reviewed annually by the Board.~~ Rates will be available before the beginning of the school year or before the student's attendance commences. ~~Charges shall be the maximum permitted by law.~~

The Business Manager shall be responsible for the assessment and collection of tuition. Tuition billing may be assessed daily in advance of the period for which the billing is made.

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Legal 121.75 et seq., Wis. Stats.

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Book	Policy Manual
Section	For Board Review - Vol. 28, No.1 + Safety Update
Title	Copy of BUDGET PREPARATION
Code	po6220
Status	
Adopted	July 18, 2016
Last Revised	July 18, 2016

#### 6220 - **BUDGET PREPARATION**

The District's operation and educational plan is reflected in its budgets. Each year, the Board will cause to have prepared and then review and approve the relevant District fund budgets.

Each budget shall be designed to carry out District operations in a thorough and efficient manner, maintain District facilities properly, and honor continuing obligations of the Board.

The Board shall ensure that adequate funds are reserved for the General Fund to maintain a secure financial position whereby the fund equity shall not fall below eighteen percent (18%) of the preceding year's expenditures.

A proposed budget requires the critical analysis of every member of the Board prior to approval; once adopted, the budget deserves the support of all members of the Board regardless of their position before its adoption.

The Board directs the Business Manager to present the budgets to the Board along with all available information associated with each budget in sufficient time to allow for proper analysis and discussion prior to the hearing.

When presented to the Board for review and/or adoption, the information shall **be presented as prescribed by State law, and in the format provided by the Wisconsin Department of Public Instruction, include, as appropriate:**

- A. ~~the proposed expenditure and revenue in each financial category for the ensuing year;~~
- B. ~~the actual expenditure, the approved budget, and the revenue in each financial category for the previous year and the first six (6) months of the current year;~~
- C. ~~the estimated expenditures and revenue in each financial category for the second six (6) months of the current year;~~
- D. ~~the anticipated unexpended or unappropriated balances or surpluses in the current year for each fund;~~
- E. ~~and the amount of fund equity anticipated at the end of the current year.~~

Revised 7/18/16

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Book	Policy Manual
Section	For Board Review - Vol. 28, No.1 + Safety Update
Title	Copy of FUND BALANCE
Code	po6235
Status	
Adopted	July 18, 2016

### 6235 - FUND BALANCE

The Board places the responsibility of administering the budget, once adopted, with the District Administrator. The District Administrator shall monitor the Fund 10 fund balance and shall report the balance to the Board at the end of each budget year. The [Fund 10](#) fund balance shall be maintained at a level sufficient to [minimize or](#) avoid short-term borrowing for cash flow purposes.

[The Board shall ensure that adequate funds are reserved for the General Fund to maintain a secure financial position whereby the Fund 10 fund balance shall not fall below eighteen \(18\)% of the preceding year's Fund 10 expenditures. Budget preparation and management shall adhere to this fund balance expectation. \(See Policy 6220 - Budget Preparation and Policy 6231 - Budget Implementation.\)](#)

Fund balances will be reported in the categories established by the Government Accounting Standards Board Statement 54 (GASB 54) and in consultation with District auditors. The Board will impose constraints on any funds placed in the committed and assigned classifications through consultation with the District's auditor. The applicable categories for fund balance designations are:

1. [Nonspendable Fund Balance - amounts that cannot be spent because they are either \(a\) not in a spendable form \(which includes items that are not expected to be converted to cash - e.g., inventories or prepaid amounts\) or \(b\) legally or contractually required to be maintained intact \(e.g., the corpus of an endowment fund\).](#)
2. [Restricted Fund Balance - amounts constrained to specific purposes by their providers \(such as grantors, bondholders, and higher levels of government\), through constitutional provisions, or by enabling legislation.](#)
3. [Committed Fund Balance - amounts constrained to specific purposes by the Board; to be reported as committed, amounts cannot be used for any other purpose unless the Board takes action to remove or change the constraint.](#)
4. [Assigned Fund Balance - amounts the Board intends to use for a specific purpose but are neither restricted nor committed; intent can be expressed by the Board or by an official or committee to which the Board delegates the authority.](#)
5. [Unassigned Fund Balance - amounts that are available for any purpose; these amounts are reported only in the general fund.](#)

If, during the fiscal year, it appears to the District Administrator that the fund balance will be less than estimated, the District Administrator will bring forward for Board consideration recommendations that will protect the fund balances. Such recommendations shall be in accordance with [the](#) requirements of the law.

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Legal Government Accounting Standards Board Statement 54

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Book Policy Manual  
Section For Board Review - Vol. 28, No.1 + Safety Update  
Title Copy of COOPERATIVE PURCHASING  
Code po6440  
Status  
Adopted July 18, 2016

#### 6440 - COOPERATIVE PURCHASING

The Board recognizes the advantages of centralized purchasing in that volume-buying tends to maximize value for each dollar spent. The Board, therefore, encourages the administration to seek advantages in savings that may accrue to this District through joint agreements for the purchase of supplies, equipment, or services with the governing body(ies) of other governmental units, including purchasing off the State Contract administered by the Wisconsin Department of Administration and/or a CESA joint purchasing contract.

The Board authorizes the Business Manager, or the District Administrator to enter into~~negotiate~~ such joint purchase agreements for services, supplies, and equipment.

Cooperative or joint purchases require an agreement approved by the Board and the participating contracting body(ies).

Such purchasing agreements~~that~~ shall specify the categories of equipment and supplies to be purchased; the manner of advertising for bids and of awarding contracts; the method of payment by each participating party and such other matters as may be deemed necessary to carry out the purposes of the agreement. Such agreements are subject to all legal bidding requirements.

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Legal Section 16.73 Wis. Stats.

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Section	For Board Review - Vol. 28, No.1 + Safety Update
Title	Copy of PAYROLL DEDUCTIONS
Code	po6520
Status	
Adopted	July 18, 2016
Last Revised	November 19, 2018

### 6520 - PAYROLL DEDUCTIONS

The Board directs the District Administrator to ensure that deductions are made from an employee's paycheck as required by law (e.g., State and Federal withholding, ~~and~~ employment taxes garnishments, and child support). The Board also authorizes payroll deductions for the following purposes:

- A. Wisconsin Retirement System (Standard Contribution)
- B. Wisconsin Retirement System (Voluntary Additional Contribution)
- C. Section 125 deductions (cafeteria plans)
- D. contributions to charitable corporations, not-for-profit and community fund organizations
- E. payment of group insurance premiums for a plan in which District employees participate
- F. payment for benefits of part-time employees who elect to participate in benefits provided to full-time staff
- G. (.) voluntary payment to a labor organization [NOTE: IF OTHER NON-MANDATORY DEDUCTIONS FROM EMPLOYEE PAYCHECKS ARE ALLOWED, THEN VOLUNTARY DEDUCTIONS FOR LABOR ORGANIZATIONS MAY ALSO NEED TO BE PERMITTED TO AVOID ALLEGATIONS OF ANTI-UNION DISCRIMINATION.]

Any such deduction must be expressly authorized in writing by the employee.

The Board declares its willingness to enter into an agreement with any of its employees whereby the employee agrees to take a reduction in salary with respect to amounts earned after the effective date of such agreement in return for the Board's agreement to use a corresponding amount to purchase an annuity for such employee (or group of employees desiring the same annuity company) from any company authorized to transact the business as specified in law in accordance with Section 403(b) or 457 of the Internal Revenue Code, and in accordance with the District's administrative guidelines. However, it shall be clearly understood that the Board's only function shall be the deduction and remittance of employee funds.

Said agreement shall comply with all of the provisions of law and may be terminated as said law provides upon notice in writing by either party. Employees shall notify the District Administrator's Office in writing if they wish to participate in such a program.

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Book	Policy Manual
Section	For Board Review - Vol. 28, No.1 + Safety Update
Title	Copy of SAFETY AND SECURITY
Code	po7440
Status	
Adopted	November 21, 2016
Last Revised	November 19, 2018

#### 7440 - **SAFETY AND SECURITY**

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

The District Administrator shall develop and supervise the District's School Safety Plan, in compliance with State and Federal laws, as described in Policy 8420. ~~a program for the security of the District's students, staff, visitors, school buildings, school grounds, and school equipment in compliance with State and Federal laws. Such a program may include the use of video surveillance and electronic monitoring equipment in appropriate areas in and around the schools and other District facilities, and on school buses.~~

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

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

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

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

#### **Public Access to School Facilities**

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

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

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

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

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

### **Parents as Visitors**

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

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

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

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

### **Court Imposed Restrictions**

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

### **Sex Offenders on School Property**

Any person who is a registered sex offender under Wisconsin Law is required to notify the District Administrator of the specific date, time and place of his/her visit to any school facility and must notify the District Administrator of his/her status as a registered sex offender.

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

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

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Legal 120.13(35), 301.475, Wis. Stat.

Last Modified by Steve LaVallee on March 28, 2019



Book	Policy Manual
Section	For Board Review - Vol. 28, No.1 + Safety Update
Title	Copy of VIDEO SURVEILLANCE AND ELECTRONIC MONITORING
Code	po7440.01
Status	
Adopted	November 21, 2016

#### 7440.01 - VIDEO SURVEILLANCE AND ELECTRONIC MONITORING

The Board authorizes the use of video surveillance and electronic monitoring equipment at various facilities and school sites throughout the District and on school buses.

The District Administrator is responsible for determining where to install and operate fixed-location video surveillance/electronic monitoring equipment in the District. (.) 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. [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. Administrators are authorized to carry and use portable video cameras when responding to incidents. 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.

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.

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 being monitored/recorded. Additionally, the District Administrator is directed to annually notify parents and students via school newsletters or the Student Handbook, and staff via the Staff Handbook, of the use of video surveillance/electronic monitoring systems in their schools. **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.**

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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 proceedings, 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.

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 use~~ video surveillance/electronic monitoring equipment ~~for the purpose of~~ obtaining information ~~for the purpose of~~ 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.



