

MANITOWOC PUBLIC SCHOOL DISTRICT

# Administrative Guideline Manual

46 policies

July 9, 2026

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ADMINISTRATION

ag1100

# DISTRICT ADMINISTRATOR'S ABSENCE FROM THE DISTRICT

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## 1100 - DISTRICT ADMINISTRATOR'S ABSENCE FROM THE DISTRICT

Whenever the Superintendent is away from the District and unavailable to make a decision, and, if not otherwise specified in policy or administrative guidelines, the Director of Pupil Services shall be responsible for determining whether or not a decision must be made prior to the Superintendent's return. If so, then s/he shall:

- A. make the decision;
  
- B. take and/or supervise appropriate action;
  
- C. inform the Superintendent upon his/her return.

Should the Director of Pupil Services also be unavailable, then the Central Office Administrators shall act jointly.

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ADMINISTRATION

ag1230.01

# ADMINISTRATIVE MANUALS AND HANDBOOKS

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## 1230.01 - ADMINISTRATIVE MANUALS AND HANDBOOKS

To ensure that all manuals, handbooks, and booklets are appropriate, each must be consistent with applicable Board of Education policies, adhere to the following guidelines, and be approved by the Superintendent.

Each manual or handbook should include the following types of information:

A. Title page.

B. Table of Contents.

C. One (1) or more sections containing essential rules, procedures, and/or guidelines the reader should follow to accomplish the purpose and goals stated in the document.

The information contained in the document should be clear and logically organized, accurate, sufficient enough so that any intended user could adequately achieve the purpose for which the document was created, and reflect proper use and spelling of the English language.

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ADMINISTRATION

ag1422

# NONDISCRIMINATION AND EQUAL EMPLOYMENT OPPORTUNITY

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## 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 of Education 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**

1 It is the policy of the Board that the District shall not discriminate on the basis of  
 2 disability and shall provide reasonable accommodations to disabled individuals as  
 3 required by State and Federal law.  
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7 In analyzing the District’s duties and responsibilities under State and Federal law, it is  
 8 important to note that the requirements of the Wisconsin Fair Employment Act and the  
 9 Americans With Disabilities Act differ. The following chart summarizes and compares  
 10 the major provisions of these two (2) laws and some of the important differences.  
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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

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		<p>lessening, or damage to a normal bodily function or bodily condition."</p>
<p>Major Life Activities</p>	<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>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>
<p>Asymptomatic Conditions</p>	<p>Asymptomatic HIV/AIDS is a disability where it substantially</p>	<p>Diseases such as HIV/AIDS may be</p>

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	<p>limits the major life activity of reproduction.</p>	<p>disabilities under the WFEA even if in remission or the person is not otherwise actively suffering from the effects of the disease.</p>
<p>Exclusions From Coverage</p>	<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> <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>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>

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	<p>- Psychoactive substance use disorders resulting from the current illegal use of drugs.</p>	
<p>Essential Functions</p>	<p>The fundamental job duties of the employment position which the disabled individual holds or desires, but not the marginal functions of the position.</p> <p>A job function may be essential for the following reasons:</p> <ul style="list-style-type: none"> <li>- The reason the position exists is to perform that function</li> <li>- There are a limited number of employees available among whom the performance of that job function can be distributed</li> <li>- The function may be highly specialized so that the incumbent in the position is hired</li> </ul>	<p>No provision of the WFEA uses the term essential function.</p>

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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

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		- 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

1 stereotyping/gender-nonconformity will be investigated as sex discrimination. This is  
2 true irrespective of the cause of the person's gender non-conforming behavior.

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6 Additionally, employment actions based upon an individual's sexual orientation are  
7 prohibited under Board policy.

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11 Administrators are required to investigate allegations of conduct involving the  
12 discrimination or harassment of an employee or applicant based upon his/her  
13 transgender identity or sexual orientation.

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

## 19 20 21 **Military Status**

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

## 32 33 34 35 **Investigation and Complaint Procedure (See Form 1422 F2)**

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39 Any employee who believes that s/he has been subjected to unlawful discrimination or  
40 retaliation may seek resolution of his/her complaint through the procedures described  
41 in Policy 1422 – Nondiscrimination and Equal Employment Opportunity. The complaint  
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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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ADMINISTRATION

ag1623

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

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

The Board of Education 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;

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F. fringe benefits available by virtue of employment, whether or not administered by the 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 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, unless the accommodation would impose an undue hardship on the operation of the District's program and/or activities. A reasonable accommodation is not necessarily required for an individual who is merely regarded as having a disability.

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 (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

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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

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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

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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 factual matter, they will virtually always 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 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 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.

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

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6 A. individuals who are currently engaging in the illegal use of drugs, when the  
7 District acts on the basis of such use

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11 B. with respect to employment, any individual who is an alcoholic whose current  
12 use of alcohol prevents such individual from performing the duties of the job in  
13 question or whose employment, by reason of such current alcohol abuse, would  
14 constitute a direct threat to property or the safety of others

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18 C. with respect to employment, an individual who has a currently contagious  
19 disease or infection and who, by reason of such disease or infection, would  
20 constitute a direct threat to the health or safety of other individuals or who, by  
21 reason of the currently contagious disease or infection, is unable to perform the  
22 duties of the job

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26 D. an individual on the basis of homosexuality or bisexuality

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29 E. an individual on the basis of:

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33 1. transvestism, transsexualism, pedophilia, exhibitionism, voyeurism,  
34 gender identity disorders not resulting from physical impairment, or  
35 other sexual behavior disorders

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39 2. compulsive gambling, kleptomania, or pyromania, or  
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3. psychoactive substance use disorders resulting from current illegal use of drugs

Individual with a disability includes an individual who:

- A. has successfully completed a supervised drug rehabilitation program and is no longer engaging in the illegal use of drugs, or has otherwise 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 drugs, but is not engaging in such use.

**Public Notice**

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 disabled persons in employment or the provision of services. This requirement may be met by including an insert in existing publications or revising and reprinting publications.

**Equal Employment Opportunity Statement**

1 The Manitowoc School District Board does not discriminate on the basis of race,  
2 color, national origin, sex (including transgender status, change of sex, sexual  
3 orientation, or gender identity), religion, age, pregnancy, disability, national  
4 origin, ancestry, arrest record, or conviction record.  
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8 The Board will also include a notice of reasonable accommodation requirements on  
9 District employment application forms and post notices that employee reasonable  
10 accommodation Request Forms may be obtained from the District's Compliance Officer  
11 (who also serves as its ADA Coordinator) (hereinafter referred to as the "CO").  
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15 **Decision-Making Process for Determining/Identify Reasonable Accommodations**  
16 **and Undue Hardship**  
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19 In determining the appropriate accommodation in the employment situation, the  
20 District will take into account two (2) factors:  
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24 A. the specific abilities and functional limitations of the particular applicant or  
25 employee with a disability; and  
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29 B. the specific functional requirements of the particular job.  
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33 Many times a reasonable accommodation will be obvious and made without difficulty  
34 and at little or no cost. The CO will first inquire of the individual with the disability as to  
35 any possible suggestions s/he may have for a simple change or adjustment that will  
36 serve as an effective accommodation. The District recognizes that employees with  
37 disabilities can be useful sources of the information on what type of accommodation  
38 they need, where to obtain information on appropriate accommodations, and where to  
39 purchase accommodations.  
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1 If, however, the identification of a reasonable accommodation proves difficult, the  
2 District will utilize an informal, interactive process whereby it and the individual will  
3 work together to identify the appropriate accommodation. The interactive process will  
4 include any and/or all of the following steps, as may be appropriate:  
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8 A. Examination of the particular job involved and determination of its purpose and  
9 essential functions. The District will conduct an individual assessment of the  
10 particular job at issue in order to analyze the actual job duties ("essential  
11 functions") and determine the true purpose or object of the job.  
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15 B. The District will then consult with the individual with a disability to find out  
16 his/her specific physical or mental abilities and limitations as they relate to the  
17 essential job functions. This will help the parties to identify the barriers to job  
18 performance and assess how these barriers could be overcome with an  
19 accommodation.  
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23 C. In consultation with the individual, the District will identify potential  
24 accommodations and assess how effective each would be in enabling the  
25 individual to perform essential job functions.  
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29 D. If the parties are still not able to identify an appropriate accommodation, the  
30 District will seek technical assistance.  
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34 E. If there are several effective accommodations that would provide an equal  
35 employment opportunity, the District will select the accommodation that best  
36 serves the needs of the individual and the District. While the District will give the  
37 individual with a disability's preference first consideration, the District may  
38 choose among effective accommodations and select the accommodation that is  
39 less expensive or easier to provide. The District may consider the cost, efficiency  
40 and availability of the alternative accommodations in selecting an effective  
41 accommodation. The District does not have the obligation to provide the "best"  
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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 limitation. The District will respect an individual with a disability's right not to accept an accommodation if 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, s/he may be considered unqualified and may either 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.

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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.

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.

### **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

1 speaking skills (except where those skills are the factors that the test purports to  
2 measure).

### 6 **Pre-employment Inquiries**

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

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18 The District may give a physical agility test at any point in the application or  
19 employment process, since such tests are not medical exams. When the District decides  
20 to give such a test it must give the test to all similarly situated applicants or employees  
21 regardless of disability.  
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25 Some examples of alternative test formats and reasonable accommodations are:  
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29 A. allowing people with certain learning or dexterity disabilities to take extra time  
30 on a test;  
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34 B. assuring the test site is accessible to a person with a mobility impairment;  
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38 C. allowing a person with a mental disability who cannot perform well with  
39 distractions to take a test in a separate room, if a group test setting is not  
40 relevant to the job; and  
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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. 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, 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 where appropriate, if the condition might require emergency treatment; and

1 C. government officials investigating compliance with Section 504, the ADA and/or  
2 the Genetic Information Nondiscrimination Act ("GINA") shall be provided  
3 relevant information upon request.  
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## 7 **Interviews**

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11 All of the topics labeled off-limits with respect to job applications are likewise  
12 prohibited as subjects of inquiry during job interviews. The District, however, may ask  
13 questions that relate to an applicant's ability to perform job-related functions so long as  
14 it does not phrase the questions in terms of disability. The interviewer may ask about  
15 an applicant's ability to perform both essential and marginal job functions. In addition,  
16 the interviewer may describe or demonstrate job function(s) and inquire whether the  
17 applicant can perform that function(s) with or without reasonable accommodation.  
18 Along the same lines, the interviewer may ask the applicant to describe or demonstrate  
19 how, with or without reasonable accommodation, s/he will perform the job-related  
20 functions. Any questions concerning the need for reasonable accommodation should  
21 always be linked with performance on a specific job function. The interviewer should  
22 never ask an open-ended question such as "Will you need a reasonable  
23 accommodation?"  
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26  
27 Interviews should thus concentrate on how applicants will complete tasks that are  
28 essential functions, rather than on eliciting information about the applicant's physical or  
29 mental condition. Similarly, the District may inquire as to an applicant's ability to  
30 perform a job effectively and safely.  
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33 According to the EEOC, the following are examples of questions that cannot be asked  
34 on a job application or during an interview:  
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38 A. Have you ever had or been treated for any of the following conditions or  
39 diseases?  
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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?

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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 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 if all other candidates must do so.)

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

**Investigation and Complaint Procedure**

1 Any employee or applicant who believes that s/he has been subjected to unlawful  
2 discrimination, retaliation, or denied reasonable accommodation may seek resolution  
3 of his/her complaint through the procedures described in Policy 1623 - Section  
4 504/ADA Prohibition Against Disability Discrimination In Employment. The complaint  
5 procedure involves an investigation of the individual's claims and a process for  
6 rendering a decision regarding whether the charges are substantiated.  
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## 10 **Privacy/Confidentiality**

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14 The School District will employ all reasonable efforts to protect the rights of the  
15 Complainant, the Respondent(s), and the witnesses as much as possible, consistent with  
16 the Board's legal obligations to investigate, to take appropriate action, and to conform  
17 with any discovery or disclosure obligations. All records generated under the terms of  
18 this policy shall be maintained as confidential to the extent permitted by law.  
19 Confidentiality, however, cannot be guaranteed. All Complainants will be advised that  
20 their identities may become known to the Respondent(s) through the investigation  
21 process.  
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24 During the course of an investigation, the CO will instruct each person who is  
25 interviewed about the importance of maintaining confidentiality. Any individual who is  
26 interviewed as part of an investigation is expected not to disclose to third parties any  
27 information that s/he learns and/or provides during the course of the investigation.  
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31 All public records created as a part of an investigation of a complaint of  
32 discrimination/retaliation will be maintained in accordance with the School Board's  
33 records retention policy.  
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PROGRAM

ag2531

# COPYRIGHTED WORKS

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## 2531 - COPYRIGHTED WORKS

This School District does not condone the illegal use or reproduction of copyrighted materials in any form. It is the intent of the District to adhere to the United States Copyright Law. The following guidelines should provide guidance in this report.

### **An Overview of Copyright Issues**

#### A. What is protected by copyright law?

Works that may be protected by copyright include literary works, musical works, dramatic works, pictures, graphics, sculptures, films, videotapes, sound recordings, and computer programs.<sup>1</sup> Copyright protection does not extend to ideas, facts, slogans, symbols, procedures, methods, or systems.<sup>2</sup> U.S. Government publications are not protected, unless the Government received the copyright by assignment, bequest, or otherwise.<sup>3</sup>

#### B. What is prohibited by copyright law?

The exclusive rights of a copyright owner include reproduction, adaptation, publication, performance, and display.<sup>4</sup>

**Violating any of the exclusive rights of a copyright owner is**

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**infringement, and the infringer may be subject to civil and/or criminal penalties.<sup>5</sup>**

C. Are there exceptions?

The Copyright Act provides several exceptions to the general rule prohibiting use of copyrighted material, including the fair use doctrine<sup>6</sup>, the first sale doctrine<sup>7</sup>, exemptions for libraries<sup>8</sup>, and therefore it may be impossible for a lay person to say with certainty that their use falls within one of these exemptions.<sup>9</sup>

For further information, one may consult the cited references, (internet websites are provided) or consult the District's Copyright Officer.

While primarily driven by statute, these exceptions are often subject to the facts of a given situation, and therefore these guidelines summarize some aspects of the Copyright Laws including some exceptions that have been defined by statute, congressional history regulation, judicial precedent, or other relevant authority or governing body.

Do not assume that your use of copyrighted material is "ok" without consulting the accompanying guidelines.

D. What if my intended use isn't allowed under these guidelines?

**Get permission!!!**

**Public Performance/Display of Copyrighted Works**

**In General**

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The owner of a copyright in literary, musical, dramatic, and choreographic works, pantomimes, and motion pictures and other audiovisual works has an exclusive right to publicly perform and display the work.<sup>10</sup> Thus, one might be held liable for copyright infringement for publicly performing any copyrighted work (e.g., publicly reading from a book) unless s/he either (1) has obtained a license from the copyright owner or (2) the public performance is considered "fair use". In the classroom setting, in order to allow teachers to use educational materials, several situations qualify as "fair use".

