



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

~~1422—NONDISCRIMINATION AND EQUAL EMPLOYMENT OPPORTUNITY~~

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

~~Policy 1422 states:~~

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

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

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

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

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

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

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

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

Major Life Activities

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

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

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

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

Asymptomatic Conditions

Limits the Ability to Work—Refers to the ability to perform the particular job in question. Asymptomatic HIV/AIDS is a disability where it substantially limits the major life activity of reproduction.

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

Exclusions From Coverage

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

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

Transvestism, transexualism, pedophilia, exhibitionism, voyeurism, gender identity disorders not resulting from physical impairment, or other sexual behavior disorders.—Compulsive gambling, kleptomania, or pyromania.—Psychoactive substance use disorders resulting from the current illegal use of drugs.

Reasonable Accommodation

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

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

It is inappropriate to conclude as a matter of law that any particular kind of action is not required as an accommodation. An accommodation may be "reasonable" and still

pose a "hardship" to the employer.

Essential Functions

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

A job function may be essential for the following reasons:

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

Evidence of whether a particular function is essential includes:

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

Direct Threat

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

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

Medical Exams And Inquiries

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

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

Sex-Based Discrimination

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

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

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

Military Status

For purposes of this policy/administrative guideline, "military status" refers to a person's status in the uniformed services which includes the performance of duty, on a voluntary or involuntary basis, in a uniformed service including active duty, active duty for

~~training, initial active duty for training, inactive duty for training, full-time National Guard duty. It also includes the period of time for which a person is absent from employment for the purpose of an examination to determine the fitness of the person to perform any such duty as listed above.~~

~~Investigation and Complaint Procedure (See Form 1422 F2)~~

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

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Last Modified by Steve LaVallee on July 25, 2021



Book	Administrative Guideline Manual
Section	For Review - Administrative Guidelines - Vol. 30, No. 2 +
Title	NONDISCRIMINATION AND ANTI-HARASSMENT - SECTION 504/ADA - PROHIBITION AGAINST DISABILITY DISCRIMINATION IN EMPLOYMENT
Code	ag1623
Status	
Adopted	February 22, 2018

1623 - SECTION 504/ADA - PROHIBITION AGAINST DISABILITY DISCRIMINATION IN EMPLOYMENT

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

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

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

An individual with a disability is anyone who:

- A. has a physical or mental impairment that substantially limits one or more major life activities ("actual disability");
- B. has a record of having (i.e., has a history of, or has been misclassified as having) a physical or mental impairment that substantially limits one or more major life activities; or

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

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

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

Physical or mental impairment means:

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

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

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

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

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

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

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

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

Individual with a disability includes an individual who:

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

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

Public Notice

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

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

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

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

Equal Employment Opportunity Statement

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

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

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

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

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

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

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

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

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

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

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

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

Reasonable accommodations may include:

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

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

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

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

Employment Criteria

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

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

Pre-employment Inquiries

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

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

Some examples of alternative test formats and reasonable accommodations are:

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

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

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

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

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

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

Interviews

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

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

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

- A. Have you ever had or been treated for any of the following conditions or diseases?
- B. Please list any conditions or diseases for which you have been treated in the past three (3) years.
- C. Have you ever been hospitalized? If so, for what condition?
- D. Have you ever been treated by a psychiatrist or psychologist? If so, for what condition?

- E. Have you ever been treated for any mental condition?
- F. Is there any health-related reason you may not be able to perform the job for which you are applying?
- G. Have you had a major illness in the last five (5) years?
- H. How many days were you absent from work because of illness last year?
- I. Do you have any physical defects that preclude you from performing certain kinds of work? If yes, describe such defects and specific work limitations?
- J. Do you have any disabilities or impairments that may affect your performance in the position for which you are applying?
- K. Are you taking prescribed drugs?
- L. Have you ever been treated for drug addiction or alcoholism?
- M. Have you ever filed for workers' compensation insurance?

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

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

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

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

Investigation and Complaint Procedure

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

Privacy/Confidentiality

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

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

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

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Section	For Review - Administrative Guidelines - Vol. 30, No. 2 +
Title	Copy of NONDISCRIMINATION AND ACCESS TO EQUAL EDUCATIONAL OPPORTUNITY
Code	ag2260 - DELETE
Status	
Adopted	April 23, 2018

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

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

~~That policy states:~~

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

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

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

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

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

~~GENDER-BASED HARASSMENT~~

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

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

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

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

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

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

FACILITIES

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

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

PROGRAM

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

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

Reporting Procedures

~~Students, parents and all other members of the School District community are encouraged to promptly report suspected violations of this policy to a teacher or administrator. Any teacher or administrator who receives such a complaint shall file it with the District's Compliance Officer at his/her first opportunity and the Complaint Procedure detailed in Policy 2260—Nondiscrimination and Access to Equal Educational Opportunity shall be followed.~~

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School District

Due Process Procedures Under Section 504

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

Requesting a Due Process Hearing

- A. ~~If a parent or guardian requests a due process hearing, the request will be forwarded to the Curriculum Director who chairs the Pupil Service Committee.~~
- B. ~~The Director will acknowledge the request in writing within five (5) school days and request the parent to complete a written request, if not already provided, which includes the following information:~~
 1. ~~name of the parties requesting the hearing~~
 2. ~~relationship to the child~~
 3. ~~address of parties requesting the hearing~~
 4. ~~name of the child~~
 5. ~~address of the child~~
 6. ~~school district of the child's residence~~
 7. ~~school district where child is attending~~
 8. ~~description of the nature of the problem the child is experiencing related to the action proposed, including facts relating to the problem and the specific reasons for requesting a hearing~~

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

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Last Modified by Steve LaVallee on July 25, 2021



Book	Administrative Guideline Manual
Section	For Review - Administrative Guidelines - Vol. 30, No. 2 +
Title	NONDISCRIMINATION AND ANTI-HARASSMENT - SECTION 504/ADA PROHIBITION AGAINST DISCRIMINATION BASED ON DISABILITY, INCLUDING PROCEDURES FOR THE IDENTIFICATION, EVALUATION, AND PLACEMENT OF STUDENTS SUSPECTED OF HAVING A DISABILITY, AND THE RIGHT TO FAPE
Code	ag2260.01A
Status	
Adopted	April 23, 2018

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

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

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

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

A person with a disability is anyone who:

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

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

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

Physical or mental impairment means:

- A. any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one (1) or more of the following body systems:
1. neurological;
 2. musculoskeletal;
 3. special sense organs;
 4. respiratory, including speech organs;
 5. cardiovascular;
 6. reproductive;
 7. digestive;
 8. genito-urinary;
 9. hemic and lymphatic;
 10. skin;
 11. endocrine;
- B. any mental or psychological disorder, such as intellectual disability, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

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

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

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

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

Individual with a disability includes an individual who:

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

Notwithstanding the preceding, for purposes of programs and activities, providing educational services, the District may take disciplinary action pertaining to the use or possession of illegal drugs or alcohol against any student who is an individual with a disability and who currently is engaging in the ~~illegal~~ use of illegal drugs or in the use of alcohol to the same extent that such disciplinary action is taken against students who are not individuals with disabilities.