~~Recordings that capture of students may be student records and as such will be treated as confidential, subject to the Board's public records and student records policies. Consequently, because the Board is bound by Wisconsin Pupil Records Statute and the Family Educational Rights and Privacy Act (FERPA), copies of video recordings containing personal identifiable information about students shall not be released except to school officials with legitimate educational interests. Parents or guardians of minor students, and students who are eighteen (18) years of age or older, who are charged with disciplinary violations may view relevant portions of any video recording related to the charge, upon written request to the building principal, provided that viewing the recording does not violate State and/or Federal law (i.e. the privacy rights of any other students whose images appear on the recording). Likewise, school personnel may view relevant portions of any video relating to any disciplinary charge against them, upon written request to the building principal, provided that viewing the recording does not violate State and/or Federal law (i.e. the privacy rights of any students whose images appear on the recordings). Otherwise, such confidential recordings shall only be released through subpoena or court order.~~

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

~~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 **seven (7) calendar days** of the event/incident. Unless a formal complaint is being investigated, recordings (.) may (.) shall be destroyed after **thirty (30) calendar days**. If, however, action is taken by the Board/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. (.) Recordings may also be kept beyond the normal retention period if they are going to be utilized for training purposes.~~

~~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 must be clearly and properly labeled and entered into a storage log. 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 building principal 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 building principal shall approve requests for access to recorded and stored video images. The building principal 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.~~

~~(.) 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.~~

~~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 this guideline, and consistent with State and Federal law.~~

~~Video surveillance/electronic monitoring recordings shall be retained, stored and destroyed, including storage logbooks, pursuant to the District's Records Retention Schedule.~~

~~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).~~

~~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 seven (7) days of the event/incident. Unless a formal complaint is being investigated, recordings shall be destroyed after thirty (30) days. If, however, action is taken by the Board/administration, as a result of a formal complaint or incident, recordings shall be kept for a minimum of one (1) year from the date of the action taken. Recordings may also be kept beyond the normal retention period if they are going to be utilized for training purposes.~~

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~~taped~~ for educational or research purposes. Authorized video recording~~taping~~ for educational, instructional and/or research purposes is permitted and is not addressed by this policy.

The District Administrator is directed to develop administrative guidelines to address the use of video surveillance/electronic monitoring equipment in school buildings, school buses and on property owned and/or operated by the Board.

Video surveillance is to be implemented in accordance with this policy and the related guidelines 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.

~~Annually, the District Administrator shall conduct a review to verify that this policy and its implementing guidelines are being adhered to, and report to the Board on the use of video surveillance/electronic monitoring equipment in the District.~~

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Legal                            19.31 – 19.39, 118.125 Wis. Stats.  
   FERPA 20 U.S.C. 1232g  
   34 C.F.R. 99.1-99.67  
   Title I of the Electronic Communication Privacy Act of 1986  
   18 U.S.C. 2510-2521

Last Modified by Steve LaVallee on March 28, 2019



Book	Policy Manual
Section	For Board Review - Vol. 28, No.1 + Safety Update
Title	Copy of STUDENT RECORDS
Code	po8330
Status	
Adopted	November 21, 2016
Last Revised	December 18, 2017

### 8330 - **STUDENT RECORDS**

In order to provide appropriate educational services and programming, the Board must collect, retain, and use information about individual students. Simultaneously, the Board recognizes the need to safeguard students' privacy and restrict access to students' personally identifiable information.

Except for data identified by policy as "directory data," student "personally identifiable information" includes, but is not limited to: the student's name; the name of the student's parent or other family members; the address of the student or student's family; a personal identifier, such as the student's social security number, student number, or biometric record; other indirect identifiers, such as the student's date of birth, place of birth, and mother's maiden name; other information that, alone or in combination, is linked or linkable to a specific student that would allow a person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty; or information requested by a person who the District reasonably believes knows the identity of the student to whom the education record relates.

The Board is responsible for the records of all students who attend or have attended schools in this District. Only records mandated by the State or Federal government and/or necessary and relevant to the function of the School District or specifically permitted by this Board will be compiled by Board employees.

In all cases, permitted, narrative information in student records shall be objectively-based on the personal observation or knowledge of the originator.

Student records shall be available only to students and their parents, eligible students, designated school officials who have a legitimate educational interest in the information, or to other individuals or organizations as permitted by law.

#### Address Confidentiality Program

Students who are verified participants in the Safe at Home/Address Confidentiality Program administered by the Wisconsin Department of Justice shall be permitted to use their substitute assigned address for all District purposes. The Board shall refrain from including the student's actual/confidential residential address in any student records or files (including electronic records and files) or disclosing the student's actual/confidential residential address when releasing student records. The Board shall only list the address designated by the Wisconsin Department of Justice to serve as the student's address in any student records or files, including electronic records and files. Further, the Board shall use the student's substitute assigned address for any and all communications and correspondence between the Board and the parent(s) of the student (or adult student). The student's actual/confidential residential address shall be maintained in a separate confidential file that is not accessible to the public or any employees without a legitimate purpose. The intentional disclosure of a student's actual/confidential residential address is prohibited.

The Board may enter into a memorandum of understanding with a county department under State statutes (s. 46.215, 46.22 or 46.23) or a tribal organization, as defined under Federal law, that permits disclosure of information contained in student records as provided under State law in cases in which the student's parent, if the student is a minor, or the student, if the student is an adult, does not grant permission for such disclosure.

The term "parents" includes legal guardians or other persons standing in loco parentis (such as a grandparent or stepparent with whom the child lives, or a person who is legally responsible for the welfare of the child). The term "eligible student" refers to a student who is eighteen (18) years of age or older, or a student of any age who is enrolled in a postsecondary institution.

Both parents shall have equal access to student records unless stipulated otherwise by court order or law. In the case of eligible students, parents may be allowed access to the records without the student's consent, provided the student is considered a dependent under section 152 of the Internal Revenue Code.

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

"Legitimate educational interest" is defined as a "direct or delegated responsibility for helping the student achieve one (1) or more of the educational goals of the District" or if the record is necessary in order for the school official to perform an administrative, supervisory, or instructional task or to perform a service or benefit for the student or the student's family. The Board directs that reasonable and appropriate methods (including but not limited to physical and/or technological access controls) are utilized to control access to student records and to make certain that school officials obtain access to only those education records in which they have legitimate educational interest.

The Board authorizes the administration to:

- A. forward student records, including disciplinary records with respect to suspensions and expulsions, upon request to a private or public school or school district in which a student of this District is enrolled, seeks or intends to enroll, or is instructed to enroll, on a full-time or part-time basis, upon condition that:
  1. a reasonable attempt is made to notify the student's parent or eligible student of the transfer (unless the disclosure is initiated by the parent or eligible student; or the Board's annual notification - Form 8330 F9 - includes a notice that the Board will forward education records to other agencies or institutions that have requested the records and in which the student seeks or intends to enroll or is already enrolled so long as the disclosure is for purposes related to the student's enrollment or transfer);
  2. the parent or eligible student, upon request, receives a copy of the record; ~~and~~
  3. the parent or eligible student, upon request, has an opportunity for a hearing to challenge the content of the record; and
  4. no later than the next working day, the District shall transfer to another school, including a private or tribal school, or school district, all student records relating to a specific student if the transferring school district or private school has received written notice from the student if s/he is an adult or his/her parent or guardian if the student is a minor that the student intends to enroll in the other school or school district or written notice from the other school or school district that the student has enrolled or from a court that the student has been placed in a juvenile correctional facility, as defined in s. 938.02(10p), or a secured residential care center for children and youth, as defined in s. 938.02(15g);  
In this subsection, "school" and "school district" include any juvenile correctional facility, secured residential care center for children and youth, adult correctional institution, mental health institute, or center for the developmentally disabled that provides an educational program for its residents instead of, or in addition to, that which is provided by public, private, and tribal schools.
- B. forward student records, including disciplinary records with respect to suspensions and expulsions, upon request to a juvenile detention facility in which the student has been placed, or a juvenile court that has taken jurisdiction of the student;
- C. disclose student records that are pertinent to addressing a student's educational needs to a caseworker or other representative of the department of children and families, a county department under s. 46.215, 46.22, or 46.23, or a tribal organization, as defined in 25 USC 450b(L), that is legally responsible for the care and protection of the student, if the caseworker or other representative is authorized by that department, county department, or tribal organization to access the student's case plan;
- D. provide "personally-identifiable" information to appropriate parties, including parents of an eligible student, whose knowledge of the information is necessary to protect the health or safety of the student or other individuals, if there is an articulable and significant threat to the health or safety of a student or other individuals, considering the totality of the circumstances;
- E. report a crime committed by a child to appropriate authorities, and, with respect to reporting a crime committed by a student with a disability, to transmit copies of the student's special education and disciplinary records to the authorities for their consideration;
- F. release de-identified records and information in accordance with Federal regulations;
- G. disclose personally identifiable information from education records, without consent, to organizations conducting studies "for, or on behalf of" the District for purposes of developing, validating or administering predictive tests, administering student aid

programs, or improving instruction;

Information disclosed under this exception must be protected so that students and parents cannot be personally identified by anyone other than a representative of the organization conducting the study, and must be destroyed when no longer needed for the study. In order to release information under this provision, the District will enter into a written agreement with the recipient organization that specifies the purpose of the study. (See Form 8330 F14.)

- H. disclose personally identifiable information from education records without consent, to authorized representatives of the Federal government, as well as State and local educational authorities. The disclosed records must be used to audit or evaluate a Federal or State supported education program, or to enforce or comply with Federal requirements related to those education programs. A written agreement between the parties is required under this exception. (See Form 8330 F16)

The District will verify that the authorized representative complies with FERPA regulations.

- I. request each person or party requesting access to a student's record to abide by Federal regulations and State laws concerning the disclosure of information.

The Board will comply with a legitimate request for access to a student's records within a reasonable period of time but not more than forty-five (45) days after receiving the request or within such shorter period as may be applicable to students with disabilities. Upon the request of the viewer, a record shall be reproduced, unless said record is copyrighted, or otherwise restricted, and the viewer may be charged a fee equivalent to the cost of handling and reproduction. Based upon reasonable requests, viewers of education records will receive explanation and interpretation of the records.

The Board shall maintain a record of each request for access and each disclosure of personally identifiable information. Such disclosure records will indicate the student, person viewing the record, their legitimate interest in the information, information disclosed, date of disclosure, and date parental/eligible student consent was obtained (if required).