### **Performance/Display in the Course of Face-to-Face Teaching**

#### **A. Any work (except for motion pictures or other audiovisual works)**

Any copyrighted work except for motion pictures or other audiovisual works, may be performed or displayed, if:

1. instructors or students use it as part of face-to-face teaching activities, and
2. the performance or display takes place in a classroom or similar place of instruction.<sup>11</sup>

#### **B. Motion pictures and other audiovisual works**

Any motion picture or other audiovisual work may be performed or displayed in accordance with the above provisions for other works, unless:

1. the copy used by the instructor or student was pirated; and

1                   2. the person responsible for the performance or display had reason to  
2                   believe it was pirated.<sup>12</sup>  
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## 6                   **Performance/Display Outside of Face-to-Face Teaching** 7 8 9

10                  A nondramatic literary or musical work may be performed or displayed even if it is not  
11                  part of face-to-face teaching activities, if the performance is live and is not for  
12                  commercial gain.<sup>13</sup>  
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15  
16                  On the other hand, a dramatic work that is used outside of "face-to-face" teaching  
17                  activities would require obtaining permission from the copyright owner. Also, treating a  
18                  class to an in-class movie unrelated to course content would likely be outside of "face-  
19                  to-face" teaching activity and would require obtaining permission from the copyright  
20                  owner.  
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24                  The copyright statutes do not define "dramatic" and "nondramatic" works. It is probably  
25                  safe to assume that "dramatic" works (1) relate to a story and (2) a substantial portion is  
26                  visually or audibly represented as actually occurring, rather than being narrated or  
27                  displayed.<sup>14</sup> For example, a play is a dramatic work.  
28

## 29 30 31                  **Reproduction of Copyrighted Works** 32 33 34

### 35                  **In General** 36 37 38

39                  A copyright holder has the exclusive right to reproduce, prepare derivative works, and  
40                  distribute copies.<sup>15</sup> In order to provide teachers with necessary classroom materials,  
41                  the following examples help delineate "fair use" under the copyright statute.  
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## **Books & Periodicals**

As for books and periodicals, teachers may engage in the following activities:

### **A. When Teachers May Make a Single Copy**

A single copy may be made of any of the following by or for a teacher, at his/her individual request, for his/her scholarly research, or use in teaching or preparation to teach a class:

1. A chapter from a book;
2. An article from a periodical or newspaper;
3. A short story, short essay, or short poem, whether or not from a collective work;
4. A chart, graph, diagram, drawing, cartoon or picture from a book, periodical, or newspaper.<sup>16</sup>

### **B. When Teachers May Make Multiple Classroom Copies**

Multiple copies (not to exceed in any event more than one (1) copy per student in a course) may be made by or for the teacher giving the course for classroom use or discussion; provided that:

1. the copying meets the test of brevity and spontaneity as defined below;
2. the copying meets the cumulative effect test as defined below;
3. each copy includes a notice of copyright.<sup>17</sup>

### C. Definitions

#### 1. Brevity

a. **Poetry:** (1) A complete poem if less than 250 words and if printed on not more than two (2) pages; (2) from a longer poem, an excerpt of not more than 250 words.<sup>18</sup>

b. **Prose:** (1) Either a complete article, story or essay of less than 2,500 words; (2) an excerpt from any prose work of not more than 1,000 words or ten percent (10%) of the work, whichever is less, but in any event a minimum of 500 words.<sup>19</sup>

(Each of the numerical limits stated in "a." and "b." above may be expanded to permit the completion of an unfinished line of a poem or of an unfinished prose paragraph.)<sup>20</sup>

c. **Illustration:** One chart, graph, diagram, drawing, cartoon or picture per book or per periodical issue.<sup>21</sup>

d. **"Special" works:** Certain works in poetry, prose or in "poetic prose" which often combine language with illustrations and which are intended sometimes for children and at other times for a more general audience fall short of 2,500 words in their entirety. Paragraph "b" above notwithstanding such "special works" may not be reproduced in their entirety; however, an excerpt

1 comprising not more than two (2) of the published pages of such  
2 special work and containing not more than ten percent (10%) of  
3 the works found in the text thereof, may be reproduced.<sup>22</sup>  
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5 **2. Spontaneity**  
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- 7 a. The copying is at the instance and inspiration of the individual  
8 teacher.<sup>23</sup>  
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11 b. The inspiration and decision to use the work and the moment of  
12 its use for maximum teaching effectiveness are so close in time  
13 that it would be unreasonable to expect a timely reply to a request  
14 for permission.<sup>24</sup>  
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17 **3. Cumulative Effect**  
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- 19 a. The copying of the material is for only one (1) course in the school  
20 in which the copies are made.<sup>25</sup>  
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23 b. Not more than one (1) short poem, article, story, essay or two (2)  
24 excerpts may be copies from the same author, nor more than  
25 three (3) from the same collective work or periodical volume  
26 during one (1) class term.<sup>26</sup>  
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29 c. There shall not be more than nine (9) instances of such multiple  
30 copying for one (1) course during one (1) class term.<sup>27</sup>  
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32 (The limitations stated in "b" and "c" above shall not apply to  
33 current news periodicals and newspapers and current news  
34 sections of other periodicals.<sup>28</sup>  
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37 **D. Prohibitions as to the Sections Presented Above**  
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39 Notwithstanding any of the above, the following are prohibited:  
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1. Copying shall not be used to create or to replace or substitute for anthologies, compilations or collective works. Replacement or substitution may not occur whether copies of various works or excerpts therefrom are accumulated or reproduced and used separately.<sup>29</sup>
  
2. There shall be no copying of or from works intended to be "consumable" in the course of study or of teaching. These include workbooks, exercises, standardized tests and test booklets and answer sheets and like consumable material.<sup>30</sup>
  
3. Copying shall not:
  - a. substitute for the purchase of books, publishers' reprints or periodicals;<sup>31</sup>
  
  - b. be directed by higher authority;<sup>32</sup> nor
  
  - c. be repeated with respect to the same item by the same teacher from term to term.<sup>33</sup>
  
4. No charge shall be made to the student beyond the actual cost of the photocopying.<sup>34</sup>

### **Televised Programs and Videotapes**

1 If an educational institution has obtained a license that allows the institution to copy,  
2 redistribute, publicly perform or otherwise use a copyrighted work, the terms of the  
3 license agreement govern. If however, the institution has not purchased a license for  
4 public performance or reproduction, there are a limited number of scenarios in which a  
5 teacher may lawfully copy a videotape or other audiovisual work. The remainder of this  
6 section delineates when a teacher may lawfully reproduce an audiovisual work in the  
7 absence of a license agreement.  
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### 9 10 11 **Reproduction of Television Broadcasts for Later Viewing**

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15 A. A broadcast program may be recorded off-air simultaneously with broadcast  
16 transmission (including simultaneous cable retransmission) and retained for a  
17 period not to exceed the first forty-five (45) consecutive calendar days after date  
18 of recording. Upon conclusion of such retention period, all off-air recordings  
19 must be erased or destroyed immediately. "Broad cast programs" are television  
20 programs transmitted by television stations for reception by the general public  
21 without charge.<sup>35</sup>  
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25 B. Off-Air recordings may made only at the request of and used by individual  
26 teachers, and may not be regularly recorded in anticipation of requests.<sup>36</sup>  
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30 C. No broadcast program may be recorded off-air more than once at the request of  
31 the same teacher, regardless of the number of times the program may be  
32 broadcast. The off-air recording may be repeated once only when instructional  
33 reinforcement is necessary.<sup>37</sup>  
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### 35 **Music**

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39 The owner of a copyright in a musical work has an exclusive right to reproduce, prepare  
40 derivative works, distribute, and publicly perform his/her music.<sup>38</sup> Nonetheless, certain  
41 permissible uses may be considered "fair use".  
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### **Permissible Uses**

- A. Emergency copying to replace purchased copies which for any reason are not available for an imminent performance provided purchased replacement copies shall be substituted in due course.<sup>39</sup>
  
- B. For academic purposes other than performance, single or multiple copies of excerpts of works may be made, provided that the excerpts do not comprise a part of the whole which would constitute a performable unit such as a section, movement or aria, but in no case more than ten percent (10%) of the whole work. The number of copies shall not exceed one (1) copy per student.<sup>40</sup>
  
- C. Printed copies that have been purchased may be edited or simplified provided that the fundamental character of the work is not distorted or the lyrics, if any, altered or lyrics added if none exist.<sup>41</sup>
  
- D. A single copy of recordings of performances by students may be made for evaluation or rehearsal purposes and may be retained by the educational institution or individual teacher.<sup>42</sup>
  
- E. A single copy of a sound recording (such as a tape, disc, or cassette) of copyrighted music may be made from sound recordings owned by an educational institution or an individual teacher for the purpose of constructing aural exercises or examinations and may be retained by the educational institution or individual teacher. (This pertains only to the copyright of the music itself and not to any copyright that may exist in the sound recording.)<sup>43</sup>

**Prohibitions**

A. Copying to create or replace or substitute for anthologies, compilations or collective works.<sup>44</sup>

B. Copying of or from works intended to be "consumable" in the course of study or of teaching such as workbooks, exercises, standardized tests and answer sheets and like material.<sup>45</sup>

C. Copying for the purpose of performance, except for emergency copying, as described above.<sup>46</sup>

D. Copying for the purpose of substituting for the purchase of music, except described under permissible uses A and B above.<sup>47</sup>

E. Copying without inclusion of the copyright notice that appears on the printed copy.<sup>48</sup>

**Computer Programs<sup>49</sup>**

The copyright owner of a computer program has the exclusive right to reproduce, prepare derivative works, and distribute the work.<sup>50</sup> Thus, one might be held liable for copyright infringement for copying software unless s/he has obtained a license from the copyright owner or unless the copying is considered "fair use".

**Archival Copies**

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A. Libraries and schools may lawfully make one (1) archival copy of a copyrighted computer program under the following conditions:

1. one (1) copy is made,
2. the archival copy is stored,
3. if possession of the original ceases to be lawful, the archival copy must be destroyed along with the original program, and
4. copyright notice should appear on the copy.<sup>51</sup>

B. The original may be kept for archival purposes and the "archival copy" circulated. Only one (1) copy-either the original or the archival-may be used or circulated at any given time.<sup>52</sup>

C. If the circulating copy is destroyed, another "archival" copy may be made.<sup>53</sup>

D. If the circulating copy is stolen, the copyright owner should be consulted before circulating or using the "archival" copy.<sup>54</sup>

1 **License Restrictions**  
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5 **If a computer program is licensed, refer to the license agreement. Statutory**  
6 **Fair Use exemptions can be overridden by license restrictions.**<sup>55</sup> This stresses the  
7 need to review and abide by the **terms and conditions** of license agreements,  
8 especially clauses relating to permitted uses, prohibited uses, restrictions, and copying  
9 limitations.<sup>56</sup> By installing or using a licensed software product, you are legally bound  
10 by its agreement.<sup>57</sup>  
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15 Typical license restrictions include:  
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18 A. An archival (backup) copy of a copyrighted program may be made if:  
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22 1. only one (1) copy is made;
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26 2. the archival copy is stored; and
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30 3. copyright notice appears on the copy.  
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34 B. If only one (1) program is owned under license, **it may only be used on one (1)**  
35 **machine at a time.**  
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39 C. A single program may **not** be loaded into a computer that can be accessed by  
40 several different terminals for simultaneous use.  
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D. If the computer is capable for being used by another to make a copy of the program, a warning should be posted on the computer, such as the following:

Many computer programs are protected by copyright 17 U.S.C. 101. Unauthorized copying may be prohibited by law.

In certain circumstances, negotiating objectionable terms with the publisher may be recommended (although with consumer "shrinkwrap" agreements, this may not be possible).<sup>58</sup>

## **Special Concerns: Libraries**

### **Library Copying and Distribution Guidelines<sup>59</sup>**

#### **In General**

Congress has provided a safe harbor for libraries, under which libraries may not be liable for copyright infringement in certain situations. (Note: this safe harbor may not protect a library if the library violates the license agreement by which the work was obtained.<sup>60</sup>)

#### **General Explanation of the Exemption**

#### **Requirements for Exemption**

For a library to benefit from the exemption, it must meet three (3) conditions.

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A. Reproduction or distribution is made without any purpose of direct or indirect commercial advantage.<sup>61</sup>

Non-profit libraries may claim benefit of the exemption so long as the reproduction and distribution were not commercially motivated. Profit-making or other commercial institutions are also eligible for the exemption, as long as the reproduction and distribution was not commercially motivated.<sup>62</sup>

B. The library must be an Open Collection

To qualify as an Open Collection, a library's collection must be (1) open to the public, or (2) open to at least to persons doing research in the specialized field that is the subject of the collections.<sup>63</sup>

C. Copyright Notice May Be Required

If the original work contains a notice of copyright, that notice should also be affixed to the copy.<sup>64</sup> Otherwise, "if no such notice can be found on the copy that is reproduced", then the library can discharge its obligations by including "a legend stating that the work may be protected by copyright."<sup>65</sup>

### **Works not Qualifying for the Exemption**

The exemption does not apply to a musical work, to a pictorial, graphic or sculptural work, or a motion picture or other audiovisual work other than an audiovisual work dealing with news unless the copy is for presentation or replacement as described below.<sup>66</sup>

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**Copies Preservation or Replacement Purposes 18**

- A. A library may make up to three (3) copies of an unpublished work for purposes of preservation, including copies in digital form, if that format is not made available to the public.<sup>67</sup> This provision applies only to copies of works that are currently in the library's possession.<sup>68</sup>
  
- B. A library may make up to three (3) copies of a published work to replace a damaged, deteriorating, lost, or stolen work, if a replacement copy cannot be obtained at a reasonable cost.<sup>69</sup>
  
- C. A library may make up to three (3) digital copies of a published work that is an obsolete format, if that format is not made available to the public.<sup>70</sup>

**Use of Videotapes in Library**

**In-Library Use of a Copyrighted Videotape**

- A. When a videotape purchase is made by the library, the vendor should be made aware of the library's intended use of the videotape. Even if a videotape is labeled "For Home Use Only," private viewing in the library should be considered to be authorized by the vendor's sale to the library if the vendor knew of the library's intended use of the videotape.<sup>71</sup>

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B. Permission is required for public viewing of a videotape in a library, unless the requirements for classroom use are met.<sup>72</sup>

C. Notices should be posted on video recorders or players used in the library to educate and warn patrons about the existence of the copyright laws. An acceptable notice includes the following:

Many videotaped materials are protected by copyright. Unauthorized copying may be prohibited by law. 17 U.S.C. 101.<sup>73</sup>

### **Third Party Use of Videotapes at School Facilities**

A. Libraries that allow groups to use or rent their public meeting rooms should, as part of their rental agreement, require the group to warrant that it will secure all necessary performance licenses and indemnify the library for any failure on their part to do so.<sup>74</sup>

B. If patrons are allowed to view videotapes on library-owned equipment, they should be limited to private performances, i.e., one (1) person, or no more than one (1) family, at a time.<sup>75</sup>

C. User charges for private viewing should be nominal and directly related to the cost of maintenance of the videotape.<sup>76</sup>

### **Lending of Computer Programs by a Non-Profit Library**

1 Nonprofit libraries may lend a computer program for non-profit purposes, so long as  
2 each copy of the computer program has the following noticed affixed "verbatim" to the  
3 packaging:<sup>77</sup>  
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7 **Notice: Warning of Copyright Restrictions**  
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11 The copyright law of the United States (Title 17, United States Code) governs the  
12 reproduction, distribution, adaption, public performance, and public display of  
13 copyrighted material.  
14

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17 Under certain conditions specified in law, nonprofit libraries are authorized to lend,  
18 lease, or rent copies of computer programs to patrons on a nonprofit basis and for  
19 nonprofit purposes. Any person who makes an unauthorized copy or adaption of the  
20 computer program, or redistributes the loan copy, or publicly performs or displays the  
21 computer program, except as permitted by Title 17 of the United States code, may be  
22 liable for copyright infringement.  
23

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26 This institution reserves the right to refuse to fulfil a loan request if, in its judgment,  
27 fulfillment of the request would lead to violation of the copyright law.  
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31 37 CFR 201.24(b). This notice must be affixed to the packaging that contains the copy of  
32 a computer program loaned to a library patron.<sup>78</sup> The notice must include a label that is  
33 durably attached to the copies or its packaging.<sup>79</sup> The notice must be clearly legible and  
34 readily apparent to a casual observer.<sup>80</sup>  
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38 **Special Concerns: Internet and Other Modern Technology Issues**  
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## **Databases**

Generally, the information made available to researchers from commercial online and CD-based electronic databases is copyrighted.<sup>81</sup> Read the terms and conditions for a database before using or downloading.

## **Distance Learning**

### **In General**

In the distance learning context, where educational materials are transmitted over a network, the computers involved generally make copies of the educational materials in making the transmissions. This copying, however, depending on the circumstances, may not be an infringement. Under the TEACH Act, Congress created an exemption to protect schools that choose to utilize distance learning. Under this exemption, if a learning institution adheres to specific requirements, they will not be liable for copyright infringement. Instructors must be mindful of the requirements.