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

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

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

Procedures Applicable to Section 504 Referrals/Evaluations/Plans

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

Referral

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

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

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

Assessment/Evaluation

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

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

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

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

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

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

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

Re-Evaluations

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

Eligibility Determination

Within a reasonable period of time (generally no more than sixty (60) calendar days), the Building CO will convene a Section 504 Intervention Assistance Team ("IAT") Conference. The student's parents will be sent a letter inviting them to attend and participate in the Section 504 IAT conference (Form 2260.01A F9). The letter to the parents should be sent at least seven (7) calendar days prior to the Conference. Parents will also be sent a copy of the Notice of Section 504/ADA Procedural Information Rights. The Section 504 Team IAT shall be composed of persons knowledgeable about the child, the meaning of the evaluation data, and the placement options, and should at a minimum include the Building CO, the designated 504 Case Manager, and the parents. The Section 504 Team IAT may also include general education teacher(s), the student, guidance counselor, school psychologist, the District's Health Coordinator, school nurse, Director of Pupil Services/Special Education, and other persons with knowledge of the student or the suspected disability, and any other individual the parents may wish to bring to the Conference. The purpose of the Conference is to discuss the information gathered, determine whether the student has a disability that makes him/her eligible for specialized services

and/or accommodations/modifications/interventions under Section 504 (i.e. review the impairment/condition and determine whether it substantially limits one (1) or more major life activities), and, if so, determines whether the student requires specialized services and/or accommodations/modifications/interventions in order to receive a ~~free appropriate public education ("FAPE")~~ and to access the District's programs and activities on an equal basis to students without disabilities.

The Building CO will serve as the Chairperson of the Section 504 conference~~IAT Conference~~. The Chairperson has the following responsibilities:

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

At the Section 504 conference~~IAT Conference~~, the Section 504 Team~~IAT~~ will determine the needs, accommodations/modifications/interventions, services and placement for the student, which may include, but are not limited to:

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

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

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

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

Possible Outcomes of the Section 504 Conference~~IAT Meeting~~

- A. Student is eligible for a Section 504 Plan (Form 2260.01A F13). The Section 504 Team~~IAT~~ documents this determination on the Section 504 Summary Evaluation Report (Form 2260.01A F10). Section 504 Plan is developed by the Section 504 Team~~IAT~~. Parents will be given a copy of the Notice of Section 504/ADA Procedural Information and Rights (Form 2260.01A F3).
- B. Student is ineligible for a Section 504 Plan. The Section 504 Team~~IAT~~ documents this determination on the Section 504 Summary Evaluation Report (Form 2260.01A F10). Parents will be given a copy of the Notice of Section 504/ADA Procedural Information and Rights (Form 2260.01A F3).
1. The Section 504 Team~~IAT~~ determines if the student needs interventions pursuant to a RtI Plan. If RtI is determined to be appropriate, the Section 504 Team~~IAT~~ will develop strategies to provide necessary interventions. The interventions should be documented on RtI paperwork. A copy of the RtI plan should be filed in the student's cumulative record folder. A copy of the RtI plan is NOT required to be sent to the District CO.
 2. Student will be served appropriately in the general~~regular~~ education program without written interventions.
- C. The Section 504 Team~~IAT~~ determines that it needs to collect more information before making an eligibility determination.

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

Section 504 Plan

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

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

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

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

Additional Procedures Applicable to Students with Section 504 Plans

A. Prior to the beginning of each school year:

1. The Building CO is responsible for identifying the students in his/her building who have had Section 504 Plans in the past and designating a 504 Case Manager.
2. The designated 504 Case Manager or his/her designee is responsible for obtaining a copy of the previous school year's Section 504 Plans and distributing them to all appropriate staff members.

B. Within the first two (2) months of the school year:

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

C. During the school year:

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

D. Procedural Safeguards:

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

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

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

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

Facilities

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



Book	Administrative Guideline Manual
Section	For Review - Administrative Guidelines - Vol. 30, No. 2 +
Title	Copy of SUMMER SCHOOL
Code	ag2440 - Board Review
Status	
Adopted	April 23, 2018

2440 - **SUMMER SCHOOL**

In accordance with Board policy, the District's summer school curriculum will consist of remedial programs for grades Kindergarten through 12th grade, enrichment programs for grades four (4) year old kindergarten through 12th grade, recreational programs.

Staff members are requested to notify the Principal with regard to those students who could benefit most from summer classes. Parents of said children will be contacted about the recommendation for attendance, but are not required to attend.

A. **Eligibility**

- All school-age children residing in the District have the right to attend a summer or interim session program, including home-school and private-school students. ~~Summer school is open to those who are residents of the School District of Manawa.~~
- Students who have been enrolled in full-time open enrollment must be allowed to attend summer, even if they do not intend to return in the fall. They are eligible to attend summer or interim session school following their first year of full-time attendance. ~~Staff members are requested to contact the parents of children who could benefit from summer school classes but are not required to attend.~~
- () Children who are legal residents of the state, living in the District during the summer session may be given the status of residents of the District for the purpose of attendance at summer or interim session classes, even though the children were not regular residents of the District during the preceding regular school session.

B. **Supervision**

In accordance with guidelines for summer schools established by the Department of Public Instruction which generally follow those required of regular school sessions, the coordinator(s) of Summer School shall carry the same responsibilities as those generally accepted by the Principal of the regular school session. S/He is responsible for the total operation of the school and should give particular attention to the quality of instruction and supervision of his/her staff.

C. **Assignments**

The assignment of students to summer school courses will be based on the District procedures.

D. **Course Offerings**

- To receive advanced credit for a subject not previously taken in high school, the student shall receive class instruction in summer equivalent to an amount not less than the minimum customarily required in high school.
- Courses to be offered in a summer school will be selected by the District Administrator on the advice of the Principals and Summer School Coordinator(s) and with the approval of the Board.
- The District Administrator, acting upon the recommendation of the Principal and Summer School Coordinator(s) may discontinue any course for reasons of insufficient enrollment.

E. Tuition/Fees

1. Nonresident students shall be charged tuition as determined by the District.
2. All students shall be assessed fees for materials as permitted by DPI regulations and may be charged a reasonable fee for any social, recreational, or extra-curricular activity.
3. A refund may be requested within the first day of school.
4. Payment in full should be received before school starts, however, a fee waiver may be requested.