Only "directory information" regarding a student shall be released to any person or party, other than the student or his/her parent, without the written consent of the parent, or, if the student is an eligible student, without the written consent of the student, except as provided by applicable law.

#### DIRECTORY INFORMATION

Each year the District Administrator shall provide public notice to students and their parents of the District's intent to make available, upon request, certain information known as "directory information." The Board designates as student "directory information":

- A. a student's name;
- B. photograph;
- C. participation in officially-recognized activities and sports;
- D. height and/or weight, if a member of an athletic team;
- E. date of graduation;
- F. degrees and awards received.

Parents and eligible students may refuse to allow the Board to disclose any or all of such "directory information" upon written notification to the Board within fourteen (14) days after receipt of the District Administrator's annual public notice. Any parent or eligible student ~~that~~ who refuses to allow disclosure of directory data and participates in ~~the~~ extra-curricular activity must complete Form 2431 F1 – Parent Acknowledgement of Risk and Release, which includes a limitation on the refusal to disclose directory information obtained during the course of the student's participation in extra-curricular activities.

In accordance with Federal and State law, the Board shall release the names, addresses, and telephone listings of secondary students to a recruiting officer for any branch of the United States Armed Forces or an institution of higher education who requests such information. A secondary school student or parent of the student may request in writing that the student's name, address, and telephone listing not be released without prior consent of the parent(s)/eligible student. The recruiting officer is to sign a form indicating that "any information received by the recruiting officer shall be used solely for the purpose of informing students about military service and shall not be released to any person other than individuals within the recruiting services of the Armed Forces." The District Administrator is authorized to charge mailing fees for providing this information to a recruiting officer.

Whenever consent of the parent(s)/eligible student is required for the inspection and/or release of a student's health or education records or for the release of "directory information," either parent may provide such consent unless agreed to otherwise in writing by both parents or specifically stated by court order. If the student is under the guardianship of an institution, the District Administrator shall appoint a person who has no conflicting interest to provide such written consent.

The Board may disclose "directory information," on former students without student or parental consent, unless the parent or eligible student previously submitted a request that such information not be disclosed without their prior written consent.

The Board shall not collect or use personal information obtained from students or their parents for the purpose of marketing or for selling that information.

#### INSPECTION OF INFORMATION COLLECTION INSTRUMENT

The parent of a student or an eligible student has the right to inspect upon request any instrument used in the collection of personal information before the instrument is administered or distributed to a student. Personal information for this section is defined as individually identifiable information including a student or parent's first and last name, a home or other physical address (including street name and the name of the city or town), a telephone number, or a Social Security identification number. In order to review the instrument, the parent or eligible student must submit a written request to the building principal at least fourteen (14) business days before the scheduled date of the activity. The instrument will be provided to the parent or eligible student within fourteen (14) business days of the principal receiving the request.

The District Administrator shall directly notify the parent(s) of a student and eligible students, at least annually at the beginning of the school year, of the specific or approximate dates during the school year when such activities are scheduled or expected to be scheduled.

This section does not apply to the collection, disclosure, or use of personal information collected from students for the exclusive purpose of developing, evaluating, or providing educational products or services for, or to, students or educational institutions, such as the following:

- A. college or other postsecondary education recruitment, or military recruitment
- B. book clubs, magazine, and programs providing access to low-cost literary products
- C. curriculum and instructional materials used by elementary and secondary schools
- D. tests and assessments used by elementary and secondary schools to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information about students (or to generate other statistically useful data for the purpose of securing such tests and assessments) and the subsequent analysis and public release of the aggregate data from such tests and assessments
- E. the sale by students of products or services to raise funds for school- related or education-related activities
- F. student recognition programs

The District Administrator is directed to prepare administrative guidelines so that students and parents are adequately informed each year regarding their rights to:

- A. inspect and review the student's education records;
- B. request amendments if the parent believes the record is inaccurate, misleading, or violates the student's privacy rights;
- C. consent to disclosures of personally-identifiable information contained in the student's education records, except to those disclosures allowed by the law;
- D. challenge Board noncompliance with a parent's request to amend the records through a hearing;
- E. file a complaint with the United States Department of Education;
- F. obtain a copy of the Board's policy and administrative guidelines on student records.

The District Administrator shall also develop procedural guidelines for:

- A. the proper storage and retention of records including a list of the type and location of records;
- B. informing Board employees of the Federal and State laws concerning student records.

The Board authorizes the use of the microfilm process or electromagnetic processes of reproduction for the recording, filing, maintaining, and preserving of records.

No liability shall attach to any member, officer, or employee of this Board as a consequence of permitting access or furnishing student records in accordance with this policy and regulations.

Any entity receiving personally identifiable information pursuant to a study, audit, evaluation or enforcement/compliance activity must comply with all FERPA regulations. Furthermore, such an entity must enter into a written contract with the Board delineating its responsibilities in safeguarding the disclosed information. Specifically, the entity must demonstrate the existence of a sound data security plan or data stewardship program, and must also provide assurances that the personally identifiable information will not be redisclosed without prior authorization from the Board. In addition, the entity conducting the study, audit, evaluation or enforcement/compliance activity is required to destroy the disclosed information once it is no longer needed or when the timeframe for the activity has ended, as specified in its written agreement with the Board. See Form 8330 F14 and Form 8330 F16 for additional contract requirements.

Revised 7/17/17

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Legal

46.23 Wis. Stats.

46.22 Wis. Stats.

46.215 Wis Stats.

115.298 Wis. Stats.

118.125, Wis. Stats.

118.125(2)(q) Wis. Stats.

25 U.S.C. 450b(L)

34 C.F.R. Part 99

20 U.S.C. Section 1232f (FERPA)

20 U.S.C. Section 1232g (FERPA)

20 U.S.C. Section 1232h (FERPA)

20 U.S.C. Section 1232i (FERPA)

26 U.S.C. 152

20 U.S.C. 1400 et seq., Individuals with Disabilities Education Improvement Act

20 U.S.C. 7165(b)

20 U.S.C. 7908

Last Modified by Steve LaVallee on March 28, 2019



Book Policy Manual  
Section For Board Review - Vol. 28, No.1 + Safety Update  
Title SCHOOL RESOURCE OFFICER PROGRAM  
Code po8407  
Status

**REVISED POLICY - SPECIAL UPDATE - SCHOOL SAFETY**

**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, and 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  District Administrator  Board **[END OF OPTIONS]** 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. **[END OF OPTION]**  The Board may request additional updates or reports. **[END OF OPTION]**

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 and Emergency Preparedness). 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.

~~The agreement between the District and the law enforcement agency shall require the law enforcement agency(ies) to provide the  District Administrator  Board with an annual report regarding the SRO Program. **[END OF OPTION]** This report shall summarize activities conducted throughout the previous school year and shall include recommendations for the upcoming school year. The  District Administrator  Board may request additional updates or reports.~~

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.



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



Book	Policy Manual
Section	For Board Review - Vol. 28, No.1 + Safety Update
Title	Copy of SCHOOL SAFETY AND CRISIS INTERVENTION
Code	po8410
Status	
Adopted	November 21, 2016

#### 8410 - SCHOOL SAFETY AND CRISIS INTERVENTION

The Board is committed to maintaining a safe school environment. The Board believes that school crime and violence are multifaceted problems that need to be addressed in a manner that utilizes the best resources and coordinated efforts of District personnel, law enforcement agencies, and families. The Board further believes that administrators and local law enforcement officials must work together to provide for the safety and welfare of students while they are at school or a school-sponsored activity or while enroute to or from school, or a school-sponsored activity. The Board also believes that the first step in addressing school crime and violence is to assess the extent and nature of the problem(s) or threat, and then plan and implement strategies that promote school safety and minimize the likelihood of school crime and violence.

The District shall develop and the Board shall approve a school safety plan consistent with Policy 8420 - School Safety. ~~A school safety plan will be developed for each school in the District and approved by the Board. Each school's plan will be reviewed no less than every three (3) years and resubmitted to the Board for approval.~~

#### Persistently Dangerous Schools

The Board recognizes that State and Federal law requires that the District report annually incidents that meet the statutory definition of violent criminal offenses that occur in a school, on school grounds, on a school conveyance, or at a school-sponsored activity. It is further understood that the State Department of Education will then use this data to determine whether or not a school is considered "persistently dangerous" as defined by State policy.

Pursuant to the Board's stated intent to provide a safe school environment, the school administrators are expected to respond appropriately to any and all violations of the Student Code of Conduct, especially those of a serious, violent nature. In any year where the number of reportable incidents of violent criminal offenses in any school exceed the threshold number established in State policy, the District Administrator shall convene a meeting of the building administrator, representative(s) of the local law enforcement agencies, and any other individuals deemed appropriate for the purpose of developing a plan of corrective action that can be implemented in an effort to reduce the number of these incidents in the subsequent year.

The District Administrator shall make a report to the Board about this plan of corrective action and shall recommend approval and adoption of it.

In the unexpected event that the number of reportable incidents in three (3) consecutive school years exceeds the statutory threshold and the school is identified as persistently dangerous, students attending the school shall have the choice option as provided in Policy 5113.02 and AG 5113.02.

In addition, the District Administrator shall convene a meeting of the building administrator, representative(s) of the local law enforcement agencies, and any other individuals deemed appropriate for the purpose of developing a plan of corrective action that can be implemented in an effort to reduce the number of these incidents in the subsequent year.

#### Victims of Violent Crime

The Board further recognizes that, despite the diligent efforts of school administrators and staff to provide a safe school environment, an individual student may be a victim of a violent crime in a school, on school grounds, on a school conveyance, or at a school-sponsored activity. In accordance with Federal and State law the parents of the eligible student shall have the choice options provided by Policy 5113.02 and AG 5113.02.

Legal

Title IX, Section 9532 of the No Child Left Behind Act of 2001  
118.07(4)(a)-(d) Wis. Stat.

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Book Policy Manual  
Section For Board Review - Vol. 28, No.1 + Safety Update  
Title SCHOOL SAFETY  
Code po8420  
Status  
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8420 - **SCHOOL SAFETY EMERGENCY PREPAREDNESS**

The Board recognizes that its responsibility for the safety of students extends to possible natural and man-made disasters and that such emergencies are best met by preparedness and planning.