### **Institutional Considerations**

In order to qualify for the distance learning exemption, an accredited nonprofit educational institution must have the necessary technological measures in place and implement a copyright policy.<sup>82</sup>

### **Accredited Non-Profit Educational Institution**

1 These guidelines apply to accredited nonprofit educational institutions.<sup>83</sup> An institution  
2 utilizing distance learning must be one (1) of two (2) types to qualify for the TEACH Act  
3 exemption:  
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7 A. an institution providing postsecondary education, as determined by a regional  
8 or national accrediting agency recognized by the Council on Higher Education  
9 Accreditation or the United States Department of Education; or  
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13 B. an institution providing elementary or secondary education, which shall be  
14 recognized by the applicable State certification or licensing procedures.<sup>84</sup>  
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## 16 **Necessary Technological Measures**

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### 18 **A. Reception**

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22 To the extent technologically feasible, the institution's information technology  
23 officials must limit the reception of distance learning transmissions to students  
24 officially enrolled in the distance learning course.<sup>85</sup> This may, for example, be  
25 accomplished by transmission over a secure system with technological  
26 limitations on access to the class or program such as a PIN number, password,  
27 smartcard or other means of identification of the enrolled student.  
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35 Reception must be in a classroom or other similar place normally devote to  
36 instruction or any other site where the reception can be controlled by the eligible  
37 institution.<sup>86</sup> These guidelines are also applicable to government agency  
38 employees who take the course or programs offered by the agency as a part of  
39 their official duties.<sup>87</sup>  
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## B. Reproduction and Access to Copies

The institution's information technology officials must apply technology measures to reasonably prevent (1) participants enrolled in the course from retaining the copyrighted materials for longer than the class session, and (2) participants from disseminating unauthorized copies of the copyrighted materials.<sup>88</sup>

Educational institutions may retain copies of their digital transmissions, provided that no further copies are made from those works.<sup>89</sup>

## C. Other Considerations

Information technology officials should review their technological systems to be certain that the distance learning system does not interfere with digital rights management technology or other technological measures that copyright owners use to control their works.<sup>90</sup>

## **Implement a Copyright Policy**

The transmitting institution must "institute policies regarding copyright."<sup>91</sup> These policies should provide information" materials to faculty, students, and relevant staff members that accurately describe, and promote compliance with, the laws of the United States relating to copyright, and provide notice to students that materials used in connection with the course may be subject to copyright protection.<sup>92</sup> Among other possible strategies, institutions might distribute printed information, post information on websites, and have users click an agreement each time they use the distance learning software.

## **Instructor's Considerations**

Instructors need to be aware of the types of material that are protected and must oversee the use of such materials.<sup>93</sup>

### **A. Types of Works Qualifying for the Exemption**

To qualify for the distance learning exemption, the material transmitted by the instructor must be of a proper type.<sup>94</sup> Transmission of any of the following may be exempt from infringement:

1. performance of a nondramatic literary or musical work,<sup>95</sup>
2. performance of reasonable and limited portions of all other works,<sup>96</sup> (e.g., plays and visual art)<sup>97</sup>
3. display of a work in an amount comparable to that which is typically displayed in the course of a live classroom session,<sup>98</sup> or
4. transmission of works converted from analog format to digital format if: (1) a digital version is unavailable to the institution, or is available but subject to technological protection that prevents its transmission for distance learning, and (2) the conversion and transmission is limited to the amount authorized (see section b. above – "reasonable and limited" portions).<sup>99</sup>

### **B. Types of Works Not Qualifying for the Exemption**

Transmission of the following is not exempt from infringement:

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1. works produced or marketed primarily for performance or display as part of "mediated instructional activities transmitted via digital networks" (e.g. commercially available on-line educational materials)<sup>100</sup>

2. textbooks, course packs, or other course materials that are typically purchased or acquired by students for their individual use<sup>101</sup>

3. works that were unlawfully made or acquired (e.g. pirated materials)<sup>102</sup>

C. The performance or display of the copyrighted material must be made under the teacher's actual supervision. The material must be directly related to the content of the lesson and must be part of the systematic instruction of the students. The performance may not be for entertainment purposes.<sup>103</sup>

**D. Number of Copies and Lifetime thereof**

An institution may make no more than thirty (30) copies of a particular transmission program, if (1) no further copies are reproduced, and (2) except for one (1) copy preserved exclusively for archival purposes, the copies are destroyed within seven (7) years from the date the transmission was first transmitted to the public.<sup>104</sup>

**Examples: When Permission of Copyright Owner is Required**

A. **Commercial uses:** Any commercial use including the situation where a nonprofit educational institution is conducting courses for a for-profit corporation for a fee such as supervisory training courses or safety training for the Corporation's employees.<sup>105</sup>

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**B. Dissemination of recorded courses:** An institution offering instruction via distance learning under these guidelines wants to further disseminate the recordings of the course or portions that contain performance of a copyrighted work.<sup>106</sup>

**C. Uncontrolled access to classes:** An institution (agency) wants to offer a course or program that contains the performance of copyrighted works to non-employees.<sup>107</sup>

### **School as an Internet Service Provider (ISP)**

In the event that the District or an institution of the District operates as an internet service provider, the District or institutions of the District may be able to take measures under the copyright statutes to limit copyright liability. If the District wishes to take advantage of these internet service provider limitations, an attorney should be consulted.

### **Giving Credit to Copyright Owners**

Always give proper credit to authors or other copyright owners. Crediting the source must adequately identify the source of the work, giving a full bibliographic description including author, title, publisher, and place and date of publication. Copyright ownership information should include the copyright notice ©, year of first publication, and name of copyright holder.<sup>108</sup>

Always include the notice of copyright present in the original work. The following is a satisfactory notice:

Notice: This material may be protected by copyright law.

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If alterations have been made in the copyrighted material, this should be noted in the credits.

### **Obtaining Permission for Use of Copyrighted Material**

Questions concerning copyright procedures, including fair use, should be addressed to the District Copyright Officer.

Employees must obtain permission for any use of copyrighted material that is not a fair use under the above guidelines. To obtain permission, the employee should contact the Copyright Clearance Center, Inc., or the Permissions Department of the copyright holder (usually the publisher).

Copyright Clearance Center, Inc.

222 Rosewood Drive

Danvers, MA 01923

(978) 750-8400

[www.copyright.com](http://www.copyright.com)

1 To request permission from the publisher, the request must be in writing and should be  
2 sent, together with an envelope addressed to the sender, to the permissions  
3 department of the publisher of the work. The request should include the title, author or  
4 editor, and edition of materials for which permission is sought; the exact materials to  
5 be used, with specification of amount, page numbers, chapters, including, if possible, a  
6 photocopy of the material; the number of copies to be made; the use to be made of the  
7 duplicated materials; the form of distribution; whether or not the copies will be sold;  
8 and the process by which the material will be reproduced.

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12 A copy of the written permission granted by the publisher or copyright owner should  
13 be forwarded to and maintained by the District Copyright Officer.  
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16 A reasonable inquiry must be made to identify and locate the copyright owner. A  
17 reasonable inquiry includes, but is not limited to, conducting each of the following  
18 steps: (1) checking any information within the control of the educational institution,  
19 including slide catalogs and logs, regarding the source of the image; (2) asking relevant  
20 faculty, departmental staff, and librarians, including visual resource collections  
21 administrators, for any information regarding the source of the image; (3) consulting  
22 standard reference publications and databases for information regarding the source of  
23 the image; and (4) consulting rights reproduction collectives and/or major professional  
24 associations representing image creators in the appropriate medium.  
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## 28 **REFERENCES**

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32 1 17 U.S.C. 102(a) (reciting all types of works except for computer programs). See also  
33 17 U.S.C. 101 (defining computer program in the copyright statute) in view of Apple  
34 Computer v. Franklin Computer Corp., 714 F.2d 1240, 1253 (affording copyright  
35 protection to various computer programs).  
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39 2 17 U.S.C. 102(b).  
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3 17 U.S.C. 105.

4. 17 U.S.C. 106.

5 See 17 U.S.C. 501 (stating in part "Anyone who violates any of the exclusive rights of the copyright owner...is an infringer"); 17 U.S.C. 502 (providing for injunctions in cases of copyright infringement); 17 U.S.C. 503 (allowing injunctions for copyright infringement); 17 U.S.C. 504 (providing for actual damages, statutory damages, and profits for copyright infringement); 17 U.S.C. 505 (providing for attorney's fees for copyright infringement); 17 U.S.C. 506 (providing for criminal offenses for copyright infringement);

6 17 U.S.C. 107.

7 17 U.S.C. 109.

8 17 U.S.C. 108.

9 See e.g. 17 U.S.C. 107 (describing the "Fair Use" exception, and particularly noting that "the factors to be considered include") (emphasis added). Thus, regarding "fair use", courts use a balancing approach instead of a bright-line test.

10 17 U.S.C. 106.

11 17 U.S.C. 110(1).

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12 17 U.S.C. 110(1).

13 17 U.S.C. 110(4).

14 Nimmer on Copyright 2.06(A)

15 17 U.S.C. 107.

16 See <http://www4.law.cornell.edu/uscode/17/107.notes.html> (linking to H.R. Rep. No. 94-1476, 94th Cong., 2d Sess. (1976) from which this section is adapted). Specifically, this excerpt is taken from the portion of this bill with the heading "Agreement on Guidelines for Classroom Copying in Not-for-Profit Educational Institutions with respect to books and periodicals". See id. H.R. Rep. No. 94-1476 is included along-side 17 U.S.C. 107 (entitled "Limitations on Exclusive Rights: Fair Use") in the "Historical and Revision Notes" comments. See id.

17 Id. (referring to Comments of 17 U.S.C. 107).

18 Id. (referring to Comments of 17 U.S.C. 107).

19 Id. (referring to Comments of 17 U.S.C. 107).

20 Id. (referring to Comments of 17 U.S.C. 107).

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21 Id. (referring to Comments of 17 U.S.C. 107).

22 Id. (referring to Comments of 17 U.S.C. 107).

23 Id. (referring to Comments of 17 U.S.C. 107).

24 Id. (referring to Comments of 17 U.S.C. 107).

25 Id. (referring to Comments of 17 U.S.C. 107).

26 Id. (referring to Comments of 17 U.S.C. 107).

27 Id. (referring to Comments of 17 U.S.C. 107).

28 Id. (referring to Comments of 17 U.S.C. 107).

29 Id. (referring to Comments of 17 U.S.C. 107).

30 Id. (referring to Comments of 17 U.S.C. 107).

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31 Id. (referring to Comments of 17 U.S.C. 107).

32 Id. (referring to Comments of 17 U.S.C. 107).

33 Id. (referring to Comments of 17 U.S.C. 107).

34 Id. (referring to Comments of 17 U.S.C. 107).

35 <http://www.lib.jmu.edu/org/mla/Guidelines/> (linking to the Music Library Association's "Guidelines for Off-Air Recordings of Broadcast Programming for Educational Purposes").

36 Id. (citing Music Library Association's "Guidelines for Off-Air Recordings of Broadcast Programming for Educational Purposes.")

37 Id. (citing Music Library Association's "Guidelines for Off-Air Recordings of Broadcast Programming for Educational Purposes.")

38 17 U.S.C. 107.

39 See <http://www4.law.cornell.edu/uscode/17/107.notes.html> (linking to H.R. Rep. No. 94-1476, 94th Cong., 2d Sess. (1976) of which this section is verbatim). Specifically, this excerpt is taken from the portion of this bill headed "guidelines for educational uses of music". See id. H.R. Rep. No. 94-1476 is included along-side 17 U.S.C. 107 (Entitled "Limitations on Exclusive Rights: Fair Use") in the "Historical and Revision Notes" comments. See id.

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40 Id. (referring to Comments of 17 U.S.C. 107).

41 Id. (referring to Comments of 17 U.S.C. 107).

42 Id. (referring to Comments of 17 U.S.C. 107).

43 Id. (referring to Comments of 17 U.S.C. 107).

44 Id. (referring to Comments of 17 U.S.C. 107).

45 Id. (referring to Comments of 17 U.S.C. 107).

46 Id. (referring to Comments of 17 U.S.C. 107).

47 Id. (referring to Comments of 17 U.S.C. 107).

48 Id. (referring to Comments of 17 U.S.C. 107).

49 See 17 U.S.C.A. 107 (West 2002) (also known as the "Fair Use Doctrine"); 17 U.S.C.A. 117 (West 2002) (allowing an owner to make a copy of a computer program in certain limited situations); 17 U.S.C.A. 109(b)(2) (West 2002) (also known as the "First Sale Doctrine") (allowing nonprofit libraries to lend computer providing a warning of

1 copyright is affixed to the program (37 C.F.R. 201.24, "Warning of copyright for  
2 software lending by nonprofit libraries").

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6 50 Id. 17 U.S.C. 107.

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10 51 These guidelines are adapted from the American Library Association's Model Policy  
11 of 1986 (available at <http://www.ifla.org/documents/infopol/copyright/ala-1.txt>) (last  
12 accessed Oct. 17, 2005). See also 17 U.S.C. 117.

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15 52 Id. (referring to ALA's Model Policy of 1986 and 17 U.S.C. 117).

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19 53 Id. (referring to ALA's Model Policy of 1986 and 17 U.S.C. 117).

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23 54 Id. (referring to ALA's Model Policy of 1986 and 17 U.S.C. 117).

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27 55 In other words, even if a party is not liable for copyright infringement, that party  
28 may still be liable for breach of contract. As such, State law would apply to the contract  
29 claim to the extent that State law is not pre-empted by Federal copyright law.

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33 56 See previous note.

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37 57 Regarding so-called "shrink wrap" license agreements, compare ProCD v.  
38 Zeidenberg, 86 F. 3d 1447, 1449 (7th Cir. 1996) (enforcing shrink-wrap licenses), with  
39 Step-Saver Data Sys., Inc. v. Wyse Tech., 939 F.2d 91, 93, 99 (3rd Cir. 1991) (invalidating  
40 shrink-wrap licenses under the UCC).

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58 The Association of Research Libraries (ARL) provides guidelines for negotiating license agreements for computer software, available at <http://www.arl.org/scomm/licensing/index.html>. See also, *supra* note 64 (discussing shrink-wrap license agreements).

59 See generally 17 U.S.C. 108 (commonly referred to as the statutory exemption for libraries). See also Nimmer 8.03 (discussing the statutory exemption for libraries).

60 Such a violation may be a breach of contract even if it is not a copyright violation.

61 17 U.S.C. 108(a)(1).

62 Nimmer 8.03(A)(1).

63 17 U.S.C. 108(a)(2).

64 17 U.S.C. 108(a)(3).

65 17 U.S.C. 108(a)(3). See also Nimmer 8.03(D).

66 17 U.S.C. 108(i).

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67 17 U.S.C. 108(b).

68 17 U.S.C. 108(b)(1).

69 17 U.S.C. 108(c).

70 17 U.S.C. 108(c).

71 These guidelines are adapted from the American Library Association's Model Policy of 1986 (available at <http://www.ifla.org/documents/infopol/copyright/ala-1.txt>) (last accessed Oct. 17, 2005). This model policy was drafted by Mary Hutchings Reed and Debra Stanek. Mary Hutchings Reed is a partner in the law firm of Sidley & Austin, Chicago, and counsel to the American Library Association. Debra Stanek will graduate in June 1986 from the University of Chicago Law School. As of 2005, this Model Policy has not been incorporated into the copyright statute. See 17 U.S.C. 108. In particular, the current statutory library exemption does not extend to musical works, to pictorial, graphic or sculptural works, or to motion pictures or other audiovisual works, except that news-related audiovisual works may fall within the exemption. 17 U.S.C. 108(i).

72 Id. (referring to the ALA's Model Policy of 1986).

73 Id. (referring to the ALA's Model Policy of 1986).

74 Id. (referring to the ALA's Model Policy of 1986).

75 Id. (referring to the ALA's Model Policy of 1986).

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76 Id. (referring to the ALA's Model Policy of 1986).

77 17 U.S.C. 109(b)(2)(A).

78 37 CFR 210.24.

79 37 CFR 210.24.

80 37 CFR 210.24.

81 See 17 U.S.C. 101 (extending copyright protection to any "original work of authorship" that is "fixed in a tangible medium of expression") in view of *Fiest Publications v. Rural Telephone Service Co.*, 499 U.S. 340 (1991) (deeming that "originality" is the relevant standard for copyrightability, and dismissing the "sweat of the brow" test).

82 See generally, 17 U.S.C. 110(2).

83 Id.

84 17 U.S.C. 110(2) (third paragraph after clause (10)).

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85 17 U.S.C. 110(2)(C).

86 See 17 U.S.C. 110(2).

87 17 U.S.C. 110(2)(C)(ii).

88 17 U.S.C. 110(2)(D)(ii).

89 See 17 U.S.C. 110(final paragraph).

90 17 U.S.C. 110(2)(D)(ii)(II).

91 17 U.S.C. 110(2)(D)(I).

92 Id.

93 See supra notes 44-51.

94 See generally 17 U.S.C. 110(2) (commonly referred to as the TEACH Act).

95 17 U.S.C. 110(2).

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96 17 U.S.C. 110(2).

97 National Law Journal (Feb. 10, 2003) (available at  
[http://www.goodwinprocter.com/publications/hildebrand\\_klosek\\_02\\_10\\_03.pdf](http://www.goodwinprocter.com/publications/hildebrand_klosek_02_10_03.pdf))

98 17 U.S.C. 110(2).

99 17 U.S.C. 112(f)(1).

100 17 U.S.C. 110(2).

101 17 U.S.C. 110(2) (second paragraph after clause (10)).

102 17 U.S.C. 110(2).

103 17 U.S.C. 110(2) (second paragraph after clause (10)).

104 17 U.S.C. 112(b).

105 See 17 U.S.C. 110(2).

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106 See 17 U.S.C. 110(2).