F. Performance Responsibilities

1. The Summer School Coordinator(s) shall recommend all personnel, subject to the approval of the Board of Education.
2. The Principals of all participating schools should be consulted for professional staffing recommendations.
3. The Summer School Coordinator(s) shall be responsible for obtaining equipment, supplies, and instructional materials.
4. The Summer School Coordinator(s) shall direct the activities of the professional and support staff members in the performance of their responsibilities.

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Last Modified by Steve LaVallee on September 12, 2021



Book Administrative Guideline Manual
 Section For Review - Administrative Guidelines - Vol. 30, No. 2 +
 Title Copy of NONDISCRIMINATION AND EQUAL EMPLOYMENT OPPORTUNITY
 Code ag3122 - DELETE
 Status
 Adopted May 21, 2018

3122—NONDISCRIMINATION AND EQUAL EMPLOYMENT OPPORTUNITY

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

That policy states:

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

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

Disability Discrimination And Reasonable Accommodation

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

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

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

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

~~accommodation.~~

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

~~Essential Functions~~

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

~~A job function may be essential for the following reasons:~~

- ~~-The reason the position exists is to perform that function~~
 - ~~-There are a limited number of employees available among whom the performance of that job function can be distributed~~
 - ~~-The function may be highly specialized so that the incumbent in the position is hired for his/her expertise or ability to perform the job~~
- ~~Evidence of whether a particular function is essential includes:~~
- ~~-The employer's judgment as to which functions are essential advertising or interviewing applicants for the job~~
 - ~~-The amount of time spent on the job performing the function~~
 - ~~-The consequences of not requiring the incumbent to perform the functions~~
 - ~~-The work experience of past incumbents in the job~~
 - ~~-The current work experience of incumbents in similar jobs~~

~~No provision of the WFEA uses the term essential function.~~

~~Direct Threat~~

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

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

~~Medical Exams And Inquiries~~
~~The ADA specifically prohibits pre-employment disability related inquiries.~~

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

Sex-Based Discrimination

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

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

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

Military Status

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

Investigation and Complaint Procedure

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

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Legal

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

Last Modified by Steve LaVallee on July 25, 2021



Book	Administrative Guideline Manual
Section	For Review - Administrative Guidelines - Vol. 30, No. 2 +
Title	NONDISCRIMINATION AND ANTI-HARASSMENT - SECTION 504/ADA - PROHIBITION AGAINST DISABILITY DISCRIMINATION IN EMPLOYMENT
Code	ag3123
Status	
Adopted	February 22, 2018

3123 - SECTION 504/ADA - PROHIBITION AGAINST DISABILITY DISCRIMINATION IN EMPLOYMENT

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

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

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

An individual with a disability is anyone who:

- A. has a physical or mental impairment that substantially limits one or more major life activities ("actual disability");
- B. has a record of having (i.e., has a history of, or has been misclassified as having) a physical or mental impairment that substantially limits one or more major life activities; or

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

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

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

Physical or mental impairment means:

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

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

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

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

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

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

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

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

Individual with a disability includes an individual who:

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

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

Public Notice

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

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

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

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

Equal Employment Opportunity Statement

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

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

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

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

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

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

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

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

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

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

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

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

Reasonable accommodations may include:

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

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

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

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

Employment Criteria

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

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

Pre-employment Inquiries

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

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

Some examples of alternative test formats and reasonable accommodations are:

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

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

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

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

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

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

Interviews

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

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

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

- A. Have you ever had or been treated for any of the following conditions or diseases?
- B. Please list any conditions or diseases for which you have been treated in the past three (3) years.
- C. Have you ever been hospitalized? If so, for what condition?
- D. Have you ever been treated by a psychiatrist or psychologist? If so, for what condition?

- E. Have you ever been treated for any mental condition?
- F. Is there any health-related reason you may not be able to perform the job for which you are applying?
- G. Have you had a major illness in the last five (5) years?
- H. How many days were you absent from work because of illness last year?
- I. Do you have any physical defects that preclude you from performing certain kinds of work? If yes, describe such defects and specific work limitations?
- J. Do you have any disabilities or impairments that may affect your performance in the position for which you are applying?
- K. Are you taking prescribed drugs?
- L. Have you ever been treated for drug addiction or alcoholism?
- M. Have you ever filed for workers' compensation insurance?

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

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

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

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

Investigation and Complaint Procedure

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

Privacy/Confidentiality

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

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

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

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

3160A - **PHYSICAL EXAMINATION**

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

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

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

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Last Modified by Steve LaVallee on July 25, 2021



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

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

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

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

~~School District of Manawa
800 Beech Street
Manawa, WI 54949
cobrien@manawaschools.org
For additional information contact: District Business Manager
920-596-5332~~

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

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

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

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Last Modified by Steve LaVallee on July 25, 2021



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

4122 — NONDISCRIMINATION AND EQUAL EMPLOYMENT OPPORTUNITY

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

That policy states:

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

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

Disability Discrimination And Reasonable Accommodation

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

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

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

Major Life Activities	<p>EEOC regulations define "major life activities" as functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, eating, sleeping, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working.</p> <p>Major life activities also include the operation of a major bodily function, including, but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.</p> <p>An impairment that is episodic in nature or in remission is considered a disability if it would substantially limit a major life activity when active.</p>	<p>means a deterioration, a lessening, or damage to a normal bodily function or bodily condition."</p> <p>Makes achievement unusually difficult—The limitations on an individual's ability to achieve and capacity to work must be beyond normal limitations that might render a person unable to make certain achievements or perform every possible job.</p> <p>The inquiry concerning the effect of an impairment is not about "mere difficulty," but about "unusual difficulty."</p>
Asymptomatic Conditions	<p>Asymptomatic HIV/AIDS is a disability where it substantially limits the major life activity of reproduction.</p>	<p>Limits the Ability to Work—Refers to the ability to perform the particular job in question.</p> <p>Diseases such as HIV/AIDS may be disabilities under the WFEA even if in remission or the person is not otherwise actively suffering from the effects of the disease.</p>
Exclusions From Coverage	<p>A person who is not a "qualified individual with a disability" is not covered by the ADA.</p> <p>A person who is currently engaging in the illegal use of drugs is not a "qualified individual."</p> <p>Homosexuality and bi-sexuality are not impairments, and therefore not disabilities.</p> <p>Other conditions that are specifically excluded from ADA coverage include:</p> <ul style="list-style-type: none"> Transvestism, transexualism, pedophilia, exhibitionism, voyeurism, gender identity disorders not resulting from physical impairment, or other sexual behavior disorders. Compulsive gambling, kleptomania, or pyromania. Psychoactive substance use disorders resulting from the current illegal use of drugs. 	<p>It is not discrimination where the disability is reasonably related to the individual's ability to adequately undertake the job-related responsibilities of that individual's employment, membership, or licensure.</p>
Reasonable Accommodation	<p>The employer must demonstrate that accommodation would impose "undue hardship" on operation of business.</p>	<p>Employer has the burden of proving that an accommodation would pose a "hardship" on the employer's program, enterprise, or business.</p> <p>It is inappropriate to conclude as a matter of law that any particular kind of action is not required as an</p>