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 (.) 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 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.

~~The Board authorizes a system of emergency preparedness that shall require that fire drills are conducted at least once each month; tornado drills are conducted at least twice annually and school safety incident action plan drills are conducted at least twice annually.~~

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

1. A copy of its school safety plan.
2. The date(s) of the required annual safety school violence event drill or drills held conducted in accordance with each building's school safety plan during the previous year.
3. Certification that the Board reviewed a required written evaluation of the drill or drills.
4. The date of the most recent school training on school safety and the number of attendees.
5. The most recent date the Board reviewed and approved the school safety plan.
6. 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). 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). 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.

~~All threats to the safety of District facilities shall be identified by appropriate personnel and responded to promptly in accordance with the plan for emergency preparedness.~~

~~Each school's emergency preparedness plan shall be reviewed by the Board at least once every three (3) years following initial adoption.~~

(.)

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

1. Assess life/safety issues immediately.
2. Provide immediate emergency medical care.
3. Call 911 and notify police/rescue first. Call the District Administrator second.
4. Convene the crisis team to assess the situation and implement the crisis response procedures.
5. Evaluate available and needed resources.
6. Alert school staff to the situation.
7. Activate the crisis communication procedure and system of verification.
8. Secure all areas.
9. Implement evaluation and other procedures to protect students and staff from harm. Avoid dismissing students to unknown care.
10. Adjust the bell schedule to ensure safety during the crisis.
11. Alert persons in charge of various information systems to prevent confusion and misinformation. Notify parents.
12. Contact appropriate community agencies and the District's public information office, if appropriate.
13. 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.

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Legal 118.07, 121.02(g)(i), Wis. Stats.

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Book	Policy Manual
Section	For Board Review - Vol. 28, No.1 + Safety Update
Title	REVISED POLICY - SPECIAL UPDATE - SCHOOL SAFETY - CHILD ABUSE AND NEGLECT
Code	po8462
Status	
Adopted	November 21, 2016
Last Revised	November 19, 2018

### **REVISED POLICY – SPECIAL UPDATE – SCHOOL SAFETY**

#### **8462 - CHILD MANDATORY REPORTING OF STUDENT ABUSE AND NEGLECT AND THREATS OF VIOLENCE**

The Board is concerned with the physical and mental well-being of all children of this District and will cooperate in the identification and reporting of cases of child abuse or neglect in accordance with law. In addition, the Board strictly prohibits any actual or threatened acts of physical, mental, sexual, or other form of abuse directed towards students by any person in any District-owned, operated, or leased facility, or at any school-sponsored activity. ~~Likewise, the Board strictly prohibits any threats of violence in or targeted at any school. All incidents or suspected incidents of such conduct must be reported as described in this policy and in State law and will be investigated. All District employees, regardless of position, are required to make a report in the following instances:~~

- ~~A. when the staff member has reasonable cause to suspect that a child seen in the course of the staff member performance of their job duties has been abused or neglected, or has been threatened with abuse or neglect, regardless of the identity of the suspected perpetrator;~~

~~The report shall be made to local law enforcement or social services.~~

- ~~B. when the staff member believes in good faith based on a threat made by any person regarding violence targeted at a school, that the health and safety of any person is in serious or imminent threat. Any such threats shall be immediately reported to law enforcement as described in policy.~~

~~Any staff member who, in good faith, believes that circumstances require reporting shall do so without conducting any further investigation concerning the subject matter of the report. When a report is made, the staff member shall immediately notify the building level administrator or District Administrator that a report has been made and provide detail concerning the basis for the report.~~

#### **Staff Training Required**

The Board shall require every employee to receive training provided by the Department of Public Instruction (DPI) in identifying children who have been abused or neglected and in the laws and procedures ~~detailed herein~~ governing the reporting of suspected or threatened child abuse and neglect. Such training shall be completed within the first six (6) months of employment in the District and ~~thereafter~~ at least once every five (5) years after the initial training. This training may be held in conjunction with staff training for threats of violence as required in Policy 8462.01.~~The District Administrator shall coordinate all training ( ) and shall prepare administrative guidelines that provide information concerning the prevention of child abuse or neglect and threats of school violence, as well the signs that a student may be a victim of or at risk of becoming a victim of abuse or neglect.~~

Training conducted in fulfillment of this policy shall include a record of the date, time, duration, and content of the training, as well as a list of all attendees at the training.~~The required training shall also include training on the laws governing the reporting of threats of violence in or targeted at a school.~~

#### **Reporting of Suspected Child Abuse or Neglect**~~Procedures for Reporting – Child Abuse and Neglect~~

Each District employee who has reasonable cause to suspect child abuse or neglect has occurred or is occurring, or has reasonable cause to believe a child has been threatened with abuse or neglect and that abuse or neglect is likely to occur shall be responsible for reporting immediately every case, whether verified or suspected, the circumstances giving rise to the reasonable cause.

Reporting is mandatory even if the staff member has reason to believe that the abuse or neglect occurred, but is no longer occurring (for example, the child is no longer living with the suspected abuser). Staff members should make reports based on reasonable cause to suspect abuse or neglect and are not permitted to first investigate the circumstances in an effort to verify abuse or neglect. This can cause a loss of time and jeopardize law enforcement or social services investigations into child welfare concerns.

### **Reporting Procedures**

The employee shall immediately call the local office of the Child Welfare Department, ~~social services department,~~ or local law enforcement agency.

Employees shall also notify the building level administrator or the District Administrator ~~appropriate administrator according to the District's Reporting Procedure for Student Abuse or Neglect and Threats of Violence.~~

The identity of the reporting person shall be confidential, subject only to disclosure by consent or court order, ~~or as otherwise compelled by law.~~ A reporting employee shall not be dismissed or otherwise penalized for making a ~~good faith~~ report of child abuse or neglect, unless such report was made knowing it to be false and for the purpose of harming the accused or victim in the report. ~~The details of any reported incident, including the identities of the individuals involved or noted in the report, shall be kept confidential to the extent permitted. Any staff member who disseminates such information other than as permitted or required by policy or legal obligation may be subject to disciplinary action. Any staff member who reports suspected child abuse or neglect will not be subject to disciplinary action and is immune from civil liability to the extent provided for by law.~~

Information concerning alleged child abuse is confidential. Any unauthorized disclosure by an official or employee of the District is a violation of the law and may subject the disseminator to civil liability for resulting damages and disciplinary action.

Each principal should be mindful of the possibility of physical or mental abuse being inflicted on a student by an employee. Any such instances, whether real or alleged, should be dealt with in accordance with the administrative guidelines established by the District Administrator. Staff member reporting obligations under this policy and applicable law are the same regardless of whether the suspected abuser is a parent, guardian, or another staff member, and reports should be made accordingly.

### **Procedures for Reporting – Threats of Violence**

~~An employee, regardless of position, who receives a threat or hears a threat of violence in or targeted at a school shall immediately inform law enforcement. The report shall contain detailed information concerning the nature of the threat. The staff member shall cooperate fully with law enforcement. When such a report is made, the staff member shall also inform the building administrator or District Administrator. If a threat is reported to the building administrator, s/he shall immediately notify the district administrator and coordinate the District's coordination with law enforcement, students, and parents as the circumstances require.~~

~~All threats of violence are to be taken seriously. No staff member who reports a threat in good faith shall be subject to disciplinary action. Failure to report a threat may result in disciplinary action.~~

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Legal                      48.981, Wis. Stats.  
                                  118.07(5), Wis. Stats.  
                                  175.32, Wis. Stats.

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Book Policy Manual  
Section For Board Review - Vol. 28, No.1 + Safety Update  
Title NEW POLICY - SPECIAL UPDATE - SCHOOL SAFETY - THREATS OF VIOLENCE  
Code po8462.01  
Status

### **NEW POLICY - SPECIAL UPDATE - SCHOOL SAFETY**

#### **8462.01 - THREATS OF VIOLENCE**

The Board strictly prohibits any threats of violence in or targeted at any school. All incidents or suspected incidents of such conduct must be reported as described in this policy and in State law and will be investigated. All District employees, regardless of position, are required to make a report if the following is present:

- A. A staff member, in the performance of his/her professional duties, hears or receives a threat of violence in or targeted at a school; and
- B. That staff member believes, in good faith, based on the threat that the health and safety of any person is in serious and imminent threat.

Any staff member who, in good faith, believes that circumstances require reporting shall do so without conducting any further investigation concerning the subject matter of the report. When a report is made, the staff member shall immediately notify the building level administrator or District Administrator that a report has been made and provide details concerning the basis for the report. ( ) If available, the staff member shall inform the school or District School Resource Officer (SRO).

#### **Staff Training Required**

The Board shall require every employee to receive training provided by the Department of Public Instruction (DPI) regarding the laws governing the reporting of a threat of violence. Such training shall be completed within the first six (6) months of employment in the District and at least once every five (5) years after the initial training. This training may be held in conjunction with staff training for threatened or suspected child abuse or neglect as required in Policy 8462.

Training conducted in fulfillment of this policy shall include a record of the date, time, duration, and content of the training, as well as a list of all attendees at the training. The District Administrator shall submit a report to DPI annually by January 1st that identifies the training performed under this section, along with the reporting required under Policy 8420 - School Safety and Emergency Preparedness.

#### **Procedures for Reporting - Threats of Violence**

An employee, regardless of position, shall immediately inform, by telephone or personally, a law enforcement agency of the facts and circumstances contributing to the belief that there is a serious and imminent threat to the health or safety of a student or school employee or the public. The report shall contain detailed information concerning the nature of the threat. The staff member shall cooperate fully with law enforcement. When such a report is made, the staff member shall also inform the building administrator or District Administrator, as well as the School Resource Officer, if available. If a threat is reported to the building administrator, s/he shall immediately notify the District Administrator and coordinate the District's coordination with law enforcement, students, and parents as the circumstances require.

#### **Sanctions for Making Threats**

All threats of violence are to be taken seriously. No staff member who reports a threat in good faith shall be subject to disciplinary action. Failure to report or undue delay in reporting a threat may result in disciplinary action.