107 See 17 U.S.C. 110(2).

108 Id. (referring to "CONTU Guidelines on Photocopying Under Interlibrary Loan Arrangement").

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ag3120A

# SELECTION OF PROFESSIONAL PERSONNEL

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## 3120A - SELECTION OF PROFESSIONAL PERSONNEL

### A. Introduction

1. The Board of Education shall make all appointments to positions on the basis of a person's professional qualifications. To implement the desire of the Board to appoint on the basis of merit only, all those who have responsibility for staffing should search diligently within and outside the system for qualified candidates to fill staff positions.
  
2. Each position shall have a job description which shall include, but not be limited to, the following information:
  - a. the position title
  
  - b. its function
  
  - c. a listing of the responsibilities and authorizations assigned to the position
  
  - d. a description of the reporting and supervisory relationships of the position

**B. Qualifications**

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1. The qualities desired beyond minimum certification requirements are:

- a. formal training appropriate to the duties and responsibilities of the particular position;
- b. experience, both quantitative and qualitative, related to the particular position;
- c. demonstrated ability in the particular position;
- d. demonstrated ability to work harmoniously with others, both with those of greater and lesser responsibility and authority;

2. Each candidate shall submit the following information in the form requested by the District:

- a. personal data, limited to those allowed by law
- b. certificates held
- c. record of educational and professional training (including transcripts)

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d. record of experience applicable to the position, e.g. teaching, counseling, administration, etc.

**C. Selection Process**

**1. Application Procedure**

All letters of application and all placement office credentials shall come through the Human Resources Office.

**2. Investigation Procedure**

Checking of credentials should include, in addition to letters of reference, direct telephone calls to the person's recent supervisor(s) or employer. Such information shall be maintained in a confidential file restricted to supervisory and official use only so as to protect the source(s) of the information and the privacy of the applicant.

**3. Interview Procedure**

(Not for Principals or Central Office Positions)

a. The supervisor shall independently review the applications and then reach consensus on the applicants to be interviewed. The supervisor shall then determine which, if any, members of the staff will be included in reviewing applications and the interviews.

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b. Qualified candidates shall be scheduled for personal interviews as soon after receipt and review of application as possible.

c. After all interviews have been completed, the Supervisor submits the recommended candidate to Human Resources. A criminal history record check will be conducted by Human Resources.

d. Both successful and unsuccessful candidates shall be notified of the District's employment decision.

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ag3120C

# PRE-EMPLOYMENT INTERVIEW QUESTIONS

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## 3120C - PRE-EMPLOYMENT INTERVIEW QUESTIONS

Asking an applicant questions prohibited by the Equal Employment Opportunity Act during pre-employment interviews could open the door for a job candidate to take legal action against the District. The following guideline outlines the questions that are appropriate and those that should be avoided.

### **YOU CANNOT ASK:**

- A. any question that would indicate race or color;
- B. any question that would indicate gender, unless job-related;
- C. applicant's religion or religious customs and holidays; recommendations from church officials;
- D. if applicant, spouse, or parents are native-born or naturalized; date of citizenship; or for other proof of citizenship before hiring; (Proof of citizenship required on I-9 Form)
- E. marital status before hiring, the number and age of children, who cares for them, and if applicant plans to have more;

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F. to see military service records, about military service with any country other than U.S.;

G. nationality, racial, or religious affiliation of school attended;

H. how foreign language ability was acquired;

I. inquiries about arrests, (as contrasted with convictions), except pending charges (see below at F.);

J. listing of all clubs to which the applicant belongs or has belonged;

K. that a candidate provide a photograph before hiring or that one be taken during an interview;

L. height and weight or physical/mental characteristics which do not relate directly to the job specifications;

M. whether applicant lives with a disabled individual (whether related or not);

N. whether applicant plans to marry or plans to have a family;

O. whether applicant has any military obligations.

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**YOU CAN ASK:**

A. for applicant's current and previous address; phone number;

B. whether applicant is eighteen (18) years of age or older;

C. whether the applicant is lawfully authorized to work in the United States;

D. if applicant has served in the U.S. armed forces including branch of service and rank attained; job-related experience acquired in the military;

E. academic, professional, or vocational school attended; language skills such as reading and writing, foreign languages, grades, degrees, majors, etc.;

F. criminal convictions; any pending felony charges; any misdemeanor charge related to sexual conduct or assault or abuse of a child;

G. personal and professional and other work references not relating to race, color, religion, gender, national origin, or ancestry;

H. professional and social organization membership, so long as affiliation does not identify and is not used to discriminate on the basis of gender, race, national origin, or ancestry;

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I. willingness to perform job functions;

J. willingness to work required work schedule and under prescribed working conditions.

**AFTER HIRING, YOU MAY OBTAIN:**

A. marital status and number/age of dependents for insurance and tax purposes;

B. proof of age;

C. status of citizenship (I-9 Form);

D. race, if done pursuant to required or approved affirmative action plan and maintained separately from applicant file;

E. a copy of military discharge certificate.

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ag3120D

# CHECKING REFERENCES OF APPLICANTS

## 3120D - CHECKING REFERENCES OF APPLICANTS

The following procedure is to be used when conducting a check of references submitted by an applicant:

- A. Prior to any investigation, the applicant is to sign a waiver and a release granting the District permission to contact any person listed as a reference as well as any other person who may be familiar with the applicant's previous job performance or suitability for employment.
  
- B. Make telephone (not mail) contact with at least three (3) references particularly if there is discrepant information from the first two. Inform an employer that the referent is immune from all civil liability if the information provided is given in good faith. (895.487 Wis. Stats.)
  
- C. Prior to contacting the reference, review AG 3120C regarding questions not to ask.
  
- D. Confine questions to the applicant's suitability for employment work performance, including interpersonal skills. Ask "would you hire \_\_\_\_\_ again?" or "would you want to work with \_\_\_\_\_ again?". Ask the reference to give specific examples of what the applicant did well and/or to rate the applicant on various aspects of the job for which the person is applying.

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E. Take notes of each reference contact, including time and date of the call and the reference's name and position. Maintain a written summary of the comments for later use.

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ag3120.04

# EMPLOYMENT OF SUBSTITUTES

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## 3120.04 - **EMPLOYMENT OF SUBSTITUTES**

### **A. Procedures Leading to Appointment**

The Director of Human Resources is responsible for maintaining a list of qualified substitutes for all teaching and related positions.

Interested persons are to complete an application form.

The investigation and interview procedures described in AG 3120A will be used, as applicable to the position. Each substitute will be required to undergo a criminal history record check as described in AG 3120A.

### **B. In-School Procedures**

Each principal is to develop procedures which ensure each substitute has received appropriate instructions, plans, and other resources needed to function properly in the position and the building.

### **C. Long-Term Substitutes**

A person will be considered a long-term substitute if s/he is appropriately certified and the staff member for whom s/he has been hired to replace has a leave which extends for more than twenty (20) consecutive school days.

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ag3120.09

# VOLUNTEERS

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## 3120.09 - VOLUNTEERS

While the District acknowledges the importance of volunteerism in its school, serving as a volunteer in the District is a privilege. The District shall conduct background checks on all persons who request to serve as a volunteer with the District and who might have the occasion to be alone with student(s). Background checks will be conducted through appropriate State agencies or other applicable means. The results of the background checks will be reviewed by the Director of Human Resources.

The Director of Human Resources shall have discretion to determine whether information obtained through the background check process disqualifies an individual from serving as a volunteer within the District, or may place restrictions on the type of volunteer service the individual may provide.

Parents of students enrolled in the District shall be subject to the same requirements to qualify as volunteers; however, parents deemed not qualified to serve as volunteers will not be prevented from otherwise actively participating in their children's education.

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ag3122

# NONDISCRIMINATION AND EQUAL EMPLOYMENT OPPORTUNITY

## 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.

### **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.

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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."

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<p>Major Life Activities</p>	<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>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>

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<p>Asymptomatic Conditions</p>	<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>
<p>Exclusions From Coverage</p>	<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> <p>Transvestism, transexualism, pedophilia, exhibitionism,</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>

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	<p>voyeurism, gender identity disorders not resulting from physical impairment, or other sexual behavior disorders.</p> <ul style="list-style-type: none"> <li>- Compulsive gambling, kleptomania, or pyromania.</li> </ul> <ul style="list-style-type: none"> <li>- Psychoactive substance use disorders resulting from the current illegal use of drugs.</li> </ul>	
<p>Reasonable Accommodation</p>	<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 accommodation.</p> <p>An accommodation may be "reasonable" and still pose a "hardship" to the employer.</p>

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<p>Essential Functions</p>	<p>The fundamental job duties of the employment position which the disabled individual holds or desires, but not the marginal functions of the position.</p> <p>A job function may be essential for the following reasons:</p> <ul style="list-style-type: none"> <li>- The reason the position exists is to perform that function</li> <li>- There are a limited number of employees available among whom the performance of that job function can be distributed</li> <li>- 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</li> </ul>	<p>No provision of the WFEA uses the term essential function.</p>

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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

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		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.

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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 Superintendent’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, and performance of duty or training by a member of the organized militia. 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 3122 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 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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## DRUG-FREE WORKPLACE

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### 3122.01 - DRUG-FREE WORKPLACE

The Board of Education prohibits the manufacture, possession, use, distribution, or dispensing of any controlled substance, including alcohol, by any member of the District's professional staff at any time while on District property or while involved in any District-related activity or event.

The term "District-related activity or event" includes, but is not limited to, all District sponsored curricular, extra-curricular, co-curricular and student or staff training events whether on or off District property, and any field trip or other District sponsored trip including national and international trips.

Employees are to report to work free of the effects of all mood-altering drugs, including alcohol. The use, possession, sale or intent to sell, transfer of drugs, drug paraphernalia, or having illegal drugs or chemicals in a person's system in or on District property, or in any District owned or contracted vehicle is prohibited.

The use of or sale of alcohol on District property, at any District sponsored event or trip, or in any District-owned or contracted vehicle is prohibited.

Staff members who agree to or are assigned to supervise student activities or trips shall not violate this guideline during the entire duration of the activity or trip whether students are or are not immediately present.

1 Each staff handbook will include a summary of the standards regarding unlawful  
2 possession, use, or distribution of illicit drugs and alcohol by staff and the staff  
3 members shall be informed that compliance with this requirement is mandatory.  
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7 The District wishes to maintain a work environment that is free of illegal drugs, alcohol,  
8 firearms, explosives, or other improper materials. To this end, the District prohibits the  
9 possession, transfer, sale, or use of such materials on its premises. The District requires  
10 the cooperation of all employees in administering this policy.  
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14 Desks, file cabinets and other storage devices may be provided for the convenience of  
15 employees but remains the sole property of the District. Accordingly, they, as well as  
16 any articles found within them, can be inspected by any agent or representative of the  
17 District at any time, either with or without prior notice.  
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21 Any staff member who violates the District policy shall be subject to disciplinary action  
22 in accordance with District guidelines and applicable terms of any collective bargaining  
23 agreements.  
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27 When the discipline of a staff member becomes necessary, such action shall be  
28 consistent with any procedural and substantive due process rights of the individual, as  
29 well as the requirements of any applicable Board Policy.  
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32 Employees that feel they may be experiencing or developing dependency on alcohol or  
33 other drugs are encouraged to take advantage of the District's Employee Assistance  
34 Program (EAP) before a violation of this policy occurs. Alcohol or drug dependency does  
35 not excuse any employee from the requirements of this policy.  
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39 **© Neola 2007**  
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## SECTION 504/ADA - PROHIBITION AGAINST DISABILITY DISCRIMINATION IN EMPLOYMENT

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

The Board of Education 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;

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F. fringe benefits available by virtue of employment, whether or not administered by the 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 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, unless the accommodation would impose an undue hardship on the operation of the District's program and/or activities. A reasonable accommodation is not necessarily required for an individual who is merely regarded as having a disability.

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 (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

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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

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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

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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 factual matter, they will virtually always 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 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 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.

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

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6 A. individuals who are currently engaging in the illegal use of drugs, when the  
7 District acts on the basis of such use

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11 B. with respect to employment, any individual who is an alcoholic whose current  
12 use of alcohol prevents such individual from performing the duties of the job in  
13 question or whose employment, by reason of such current alcohol abuse, would  
14 constitute a direct threat to property or the safety of others

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18 C. with respect to employment, an individual who has a currently contagious  
19 disease or infection and who, by reason of such disease or infection, would  
20 constitute a direct threat to the health or safety of other individuals or who, by  
21 reason of the currently contagious disease or infection, is unable to perform the  
22 duties of the job

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26 D. an individual on the basis of homosexuality or bisexuality

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29 E. an individual on the basis of:

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33 1. transvestism, transsexualism, pedophilia, exhibitionism, voyeurism,  
34 gender identity disorders not resulting from physical impairment, or  
35 other sexual behavior disorders

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39 2. compulsive gambling, kleptomania, or pyromania, or  
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3. psychoactive substance use disorders resulting from current illegal use of drugs

Individual with a disability includes an individual who:

- A. has successfully completed a supervised drug rehabilitation program and is no longer engaging in the illegal use of drugs, or has otherwise 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 drugs, but is not engaging in such use.

**Public Notice**

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 disabled persons in employment or the provision of services. This requirement may be met by including an insert in existing publications or revising and reprinting publications.

**Equal Employment Opportunity Statement**

1 The Manitowoc School District Board does not discriminate on the basis of race,  
2 color, national origin, sex, (including transgender status, change of sex, sexual  
3 orientation, or gender identity) religion, age, pregnancy, disability, national origin,  
4 ancestry, arrest record, or conviction record.  
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8 The Board will also include a notice of reasonable accommodation requirements on  
9 District employment application forms and post notices that employee reasonable  
10 accommodation Request Forms may be obtained from the District's Compliance Officer  
11 (who also serves as its ADA Coordinator) (hereinafter referred to as the "CO").  
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15 **Decision-Making Process for Determining/Identify Reasonable Accommodations**  
16 **and Undue Hardship**  
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20 In determining the appropriate accommodation in the employment situation, the  
21 District will take into account two (2) factors:  
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24 A. the specific abilities and functional limitations of the particular applicant or  
25 employee with a disability; and  
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29 B. the specific functional requirements of the particular job.  
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33 Many times a reasonable accommodation will be obvious and made without difficulty  
34 and at little or no cost. The CO will first inquire of the individual with the disability as to  
35 any possible suggestions s/he may have for a simple change or adjustment that will  
36 serve as an effective accommodation. The District recognizes that employees with  
37 disabilities can be useful sources of the information on what type of accommodation  
38 they need, where to obtain information on appropriate accommodations, and where to  
39 purchase accommodations.  
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1 If, however, the identification of a reasonable accommodation proves difficult, the  
2 District will utilize an informal, interactive process whereby it and the individual will  
3 work together to identify the appropriate accommodation. The interactive process will  
4 include any and/or all of the following steps, as may be appropriate:  
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8 A. Examination of the particular job involved and determination of its purpose and  
9 essential functions. The District will conduct an individual assessment of the  
10 particular job at issue in order to analyze the actual job duties ("essential  
11 functions") and determine the true purpose or object of the job.  
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15 B. The District will then consult with the individual with a disability to find out  
16 his/her specific physical or mental abilities and limitations as they relate to the  
17 essential job functions. This will help the parties to identify the barriers to job  
18 performance and assess how these barriers could be overcome with an  
19 accommodation.  
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23 C. In consultation with the individual, the District will identify potential  
24 accommodations and assess how effective each would be in enabling the  
25 individual to perform essential job functions.  
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29 D. If the parties are still not able to identify an appropriate accommodation, the  
30 District will seek technical assistance.  
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34 E. If there are several effective accommodations that would provide an equal  
35 employment opportunity, the District will select the accommodation that best  
36 serves the needs of the individual and the District. While the District will give the  
37 individual with a disability's preference first consideration, the District may  
38 choose among effective accommodations and select the accommodation that is  
39 less expensive or easier to provide. The District may consider the cost, efficiency  
40 and availability of the alternative accommodations in selecting an effective  
41 accommodation. The District does not have the obligation to provide the "best"  
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1 accommodation possible, so long as it provides an accommodation that is  
2 sufficient to meet the job-related needs of the individual being accommodated.  
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6 The District will not provide an accommodation without first checking with the  
7 employee since the employee may not need or want an accommodation, or the  
8 unrequested accommodation may not meet the employee's functional limitation. The  
9 District will respect an individual with a disability's right not to accept an  
10 accommodation if s/he has not requested it and does not feel one is necessary.  
11 However, if this results in the individual failing to perform essential functions, s/he may  
12 be considered unqualified and may either be refuse employment or discharged.  
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15 The District may decline to provide desired accommodations if it determines such  
16 accommodations will result in an undue hardship. An undue hardship entails a  
17 significant difficulty or expense in, or resulting from, the provision of the  
18 accommodation. Such hardship is not limited to financial difficulty but rather  
19 encompasses any accommodation that would be unduly costly, extensive, substantial  
20 or disruptive, or that would fundamentally alter the nature or operation of the  
21 program. If the cost of an accommodation would impose an undue hardship, the  
22 District will give the individual with the disability the option of paying that portion of  
23 the cost which would constitute an undue hardship or providing the accommodation.  
24 Further, the District will not consider employee morale or the attitudes of others when  
25 determining undue hardship.  
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29 Decisions not to provide a reasonable accommodation will be in writing and  
30 accompanied by an explanation of the decision not to act.  
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34 Reasonable accommodations may include:  
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38 A. Making facilities used by employees readily accessible to and usable by  
39 individuals with disabilities.  
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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.