~~accommodation.~~

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

~~Essential Functions~~

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

~~A job function may be essential for the following reasons:~~

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

~~Evidence of whether a particular function is essential includes:~~

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

~~No provision of the WFEA uses the term essential function.~~

~~Direct Threat~~

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

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

~~Medical Exams And Inquiries~~

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

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

Sex-Based Discrimination

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

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

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

Military Status

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

Investigation and Complaint Procedure

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

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Legal

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

Last Modified by Steve LaVallee on July 25, 2021



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

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

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

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

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

An individual with a disability is anyone who:

- A. has a physical or mental impairment that substantially limits one or more major life activities ("actual disability");
- B. has a record of having (i.e., has a history of, or has been misclassified as having) a physical or mental impairment that substantially limits one or more major life activities; or

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

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

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

Physical or mental impairment means:

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

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

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

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

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

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

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

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

Individual with a disability includes an individual who:

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

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

Public Notice

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

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

I~~that~~ the Board does not discriminate against individuals with disabilities~~disabled persons~~ in employment or the provision of services.

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

Equal Employment Opportunity Statement

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

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

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

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

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

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

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

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

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

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

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

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

Reasonable accommodations may include:

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

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

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

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

Employment Criteria

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

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

Pre-employment Inquiries

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

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

Some examples of alternative test formats and reasonable accommodations are:

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

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

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

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

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

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

Interviews

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

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

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

- A. Have you ever had or been treated for any of the following conditions or diseases?
- B. Please list any conditions or diseases for which you have been treated in the past three (3) years.
- C. Have you ever been hospitalized? If so, for what condition?
- D. Have you ever been treated by a psychiatrist or psychologist? If so, for what condition?

- E. Have you ever been treated for any mental condition?
- F. Is there any health-related reason you may not be able to perform the job for which you are applying?
- G. Have you had a major illness in the last five (5) years?
- H. How many days were you absent from work because of illness last year?
- I. Do you have any physical defects that preclude you from performing certain kinds of work? If yes, describe such defects and specific work limitations?
- J. Do you have any disabilities or impairments that may affect your performance in the position for which you are applying?
- K. Are you taking prescribed drugs?
- L. Have you ever been treated for drug addiction or alcoholism?
- M. Have you ever filed for workers' compensation insurance?

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

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

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

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

Investigation and Complaint Procedure

Any employee or applicant who believes that s/he has been subjected to ~~unlawful~~ discrimination, retaliation, or denied reasonable accommodation may seek resolution of his/her complaint through the procedures described in Policy 4123 - Section 504/ADA Prohibition Against Disability Discrimination In Employment. The complaint procedure involves an investigation of the individual's claims and a process for rendering a decision regarding whether the charges are substantiated.

Privacy/Confidentiality

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

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

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

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Book	Administrative Guideline Manual
Section	For Review - Administrative Guidelines - Vol. 30, No. 2 +
Title	Copy of PHYSICAL EXAMINATION
Code	ag4160A
Status	
Adopted	June 18, 2018

4160A - **PHYSICAL EXAMINATION**

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

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

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

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Last Modified by Steve LaVallee on July 25, 2021



Book	Administrative Guideline Manual
Section	For Review - Administrative Guidelines - Vol. 30, No. 2 +
Title	Copy of IMPORTANT NOTICE OF EMPLOYEES' RIGHT TO DOCUMENTATION OF HEALTH COVERAGE
Code	ag4421A - DELETE
Status	
Adopted	June 18, 2018

~~4421A—IMPORTANT NOTICE OF EMPLOYEES' RIGHT TO DOCUMENTATION OF HEALTH COVERAGE~~

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

~~To obtain a certificate, the employee should mail or email a written request to:
School District of Manawa
800 Beech Street
Manawa, WI 54949
cobrien@manawaschools.org~~

~~For additional information contact: Business Manager
920-596-2332~~

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

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

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

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Last Modified by Steve LaVallee on July 25, 2021



Book	Administrative Guideline Manual
Section	For Review - Administrative Guidelines - Vol. 30, No. 2 +
Title	Copy of ADMISSION TO THE DISTRICT
Code	ag5111
Status	
Adopted	August 20, 2018

5111 - ADMISSION TO THE DISTRICT

Students who qualify for admission to District schools, in accordance with Board of Education Policy 5111, shall be accepted when the following documents have been submitted:

- A. a birth certificate or other appropriate documentary evidence
- B. court orders or placement papers, if applicable
- C. proof of residency consisting of a deed, building permit, rental agreement, or tax statement.

If a birth certificate is not available, the parent is to submit the documentary evidence. If custody has been established by the courts, a copy of the court order must be submitted. If such verification is not received within thirty (30) days or the document appears to be inaccurate or suspicious, the principal shall notify local law enforcement.

The sending school shall be contacted within twenty-four (24) hours of the student's entry into the school and requested to send all appropriate records.

Immunization requirements are to be in accordance with AG 5320. The staff member enrolling the student is to check the immunization record the parent submits against the requirements listed in AG 5320 to determine if there are any discrepancies or missing inoculations. If so, the parent is to be informed that the needed inoculations must be completed within the next two calendar weeks or as soon thereafter as the schedule for the missing inoculations permits. The principal is to be provided the names of all children who have not met the immunization requirements and the dates by which missing inoculations are to be completed.

~~A student shall be considered homeless under Federal law (42 U.S.C. 11431 et seq) if s/he is an individual who:~~

- ~~A. lacks a fixed, regular, and adequate nighttime residence;~~
- ~~B. has a primary nighttime residence that is:~~
 - ~~1. a supervised publicly or privately operated shelter designed to provide temporary living accommodations (including welfare hotels, congregate shelters, or transitional housing for the mentally ill);~~
 - ~~2. an institution that provides temporary residence for individuals intended to be institutionalized;~~
 - ~~3. a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.~~

Homeless children and youth are defined under Federal law (42 U.S.C. 11431 et seq.) as individuals who lack a fixed, regular, and adequate nighttime residence, and include children and youth who meet any of the following criteria:

- 1. share the housing of other persons due to loss of housing, economic hardship, or similar reason;

2. live in motels, hotels, trailer parks, or camping grounds due to a lack of alternative adequate accommodations;
3. live in emergency or transitional shelters;
4. are abandoned in hospitals;
5. have a primary night time residence that is a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings; or
6. live in a car, park, public space, abandoned building, substandard housing¹, bus or train station, or similar setting.

Pursuant to the McKinney-Vento Act, an unaccompanied youth includes a homeless child or youth not in the physical custody of a parent or guardian.

High school students transferring from another school district must submit an official transcript from the sending school in order for the student to receive credit for course work. Report cards will not be considered sufficient evidence for granting credit toward graduation.