Any student or staff member who makes a threat of violence will be evaluated for disciplinary action, up to possible referral for expulsion in the case of students (See Policy 5610) or termination from employment in the case of staff (See Policy 3140/Policy 4140).

The administration may, with the assistance of law enforcement personnel, remove from and/or prohibit the presence on school property, any member of the community, including a volunteer, parent, contractor, coach, etc., who makes a threat of violence in or



against the school. In such a case, the District Administrator shall notify the Board as soon as is practicable.

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Legal

Wis. Stat. 118.07(5)

Wis. Stat. 175. 32

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Book	Policy Manual
Section	For Board Review - Vol. 28, No.1 + Safety Update
Title	Copy of PUBLIC REQUESTS, SUGGESTIONS, OR COMPLAINTS
Code	po9130
Status	
Adopted	April 23, 2018
Last Revised	November 19, 2018

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

Any individual(s), having a legitimate interest in the staff, programs and operations of this District shall have the right to present a request, suggestion, or complaint to the District and the Board. At the same time, the Board has a right to protect the staff from inappropriate harassment. It is the intent of this policy to provide guidelines for considering and addressing public requests, suggestions, or complaints in an efficient, reasonable, and equitable manner. Requests, suggestions, or complaints made by District staff members are covered by Policy 1422, Policy 3122, and Policy 4122.

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

Generally, requests, suggestions, or complaints reaching the Board or Board members shall be referred to the District Administrator for consideration. Any individual presenting such a matter shall be provided with a copy of this policy.

#### **Guidelines for Matters Regarding a Staff Member**

##### A. First Level

Generally, if the matter concerns a staff member the individual(s) should discuss the matter with the staff member. The staff member shall take appropriate action within his/her authority and District administrative guidelines to deal with the matter.

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

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

##### B. Second Level

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

##### C. Third Level

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

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

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

#### D. Fourth Level

If the matter has not been satisfactorily addressed at the Third Level, or at the First Level in the case of a matter involving the District Administrator, the individual(s) may submit a written request to the Board to address the matter. Any such request must be submitted within ten (10) business days of the latest attempt to resolve the matter.~~receiving the District Administrator's written response.~~

The Board, after reviewing all material relating to the matter, shall provide the individual(s) with a written response.

If the individual(s) contacts an individual Board member to discuss the matter, the Board member shall inform the individual that s/he has no authority to act in his/her individual capacity and may refer the individual(s) to this guideline or the District Administrator for further assistance.

### **Guidelines for Matters Regarding District Services or Operations**

If the matter relates to a District procedure or operation, it should be addressed, initially, to the person with administrative responsibility and then in subsequently higher levels as prescribed in "Guidelines for Matters Regarding a Professional Staff Member".

### **Guidelines for Matters Regarding Enrollment Disputes**

If the matters relates to disputes concerning student residency determination, Homelessness under the McKinney-Vento Act, or related issues, the matter should be addressed initially to the District's Residency or Homelessness Coordinator, and then to the Third Level of the process for "Matters Regarding a Staff Member".

### **Guidelines for Matters Regarding the Educational Program**

If the matter relates to a District program, it should be addressed, initially, to the Curriculum Director and then in subsequently higher levels as prescribed in "Matters Regarding a Professional Staff Member".

### **Guidelines for Matters Regarding Instructional Materials**

The District Administrator shall prepare information so that students and parents are adequately informed each year regarding their right to inspect instructional materials used as part of the educational curriculum and the procedure for completing such an inspection. See Policy 2414, AG 9130A and Form 9130 F3.

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

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

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

B. Upon receipt of the information, the Curriculum Director may, after advising the District Administrator of the complaint, and upon the District Administrator's approval, appoint a review committee, which shall comply with the open meetings law.

C. If the request, suggestion, or complaint relates to the human growth and development curriculum or instructional materials, it shall be referred to the advisory committee responsible for developing the human growth and development curriculum and advising the Board on the design, review, and implementation of the curriculum. (See Policy 2414).

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

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

3. the objectivity of the material

4. the use being made of the material

E. The material in question may not be temporarily withdrawn from use pending final resolutoin of the matter.~~the committee's recommendation to the District Administrator.~~

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

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

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

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

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

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Book	Policy Manual
Section	For Board Review - Vol. 28, No.1 + Safety Update
Title	Copy of SCHOOL VISITORS
Code	po9150
Status	
Adopted	November 21, 2016

### 9150 - SCHOOL VISITORS

The Board welcomes and encourages visits to school by parents, other adult residents of the community and interested educators. But in order for the educational program to continue undisturbed when visitors are present and to prevent the intrusion of disruptive persons into the schools, it is necessary to establish visitor guidelines.

In accordance with 120.13(35), Wis. Stats., the District Administrator has the authority to establish conditions for entering or remaining in a District building. ~~The District Administrator has the authority to~~ prohibit the entry of any person to a school of this District or to require a visitor to leave when there is reason to believe the presence of such person would be or is detrimental to the good order of the school. If such an individual refuses to leave the school grounds or creates a disturbance, the supervisor or administrator in charge is authorized to request from the local law enforcement agency whatever assistance is required to remove the individual.

Parents, who are registered sex offenders and wish to participate in their child's school activities, may be allowed on campus at the discretion and under the direction of the Principal. Such parents must inform the school administration of any time that they will be on school grounds. Conditions may be imposed upon participation, including but not limited to the following: must have prior permission, must check in, must have approved escort in building or at event, must leave premises immediately upon conclusion of business, and may not visit while school is in session.

Nonstaff access to students and classes must be limited and only in accordance with a schedule which has been determined by the Principal after consultation with the teacher whose classroom is being visited. Classroom visitations must not disrupt the educative process and learning environment and should not occur on an excessive basis.

Parent concerns about any aspect of his/her child's educational program should be presented through the procedure set forth in Board Policy 9130 - Public Complaints, a copy of which is available at the District office and at each school.

Individual Board members who are interested in visiting schools or classrooms on an unofficial basis shall make the appropriate arrangements with the Principal. In keeping with Board bylaws, such Board member visits shall not be considered to be official unless designated as such by the Board.

The Board member shall be visiting as an interested individual in a similar capacity of any parent or citizen of the community. These visits are not inspections nor are they supervisory in nature.

If, during a visit to a school or program, a Board member observes a situation or condition that causes concern, s/he should discuss the situation first with the District Administrator as soon as convenient or appropriate. Such a report or discussion shall not be considered an official one from the Board.

All commercial, religious, or political representatives must have written permission of the District Administrator and principal of the building concerned before they may contact any District teachers, employees, or students during the school-day.

All visitors to a school of the District must comply with the visitor rules as set forth in Board Policy 7440, Facility Security.

Any individual in violation of this policy may be referred to law enforcement officials for prosecution under applicable state law(s).

Legal

120.13(35), Wis. Stats.

301.475(3)(c), Wis. Stats.

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Book	Policy Manual
Section	For Board Review - Vol. 28, No.1 + Safety Update
Title	PROCEDURE FOR CHARGED MEALS
Code	ag8500A - District Request for Review
Status	Proposed to Policy & Human Resources Committee

#### 8500A - **PROCEDURE FOR CHARGED MEALS**

**[Note: this is only pertinent if the District policy selection in Policy 8500 permits negative account balances]**

It is the responsibility of the parents to provide lunch for their children while at school. However, it is important to provide children the nutrition they need to stay focused during the school day. This procedure shall apply in the event that a child neither has a lunch nor the funds to purchase a lunch.

#### Procedure Negative Food Service Accounts.

1. Automatic notices through the Skyward system will be set by the Food Service Manager. The Food Service Department will notify a family of a low balance starting at \$5 per Board Policy. This will be changed so that only negative account balances will receive Skyward notifications for the summer months.
2. Once balances reach -\$15, a letter will be sent by the Food Service Manager indicating that families will no longer be extended credit starting at a date that allows for delivery of the letter (1 week from the date the letter will be sent). ("Cut Off letter").
3. The Food Service Manager will maintain a deny food service list for each school using the Google Sheet "Food Service Accounts – Confidential." This will be updated at least once per week by the Food Service Manager.
4. The Business Manager, Principal, School Counselor, and School Secretary will receive notification by email from the Food Service Manager when letters are mailed and the Google Sheet "Food Service Accounts – Confidential" is updated.
5. When deposits are made into a listed, negative balance payor account:
  - a. The School Secretary will update the Google Sheet "Food Service Accounts – Confidential" with the date that the account has been made positive.
  - b. The School Secretary will notify the Food Service Manager.
  - c. The Food Service Manager will turn off all stops on the account in the Skyward system.
6. Each morning before 10:00 a.m., the School Counselor or a designee will discreetly check with each student on the "Food Service Accounts – Confidential" sheet to check if a deposit has been made or ensure that the student has a bag lunch from home (and/or in the case of an older student – that the student has money and is planning to go off campus or home for lunch). If the student has no lunch or lunch arrangements, the counselor or office personnel will assist the student in calling a parent or an emergency contact if needed to make lunch arrangements.
7. In cases of verified need, the school counselor has funds available to purchase a meal for a student at their discretion. However, this is only a single day or temporary solution and the Counselor and/or Principal should work with the family and student to make arrangements so that the student brings a lunch the next day. It is the family's responsibility to provide a lunch. At the Counselor's discretion, older students can be taught how to prepare their own bag lunch.

- a. The Counselor has cards that they may give a student to use to purchase a meal.
  - b. The food service staff working the POS computer will keep the card and note the purchase. This will be given to the Food Service Manager.
  - c. The Food Service Manager will enter the purchase and a corresponding payment (donation) into the family account.
  - d. The Food Service Manager will notify the Business Manager of the amount of all purchases using these cards for tracking purposes.
  - e. The Food Service Manager will return the cards to the school counselor's mailbox.
8. The School Counselor and/or Principal will work with the Food Service Manager to provide an alternate meal if this is deemed to be best for the student.
9. The Food Service Manager will supply need-to-know food service staff with the names of students that are no longer allowed to purchase school lunch/breakfast. Food service staff will monitor the food service line. If a student attempts to go through the line, food service staff will notify the student that they are to report to the guidance office before they receive any food. If students refuse to leave the line or are allowed accidentally through the food service line, food service staff must notify the Food Service Manager at their earliest availability. Food service staff may not take away a tray of food from a student or in any way bring attention to a negative balance situation. The Food Service Manager will notify the School Counselor or Principal on the same day of such an occurrence. The Principal or School Counselor will address the student on that same day.
10. Office personnel will enter deposits into family accounts on the same day they are received by 10:00 a.m. Students will NOT be allowed to purchase ala carte items if their balance is negative unless they have a signed and dated note from the school office indicating that their balance is indeed positive on that day.
11. The School Counselor may include the Principal or Business Manager for assistance in contacting families that are difficult to reach. Alternate contact attempts may include sending a certified letter or making a home visit.