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.

### **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

1 speaking skills (except where those skills are the factors that the test purports to  
2 measure).

### 6 **Pre-employment Inquiries**

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

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18 The District may give a physical agility test at any point in the application or  
19 employment process, since such tests are not medical exams. When the District decides  
20 to give such a test it must give the test to all similarly situated applicants or employees  
21 regardless of disability.  
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25 Some examples of alternative test formats and reasonable accommodations are:  
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29 A. allowing people with certain learning or dexterity disabilities to take extra time  
30 on a test;  
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34 B. assuring the test site is accessible to a person with a mobility impairment;  
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- 38 C. allowing a person with a mental disability who cannot perform well with  
39 distractions to take a test in a separate room, if a group test setting is not  
40 relevant to the job; and  
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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. 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 Board 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 where appropriate, if the condition might require emergency treatment; and

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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 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 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, s/he will perform the job-related functions. Any questions concerning the need for reasonable accommodation should always be linked with performance on a specific job function. The interviewer 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?

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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?

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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 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 if all other candidates must do so.)

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

1 **Investigation and Complaint Procedure**  
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5 Any employee or applicant who believes that s/he has been subjected to unlawful  
6 discrimination, retaliation, or denied reasonable accommodation may seek resolution  
7 of his/her complaint through the procedures described in Policy 3123 – Section  
8 504/ADA Prohibition Against Disability Discrimination In Employment. The complaint  
9 procedure involves an investigation of the individual’s claims and a process for  
10 rendering a decision regarding whether the charges are substantiated.  
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14 **Privacy/Confidentiality**  
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18 The School District will employ all reasonable efforts to protect the rights of the  
19 Complainant, the Respondent(s), and the witnesses as much as possible, consistent with  
20 the Board’s legal obligations to investigate, to take appropriate action, and to conform  
21 with any discovery or disclosure obligations. All records generated under the terms of  
22 this policy shall be maintained as confidential to the extent permitted by law.  
23 Confidentiality, however, cannot be guaranteed. All Complainants will be advised that  
24 their identities may become known to the Respondent(s) through the investigation  
25 process.  
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28 During the course of an investigation, the CO will instruct each person who is  
29 interviewed about the importance of maintaining confidentiality. Any individual who is  
30 interviewed as part of an investigation is expected not to disclose to third parties any  
31 information that s/he learns and/or provides during the course of the investigation.  
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35 **© Neola 2014**  
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ag3125

# WISCONSIN QUALITY EDUCATOR INITIATIVE

## 3125 - WISCONSIN QUALITY EDUCATOR INITIATIVE

The Board of Education is committed to having a quality teacher in every classroom and a strong leader in every building. The Board encourages the use of best educational practices to improve instruction and increase student achievement. To these ends, the Board requires that the District hire the most qualified and experienced individuals available and that all staff be licensed as required by law.

Attaining and maintaining proper State licensure under P.I. 34 is primarily the licensee’s responsibility. However, the Board recognizes its responsibilities under P.I. 34 and supports efforts that promote the effectiveness of staff through career-long preparation and learning and performance-based assessment.

P.I. 34 controls licenses for teachers, administrators and pupil service professionals. The regulations identify three (3) licenses for these staff: initial educator, professional educator, and master educator. An initial educator license is issued by the Department of Public Instruction for a period of five (5) years and is nonrenewable unless the individual has not been employed as an educator for at least two (2) years within the five (5) year period. A professional educator license is a renewable license issued for a period of five (5) years. A master educator license is a renewable license issued for a period of ten (10) years.

The District has the following responsibilities under P.I. 34 relating to initial educators:

### A. Ongoing Orientation

The District shall provide ongoing orientation to initial educators. The ongoing

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orientation shall be developed, and delivered by the Board, administrators, teachers, support staff and parents.

**B. Support Seminars**

The District shall provide support seminars for initial educators.

**C. Qualified Mentor**

The District shall provide the initial educator with a qualified mentor. A "mentor" is an educator who is trained to provide support and assistance to initial educators and who will have input into the confidential formative assessment of the initial educator and who is not to be considered as part of the formal employment evaluation process. To be "qualified," the person must hold an appropriate license.

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ag3130

# ASSIGNMENT AND TRANSFER OF PROFESSIONAL STAFF

## 3130 - **ASSIGNMENT AND TRANSFER OF PROFESSIONAL STAFF**

All professional staff members shall be given written notice of their building and applicable class, subject, and room assignments for the forthcoming school year not later than last day of the previous school year; provided however, that if the Superintendent is delayed in the completion of such assignments by reason of emergencies, (such as questionable completion of new school construction, computer failure, abnormal professional staff member turnover or unavailability of professional staff member personnel in critical positions) the Superintendent shall provide such schedules as soon as practicable.

Transfers between schools may be enacted by the Superintendent and within a school by the principal when the needs of students, the school, or the District so require.

### **A. Involuntary Transfer**

Prior to effecting an involuntary transfer of a teacher, counselor, or other non-administrator to another school the "receiving principal" shall be consulted regarding the contemplated move.

### **B. Voluntary Transfer and Reassignment**

Any professional staff member who desires a change in grade, subject assignment, or program, or who desires a transfer to another school for the following school year shall discuss the matter with his/her supervisor and thereafter shall file a written statement of such desire with the Director of Human Resources as early in the school year as possible but not later than April 1<sup>st</sup>.

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Such statement shall include the assignment desired, the reason for the transfer, and the potential benefits to be obtained. The Human Resource Director shall notify the staff member and other appropriate parties of his/her decision as soon as possible. Requests for transfer or assignment within a building shall follow the same guidelines but may be acted upon by the principal, subject to review by the Superintendent.

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ag3160A

# PHYSICAL EXAMINATION

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## 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.

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ag3160B

# TUBERCULOSIS EXAMINATION

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## 3160B - TUBERCULOSIS EXAMINATION

Each professional staff member of the School District shall file with the Director of Human Resources proof of freedom from communicable tuberculosis according to law and the administrative guidelines of the Department of Public Health.

The statement of freedom from communicable tuberculosis shall be filed prior to the first day of employment and thereafter as required by law.

Such statement of freedom from communicable tuberculosis shall become a part of the employee's personnel file and shall be available for examination by Department of Public Health personnel.

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ag3170A

# SUBSTANCE ABUSE

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## 3170A - **SUBSTANCE ABUSE**

Any professional staff member whose physical characteristics, appearance, behavior, or breath odor suggest to a supervisor that s/he may be under the influence of alcohol shall be requested to take a breathalyzer test at the local police station. The professional staff member shall be taken to the station by a supervisor.

Should the professional staff member refuse to take such a test or should the results of the test be positive, s/he shall be disciplined for conduct unbecoming a professional staff member by the Superintendent.

Should a supervisor determine from the physical aspects, appearance, or behavior of a professional staff member that s/he might be under the influence of other drugs, said professional staff member shall be immediately taken to a local health facility for further diagnosis. Should the professional staff member refuse or be found to be under the influence of drugs, s/he shall be disciplined by the Superintendent for conduct unbecoming a professional staff member and his/her case immediately referred to the Board for disposition.

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ag3170B

# EMPLOYEE ASSISTANCE PROGRAM

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## 3170B - **EMPLOYEE ASSISTANCE PROGRAM**

Individual cases either originate through voluntary referral, or are referred on the basis of a job performance interview with the supervisor and the staff member. In the latter case, the following procedures are recommended:

- A. The focus of the first interview should be restricted to the issue of job performance. Opinions or judgements should be avoided.
  
- B. After the job performance has been reviewed with the staff member, then s/he should be informed of the professional services available, including assessment and counseling. These professional services will be rendered on a confidential basis.
  
- C. The staff member may choose to accept or reject the offer of referral which can be made through the Employee Assistance Program or directly to a qualified professional counseling and diagnostic agency outside of the District for a determination as to whether the problem is related to alcohol/chemical use or abuse.
  
- D. If treatment is necessary, sick days may be used for the time required to be off the job.
  
- E. If the staff member rejects the offer and the job performance problems do not recur after the interview, there is no longer a job-related problem.

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F. If the job performance problems reoccur, the supervisor should take appropriate action such as an unrequested leave of absence (Policy 3161).

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ag3220A

# EVALUATION OF STAFF

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## 3220A - EVALUATION OF STAFF

Evaluations of the professional staff members shall be conducted on a regular basis, but no less than as required by law. Staff member evaluation should be used as a constructive tool to objectively identify both strengths and weaknesses of the professional for the purpose of providing assistance in improvement and for evaluating staff members for retention, promotion, and where applicable, compensation.

Professional staff evaluations shall be conducted using the Educator Effectiveness model adopted in the District. Additional evaluative measures may also be used by administration as described further in this guideline.

Job objectives are clearly stated, are complete and accurate in content, are agreed upon by the evaluator and evaluatee, and are divided into the following categories:

- A. expected/desired results (what is to be accomplished)
- B. expected/desired actions (how something is to be done)
- C. expected/desired attitudes (willingness to act in a particular manner)

Factors hindering achievement of job objectives are clearly-defined and agreed upon by the evaluator and evaluatee.

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Evaluation procedures are established to provide that the same process is used for similar positions and to protect the confidentiality of the staff member.

**STRATEGY FOR EVALUATION**

The following guidelines should be followed when designing an evaluation plan.

**A. Relevant Terms**

- 1. measurement - determination of the current result and/or performance
  
- 2. assessment - comparison of the current result/performance with a desired and/or minimally acceptable level of quality
  
- 3. observation - measurement and/or assessment while one or more aspects of the expected result is being produced or created (performance)
  
- 4. evaluation - value judgement about the result/performance based on the assessment

**B. Intended Outcome of the Evaluation Plan**

The procedure should produce conclusions that:

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1. include those characteristics of a result and/or performance that meet or exceed described standards;

2. include those characteristics that fall below such standards;

3. are **complete** (no missing elements), **accurate** (no factual errors or unsupported inferences), and **clear** (understandable by all relevant parties);

4. indicate priorities for closing important gaps between current results/performance and expected results/performance.

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ag3243

# ATTENDANCE AT EDUCATIONAL MEETINGS

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## 3243 - ATTENDANCE AT EDUCATIONAL MEETINGS

Attendance at educational meetings shall be controlled by the Superintendent in accordance with Board of Education policy.

Educational meetings are intended to include professional conventions, conferences, workshops, drive-ins, etc., which are conducted for the purpose of disseminating information, making inquiries into the nature of an educational problem, etc.

- A. Staff members should request leave to attend educational meetings at least fourteen (14) day(s) in advance of the meeting to allow for proper approval by completing the Staff Travel Request form and submitting to the supervising administrator.
  
- B. Attendance shall be limited to those staff members who have responsibilities directly related to the topics dealt with at a meeting and have participated in similar activities conducted with the District or the local area.
  
- C. Other staff members requesting attendance whose responsibilities are not directly related must show cause why attendance is necessary and what benefit the District may receive from their attendance.
  
- D. Reimbursement for travel, rooms, meals, and other meeting expenses shall be made, within budgetary constraints, on the basis of itemized expense accounts and submitted on the Travel Request form.

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E. Registration fees exclusive of personal dues shall be reimbursed.

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ag3440A

# JOB-RELATED EXPENSES

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## 3440A - **JOB-RELATED EXPENSES**

Expenses which are incurred by professional staff members as a result of authorized travel in and outside of the District will be reimbursed to the extent provided for in these guidelines. Reimbursement is intended to provide for transportation, lodging, and food of reasonable and adequate quality. When traveling on school business, a professional staff member is expected to use the same care in incurring expenses that a prudent person would exercise if traveling on personal business.

### **Authorization**

- A. Travel within or outside the District is to be authorized by the supervising administrator.
  
- B. Travel to conventions or conferences away from the District which involve overnight stay will be authorized by the Building Principal for approval by the Supervising Director. All such requests must be received in the Central Office at least fourteen (14) days prior to the date a decision is needed. Staff Travel Request forms are available in each school office.

### **Procedure**

- A. Each request for travel or conference funds should detail the reasons for the expenditures and should not be labeled in broad general terms.

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B. Travel should be by the most direct and economical route, with carpooling whenever possible.

C. All persons authorized to travel on official business should keep receipts of expenditures properly chargeable to the Board of Education.

D. For official travel other than by automobile, tickets may be purchased by the District in advance, upon request of the individual involved.

E. In all instances of travel reimbursement, full itemization of expenditures is required.

F. Those doing such traveling should be expected to exercise the same care in incurring expenses that they would in travel on personal business of their own. Excessive and unnecessary travel will not be approved or reimbursed.

## **Reimbursement**

A. Reimbursement will be at the current rates approved by the Board. Requests for reimbursement will be submitted on Staff Travel Request form provided for that purpose.

B. Travel outside the School District will be reimbursed at the IRS rate. Shuttle or taxi fare from home and conference destination to terminal and return is allowable with receipt.

C. Lodging and meals will be reimbursed at the approved rate. All claims must be supported by original receipted bills.

D. Reimbursement for reasonable charges for tolls, lodging, parking, taxis, official telephone calls, and tips will be made upon presentation of supporting receipts.

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E. Registration fees are reimbursable.

F. Staff should provide hotel with tax exempt ID number in order to have sales tax waived. The tax exempt ID number is on the back of the Staff Travel Request form.

**Claim Forms**

All claims for reimbursement will be submitted on the Staff Travel Request form.

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ag3440B

# USE OF PRIVATE CAR FOR SCHOOL BUSINESS

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## 3440B - USE OF PRIVATE CAR FOR SCHOOL BUSINESS

The District has established the following means for providing reimbursement for the use of privately-owned vehicles used in the performance of assigned duties.

- A. All professional staff will be assigned to a school or office which becomes the home station. It will be the responsibility of each individual to provide his/her own transportation from his/her residence to his/her assigned station and to any other assigned spot to attend meetings for administrative or training purposes.
  
- B. When an individual's duties require his/her presence at other stations or places within or out of the District, reimbursement for travel may be requested. Such requests will be approved when the travel is scheduled or authorized.
  
- C. Travel outside of the District will be reimbursed at the IRS rate.
  
- D. All personnel who are assigned duties at more than one (1) school will be listed by their immediate supervisor. Staff will be reimbursed via a yearly stipend based on the number of buildings they are assigned to or reimbursed by a mileage log.

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ag4120

# EMPLOYMENT OF SUPPORT STAFF

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## 4120 - **EMPLOYMENT OF SUPPORT STAFF**

The following guidelines are established for the interviewing and screening of employee candidates:

A. Applications are to be made in writing to the Human Resource office.

B. Checking of credentials may include direct telephone calls to immediate supervisors of the person being considered.

C. Applicants may be granted an interview if their credentials indicate they meet the criteria for the position.

D. Terms of employment shall be made known to the candidate at the time of the offer.

In selecting personnel to fill established positions, the Supervising Administrator shall be responsible for selecting the person best qualified to fill each position in accordance with position specifications established by the Board. Each final candidate must have a satisfactory criminal records check.

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ag4120C

# PRE-EMPLOYMENT INTERVIEW QUESTIONS

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## 4120C - PRE-EMPLOYMENT INTERVIEW QUESTIONS

Asking an applicant questions prohibited by the Equal Employment Opportunity Act during pre-employment interviews could open the door for a job candidate to take legal action against the District. The following guideline outlines the questions that are appropriate and those that should be avoided.