If a parent (or adult student) presents information to the District certifying that the parent (or adult student), his/her child, or a member of the parent's household is a participant in the Safe at Home/Address Confidentiality Program administered by the Wisconsin Department of Justice, the Board shall use the address designated by the Department of Justice to serve as the student's address for enrollment purposes. The District shall place a copy of any certification provided by the parent in the enrollment files.

Note:

¹ According to nonregulatory guidance from the U.S. Department of Education (ED), standards for adequate housing may vary by locality. Please see ED guidance for factors to consider when determining whether a child or youth is living in "substandard housing."

Education for Homeless Children and Youth Programs, Non-Regulatory Guidance, U.S. Department of Education (ED), Title VII-B of the McKinney-Vento Homeless Assistance Act, as amended by the Every Student Succeeds Act, at A-3 (July 27, 2016).

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Legal 42 U.S.C. 11431 et seq. (McKinney Vento Homeless Act)
 69.24, Wis. Stats.

Last Modified by Steve LaVallee on July 25, 2021



Book	Administrative Guideline Manual
Section	For Review - Administrative Guidelines - Vol. 30, No. 2 +
Title	Copy of ADMISSION TO KINDERGARTEN
Code	ag5112A - Add Early Entrance Procedures for 4K???
Status	
Adopted	August 20, 2018

5112A - ADMISSION TO KINDERGARTEN

Kindergarten Registration

The following guidelines shall be followed for the registration of all kindergarten students.

- A. Children must be four (4) years old on or before September 1st to be enrolled in four (4) year old kindergarten (4K).
- B. Children must be five (5) years old on or before September 1st to be enrolled in five (5) year old kindergarten (5K).
- C. Children must be registered by their parent(s) or guardian(s). Guardians must present proper certification of legal guardianship and, when applicable, a parent is to provide a copy of any custody arrangements.

If a birth certificate is not provided, the parent is to submit documentary evidence. If custody has been established by the courts, a copy of the court order must be provided.
- D. Children transferring from another public or private kindergarten who do not meet the age requirements may be admitted.
- E. All registrants shall receive a kindergarten screening as determined by the principal.
- F. Individual classroom assignments will be made by the building principal.

Early Entrance Criteria

A. Rationale

The District shall provide for early admission to kindergarten and first grade for qualified students.

B. Application

Referrals are made by school principals or directly by parent request at the time of kindergarten screening but no later than May 15th.

The evaluation shall be made prior to the enrollment date.

C. Early Entrance to Kindergarten

The parent or guardian of a child who will not be five (5) years of age by September 1st in the school year the child proposes to enter kindergarten, may apply to have their child admitted to kindergarten at the onset of the upcoming school year.

The following procedures shall be followed:

1. A referral for evaluation shall be completed by the parent/guardian and submitted to the Special Education Director. Completion of this document shall include rationale for early entrance, summary of the child's strengths/weaknesses and serve as the application for early admission. The completed referral shall be discussed with parent/guardian by the Special Education Director and/or other pupil services personnel. The intent is to review Board Policy on early entrance, ensure all appropriate information has been obtained and explain rationale for the ensuing school psychological evaluation.
2. At the discretion of the Special Education Director, it is possible that other District personnel may be asked to complete an evaluation.
3. A written report summarizing results and recommendation for or against early entrance to kindergarten shall be provided to and discussed with parent/guardian.
4. The child must participate in the District's kindergarten screening if the child has not been a participant in the District's 4K program.
5. Screening must be completed and results explained to parents/guardian prior to parents requesting an early entrance to kindergarten evaluation.
6. An evaluation of the child's potential to benefit from early admission to kindergarten shall be the focus of the school psychological evaluation and, ultimately, central to the decision for early admission. This evaluation will be conducted by School District of Manawa personnel. The evaluation shall address the child's emotional stability, social/emotional/mental maturity, physical health and pre-academic readiness skills (i.e., cognitive, motor, language, letter/number concepts), all of which must be exceedingly well established.
7. This evaluation shall be at no cost to the parent/guardian.
8. Subsequent to the evaluation being completed, a conference shall be held with parent/guardian to review results and consider the appropriateness of early entrance into kindergarten. Participants shall include the Building Administrator, Special Education Director and where appropriate, other District personnel may participate. If the conclusion is to allow early entrance to kindergarten, a written recommendation will be made to the District Administrator and Board of Education.
9. If the conclusion is to not allow early entrance to kindergarten, the parent/guardian may provide a written appeal to the Board of Education. The Board of Education has the final authority for deciding whether or not the child is to be admitted for early entrance to kindergarten. The Building Administrator will provide the parent/guardian a written summary of the Board of Education's conclusion.
10. Early admission to kindergarten may be granted if the child has started a certified kindergarten program. This will generally apply to transfer students from states with a later entrance date than Wisconsin's. The same will apply to children who request early admission to first grade.

D. Early Entrance to First Grade

The parent or guardian of a child who will not be six (6) years of age by September 1st in the school year the child proposes to enter first grade, may apply to the Board of Education to have their child admitted to first grade at the onset of the upcoming school year.

The following procedures shall be followed:

1. The child who has been approved for early admission to kindergarten and successfully completed kindergarten, started first grade in another school or completed a program the District deems equivalent to kindergarten may be approved for early admission to first grade. Given the latter scenario, the parent/guardian will have responsibility to provide the Building Administrator with all necessary documentation pertaining to the curriculum provided the child. Subsequently, a conference shall be held with the parent/guardian and district personnel to review information provided and consider the appropriateness of early entrance to first grade.
2. The child who has not met the aforementioned conditions but who has, nevertheless, met standards outlined in other sections of this guideline and whose educational welfare would best be served by placement in first grade may be

considered for early admission to first grade. Procedures in the Early Entrance to Kindergarten of this guideline shall then be followed.

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Last Modified by Steve LaVallee on July 25, 2021



Book	Administrative Guideline Manual
Section	For Review - Administrative Guidelines - Vol. 30, No. 2 +
Title	Copy of ADMISSION OF STUDENTS PARTICIPATING UNDER OPEN ENROLLMENT
Code	ag5113
Status	
Adopted	August 20, 2018

5113 - ADMISSION OF STUDENTS PARTICIPATING UNDER OPEN ENROLLMENT

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

- A. harmonize to the extent possible Sections 118.145(4), 118.51, 118.52;
- B. give priority to its resident students regarding intra-District open enrollment opportunities;
- C. take account, as appropriate, of individual rights under the Wisconsin and United States Constitution.

Full-Time Open Enrollment

A. Application Procedures for Nonresident Students

Applications from nonresidents for full-time open enrollment into a District school must:

1. be submitted on the form provided by the Department of Public Instruction ("DPI"); **and**
2. be received between the first Monday in February and the last weekday in April, unless otherwise provided by the DPI or as described in Section K, below - Alternative Application Procedures.