**{SELECT OPTION #1 OR OPTION #2}**

**[ ] {OPTION #1}**

An elementary student (Grades \_\_\_\_\_) may charge **{OPTION 1}: ( )** three (3) meals **( )** five (5) alternative meals **[select only if alternative meals are made available]** **{OPTION #2}: ( )** \_\_\_\_\_ meals **( )** \_\_\_\_\_ alternative meals **[select only if alternative meals are made available]** **{OPTION #3}: may charge up to \$\_\_\_\_\_.** **[END OF OPTION]**. An alternative meal consists of a cheese or peanut butter sandwich, fruit, and milk. Prior to meal service the student's teacher will be given a note to let the student know they will be receiving an alternative lunch that day and to allow them to attempt to contact their parent one (1) more time. This will eliminate any surprises on the child's part and provide the parent with one (1) more opportunity to pay the student's charge balance.

A middle school student (Grades \_\_\_\_\_) may charge **{OPTION 1}: ( )** three (3) meals **( )** five (5) alternative meals **[select only if alternative meals are made available]** **{OPTION #2}: ( )** \_\_\_\_\_ meals **( )** \_\_\_\_\_ alternative meals **[select only if alternative meals are made available]** **{OPTION #3}: may charge up to \$\_\_\_\_\_.** **[END OF OPTION]**

A high school student may charge **{OPTION 1}: ( )** three (3) meals **( )** five (5) alternative meals **[select only if alternative meals are made available]** **{OPTION #2}: ( )** \_\_\_\_\_ meals **( )** \_\_\_\_\_ alternative meals **[select only if alternative meals are made available]** **{OPTION #3}: may charge up to \$\_\_\_\_\_.** **[END OF OPTION]** (Grades \_\_\_\_\_) may charge only **( )** one (1) meal OR **( )** \_\_\_\_\_ meals. **[END OF OPTION]**

Disabled and handicapped students at all grade levels will continue to receive their school meals with no interruption while their parents are being contacted for payment.

No student that is receiving free lunch may be denied lunch even if the student has a negative account balance and no student receiving reduced price lunch may be denied a lunch if the student has sufficient cash on hand to pay for the meal, regardless of whether the student has a negative account balance. **[DRAFTING NOTE: A student receiving free lunch could still have a negative balance if the student qualified for free lunch after a period of initial enrollment during which time the negative balance had accumulated]**

**{END OF OPTION #1}**

**OR**

**[ ] {OPTION #2}**

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**{END OF OPTION #2}**



Every effort shall be made by school personnel to avoid embarrassing or in any way harming the student as a result of account deficiencies.

**[IF ALTERNATIVE MEALS WILL BE MADE AVAILABLE - REVIEW THE FOLLOWING SECTION]**

Alternative meals provided to students that receive free or reduced priced meals

**[OPTION #1]**

will be claimed for reimbursement  and any balance charged to the student. These meals will be the least expensive entree item in the USDA meal pattern. **[For Districts that Offer items as opposed to Serve them]** Students will be offered at least five (5) lunch components  and four (4) breakfast components.

**[OPTION #2]**

Will not be claimed for reimbursement to the food service program and will not be charged to the student.

**[END OF OPTIONS]**

~~A student's parents, teacher, and Principal will all be notified of the delinquency in the student's account each time it is necessary for the student to charge a meal to give the parents time to send a check or cash to school with their child to give to the~~

~~Parents may also pay for school meals via the Internet through the District's Nutrition Services website.~~

Student account balances shall carry over from year to the next, except that upon departure from the District for any reason, any remaining account balance shall be refunded to the parents, unless the parents donate funds back to the program. Students who receive paid or reduced price lunch are not permitted to donate to the food service program any funds left in the student's account upon departure and must be fully refunded to the student or parent.

At the discretion of each Principal, a school or private service fund may be established to pay for student's charged meals, rather than to offer the alternative meal. The Nutrition Services Manager will work with each Principal to determine a payment schedule for these meals.

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Last Modified by Steve LaVallee on June 3, 2019



Book	Policy Manual
Section	1000 Administration
Title	Copy of SECTION 504/ADA PROHIBITION AGAINST DISABILITY DISCRIMINATION IN EMPLOYMENT
Code	po1623
Status	
Adopted	October 17, 2016
Last Revised	November 19, 2018

### 1623 - SECTION 504/ADA PROHIBITION AGAINST DISABILITY DISCRIMINATION IN EMPLOYMENT

The Board prohibits discrimination against any employee or applicant based upon his/her disability. As such, the Board will not engage in employment practices or adopt policies that discriminate on the basis of disability, or otherwise discriminate against qualified individuals with disabilities in regard to job application procedures, the hiring, advancement or discharge of employees, employee compensation, job training, or other terms, conditions and privileges of employment. The Board further will not limit, segregate or classify applicants or employees in any way that adversely affects their opportunities or status because of disability. Additionally, the Board will not participate in any contractual or other relationships that have the effect of subjecting qualified individuals with disabilities who are applicants or employees to discrimination on the basis of disability.

"An individual with a disability" means a person who has, had a record of, or is regarded as having, a physical or mental impairment that substantially limits one or more major life activities. Major life activities are functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, eating, sleeping, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, sitting, reaching, interacting with others, and working.

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

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

The determination of whether an impairment substantially limits a major life activity must be made without regard to the ameliorative effects of mitigating measures such as medication, medical supplies, equipment or appliances, low-vision devices (defined as devices that magnify, enhance, or otherwise augment a visual image, but not including ordinary eyeglasses or contact lenses), prosthetics (including limbs and devices), hearing aid(s) and cochlear implant(s) or other implantable hearing devices, mobility devices, oxygen therapy equipment or supplies, use of assistive technology, reasonable accommodations or "auxiliary aides or services," learned behavioral or adaptive neurological modifications, psychotherapy, behavioral therapy, or physical therapy.

A qualified person with a disability means the individual satisfies the requisite skill, experience, education and other job-related requirements of the employment position such individual holds or desires and, with or without reasonable accommodation, can perform the essential functions of the job in question.

The Board will provide a reasonable accommodation to a qualified individual who has an actual disability or who has a record of a disability unless the accommodation would impose an undue hardship on the operation of the District's program and/or activities. A reasonable accommodation is not necessarily required for an individual who is merely regarded as having a disability.

#### Compliance Officers

The Board designates the following individuals to serve as the District's 504 COs/ADA Coordinators (hereinafter referred to as the "COs").

Carmen O'Brien

Director of Curriculum Assessment  
School District of Manawa  
800 Beech Street  
Manawa, WI 54949  
920-596-5840  
cobrien@manawaschools.org@manawa.k12.wi.us

Daniel Wolfgram  
High School/Junior High School Principal  
School District of Manawa  
800 Beech Street  
Manawa, WI 54949  
920-596-5310  
dwolfgram@manawaschools.org@manawa.k12.wi.us

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

The COs are responsible for coordinating the District's efforts to comply with and fulfill its responsibilities under Section 504 and Title II of the Americans with Disabilities Act, as amended ("ADA"). A copy of Section 504 and the ADA, including copies of their implementing regulations, may be obtained from the District COs.

The COs will oversee the investigation of any complaints of discrimination based on disability, which may be filed pursuant to the Board's adopted internal complaint procedure, and will attempt to resolve such complaints.

The Board will provide for the prompt and equitable resolution of complaints alleging violations of Section 504/ADA. (See Complaint Procedure below.)

### **Training**

The COs will also oversee the training of employees in the District so that all employees understand their rights and responsibilities under Section 504 and the ADA, and are informed of the Board's policies, administrative guidelines, and practices with respect to fully implementing and complying with the requirements of Section 504/ADA.

The Board will provide in-service training and consultation to staff responsible for the education of persons with disabilities, as necessary and appropriate.

### **Facilities**

No qualified person with a disability will, because the District's facilities are inaccessible to or unusable by persons with disabilities, be denied the benefits of, be excluded from participation in, or otherwise be subjected to discrimination under any program or activity to which Section 504/ADA applies.

For facilities constructed or altered after June 3, 1977, the District will comply with applicable accessibility standards. For those existing facilities constructed prior to June 3, 1977, the District is committed to operating its programs and activities so that they are readily accessible to persons with disabilities.

### **Notice**

Notice of the Board's policy on nondiscrimination in employment practices and the identity of the COs will be posted throughout the District, and published in the District's recruitment statements or general information publications.

### **Complaint Procedures**

If a person believes that s/he has been discriminated against on the basis of his/her disability, the person may utilize the following complaint procedures as a means of reaching, at the lowest possible administrative level, a prompt and equitable resolution of the matter.

In accordance with Section 504 of the Rehabilitation Act of 1973 and its implementing regulations ("Section 504"), employees will be notified of their right to file an internal complaint regarding an alleged violation, misinterpretation or misapplication of Section 504. In addition, employees will be notified of their right to file a complaint with the U.S. Department of Education's Office for Civil Rights.

Internal complaints must be put in writing and must identify the specific circumstances or areas of dispute that have given rise to the complaint, and offer possible solutions to the dispute. The complaint must be filed with COs within the time limits specified below. The COs are available to assist individuals in filing a complaint.

### **Internal Complaint Procedure**

The following internal complaint procedure is available to employees for the prompt and equitable resolution of complaints alleging discrimination based upon disability. Use of the internal complaint procedure is not a prerequisite to the pursuit of other remedies, including the filing of a complaint with the U.S. Department of Education's Office for Civil Rights.