### **YOU CANNOT ASK:**

- A. any question that would indicate race or color;
- B. any question that would indicate gender, unless job-related;
- C. applicant's religion or religious customs and holidays; recommendations from church officials;
- D. if applicant, spouse, or parents are native-born or naturalized; date of citizenship; or for other proof of citizenship before hiring; (Proof of citizenship required on I-9 form)
- E. marital status before hiring, the number and age of children, who cares for them, and if applicant plans to have more;

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F. to see military service records; about military service with any country other than U.S.;

G. nationality, racial, or religious affiliation of school attended;

H. how foreign language ability was acquired;

I. inquiries about arrests, (as contrasted with convictions), except pending charges (see below at F.);

J. listing of all clubs to which the applicant belongs or has belonged;

K. that a candidate provide a photograph before hiring or that one be taken during an interview;

L. height and weight or physical/mental characteristics which do not relate directly to the job specifications;

M. whether applicant lives with a disabled individual (whether related or not);

N. whether applicant plans to marry or plans to have a family;

O. whether applicant has any military obligations.

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**YOU CAN ASK:**

A. for applicant's current and previous address; phone number;

B. whether applicant is eighteen (18) years of age or older;

C. whether the applicant is lawfully authorized to work in the United States;

D. if applicant has served in the U.S. armed forces including branch of service and rank attained; job-related experience acquired in the military;

E. academic, professional, or vocational school attended; language skills such as reading and writing, foreign languages, grades, degrees, majors, etc.;

F. criminal convictions; any pending felony charges; any misdemeanor charge related to sexual conduct or assault or abuse of a child;

G. personal and professional and other work references not relating to race, color, religion, gender, national origin, or ancestry;

H. professional and social organization membership, so long as affiliation does not identify and is not used to discriminate on the basis of gender, race, national origin, or ancestry;

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I. willingness to perform job functions;

J. willingness to work required work schedule and under prescribed working conditions.

**AFTER HIRING, YOU MAY OBTAIN:**

A. marital status and number/age of dependents for insurance and tax purposes;

B. proof of age;

C. status of citizenship (I-9 Form);

D. race, if done pursuant to required or approved affirmative action plan and maintained separately from applicant file;

E. a copy of military discharge certificate.

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ag4120D

# CHECKING REFERENCES OF APPLICANTS

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## 4120D - CHECKING REFERENCES OF APPLICANTS

The following procedure is to be used when conducting a check of references submitted by an applicant:

- A. Prior to any investigation, the applicant is to sign a waiver and a release granting the District permission to contact any person listed as a reference as well as any other person who may be familiar with the applicant's previous job performance or suitability for employment.
  
- B. Make telephone (not mail) contact with at least three (3) references particularly if there is discrepant information from the first two (2).
  
- C. Prior to contacting the reference, review AG 4120C regarding questions not to ask.
  
- D. Confine questions to the applicant's suitability for employment work performance, including interpersonal skills. Ask "would you hire \_\_\_\_\_ again?" or "would you want to work with \_\_\_\_\_ again?" Ask the reference to give specific examples of what the applicant did well and/or to rate the applicant on various aspects of the job for which the person is applying.
  
- E. Take notes of each reference contact, including time and date of the call and the reference's name and position. Maintain a written summary of the comments for

later use.

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ag4120.04

## EMPLOYMENT OF SUBSTITUTE SUPPORT STAFF

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### 4120.04 - **EMPLOYMENT OF SUBSTITUTE SUPPORT STAFF**

The Director of Human Resources approves the employment and fixes the compensation for each substitute staff member.

The screening procedure shall be as follows:

- A. All applications for substitute positions shall be made through the Human Resource office.
- B. Each applicant should show evidence of good character, knowledge, ability, and skills to carry on the work in the area in which substitute employment is sought.
- C. Each applicant should demonstrate sufficient maturity to deal with students and other employees.
- D. Screening tests may be used to determine the candidate's ability to perform the tasks for which s/he is being considered.
- E. Recommendations from former employers and others may be requested. Such records shall be retained confidentially and for official use only.

F. Criminal background check of any applicant may be made.

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ag4122

# NONDISCRIMINATION AND EQUAL EMPLOYMENT OPPORTUNITY

## 4122 - NONDISCRIMINATION AND EQUAL EMPLOYMENT OPPORTUNITY

These guidelines shall be used to ensure that the Board of Education's Policy 4122 on nondiscrimination is implemented properly and in compliance with 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. (See AG 4122C for a comparative analysis of ADA and 504.)

That policy states:

The Board does not discriminate on the basis of any characteristic protected under State or Federal law including, but not limited to, race, color, age, gender, creed or religion, handicap or disability, marital status, citizenship status, veteran status, military service, sexual orientation, national origin, ancestry, arrest record, conviction record, use or non-use of lawful products off the District's premises during non-working hours, or any other characteristic protected by law in its employment practices.

The following person has been designated to handle inquiries regarding the nondiscrimination policies of the District or to address any complaint of discrimination:

Director of Human Resources  
2902 Lindbergh Drive  
Manitowoc, WI 54220  
920-686-4787

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Notice of the Board's policy on nondiscrimination in employment practices shall be posted throughout the District, published in any District statement regarding the availability of employment, and in any staff handbooks.

**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	Real or perceived impairment that: (a) makes (or is

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	<p>activities of an individual, or being regarded as having such an impairment, or a records of having such an impairment.</p>	<p>perceived to make) achievement unusually difficult or (b) limits (or is perceived to limit) the capacity to work.</p> <p>For purposes of defining disability, "impairment" means a deterioration, a lessening, or damage to a normal bodily function or bodily condition."</p>
<p><b>Major Life Activities</b></p>	<p>EEOC regulations define "major life activities" as functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.</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</p>

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			<p>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	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	<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>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>

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	<p>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>Reasonable Accommodation</p>	<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</p>

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		<p>as an accommodation.</p> <p>An accommodation may be "reasonable" and still pose a "hardship" to the employer.</p>
<p>Essential Functions</p>	<p>The fundamental job duties of the employment position which the disabled individual holds or desires, but not the marginal functions of the position.</p> <p>A job function may be essential for the following reasons:</p> <ul style="list-style-type: none"> <li>- The reason the position exists is to perform that function</li> <li>- There are a limited number of employees available among whom the performance of that job function can be distributed</li> <li>- 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</li> </ul> <p>Evidence of whether a particular</p>	<p>No provision of the WFEA uses the term essential function.</p>

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	<p>function is essential includes:</p> <ul style="list-style-type: none"> <li>- The employer’s judgment as to which functions are essential</li> <li>- Written job descriptions prepared before advertising or interviewing applicants for the job</li> <li>- The amount of time spent on the job performing the function</li> <li>- The consequences of not requiring the incumbent to perform the functions</li> <li>- The terms of the collective bargaining agreement</li> <li>- The work experience of past incumbents in the job</li> <li>- The current work experience of incumbents in similar jobs</li> </ul>	
<p>Direct Threat</p>	<p>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.</p>	<p>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</p>

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				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.

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ag4122.01

## DRUG-FREE WORKPLACE

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### 4122.01 - **DRUG-FREE WORKPLACE**

The Board of Education prohibits the manufacture, possession, use, distribution, or dispensing of any controlled substance, including alcohol, by any member of the District's support staff at any time while on District property or while involved in any District-related activity or event.

The term "District-related activity or event" includes, but is not limited to, all District sponsored curricular, extra-curricular, co-curricular and student or staff training events whether on or off school property, and any field trip or other District sponsored trip including national and international trips.

Employees are to report to work free of the effects of all mood-altering drugs, including alcohol. The use, possession, sale or intent to sell, transfer of drugs, drug paraphernalia, or having illegal drugs or chemicals in a person's system in or on District property, or in any District owned or contracted vehicle is prohibited.

The use of or sale of alcohol on District property, at any District sponsored event or trip, or in any District-owned or contracted vehicle is prohibited.

Staff members who agree to or are assigned to supervise student activities or trips shall not violate this guideline during the entire duration of the activity or trip whether students are or are not immediately present.

1 Each staff handbook will include a summary of the standards regarding unlawful  
2 possession, use, or distribution of illicit drugs and alcohol by staff and the staff  
3 members shall be informed that compliance with this requirement is mandatory.  
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7 The District wishes to maintain a work environment that is free of illegal drugs, alcohol,  
8 firearms, explosives, or other improper materials. To this end, the District prohibits the  
9 possession, transfer, sale, or use of such materials on its premises. The District requires  
10 the cooperation of all employees in administering this policy.  
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14 Desks, file cabinets and other storage devices may be provided for the convenience of  
15 employees but remains the sole property of the District. Accordingly, they, as well as  
16 any articles found within them, can be inspected by any agent or representative of the  
17 District at any time, either with or without prior notice.  
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21 Any staff member who violates the District policy shall be subject to disciplinary action  
22 in accordance with District guidelines.  
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26 When the discipline of a staff member becomes necessary, such action shall be  
27 consistent with the requirements of any applicable Board policy and State and Federal  
28 law.  
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31 Employees that feel they may be experiencing or developing dependency on alcohol or  
32 other drugs are encouraged to take advantage of the District's Employee Assistance  
33 Program (EAP) Policy 4170.01 before a violation of this policy occurs. Alcohol or drug  
34 dependency does not excuse any employee from the requirements of this policy.  
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ag4123A

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

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

The Board of Education 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;

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F. fringe benefits available by virtue of employment, whether or not administered by the 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 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, unless the accommodation would impose an undue hardship on the operation of the District's program and/or activities. A reasonable accommodation is not necessarily required for an individual who is merely regarded as having a disability.

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 (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

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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

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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

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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 factual matter, they will virtually always 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 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 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.

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

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6 A. individuals who are currently engaging in the illegal use of drugs, when the  
7 District acts on the basis of such use

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11 B. with respect to employment, any individual who is an alcoholic whose current  
12 use of alcohol prevents such individual from performing the duties of the job in  
13 question or whose employment, by reason of such current alcohol abuse, would  
14 constitute a direct threat to property or the safety of others

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18 C. with respect to employment, an individual who has a currently contagious  
19 disease or infection and who, by reason of such disease or infection, would  
20 constitute a direct threat to the health or safety of other individuals or who, by  
21 reason of the currently contagious disease or infection, is unable to perform the  
22 duties of the job

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26 D. an individual on the basis of homosexuality or bisexuality

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29 E. an individual on the basis of:

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33 1. transvestism, transsexualism, pedophilia, exhibitionism, voyeurism,  
34 gender identity disorders not resulting from physical impairment, or  
35 other sexual behavior disorders

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39 2. compulsive gambling, kleptomania, or pyromania, or  
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3. psychoactive substance use disorders resulting from current illegal use of drugs

Individual with a disability includes an individual who:

- A. has successfully completed a supervised drug rehabilitation program and is no longer engaging in the illegal use of drugs, or has otherwise 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 drugs, but is not engaging in such use.

**Public Notice**

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 disabled persons in employment or the provision of services. This requirement may be met by including an insert in existing publications or revising and reprinting publications.

**Equal Employment Opportunity Statement**

1 The Manitowoc School District Board does not discriminate on the basis of race,  
2 color, national origin, sex, (including transgender status, change of sex, sexual  
3 orientation, or gender identity) religion, age, pregnancy, disability, national origin,  
4 ancestry, arrest record, conviction record,.

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8 The Board will also include a notice of reasonable accommodation requirements on  
9 District employment application forms and post notices that employee reasonable  
10 accommodation Request Forms may be obtained from the District's Compliance Officer  
11 (who also serves as its ADA Coordinator) (hereinafter referred to as the "CO").  
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15 **Decision-Making Process for Determining/Identify Reasonable Accommodations**  
16 **and Undue Hardship**  
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20 In determining the appropriate accommodation in the employment situation, the  
21 District will take into account two (2) factors:  
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25 A. the specific abilities and functional limitations of the particular applicant or  
26 employee with a disability; and  
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29 B. the specific functional requirements of the particular job.  
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33 Many times a reasonable accommodation will be obvious and made without difficulty  
34 and at little or no cost. The CO will first inquire of the individual with the disability as to  
35 any possible suggestions s/he may have for a simple change or adjustment that will  
36 serve as an effective accommodation. The District recognizes that employees with  
37 disabilities can be useful sources of the information on what type of accommodation  
38 they need, where to obtain information on appropriate accommodations, and where to  
39 purchase accommodations.  
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1 If, however, the identification of a reasonable accommodation proves difficult, the  
2 District will utilize an informal, interactive process whereby it and the individual will  
3 work together to identify the appropriate accommodation. The interactive process will  
4 include any and/or all of the following steps, as may be appropriate:  
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8 A. Examination of the particular job involved and determination of its purpose and  
9 essential functions. The District will conduct an individual assessment of the  
10 particular job at issue in order to analyze the actual job duties ("essential  
11 functions") and determine the true purpose or object of the job.  
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15 B. The District will then consult with the individual with a disability to find out  
16 his/her specific physical or mental abilities and limitations as they relate to the  
17 essential job functions. This will help the parties to identify the barriers to job  
18 performance and assess how these barriers could be overcome with an  
19 accommodation.  
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23 C. In consultation with the individual, the District will identify potential  
24 accommodations and assess how effective each would be in enabling the  
25 individual to perform essential job functions.  
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29 D. If the parties are still not able to identify an appropriate accommodation, the  
30 District will seek technical assistance.  
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34 E. If there are several effective accommodations that would provide an equal  
35 employment opportunity, the District will select the accommodation that best  
36 serves the needs of the individual and the District. While the District will give the  
37 individual with a disability's preference first consideration, the District may  
38 choose among effective accommodations and select the accommodation that is  
39 less expensive or easier to provide. The District may consider the cost, efficiency  
40 and availability of the alternative accommodations in selecting an effective  
41 accommodation. The District does not have the obligation to provide the "best"  
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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 limitation. The District will respect an individual with a disability's right not to accept an accommodation if 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, s/he may be considered unqualified and may either be refuse 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.

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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.

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.

### **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

1 speaking skills (except where those skills are the factors that the test purports to  
2 measure).

### 6 **Pre-employment Inquiries**

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

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18 The District may give a physical agility test at any point in the application or  
19 employment process, since such tests are not medical exams. When the District decides  
20 to give such a test it must give the test to all similarly situated applicants or employees  
21 regardless of disability.  
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25 Some examples of alternative test formats and reasonable accommodations are:  
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29 A. allowing people with certain learning or dexterity disabilities to take extra time  
30 on a test;  
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34 B. assuring the test site is accessible to a person with a mobility impairment;  
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38 C. allowing a person with a mental disability who cannot perform well with  
39 distractions to take a test in a separate room, if a group test setting is not  
40 relevant to the job; and  
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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. 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 Board 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 where appropriate, if the condition might require emergency treatment; and

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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 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 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, s/he will perform the job-related functions. Any questions concerning the need for reasonable accommodation should always be linked with performance on a specific job function. The interviewer 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?

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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?

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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 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 if all other candidates must do so.)

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

1     **Investigation and Complaint Procedure**  
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5     Any employee or applicant who believes that s/he has been subjected to unlawful  
6     discrimination, retaliation, or denied reasonable accommodation may seek resolution  
7     of his/her complaint through the procedures described in Policy 4123 – Section  
8     504/ADA Prohibition Against Disability Discrimination In Employment. The complaint  
9     procedure involves an investigation of the individual’s claims and a process for  
10    rendering a decision regarding whether the charges are substantiated.  
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14    **Privacy/Confidentiality**  
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17    The School District will employ all reasonable efforts to protect the rights of the  
18    Complainant, the Respondent(s), and the witnesses as much as possible, consistent with  
19    the Board’s legal obligations to investigate, to take appropriate action, and to conform  
20    with any discovery or disclosure obligations. All records generated under the terms of  
21    this policy shall be maintained as confidential to the extent permitted by law.  
22    Confidentiality, however, cannot be guaranteed. All Complainants will be advised that  
23    their identities may become known to the Respondent(s) through the investigation  
24    process.  
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28    During the course of an investigation, the CO will instruct each person who is  
29    interviewed about the importance of maintaining confidentiality. Any individual who is  
30    interviewed as part of an investigation is expected not to disclose to third parties any  
31    information that s/he learns and/or provides during the course of the investigation.  
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35    **© Neola 2014**  
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ag4130

# ASSIGNMENT AND TRANSFER

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## 4130 - **ASSIGNMENT AND TRANSFER**

Relocation of support staff may become necessary to meet load conditions, building or program requirements, or for other good reasons. However, relocation shall not be made capriciously, vindictively, or arbitrarily. Transfers between buildings require the approval of the Director of Human Resources.

### **A. Involuntary Transfers**

A transfer may be made for such reasons as the following:

1. factors in the present location
  
2. schools being opened or closed
  
3. for the good of the District

### **B. Voluntary Transfers**

The following guidelines shall be followed in requesting a transfer:

1. A written request may be made to the Director of Human Resources at any time during the year for transfer to either a specified or an unspecified location.

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2. The principal and/or the immediate supervisor of the employee must be made aware of the request for transfer.