If a student submits applications to more than three (3) nonresident school districts, all applications submitted are invalid.

Untimely applications will not be processed nor will the review process be delayed by failure to submit supporting documentation. Copies of all nonresident student applications will be sent to the resident school district of each nonresident student and the DPI no later than the first weekday after the last weekday in April unless otherwise provided by the DPI.

The District shall provide to any nonresident district to which a resident student with a disability has applied for open enrollment a copy of the student's Individualized Education Program no later than the first Friday following the first Monday in May.

B. Timetable for Decisions on Applications

District decisions on full-time open enrollment applications will be made after April 30th and no later than the Friday following the first Monday in June, unless otherwise provided by the DPI and/or (waiting list provisions of this guideline).

C. Procedure for Processing of Open Enrollment Applications

If there are more applications than spaces, the Board will fill the available spaces by random selection, provided that first priority will be given to nonresident students already attending District schools and their siblings.

If the District determines that space is not otherwise available for open enrollment students in the grade or program to which an individual has applied, the District may nevertheless accept an applicant, who is already attending school in the District.

The District will establish a numbered waiting list of all applicants. When all available slots have been filled by randomly selecting names from all applicants, the remaining names will be drawn randomly and placed on the waiting list in order of selection. The District may approve attendance by non-resident students on the waiting list up to the third Thursday in September, provided that the student will be in attendance in the District by the third Friday in September.

D. Decisional Criteria for Nonresident Applications

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

1. The availability of space in the schools, programs, classes, or grades within the District. In determining the amount of space available, the District will count resident students, students attending the District for whom tuition is paid under 121.78(1)(a), Wis. Stats. and may include in its counted occupied spaces students and siblings of students who have applied under Section 118.51(3)(a) or (3m)(a) and are already attending public school in the District. Other factors the District Administrator may consider include:
 - a. District practices, policies, procedures or other factors regarding class size ranges for particular programs or classes.
 - b. District practices, policies, procedures or other factors regarding faculty-student ratio ranges for particular programs, classes, or buildings.
 - c. Enrollment projections for the schools of the District which include, but are not limited to, the following factors: the likely short and long-term economic development in the community, projected student transfers in and out of the District, preference requirements for siblings of nonresident open enrollment students, the required length of K-12 attendance opportunities for open enrollment students and current and future space needs for special programs, laboratories (e.g. in technology or foreign languages) or similar District educational initiatives.
2. Whether an applicant for a pre-kindergarten, four (4) year old kindergarten, early childhood or school operated daycare program resides in a district which offers the program for which application is made.
3. Whether the nonresident student has been expelled from any school district within the current school year or the two (2) preceding school years, or has any pending disciplinary proceeding, based on any of the following activities:
 - a. Conveying or causing to be conveyed any threat or false information concerning an attempt or alleged attempt being made or to be made to destroy school property by means of explosives.
 - b. Engaging in conduct while at school or under school supervision that endangered the health, safety or property of others.
 - c. Engaging in conduct while not at school or while not under the supervision of a school authority that endangered the health, safety, or property of others at school or under the supervision of a school authority or of any school employee or Board member.
 - d. Possessing a dangerous weapon (as defined in Section 939.22(10), Wis. Stats.) while on school property or under school supervision.

~~(Note 1:-~~Notwithstanding the Board's acceptance of a nonresident student's application, the Board may withdraw acceptance if, prior to the beginning of the first school year in which the nonresident student will attend a school in the District, s/he is determined to fall under any of the above, paragraph D. 3.)

~~(Note 2:-~~The Board may request a copy of a nonresident student's disciplinary records from the resident School Board).
4. Whether the special education program or related services described in the nonresident student's individualized education program ("IEP") are available in the District.

5. Whether there is space available in the District to provide the special education or related services identified in the nonresident student's IEP, after consideration of class size limits, student-teacher ratios, and enrollment projections.
6. Whether the non-resident student has been referred to his or her resident school board under Wis. Stat. § 115.777(1) or identified by his or her resident school board under Wis. Stat. 115.77(1m) (a), but not yet evaluated by an individualized education program team.

~~(Note:~~ If a nonresident student's IEP is developed or changed after starting in the District, and it is then discovered that the District does not have necessary programs available or does not have space in the special education program, the District may notify the student's parent and the student's resident school board. If such notice is provided, the nonresident may be transferred to his/her resident school district.)

7. If the Board has made a determination that a non-resident student attending the District under the Open Enrollment Program is habitually truant from the District during either semester of the current school year, the Board may prohibit the student from attending in the succeeding semester or school year.

E. Notice of Decisions

Written notice of acceptance or denial of nonresident applications must be sent to all applicants on or before the first Friday following the first Monday in June. Nonresident students whose applications are accepted shall be notified of the specific school or program that the student may attend the following school year.

The District shall notify any resident student and the nonresident school district if the Board denies enrollment in the nonresident district in writing by the second Friday following the first Monday in June.

Notices of denial will include a reason for the determination. Notice of denial for nonresident students will also include notice as to the student's specific place on the waiting list.

1. Additional Notices When a Nonresident Student is Accepted

If the Board approves an open enrollment application of a nonresident student it will also send the following notices:

- a. written notice to the applicant no later than the first Friday following the first Monday in June of the specific school or program that the applicant may attend during the following school year; **and**
- b. notice to the resident School Board no later than July 7th stating the name of the student.

The parents or guardians of an accepted nonresident student must notify the Board no later than the last Friday in June of the student's intent to attend school in the District during the following school year.

- c. If an accepted nonresident student has not attended school in the district by the third Friday in September, the open enrollment is terminated.

2. Additional Notice When a Nonresident Student is Not Accepted but Placed on the Established Waiting List

If space becomes available, the student on the waiting list will be notified in the order in which s/he appears on the list. The student will be sent notice that space is now available and the school to which the student will be placed. The notice will also state that the applicant has ten (10) days to accept the offer of open enrollment from the postmarked date on the notice.

When a selected applicant notifies the District that the open enrollment position is being rejected or fails to respond within ten (10) days, the offer will be rescinded and the space will be offered to the next applicant on the waiting list. The District will continue to notify students on the waiting list of available spaces up to the third Thursday in September of the school year for which the waiting list applies, provided that the student will begin attendance no later than the third Friday in September. A non-resident student accepted for enrollment once the school year has begun may attend the District even if the student has already attended school in the resident school district, but not if the student has enrolled in the current term in another non-resident school district.

Disciplinary Records

The District shall provide the disciplinary records of any resident student that applies for enrollment in a non-resident school district. Such disciplinary records should include but are not limited to: A copy of any expulsion findings and

orders pertaining to the student; a copy of any records of any pending disciplinary proceedings and the length of term of the expulsion; or the possible outcomes of the pending disciplinary proceedings. Such records shall be provided no later than the first Friday following the first Monday in May or within ten (10) days of an application under the Alternative Application Procedures (Section K below).