- A. An employee with a complaint based on alleged discrimination on the basis of disability may first discuss the problem with the CO.
- B. If the informal discussion does not resolve the matter, or if the employee skips Step A, the individual may file a formal written complaint with the CO. The written complaint must contain the name and address of the individual or representative filing the complaint, be signed by the complainant or someone authorized to sign for the complainant, describe the alleged discriminatory action in sufficient detail to inform the CO of the nature and date of the alleged violation, and propose a resolution. The complaint must be filed within thirty (30) calendar days of the circumstances or event giving rise to the complaint unless the time for filing is extended by the CO for good cause.
- C. The CO will conduct an independent investigation of the matter (which may or may not include a hearing). This complaint procedure contemplates informal, but thorough investigations, affording all interested persons and their representatives, if any, an opportunity to present witnesses and other evidence relevant to the complaint. The CO will provide the complainant with a written disposition of the complaint within ten (10) business days. If no decision is rendered within ten (10) business days, or the decision is unsatisfactory in the opinion of the complainant, the employee may file, in writing, an appeal with the District Administrator. The CO shall maintain the District's files and records relating to the complaint.
- D. The District Administrator will, within ten (10) business days of receiving the written appeal, conduct a hearing with all parties involved in an attempt to resolve the complaint.  
  
The District Administrator will render his/her decision within ten (10) business days of the hearing.
- E. The employee may be represented, at his/her own cost, at any of the above-described meetings/hearings.
- F. 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 or the filing of a court case. Use of this internal complaint procedure is not a prerequisite to the pursuit of other remedies.

If it is determined that the complainant was subjected to unlawful discrimination, the CO must identify what corrective action will be taken to stop, remedy, and prevent the recurrence of the discrimination/retaliation. The corrective action should be reasonable, timely, effective, and tailored to the specific situation.

### **OCR Complaint**

At any time, if an employee believes that s/he has been subjected to discrimination based upon his/her disability in violation of Section 504 or the ADA, the individual may file a complaint with the U.S. Department of Education's Office for Civil Rights ("OCR"). The OCR can be reached at:

U.S. Department of Education  
Office for Civil Rights  
Citigroup Center  
500 W. Madison Street  
Suite 1475  
Chicago, IL 60661  
(312) 730-1560  
FAX: (312) 730-1576  
TDD: (877) 521-2172  
E-mail: [OCR.Chicago@ed.gov](mailto:OCR.Chicago@ed.gov)

### **Retaliation**

Retaliation against a person who makes a report or files a complaint alleging unlawful discrimination, or participates as a witness in an investigation, is prohibited. Specifically, the Board will not discriminate/retaliate against, coerce, intimidate, threaten or interfere with any individual because the person opposed any act or practice made unlawful by Section 504 or the ADA, or because that individual made a charge, testified, assisted or participated in any manner in an investigation, proceeding, or hearing under those laws, or because that individual exercised, enjoyed, aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by those laws.

Legal

29 C.F.R. Part 1630

29 U.S.C. 794, Section 504 Rehabilitation Act of 1973, as amended

34 C.F.R. Part 104

42 U.S.C. 12101 et seq., Americans with Disabilities Act of 1990, as amended

Last Modified by Steve LaVallee on June 3, 2019



Book	Policy Manual
Section	For Board Review - Vol. 28, No.1 + Safety Update
Title	Copy of SECTION 504/ADA PROHIBITION AGAINST DISABILITY DISCRIMINATION IN EMPLOYMENT
Code	po3123
Status	
Adopted	May 16, 2016

### 3123 - SECTION 504/ADA PROHIBITION AGAINST DISABILITY DISCRIMINATION IN EMPLOYMENT

The Board prohibits discrimination against any employee or applicant based upon his/her disability. As such, the Board will not engage in employment practices or adopt policies that discriminate on the basis of disability, or otherwise discriminate against qualified individuals with disabilities in regard to job application procedures, the hiring, advancement or discharge of employees, employee compensation, job training, or other terms, conditions and privileges of employment. The Board further will not limit, segregate or classify applicants or employees in any way that adversely affects their opportunities or status because of disability. Additionally, the Board will not participate in any contractual or other relationships that have the effect of subjecting qualified individuals with disabilities who are applicants or employees to discrimination on the basis of disability.

"An individual with a disability" means a person who has, has a record of, or is regarded as having, a physical or mental impairment that substantially limits one or more major life activities. Major life activities are functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, eating, sleeping, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, sitting, reaching, interacting with others, and working.

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

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

The determination of whether an impairment substantially limits a major life activity must be made without regard to the ameliorative effects of mitigating measures such as medication, medical supplies, equipment or appliances, low-vision devices (defined as devices that magnify, enhance, or otherwise augment a visual image, but not including ordinary eyeglasses or contact lenses), prosthetics (including limbs and devices), hearing aid(s) and cochlear implant(s) or other implantable hearing devices, mobility devices, oxygen therapy equipment or supplies, use of assistive technology, reasonable accommodations or "auxiliary aides or services," learned behavioral or adaptive neurological modifications, psychotherapy, behavioral therapy, or physical therapy.

A qualified person with a disability means the individual satisfies the requisite skill, experience, education and other job-related requirements of the employment position such individual holds or desires and, with or without reasonable accommodation, can perform the essential functions of the job in question.

The Board will provide a reasonable accommodation to a qualified individual who has an actual disability or who has a record of a disability, unless the accommodation would impose an undue hardship on the operation of the District's program and/or activities. A reasonable accommodation is not required for an individual who is merely regarded as having a disability.

#### Compliance Officers

The Board designates the following individuals to serve as the District's 504 COs/ADA Coordinators (hereinafter referred to as the "COs").

Carmen O'Brien  
Director of Curriculum and Assessment

Daniel Wolfgram  
High School/Junior High Principal

School District of Manawa  
800 Beech Street  
Manawa, WI 54949  
920-596-5840  
cobrien@manawaschools.org@manawa.k12-wi-uw

School District of Manawa  
800 Beech Street  
Manawa, WI 54949  
920-596-5310  
dwolfgram@manawaschools.org@manawa.k12-wi-us

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

The COs are responsible for coordinating the District's efforts to comply with and fulfill its responsibilities under Section 504 and Title II of the Americans with Disabilities Act, as amended ("ADA"). A copy of Section 504 and the ADA, including copies of their implementing regulations, may be obtained from the COs.

The COs will oversee the investigation of any complaints of discrimination based on disability, which may be filed pursuant to the Board's adopted internal complaint procedure, and will attempt to resolve such complaints.

The Board will provide for the prompt and equitable resolution of complaints alleging violations of Section 504/ADA. **(See Complaint Procedure below.)**

#### Training

The COs will also oversee the training of employees in the District so that all employees understand their rights and responsibilities under Section 504 and the ADA, and are informed of the Board's policies, administrative guidelines and practices with respect to fully implementing and complying with the requirements of Section 504/ADA.

The Board will provide in-service training and consultation to staff responsible for the education of persons with disabilities, as necessary and appropriate.

#### Facilities

No qualified person with a disability will, because the District's facilities are inaccessible to or unusable by persons with disabilities, be denied the benefits of, be excluded from participation in, or otherwise be subjected to discrimination under any program or activity to which Section 504/ADA applies.

For facilities constructed or altered after June 3, 1977, the District will comply with applicable accessibility standards. For those existing facilities constructed prior to June 3, 1977, the District is committed to operating its programs and activities so that they are readily accessible to persons with disabilities.

#### Notice

Notice of the Board's policy on nondiscrimination in employment practices and the identity of the COs will be posted throughout the District, and published in the District's recruitment statements or general information publications.

#### Complaint Procedures

If a person believes that s/he has been discriminated against on the basis of his/her disability, the person may utilize the following complaint procedures as a means of reaching, at the lowest possible administrative level, a prompt and equitable resolution of the matter.

In accordance with Section 504 of the Rehabilitation Act of 1973 and its implementing regulations ("Section 504"), employees will be notified of their right to file an internal complaint regarding an alleged violation, misinterpretation or misapplication of Section 504. In addition, employees will be notified of their right to file a complaint with the U.S. Department of Education's Office for Civil Rights.

Internal complaints must be put in writing and must identify the specific circumstances or areas of dispute that have given rise to the complaint, and offer possible solutions to the dispute. The complaint must be filed with COs within the time limits specified below. The COs are available to assist individuals in filing a complaint.

#### Internal Complaint Procedure

The following internal complaint procedure is available to employees for the prompt and equitable resolution of complaints alleging discrimination based upon disability. Use of the internal complaint procedure is not a prerequisite to the pursuit of other remedies, including the filing of a complaint with the U.S. Department of Education's Office for Civil Rights.

- A. An employee with a complaint based on alleged discrimination on the basis of disability may first discuss the problem with the CO.
- B. If the informal discussion does not resolve the matter, or if the employee skips Step A, the individual may file a formal written complaint with the CO. The written complaint must contain the name and address of the individual or representative filing the

complaint, be signed by the complainant or someone authorized to sign for the complainant, describe the alleged discriminatory action in sufficient detail to inform the CO of the nature and date of the alleged violation, and propose a resolution. The complaint must be filed within thirty (30) calendar days of the circumstances or event giving rise to the complaint, unless the time for filing is extended by the District CO for good cause.

C. The CO will conduct an independent investigation of the matter (which may or may not include a hearing). This complaint procedure contemplates informal, but thorough investigations, affording all interested persons and their representatives, if any, an opportunity to present witnesses and other evidence relevant to the complaint. The CO will provide the complainant with a written disposition of the complaint within ten (10) work days. If no decision is rendered within ten (10) work days, or the decision is unsatisfactory in the opinion of the complainant, the employee may file, in writing, an appeal with the District Administrator. The CO shall maintain the District's files and records relating to the complaint.

D. The District Administrator will, within ten (10) work days of receiving the written appeal, conduct a hearing with all parties involved in an attempt to resolve the complaint.

The District Administrator will render his/her decision within ten (10) work days of the hearing.

E. The employee may be represented, at his/her own cost, at any of the above-described meetings/hearings.

F. 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 or the filing of a court case. Use of this internal complaint procedure is not a prerequisite to the pursuit of other remedies.