3. Voluntary transfers shall be made effective at a time in the best interest of the District.

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SUPPORT STAFF

ag4160A

# PHYSICAL EXAMINATION

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## 4160A - **PHYSICAL EXAMINATION**

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

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

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SUPPORT STAFF

ag4160B

# TUBERCULOSIS EXAMINATION

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## 4160B - TUBERCULOSIS EXAMINATION

Each support staff member of the School District shall file with the Director of Human Resources proof of freedom from communicable tuberculosis according to law and the administrative guidelines of the Wisconsin Department of Public Health.

The statement of freedom from communicable tuberculosis shall be filed prior to the first day of the employment and thereafter as required by law.

Such statement of freedom from communicable tuberculosis shall become a part of the employee's personnel file and shall be available for examination by Department of Public Health personnel.

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SUPPORT STAFF

ag4170A

# SUBSTANCE ABUSE

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## 4170A - **SUBSTANCE ABUSE**

Any support staff member whose physical characteristics, appearance, behavior, or breath odor suggest to a supervisor that s/he may be under the influence of alcohol shall be requested to take a breathalyzer test at the local police station. The support staff member shall be taken to the station by a supervisor.

Should the support staff member refuse to take such a test or should the results of the test be positive, s/he shall be disciplined for conduct unbecoming a support staff member by the Superintendent.

Should a supervisor determine from the physical aspects, appearance, or behavior of a support staff member that s/he might be under the influence of other drugs, said support staff member shall be immediately taken to a local health facility for further diagnosis. Should the support staff member refuse or be found to be under the influence of drugs, s/he shall be disciplined by the Superintendent for conduct unbecoming a support staff member and his/her case immediately referred to the Board for disposition.

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ag4170B

# EMPLOYEE ASSISTANCE PROGRAM

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## 4170B - **EMPLOYEE ASSISTANCE PROGRAM**

Individual cases either originate through voluntary referral, or are referred on the basis of a job performance interview with the supervisor and the staff member. In the latter case, the following procedures are recommended:

- A. The focus of the first interview should be restricted to the issue of job performance. Opinions or judgements should be avoided.
  
- B. After the job performance has been reviewed with the staff member, then s/he should be informed of the professional services available, including assessment and counseling. These professional services will be rendered on a confidential basis.
  
- C. The staff member may choose to accept or reject the offer of referral to a qualified professional counseling and diagnostic agency outside of the District for a determination as to whether the problem is related to alcohol/chemical use or abuse.
  
- D. If treatment is necessary, sick days may be used for the time required to be off the job.
  
- E. If the staff member rejects the offer and the job performance problems do not recur after the interview, there is no longer a job-related problem.

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F. If the job performance problems reoccur, the supervisor should take appropriate action such as an unrequested leave of absence (Policy 4161).

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ag4220

# EVALUATION

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## 4220 - **EVALUATION**

Evaluations of the support staff members shall, when applicable, comply with provisions of the Board policies. In all cases, evaluations should meet the following conditions:

- A. Evaluations are conducted the first year of employment and at least every three (3) years thereafter.

### **B. Intended Outcome of the Evaluation Plan**

The procedure should produce conclusions that:

1. include those characteristics of a result and/or performance that meet or exceed described standards;
2. include those characteristics that fall below such standards;
3. are **complete** (no missing elements), **accurate** (no factual errors or unsupported inferences), and **clear** (understandable by all relevant parties);

4. indicate priorities for closing important gaps between current results/performance and expected results/performance;

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ag4235

# JURY DUTY/COURT APPEARANCE

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## 4235 - JURY DUTY/COURT APPEARANCE

Staff members shall report to his/her supervisor and the Payroll Department when they are called for jury duty or a court appearance.

Staff members who choose to serve on a jury will not be penalized for doing so. They will receive full pay, if they endorse the check received from the court or pay the amount shown on their record slip less travel allowance.

While on jury duty, staff members are required to report daily their schedule for the following day, and must report to work when excused.

The time spent on jury duty will not be charged against personal leave and will count as time on-the-job.

Staff members must submit to the Payroll Office a record from the courts of the number of days served.

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SUPPORT STAFF

ag4440A

# JOB-RELATED EXPENSES

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## 4440A - **JOB-RELATED EXPENSES**

Expenses which are incurred by support staff members as a result of authorized travel in and outside of the District will be reimbursed to the extent provided for in these guidelines. Reimbursement is intended to provide for transportation, lodging, and food of reasonable and adequate quality. When traveling on school business, a support staff member is expected to use the same care in incurring expenses that a prudent person would exercise if traveling on personal business.

### **Authorization**

- A. Travel within or outside the District is to be authorized by the supervising administrator.
  
- B. Travel to conventions or conferences away from the District which involve overnight stay will be authorized by the Building Principal for approval by the Supervising Director. All such requests must be received in the Central Office at least fourteen (14) days prior to the date a decision is needed. Staff Travel Request forms are available in each school office.

### **Procedure**

- A. Each request for travel or conference funds should detail the reasons for the expenditures and should not be labeled in broad general terms.

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- B. Travel should be by the most direct and economical route, with carpooling whenever possible.
- C. All persons authorized to travel on official business should keep a receipts of expenditures properly chargeable to the Board.
- D. For official travel other than by automobile, tickets may be purchased by the District in advance, upon request of the individual involved.
- E. In all instances of travel reimbursement, full itemization of expenditures is required.
- F. Those doing such traveling should be expected to exercise the same care in incurring expenses that they would in travel on personal business of their own. Excessive and unnecessary travel will not be approved or reimbursed.

**Reimbursement**

- A. Reimbursement will be at the current rates approved by the Board. Requests for reimbursement will be submitted on Staff Travel Request form provided for that purpose.
- B. Travel outside the School District will be reimbursed at the IRS rate. Shuttle or taxi fare from home and conference destination to terminal and return is allowable with receipt.
- C. Lodging and meals will be reimbursed at a the approved rate. All claims must be supported by original receipted bills.
- D. Reimbursement for reasonable charges for tolls, lodging, parking, taxis, official telephone calls, and tips will be made upon presentation of supporting receipts.

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E. Registration fees are reimbursable.

F. Staff should provide hotel with the tax exempt ID number in order to have sales tax waived. The tax exempt number is on the back of the Staff Travel Request form.

**Claim Forms**

All claims for reimbursement will be submitted on the Staff Travel Request form.

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ag4440B

# USE OF PRIVATE CAR FOR SCHOOL BUSINESS

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## 4440B - USE OF PRIVATE CAR FOR SCHOOL BUSINESS

The District has established the following means for providing reimbursement for the use of privately-owned vehicles used in the performance of assigned duties.

A. All support staff will be assigned to a school or office which becomes the home station. It will be the responsibility of each individual to provide his/her own transportation from his/her residence to his/her assigned station and to any other assigned spot to attend meetings for administrative or training purposes.

B. When an individual's duties require his/her presence at other stations or places within or out of the District, reimbursement for travel may be requested. Such requests will be approved when the travel is scheduled or authorized.

Travel outside of the District will be reimbursed at the IRS rate.

C. All personnel who are assigned duties at more than one (1) school will be listed by their immediate supervisor. Staff will be reimbursed via a mileage log.

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STUDENTS

ag5113B

# OPEN-ENROLLMENT FOR STUDENTS WITH DISABILITIES

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## 5113B - OPEN-ENROLLMENT FOR STUDENTS WITH DISABILITIES

The resident school district is responsible for the screening of a child to determine if there is reasonable cause to believe that the child has a disability. The District will inform the nonresident district of the student's need for special education.

When a child who is attending the District under Open-Enrollment is referred for evaluation, the evaluation must be performed by an M-Team appointed by the District. An IEP team is required to consult with appropriate personnel designated by the student's resident school district.

When a child who is attending the District under the Open-Enrollment Program is subject to an annual IEP review, the review must be performed by staff appointed by the District in collaboration with staff designated by the student's resident school district.

The District will provide an appropriate educational program to implement the IEP of a child attending school under the full-time Open- Enrollment Program except:

- A. if the IEP requires a special education program or services that are not available or in which no space is available, the District may notify the student's resident district that the program or services are not available in the District;

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B. if the IEP requires a special education program or services that would impose an undue financial burden on the resident school district.

In these instances, the resident district is responsible for providing an appropriate educational placement for the student.

**Procedural Safeguards**

The resident district is primarily responsible for providing procedural safeguards to the child's parents. In addition:

- A. the nonresident district should fully inform the parents of any action it plans to take regarding the child and provide notice of all procedural safeguards available to the parents;
  
- B. the nonresident district must not change the placement of the child who is the subject of a hearing or court proceeding during the pendency of the hearing or court proceeding except where the parents' consent or the health and safety of the child or other person's is endangered by delaying the change.

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STUDENTS

ag5330

# ADMINISTRATION OF MEDICATIONS

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## 5330 - ADMINISTRATION OF MEDICATIONS

For purposes of this guideline:

- A. "Practitioner" shall include any physician, dentist, podiatrist, optometrist, physician assistant, and advanced practice nurse prescriber who is licensed in any State.
- B. "Medication" shall include all drugs including those prescribed by a practitioner and any nonprescription drug products.
- C. "Administer" means the direct application of a nonprescription drug product or prescription drug, whether by injection, ingestion, or other means, to the human body.
- D. "Nonprescription drug product" means any non-narcotic drug product which may be sold without a prescription order and which is prepackaged for use by consumers and labeled in accordance with the requirements of State and Federal law.

Nonprescription drug products include cough drops that contain active ingredients. These cough drops must be handled in the same manner as aspirin, Advil and Tylenol. If a cough drop contains only sugar, water, and some menthol, the procedures for handling nonprescription drug products are not required.

### **Prescribed Medications**

1 In those circumstances where a student must take prescribed medication during the  
2 school day, the following guidelines are to be observed:

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4 A. Parents should determine with their practitioner's counsel whether the  
5 medication schedule can be adjusted to avoid administering medication during  
6 school hours.

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10 B. The Medication Request and Authorization Form 5330 F1 must be filed with the  
11 school nurse before the student will be allowed to begin taking any medication  
12 during school hours. This written and signed request form is to be submitted on  
13 an annual basis, or more often if changes in dosage occur, and will include:  
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17 1. student's name and date of birth;

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21 2. medication and dosage or procedure required;

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29 4. special instructions including storage and sterility requirements;

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33 5. date prescribed medication will be started;

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37 6. practitioner's name, address, and telephone number;

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41 7. probable side effects;  
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8. agreement to notify the school in writing if the medication, dosage, schedule, or procedure is changed or eliminated. A new request form must be submitted each school year or for each new medication.

C. For each prescribed medication, the medication shall be in the original pharmacy-labeled package with the following information in a legible format:

1. student's name

2. practitioner's name

3. date

4. pharmacy name and telephone

5. name of medication

6. prescribed dosage and frequency

7. special handling and storage directions

D. All medications to be administered during school hours must be registered with the Principal's office. Upon receipt of the medication, the office staff shall verify

1 the amount of medication brought to the school and indicate that amount on the  
2 student's medication log sheet.

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4 **Nonprescription Drug Products**

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8 In those circumstances where a student must take a Nonprescription Drug Product  
9 during the school day, the following guidelines are to be observed:

- 10  
11 A. The Nonprescription Drug Product Request and Authorization Form 5330 F1a  
12 must be filed with the school nurse before the student will be allowed to begin  
13 taking any medication during school hours.  
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17 B. For each nonprescription drug product, the container shall be the original  
18 manufacturer's package and the package must list in a legible format the  
19 ingredients and recommended therapeutic dose.  
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23 The parents request to administer a nonprescription drug product shall contain  
24 the following information:  
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27 1. student's name  
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31 2. date  
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35 3. name of medication  
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39 4. dosage and frequency  
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5. special handling and storage directions

**General Procedures**

A. A Medications Administration Daily Log (Form 5330 F2) recording the administration of each prescribed medication and nonprescription drug product shall be maintained. The log will note the personnel giving the medication, the date, the exact dosage administered, and the time of day. The log will include each error in the administration of the medication and each missed administration of the medication. This log will be maintained along with the practitioner's written request and the parent's written release.

B. Written documentation of the Department of Public Instruction approved training provided for each person authorized to administer a prescribed medication or treatment will show:

1. what training was given;

2. the trainer's name and professional status:

3. when the training was given.

C. Any unused medication unclaimed by the parent will be destroyed by administrative personnel when a prescription is no longer to be administered or within seven (7) days after the end of a school year. Medication must be disposed of in an approved manner, not by flushing medications. School personnel may contact law enforcement or local hospitals to identify locations for disposal of medications.

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D. The staff member administering the medication shall make a reasonable effort to see that the student takes the medication properly.

E. All medications are to be administered in such a way as to not unduly embarrass the student.

F. Student with Severe Asthmatic Symptoms

Use of Metered Dose or Dry Powder Inhalers

Asthmatic students may, while in school, at a school-sponsored activity, or under the supervision of a school authority, possess and use a metered dose inhaler or dry powder inhaler when the following three (3) conditions are met.

1. The student is required to carry an inhaler for use prior to physical activity to prevent the onset of asthmatic symptoms or for use to alleviate asthmatic symptoms, and
2. the completed Parent Consent form for a minor student has been submitted to the office staff.

Asthmatic students who are not required to carry an inhaler shall follow the guidelines which apply to all other prescription medications and their administration.

G. Students with Severe Allergic Reactions

Use of Epi-pen

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Students who may suffer from severe allergic reactions may, while in school, at a school-sponsored activity, or under the supervision of a school authority, possess and use an epi-pen when three (3) conditions are met.

1. The student is required to carry the epi-pen for use to prevent the onset of an allergic reaction, and

2. the completed Parent Consent form for a minor student has been submitted to office staff.

Students who may suffer from severe allergic reactions but are not required to carry an epi-pen shall follow the guidelines which apply to all other prescription medications and their administration.

H. School personnel are not required to administer a nonprescription drug product or prescription drug by means other than ingestion. However, personnel designated to administer medications may indicate a willingness to provide medications, in an emergency or special situation, by means other than ingestion. This is done only under the direction and delegation of the school nurse. The school nurse shall provide instruction and written protocols, as well as documentation that both were provided.

School personnel trained to administer medications shall keep a copy of the Administration of Medication Policy and Guidelines in an accessible spot for quick reference and have the right to refuse to administer medication to students when the required authorization forms and signatures have not been completed.

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OPERATIONS

ag8330

# STUDENT RECORDS

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## 8330 - **STUDENT RECORDS**

Student records shall be maintained in accordance with Board of Education Policy 8330 and State/Federal laws and regulations.

The student record is the legal record for each student who is or has attended schools within the District. All information contained in the student record must be factual, verifiable, and of a constructive nature. The Board shall collect, maintain, and use only information necessary for legally mandated functions.

Education Records, as defined in 34 C.F.R. 99.3 (Family Educational Rights and Privacy Act), means those records, files, documents and other materials that are: (1) directly related to a student; and (2) maintained by Board or by a party acting for the Board. "Record" means any information recorded in any way, including, but not limited to: handwriting; print; computer media; tape; film; microfilm and microfiche.

Student "personally identifiable information" includes, but is not limited to: the student's name; the name of the student's parent(s) or other family members; the address of the student or student's family; a personal identifier, such as the student's social security number, student number, or biometric record; other indirect identifiers, such as the student's date of birth, place of birth, and mother's maiden name; other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty; or information requested by a person who the District reasonably believes knows the identity of the student to whom the education record relates.

**Definitions**

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- A. "Record" means any material on which written, drawn, printed, spoken, visual, or electromagnetic information is recorded or preserved, regardless of physical form or characteristics.
  
- B. "Student records" include all records relating to an individual student, regardless of format, other than: 1) notes or records maintained for personal use by teachers or other personnel required to hold certification by the Department, provided those notes or records are not available to others; 2) records necessary for and available only to persons involved in the psychological treatment of a student; and 3) law enforcement unit records. The District is required, however, to maintain the confidentiality of law enforcement unit records in the same manner as a law enforcement agency is required to treat the records of juveniles under Section 938.396(1) to (1x) and (5).
  
- C. "Progress records" are student records that include a statement of courses taken by the student, the student's grades, the student's immunization records, the student's attendance record, any lead screening records required under 254.162, Wis. Stats. and records of the student's extra- curricular activities.
  
- D. "Behavioral records" include student record other than progress records and directory data. Examples include: standardized achievement tests, psychological tests, personality evaluations, records of conversations, written statements relating specifically to an individual student's behavior, tests relating specifically to achievement or measurement of ability, student physical health records other than his/her immunization records, and law enforcement records.
  