F. Reapplication Procedures

The Board will not require accepted non-resident students to reapply under the open enrollment policy as long as the student is continuously enrolled in the District. ~~The Board does not require accepted nonresident students to reapply under the open enrollment policy when the nonresident student enters middle school, junior high school, or high school. A nonresident student may be required to reapply only once.~~

G. Transportation

The parents or guardians of a student attending a nonresident school district will be solely responsible for providing transportation to and from the school site or if space is available, or to a scheduled in-District bus stop, The District will provide transportation for a non-resident student with an identified disability for whom transportation is required by his/her IEP, ~~unless the nonresident student is a special education student and transportation is required by his/her IEP.~~

H. Tuition Waivers

Students are eligible for tuition waivers as follows:

1. Current Year Permissive

When the student was:

- a. a resident of the School District on July 1st;
- b. enrolled in the School District on July 1st of the current school year; and
- c. after July 1st changes residence by moving to a new school district.

The District may permit the student to complete the school year. The school district of attendance (the nonresident school district) counts the student in membership.

2. Current Year Mandatory

When the student:

- a. was a resident of the School District and enrolled on either the third Friday in September or the second Friday in January of the current school year;
- b. was enrolled in the School District for at least twenty (20) school days during the current school year; and
- c. changes residence by moving to a new school district.

The District must permit the student to complete the school year. The school district of attendance (the nonresident school district) counts the student in membership.

3. "Additional Year" Mandatory

When the student:

- a. was a resident of the School District on the second Friday in January of the previous school year;
- b. was enrolled in the School District continuously from the second Friday in January of the previous school year to the end of the school term of the previous school year;
- c. ceased to be a resident of the School District after the first Monday in February of the previous school year; and
- d. continues to be a resident of Wisconsin.

The District must permit the student to attend the school year following the year in which the criteria are met. The resident district counts the student in membership and DPI transfers the open enrollment amount to the nonresident district.

I. Rights and Privileges of Nonresident Students

Nonresident students attending school in the District on a full-time basis will have all of the rights and privileges of resident students and will be subject to the same rules and regulations as resident students.

J. Alternative Application Procedures

1. Basis for Open Enrollment Outside Regular Deadlines:

The parent of a non-resident student who wishes to attend a school in the District may apply at any time throughout the year by submitting an application under this alternative application procedure if the student satisfies at least one of the following criteria and has not applied to more than three (3) non-resident school districts:

- a. The resident school board determines that the non- resident student has been the victim of a violent criminal offense, as defined by the Department of Public Instruction. An application is not valid unless the District receives the application within thirty (30) days after the determination of the resident school board.
- b. The student is or has been a homeless student in the current or immediately preceding school year. In this subdivision, "homeless student" means an individual who is included in the category of homeless children and youths, as defined in Policy 5111.01 – Homeless Students.
- c. The non-resident student has been the victim of repeated bullying or harassment and all of the following apply:
 1. The student's parent has reported the bullying or harassment to the resident school board.
 2. Despite action taken by the parents and/or the resident school district the repeated bullying and harassment continues.
- d. The place of residence of the student's parent or guardian and of the student has changed as a result of military orders. An application is not valid unless the District receives the application no later than thirty (30) days after the date on which the military orders changing the place of residence were issued.
- e. The student moved into the state, but resides in another District. An application made on the basis is not valid unless the District receives the application no later than thirty (30) days after moving into this state.
- f. The place of residence of the student has changed as a result of a court order or custody agreement or because the student was placed in a foster home or with a person other than the student's parent, or removed from a foster home or from the home of a person other than the student's parent. An application is not valid unless the District receives the application no later than thirty (30) days after the student's change in residence.
- g. The parent of the non-resident student, the resident school board, and the Board agree that attending school in the District is in the best interests of the student.
- h. The parent of a non-resident student and the Board agree, upon application by the parent, that attending school in the District is in the best interests of the student. The District shall immediately forward a copy of the application to the student's resident district and shall inform the parent of its decision regarding the student's best interests within twenty (20) days of receipt of the application. If approved, the written decision shall include a designation of which school and/or program the student may enroll in.

2. Decisions Regarding Resident Students Seeking Enrollment out of the District under the Alternative Procedure.

The Board shall review all applications received for Open Enrollment out of the District under this section upon receipt. The District shall allow such student's enrollment in a non-resident district unless the District determines that the criteria relied on by the applicant to qualify for the alternative application procedure does not apply to the student.

3. Appeal Procedures

If the District rejects the application of a resident student despite agreement by the parent and a nonresident school district that the interests of the student are best served by enrollment in the non- resident school district, the parent may appeal the decision to the State Department of Public Instruction. The decision of the State Superintendent will be final.

If the District rejects the application because a special education or a related service is not available, the student's parent(s) may appeal the decision to the State Department of Public Instruction within thirty days after the receipt of the notice.

4. If a non-resident student is notified that the Board has approved his or her application to enroll in the District because it is in the best interests of the student, the student may immediately begin attending the school or program in the nonresident school district and shall begin attending the school or program no later than the 15th day following receipt by the parent or the student of the notice of acceptance from the District. If the nonresident student has not enrolled in or attended school in the District by then, the District may notify the student's parent in writing, that the student is no longer authorized to attend the school or program in the District.

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Legal Secs. 118.145(4), 118.51, 118.52, Wis. Stats.
 Subchapter VI of Chapter 121, Wis. Stats.

Last Modified by Steve LaVallee on July 25, 2021



Book	Administrative Guideline Manual
Section	For Review - Administrative Guidelines - Vol. 30, No. 2 +
Title	Copy of IMMUNIZATION OF STUDENTS IN SCHOOL
Code	ag5320
Status	
Adopted	August 20, 2018

5320 - IMMUNIZATION OF STUDENTS IN SCHOOL

Principals are to use the following guidelines in addition to those provided in AG 5111.

Immunizations Which are Medically Contraindicated

- A. A written statement from any licensed physician that an immunization is medically contraindicated for a specified period of time and the reasons for the medical contraindications will exempt a student from the specific immunization requirements for the period of time specified in the physician's statement.
- B. The physician's statement shall be maintained by the school as part of the immunization record of the student.

Specific annual immunization requirements are available from the Wisconsin Department of Health Services and are published and made available to each school district annually. The standards are also available at the Department of Health Services website at - <https://www.dhs.wisconsin.gov/immunization/index.htm>.

If the District conducts a preschool or day-care program, all children must be immunized in accordance with the regulations provided by the Wisconsin [Department of Health Services \(DHS\)](#) Department.

Admission to School

Before a student can be admitted to school, the parents must present documentation that their child has received all required doses of vaccines or that their child has received at least one (1) dose of each of the required vaccines and is waiting to receive the subsequent doses at the appropriate time intervals.