If it is determined that the complainant was subjected to unlawful discrimination, the CO must identify what corrective action will be taken to stop, remedy, and prevent the recurrence of the discrimination/retaliation. The corrective action should be reasonable, timely, age-appropriate and effective, and tailored to the specific situation.

#### OCR Complaint

At any time, if an employee believes that s/he has been subjected to discrimination based upon his/her disability in violation of Section 504 or the ADA, the individual may file a complaint with the U.S. Department of Education's Office for Civil Rights ("OCR"). The OCR can be reached at:

U.S. Department of Education  
Office for Civil Rights  
Citigroup Center  
500 W. Madison Street  
Suite 1475  
Chicago, IL 60661  
(312) 730-1560  
FAX: (312) 730-1576  
TDD: (877) 521-2172  
E-mail: OCR.Chicago@ed.gov

#### Retaliation

Retaliation against a person who makes a report or files a complaint alleging unlawful discrimination, or participates as a witness in an investigation, is prohibited. Specifically, the Board will not discriminate/retaliate against, coerce, intimidate, threaten or interfere with any individual because the person opposed any act or practice made unlawful by Section 504 or the ADA, or because that individual made a charge, testified, assisted or participated in any manner in an investigation, proceeding, or hearing under those laws, or because that individual exercised, enjoyed, aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by those laws.

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Legal                            29 C.F.R. Part 1630  
   29 U.S.C. 794, Section 504 Rehabilitation Act of 1973, as amended  
   34 C.F.R. Part 104  
   42 U.S.C. 12101 et seq., Americans with Disabilities Act of 1990, as amended





Book	Policy Manual
Section	For Board Review - Vol. 28, No.1 + Safety Update
Title	Copy of SECTION 504/ADA PROHIBITION AGAINST DISABILITY DISCRIMINATION IN EMPLOYMENT
Code	po4123
Status	
Adopted	May 16, 2016

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

The Board prohibits discrimination against any employee or applicant based upon his/her disability. As such, the Board will not engage in employment practices or adopt policies that discriminate on the basis of disability, or otherwise discriminate against qualified individuals with disabilities in regard to job application procedures, the hiring, advancement or discharge of employees, employee compensation, job training, or other terms, conditions and privileges of employment. The Board further will not limit, segregate or classify applicants or employees in any way that adversely affects their opportunities or status because of disability. Additionally, the Board will not participate in any contractual or other relationships that have the effect of subjecting qualified individuals with disabilities who are applicants or employees to discrimination on the basis of disability.

"An individual with a disability" means a person who has, has a record of, or is regarded as having, a physical or mental impairment that substantially limits one or more major life activities. Major life activities are functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, eating, sleeping, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, sitting, reaching, interacting with others, and working.

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

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

The determination of whether an impairment substantially limits a major life activity must be made without regard to the ameliorative effects of mitigating measures such as medication, medical supplies, equipment or appliances, low-vision devices (defined as devices that magnify, enhance, or otherwise augment a visual image, but not including ordinary eyeglasses or contact lenses), prosthetics (including limbs and devices), hearing aid(s) and cochlear implant(s) or other implantable hearing devices, mobility devices, oxygen therapy equipment or supplies, use of assistive technology, reasonable accommodations or "auxiliary aides or services," learned behavioral or adaptive neurological modifications, psychotherapy, behavioral therapy, or physical therapy.

A qualified person with a disability means the individual satisfies the requisite skill, experience, education and other job-related requirements of the employment position such individual holds or desires and, with or without reasonable accommodation, can perform the essential functions of the job in question.

The Board will provide a reasonable accommodation to a qualified individual who has an actual disability or who has a record of a disability, unless the accommodation would impose an undue hardship on the operation of the District's program and/or activities. A reasonable accommodation is not required for an individual who is merely regarded as having a disability.

#### **Compliance Officers**

The Board designates the following individuals to serve as the District's 504 COs/ADA Coordinators (hereinafter referred to as the "COs").

Carmen O'Brien  
Director of Curriculum & Assessment

Daniel Wolfgram  
HS/Jr. HS Principal

800 Beech Street  
Manawa, WI 54949

920-596-5840

[cobrien@manawaschools.org](mailto:cobrien@manawaschools.org)[@manawa.k12.wi.uw](mailto:manawa.k12.wi.uw)

800 Beech Street  
Manawa, WI 54949

920-596-5310

[dwolfgram@manawaschools.org](mailto:dwolfgram@manawaschools.org)[@manawa.k12.wi.us](mailto:manawa.k12.wi.us)

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

The District COs are responsible for coordinating the District's efforts to comply with and fulfill its responsibilities under Section 504 and Title II of the Americans with Disabilities Act, as amended ("ADA"). A copy of Section 504 and the ADA, including copies of their implementing regulations, may be obtained from the District COs.

The District COs will oversee the investigation of any complaints of discrimination based on disability, which may be filed pursuant to the Board's adopted internal complaint procedure, and will attempt to resolve such complaints.

The Board will provide for the prompt and equitable resolution of complaints alleging violations of Section 504/ADA. (See Complaint Procedure below.)

#### Training

The District COs will also oversee the training of employees in the District so that all employees understand their rights and responsibilities under Section 504 and the ADA, and are informed of the Board's policies, administrative guidelines and practices with respect to fully implementing and complying with the requirements of Section 504/ADA.

The Board will provide in-service training and consultation to staff responsible for the education of persons with disabilities, as necessary and appropriate.

#### Facilities

No qualified person with a disability will, because the District's facilities are inaccessible to or unusable by persons with disabilities, be denied the benefits of, be excluded from participation in, or otherwise be subjected to discrimination under any program or activity to which Section 504/ADA applies.

For facilities constructed or altered after June 3, 1977, the District will comply with applicable accessibility standards. For those existing facilities constructed prior to June 3, 1977, the District is committed to operating its programs and activities so that they are readily accessible to persons with disabilities.

#### Notice

Notice of the Board's policy on nondiscrimination in employment practices and the identity of the District's COs will be posted throughout the District, and published in the District's recruitment statements or general information publications.

#### Complaint Procedures

If a person believes that s/he has been discriminated against on the basis of his/her disability, the person may utilize the following complaint procedures as a means of reaching, at the lowest possible administrative level, a prompt and equitable resolution of the matter.

In accordance with Section 504 of the Rehabilitation Act of 1973 and its implementing regulations ("Section 504"), employees will be notified of their right to file an internal complaint regarding an alleged violation, misinterpretation or misapplication of Section 504. In addition, employees will be notified of their right to file a complaint with the U.S. Department of Education's Office for Civil Rights.

Internal complaints must be put in writing and must identify the specific circumstances or areas of dispute that have given rise to the complaint, and offer possible solutions to the dispute. The complaint must be filed with a CO within the time limits specified below. The District's CO is available to assist individuals in filing a complaint.

#### Internal Complaint Procedure

The following internal complaint procedure is available to employees for the prompt and equitable resolution of complaints alleging discrimination based upon disability. Use of the internal complaint procedure is not a prerequisite to the pursuit of other remedies, including the filing of a complaint with the U.S. Department of Education's Office for Civil Rights.

- A. An employee with a complaint based on alleged discrimination on the basis of disability may first discuss the problem with the CO.

- B. If the informal discussion does not resolve the matter, or if the employee skips Step A, the individual may file a formal written complaint with the CO. The written complaint must contain the name and address of the individual or representative filing the complaint, be signed by the complainant or someone authorized to sign for the complainant, describe the alleged discriminatory action in sufficient detail to inform the CO of the nature and date of the alleged violation, and propose a resolution. The complaint must be filed within thirty (30) calendar days of the circumstances or event giving rise to the complaint, unless the time for filing is extended by the CO for good cause.
- C. The CO will conduct an independent investigation of the matter (which may or may not include a hearing). This complaint procedure contemplates informal, but thorough investigations, affording all interested persons and their representatives, if any, an opportunity to present witnesses and other evidence relevant to the complaint. The CO will provide the complainant with a written disposition of the complaint within ten (10) work days. If no decision is rendered within ten (10) work days, or the decision is unsatisfactory in the opinion of the complainant, the employee may file, in writing, an appeal with the District Administrator. The CO shall maintain the District's files and records relating to the complaint.
- D. The District Administrator will, within ten (10) work days of receiving the written appeal, conduct a hearing with all parties involved in an attempt to resolve the complaint.
- The District Administrator will render his/her decision within ten (10) work days of the hearing.
- E. The employee may be represented, at his/her own cost, at any of the above-described meetings/hearings.
- F. 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 or the filing of a court case. Use of this internal complaint procedure is not a prerequisite to the pursuit of other remedies.

If it is determined that the complainant was subjected to unlawful discrimination, the CO must identify what corrective action will be taken to stop, remedy, and prevent the recurrence of the discrimination/retaliation. The corrective action should be reasonable, timely, age-appropriate and effective, and tailored to the specific situation.

#### OCR Complaint

At any time, if an employee believes that s/he has been subjected to discrimination based upon his/her disability in violation of Section 504 or the ADA, the individual may file a complaint with the U.S. Department of Education's Office for Civil Rights ("OCR"). The OCR can be reached at:

U.S. Department of Education  
Office for Civil Rights  
Citigroup Center  
500 W. Madison Street  
Suite 1475  
Chicago, IL 60661  
(312) 730-1560  
FAX: (312) 730-1576  
TDD: (877) 521-2172  
E-mail: [OCR.Chicago@ed.gov](mailto:OCR.Chicago@ed.gov)

#### Retaliation

Retaliation against a person who makes a report or files a complaint alleging unlawful discrimination, or participates as a witness in an investigation, is prohibited. Specifically, the Board will not discriminate/retaliate against, coerce, intimidate, threaten or interfere with any individual because the person opposed any act or practice made unlawful by Section 504 or the ADA, or because that individual made a charge, testified, assisted or participated in any manner in an investigation, proceeding, or hearing under those laws, or because that individual exercised, enjoyed, aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by those laws.

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Legal                      29 C.F.R. Part 1630  
                                  29 U.S.C. 794, Section 504 Rehabilitation Act of 1973, as amended  
                                  34 C.F.R. Part 104  
                                  42 U.S.C. 12101 et seq., Americans with Disabilities Act of 1990, as amended