Exemptions: Parent Objections

- A. A student shall be exempted from mandatory immunization if the parent objects in a written signed statement upon the grounds that the proposed immunization interferes with the free exercise of the student's religious rights.
- B. This statement will be kept by the school as part of the student's immunization record.

Documents Accepted as Evidence of Immunization

The following documents will be accepted as evidence of a student's immunization history provided they comply with State requirements and contain the date when each immunization was administered.

- A. an official school record from any school

B. a record from any public health department or the Wisconsin Immunization Registry (WIR)

C. a certificate signed by a licensed physician

If a parent cannot provide any of the above documentation, their child ~~may~~ is not ~~to~~ be admitted until such documentation is provided or until the child has received at least one (1) dose of each required vaccine by the 30th day of school. Such vaccinations, if not covered by medical insurance may be available from the Waupaca County Health Department free of charge. The child may then attend school and must follow guidance from DHS and their health care professional for subsequent vaccinations in accordance to the applicable State laws. Details of student immunization requirements are found each year in the DHS publication entitled Wisconsin School Immunization Requirements. ~~The child may then come to school for a period of two (2) months, after which time either the documentation of previous vaccinations shall have been submitted or the child shall have received the second required dose. The child is then eligible to attend school for another two (2) months. If, at the end of that two (2) month period, documentation still has not been received, the child must receive the third required dose in order to remain in school.~~

Required Records

Each school shall maintain a record of immunization for every student which shall include the date of each individual immunization.

If a student transfers to another school, this record or a copy thereof shall be sent to the new school in accordance with Policy 8330 - Student Records.

Report to be Sent to Local Health Department

A summary report of the immunization status of the students in each school, by total and without students names, shall be sent within forty (40) school days of the start of the school term to the local Department of Health by the Principal.

Records Available for Inspection

The Principal shall make immunization records available for inspection by authorized representatives of the Wisconsin Department of Health Services or the local or County Health Departments, only with parental consent, in the event of an emergency, or as otherwise permitted under State or Federal student record laws.

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Legal 118.125(3), 252.04, Wis. Stats.
 DHS 144 and 146, Wis. Adm. Code

Last Modified by Steve LaVallee on July 25, 2021



Book	Administrative Guideline Manual
Section	For Review - Administrative Guidelines - Vol. 30, No. 2 +
Title	Copy of STUDENT DISCIPLINE
Code	ag5600A - DELETE
Status	
Adopted	August 20, 2018

~~5600A—STUDENT DISCIPLINE~~

~~Guidelines for District and Building Administrators~~

~~The administration shall take a shared role in the establishment and maintenance of appropriate discipline in the school and in the enforcement of appropriate student conduct in accordance with the following guidelines.~~

~~Each principal should:~~

- ~~A. Annually review the behavioral expectations and corresponding consequences;~~
- ~~B. in concert with teachers, plan and conduct in-service activities on classroom management, discipline procedures, follow-up, and any other strategies which will help the staff use effective discipline;~~
- ~~C. provide for supervision for all school-sponsored activities;~~

~~A copy of the behavioral expectations and consequences should be sent to the District Administrator for review and approval.~~

~~Guidelines for Teachers~~

~~Teacher effectiveness and purposeful, well-planned activities are prerequisites to good discipline. Most students will exhibit "good" behavior when they perceive the teacher is competent, consistent, fair, and supportive of school policies.~~

~~The following guidelines should contribute to effective discipline:~~

- ~~A. Establish fair, workable, consistent, and educationally productive procedures by which the classroom and other areas of learning will operate, based on an analysis of the program, the maturity level of the students, and their needs, abilities, and interests.~~
- ~~B. Plan and conduct learning activities that contribute to accomplishing specified objectives and goals, stimulate and encourage application of thought, and require the active participation of the students. Long and frequent activities of data-gathering through lectures, readings, film, etc., without planned opportunities for students to process and apply the information can lead to boredom and indifference—a seedbed for discipline problems.~~
- ~~C. Help set the tone for good discipline by modeling the behaviors expected of students.~~
- ~~D. Inform students of the high expectations regarding discipline and persist in their fulfillment.~~
- ~~E. Initiate parental contact where appropriate and necessary.~~
- ~~F. Support District and building administrators in disciplinary matters and avoid undermining the supervisory guidelines.~~

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Last Modified by Steve LaVallee on July 25, 2021



Book	Administrative Guideline Manual
Section	For Review - Administrative Guidelines - Vol. 30, No. 2 +
Title	Copy of USE OF ANIMALS IN THE CLASSROOM AND ON SCHOOL PREMISES
Code	ag8405A - DELETE - Renumbered/Replacement - 8390
Status	
Adopted	May 21, 2018

~~8405A—USE OF ANIMALS IN THE CLASSROOM AND ON SCHOOL PREMISES~~

~~The Board of Education and administration support the idea that animals can provide a variety of productive learning experiences for students at almost every level. It is important, however, that the following guidelines be observed when instituting an activity or program involving the use of animals. Teachers are encouraged to contact such organizations as the Wisconsin Veterinary Association, the National Wildlife Federation, etc. regarding resource materials and suggested learning activities that may be available to help students increase their understanding of the animal world.~~

- ~~A. Students are to be instructed not to bring personal pets to school at any time without prior written approval of the principal.~~
- ~~B. Upon the approval of the principal, it is permissible for the class to have one or more animals as classroom pets under the following conditions:~~
- ~~1. the animal is not venomous or vicious~~
 - ~~2. no one is allergic to the particular animal~~
 - ~~3. proper examination/immunization has been done by a qualified veterinarian~~
 - ~~4. arrangements have been made for housing the animal safely, comfortably, cleanly, and in a manner that does not disrupt the classroom environment~~
 - ~~5. arrangements have been made for the proper care of the animal when school is not in session~~
 - ~~6. rules have been established and understood regarding when and how the animal is to be treated by the students~~
- ~~C. When animals are to be brought into the school or classroom on an ad hoc basis as part of a lesson or series of lessons, all of the conditions stated above apply, and in addition, the teacher is to ensure the proper pick up and return of the animal.~~
- ~~D. Except as set forth above and/or in the case of "service animals" required for use by a person with a disability, no other animals may be on school premises at any time without the approval of building principal.~~
- ~~E. The District may have a service animal removed from the school premises if the animal is out of control and the animal's handler does not take effective action to control it or the animal is not housebroken. The District is not responsible for the care or supervision of a service animal. The service animal is allowed to accompany its human in all areas the human is permitted to go.~~
- ~~F. Owners of pets (see AG 8405A) and service animals (see AG 9160B) brought on school property are responsible for any harm or injury caused by the animal to other students, staff, visitors, and/or property.~~

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Last Modified by Steve LaVallee on July 25, 2021