- E. "Student physical health records" include basic health information about a student, including the student's immunization records, an emergency medical card, a log of first aid and medicine administered to the student, an athletic permit card, a record concerning the student's ability to participate in an

1 education program, the results of any routine screening test such as for hearing,  
2 vision, or scoliosis, and any follow-up to such test, and any other basic health  
3 information as determined by the State Superintendent of Public Instruction.  
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6 F. "Law enforcement unit" means any individual, office, department, division, or  
7 other component of a school district that is authorized or designated by the  
8 school board to do any of the following:  
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12 1. Enforce any law or ordinance, or refer to the appropriate authorities a  
13 matter for enforcement of any law or ordinance, against any person other  
14 than the school district.  
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18 2. Maintain the physical security and safety of a public school.  
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22 G. "Law enforcement unit records" means records maintained by a law  
23 enforcement unit that were created by that law enforcement unit for the  
24 purpose of law enforcement.  
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28 H. "Court records" include those records received from a court clerk concerning a  
29 juvenile enrolled in the District who: 1) has had a petition filed with the court  
30 alleging that s/he has committed a delinquent act that would be a felony if  
31 committed by an adult; 2) has been adjudged delinquent; 3) has school  
32 attendance as a condition of his/her court dispositional order; or 4) has been  
33 found to have committed a delinquent act, at the request of or for the benefit of  
34 a criminal gang, that would be a felony if committed by an adult and has been  
35 adjudged delinquent on that basis.  
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38 I. "Student patient records" include all those records relating to a student's  
39 physical health except those included in the "student physical health records"  
40 definition above.  
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J. "Directory Information" includes those student records which identify a student's name, address, telephone number, date of and place of birth, major field of study; participation in officially recognized activities and sports, height and weight if a member of an athletic team, dates of attendance, date of graduation; photographs, name of school most recently previously attended and degrees or awards received. Directory information also includes a student ID number, user ID, or other unique personal identifier used by the student when accessing or communicating in a District's electronic systems, if, standing alone, it cannot be used to access student education records (i.e. a pin number, password, or other factor is also needed).

K. "Law enforcement officers' records" includes those records and other information obtained from a law enforcement agency relating to: 1) the use, possession, or distribution of alcohol or a controlled substance by a student enrolled in the District; 2) the illegal possession of a dangerous weapon by a child; 3) an act for which a District student was taken into custody based on the law enforcement officer's belief that the student violated or was violating certain specified laws; and 4) the act for which a juvenile enrolled in the District was adjudged delinquent. The law enforcement agency may provide such record information to the District on its own initiative or on the request of the District Administrator or designee, subject to the agency's official policy. Once the record information is received, the student named in the records and the parent/guardian of any minor student named in the records shall be notified on the information.

The term, Education Records, does not include:

A. records of instructional, supervisory, and administrative personnel and educational personnel ancillary thereto that are:

1. kept in the sole possession of the maker thereof; and

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2. used only as a personal memory aid; and

3. not accessible or revealed to any other person except a temporary substitute for the maker of the record;

For the purpose of this definition, a "substitute" means an individual who performs on a temporary basis the duties of the individual who made the record, and does not refer to an individual who permanently succeeds the maker of the record in his/her position.

B. records maintained by a law enforcement unit (e.g., School Resource Officer) of the School District that were created by that law enforcement unit for the purpose of law enforcement;

C. records relating to an individual who is employed by the Board, that:

1. are made and maintained in the normal course of business;

2. relate exclusively to the individual in that individual's capacity as an employee; and

3. are not available for use for any other purpose;

Records, however, relating to an individual at the District who is employed as a result of his/her status as a student are education records.

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D. records on a student who is eighteen (18) years of age or older, or is attending an institution of postsecondary education, that are:

1. made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his/her professional capacity, or assisting in a paraprofessional capacity; and
2. made, maintained, or used only in connection with treatment of the student; and
3. disclosed only to individuals providing the treatment (except, that the records can be personally reviewed by a physician or other appropriate professional of the student's choice). For the purpose of this definition, "treatment" does not include remedial educational activities or activities that are part of the program of instruction at the educational agency or institution;

E. records created or received by the Board after an individual is no longer a student in attendance and that are not directly related to the individual's attendance as a student (e.g. information pertaining to the accomplishments of alumni);

F. grades on peer-graded papers before they are collected and recorded by a teacher.

The District maintains or may establish video surveillance for security reasons at various areas around its facilities and on its buses. Video recordings that show students may constitute a student record, under certain circumstances. This is generally where the record is maintained to document student conduct or misconduct, unless it is maintained for law enforcement purposes as described above. Generally video taken of

1 athletic events or other student performances that are open to the public will not be  
2 considered student records. The Superintendent or designee will determine whether  
3 the video constitutes a student record prior to the release of any video surveillance  
4 containing students, other than to authorized individuals.  
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8 The student's school record shall contain the following information that shall be  
9 retained permanently or for one hundred years:  
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13 A. name, address and telephone listing of parent (see Form 8330 F1)  
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16 B. enrollment data to include validated birth record, proof of residency,  
17 immunization records, and social security number or computer number  
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21 C. attendance records  
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25 D. grades and/or transcripts  
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29 E. standardized and/or mandated achievement test data, including  
30 proficiency/achievement test records that include the date each student meets  
31 the proficient level for the test administered; and  
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35 F. date of graduation and/or transfer or withdrawal  
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39 The student's education records shall contain, if applicable to the individual, the  
40 following information, to be retained for a period not less than two (2) years beyond  
41 the date of high school graduation:  
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A. health and medical information; emergency medical authorization forms may be destroyed upon the annual receipt of the forms as required by law

B. court order on parental rights and responsibilities and/or custodial or guardianship arrangements, including any court orders regulating access of a parent to school records

C. awards and recognitions

D. information and/or data relevant to the identification, evaluation and/or placement of students in accordance with the Individuals with Disabilities Education Act, Section 504 of the 1973 Rehabilitation Act or other applicable State laws and regulations

E. reports and such other confidential information generated by professionals or agencies outside the District relevant to the student's educational program

F. such other verifiable, factual and relevant information to be used in making decisions regarding the student's educational program, including disciplinary records

G. disciplinary records including any suspension and expulsion action must be included in records transferred to a receiving school

**RESPONSIBILITY**

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The Custodian of Records (COR) shall be the principal who may delegate certain responsibilities to the school secretary. The COR is responsible for maintaining the confidentiality of directory information, if the parents or eligible student have so requested, and other personally identifiable information in the education records. The COR is responsible for the implementation of this Board's policies and procedures regarding confidentiality, including informing all personnel in this District who collect, maintain, use, or otherwise have access to student records of this Board's policies and procedures on confidentiality.

The District's Records Officer (DRO) shall prepare an annual notice to parents/eligible students that informs them of their rights to (see Form 8330 F9):

- A. inspect and review the student's education records;
- B. request an amendment to the records if the parent or eligible student believes the information to be inaccurate, misleading, or otherwise in violation of the student's privacy rights;
- C. limit the disclosure of personally-identifiable information defined as directory information within Policy 8330 or to such other disclosures not required by law;
- D. request a hearing if the Board refuses to amend records believed by the parent or eligible student to be misleading or inaccurate and to file a complaint with the United States Department of Education if the parent/eligible student is dissatisfied with the results of the hearing;
- E. obtain a copy of the Board's policy on student records.

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The notice may be in the form of a section of the local newspaper, District's newsletter, and/or the student handbooks (see Form 8330 F9).

**Ongoing Maintenance of Records**

**A. Public Listing of Authorized Employees (see Form 8330 F2)**

1. Each COR shall maintain a current listing of those employees and other persons, approved by the DRO, authorized to access personally-identifiable information housed at the location specified.
  
2. Each COR shall post and maintain the listing for public inspection at his/her respective location.

**B. Types and Location of Records**

1. The DRO shall prepare a listing of the types and locations of records collected, maintained, or used by the District, and the name of the COR at each location.

The list shall be provided to parents/eligible students upon request.

2. Education records shall be stored in secured facilities and/or equipment, and shall be available only to those specified in policy or these guidelines. Reasonable and appropriate methods (including but not limited to physical and/or technological access controls) shall be utilized to control

1 access to student records and to make certain that school officials obtain  
2 access to only those education records in which they have legitimate  
3 educational interest. The COR is directed to utilize reasonable methods to  
4 identify and authenticate the identity of parents, students, school officials  
5 and any other parties to whom the District discloses personally  
6 identifiable information from education records.  
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9 **C. Consent to Disclose Information (see Form 8330 F4 and Form 8330 F8)**  
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13 1. Whenever there is a request for a copy of information from a student's  
14 record, the COR shall obtain written and dated consent, prior to  
15 disclosure of records, from parents/eligible students, which includes:  
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18 a. the records that may be disclosed;  
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22 b. the purpose for which the disclosure may be made;  
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26 c. the party or class of parties to whom the disclosure may be made;  
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30 d. whether or not the parents/eligible students wish to have a copy  
31 of the records disclosed and/or, if the student is not an eligible  
32 student, whether the Board should provide that student with a  
33 copy of the disclosed record.  
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37 Signed permission should be obtained from eligible students prior to  
38 allowing their parents access to the records, provided the student is not  
39 considered a dependent under Section 152 of the Internal Revenue Code.  
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2. Prior consent will not be needed if:

- a. the disclosure is to school officials, including teachers, who have a legitimate educational interest (as defined by Board policy) in the information;

In order for a contractor, consultant, volunteer or other party to whom the Board has outsourced institutional services or functions to be considered a school official, the outside party must:

- 1. perform an institutional service or function for which the Board would otherwise use employees;
- 2. be under the direct control of the Board with respect to the use and maintenance of education records; and
- 3. be subject to applicable provisions governing the use and re-disclosure of personally identifiable information from education records;

- b. the disclosure is to another school, school district, or postsecondary institution, as stated in Board policy;

- c. the disclosure is, subject to the conditions set forth in applicable Federal and/or State statutes and/or regulations, to authorized representatives of the Comptroller General of the United States, the Attorney General of the United States, the United States Secretary of Education, or State and local educational authorities;

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d. the disclosure is in connections with a student's application for or receipt of financial aid; (See section below entitled: "Disclosure for Student Financial Aid");

e. the disclosure is to organizations conducting studies for, or on behalf of, educational agencies or institutions for the purpose of developing, validating, or administering predictive tests, administering student aid programs, or improving instruction;

Disclosures pursuant to this paragraph are limited to circumstances when the study is conducted in a manner that does not permit personal identification of parents and students by individuals other than representatives of the organization that have legitimate interests in the information; the information is destroyed when no longer needed for the purposes for which the study was conducted; and the Board enters into a written agreement with the organization that contains all the content required by applicable Federal regulations.

This written agreement will include: (1) specification of the purpose, scope, duration of the study, and the information to be disclosed; (2) a statement requiring the organization to use the personally identifiable information only to meet the purpose of the study; (3) a statement requiring the organization to prohibit personal identification of parents and students by anyone other than a representative of the organization with legitimate interests; and (4) a requirement that the organization destroy all personally identifiable information when it is no longer needed for the study, along with a specific time period in which the information must be destroyed.

f. the disclosure is to authorized representatives of the Comptroller General, the Attorney General, the Secretary of Education, or state and local authorities, and is made for the purpose of conducting an audit or evaluation of a Federal or state supported education program, or to

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enforce or comply with Federal requirements relating to those programs;

A written agreement between the parties is also required under this exception. Mandatory elements of this written agreement include: (1) designation of the receiving entity as an authorized representative; (2) specification of the information to be disclosed; (3) specification that the purpose of the disclosure is to carry out an audit or evaluation of a government supported educational program or to enforce or comply with the program's legal requirements; (4) a summary of the activity that includes a description of methodology and an explanation of why personally identifiable information is necessary to accomplish the activity; (5) a statement requiring the organization to destroy all personally identifiable information when it is no longer needed for the study, along with a specific time period in which the information must be destroyed; and (6) a statement of policies and procedures that will protect personally identifiable information from further disclosure or unauthorized use.

Pursuant to the audit exception, the District will use "reasonable methods" to verify that the authorized representative complies with FERPA regulations. Specifically, the District will verify, to the greatest extent practical, that the personally identifiable information is used only for the audit, evaluation or enforcement of a government-supported educational program. The District will also ascertain the legitimacy of the audit or evaluation and will only disclose the specific records that the authorized representative needs. Further, the District will require the authorized representative to use the records only for the specified purpose and not to disclose the information any further, such as for another audit or evaluation. Finally, the District will verify that the information is destroyed when no longer needed for the audit, evaluation or compliance activity.

g. the disclosure is to accrediting organizations to carry out their accrediting functions;

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h. the disclosure is to parents of a dependent student, as defined in Section 152 of the Internal Revenue Code of 1986;

i. the disclosure is to comply with a judicial order or lawfully issued subpoena;

Disclosures permitted by this paragraph may only occur after the Board makes a reasonable effort to notify the parent or eligible student of the order or subpoena, so the parent or eligible student may seek protective action, unless the disclosure is authorized by applicable Federal regulations. The Board need not notify the parent when the parent is a party to a court proceeding involving child abuse and neglect (as defined in Section 3 of the Child Abuse Prevention and Treatment Act) or dependency matters, and the order is issued in the context of that proceeding. Additionally, if the Board initiates legal action against a parent or student, the Board may disclose to the court, without a court order or subpoena, the student's education records that are relevant for the Board to proceed with the legal action as plaintiff. Likewise, if a parent or student initiates legal action against the Board, the Board may disclose to the court, without a court order or subpoena, the student's education records that are relevant for the Board to defend itself.

j. the disclosure is in connection with an emergency; (See section below entitled: "Emergency Release");

k. the disclosure is information the Board has designated as "directory information";

l. the disclosure is to the parent of a student who is not an eligible student, or to the student;

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m. the disclosure concerns sex offenders and other individuals required to register under Section 170101 of the Violent Crime Control and Law Enforcement Act of 1994, and the information was provided to the Board pursuant to that law and its implementing regulations;

n. the disclosure concerns the juvenile justice system and its ability to serve, prior to adjudication, the student whose records are released, providing the officials to whom the records are released certify, in writing, to the District that the information will not be released to a third party, except as provided by State law, without the prior written consent of the parents;

o. the disclosure is to an agency caseworker or other representative of a state or local child welfare agency, or tribal organization as defined in Federal law, who has the right to access a student’s case plan as determined by the agency or organization, when such agency or organization is legally responsible for the care and protection of the student provided the education records and personally identifiable information will not be unlawfully released to third parties;

The agency or organization may release the education records and personally identifiable information to an individual or entity engaged in addressing the student’s education needs and authorized by the agency or organization to receive such disclosure and such disclosure is consistent with state or tribal laws applicable to protecting the confidentiality of a student’s education records.

p. the disclosure is authorized by other sections of Family Education Rights and Privacy Act (FERPA).

3. De-identified Records and Information – The District may release education records without prior consent if all personally identifiable information has

1           been removed provided the administration (i.e., the DRO and COR) have made  
2           a reasonable determination that a student's identity is not personally  
3           identifiable, whether through single or multiple releases, and taking into  
4           account other reasonably available information.  
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7           4. No person shall release to a parent of a student who is not the custodial  
8           parent or any other person any information about the school to which the  
9           student has transferred or that would enable the parent who is not the  
10          custodial parent to locate the student if the school to which the student has  
11          transferred informs this District that the student is under the care of a shelter  
12          for victims of domestic violence.  
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15           **Parents: Disclosure, Inspection, Review of Records**  
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19           The COR shall permit parents/eligible students, upon request, to retrieve information  
20           from and to inspect and review, records that are maintained by the District that relate  
21           to the student's education. The following conditions shall apply:  
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25           A. At times, agencies or individuals outside the District provide the District with  
26           information necessary and relevant to the student's education. Psychological or  
27           medical information should be provided to a parent in the presence of an  
28           appropriately-licensed professional who can properly explain the information.  
29           Such information may be provided to the District only with the written consent  
30           of the parent. Upon parental request the Board will notify the parent with the  
31           date and source of any record generated outside the District so that parents may  
32           access these records through the originator.  
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36           B. If any education record includes information on more than one (1) student, the  
37           parents/eligible student shall have the right to review and inspect only the part  
38           of the record that relates to the student, or to be informed of that specific  
39           information.  
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C. The request for access to records must be honored within a reasonable period, but in no case later than forty-five (45) days from receipt of the request. Requests to inspect and review education records that are collected, maintained or used by the District with respect to students with disabilities must be honored without unnecessary delay, and before any meeting regarding an individualized educational program (IEP), hearing relating to the identification, evaluation, or placement of the student, or resolution session, and in no case more than forty-five (45) days after the request was made.

D. The parents/eligible students have a right to have their representative inspect and review the records upon submission of a signed and dated written consent that:

- 1. specifies the records that may be disclosed;
- 2. states the purpose of disclosure;
- 3. identifies the party or class of parties to whom the disclosure may be made.

E. The Board shall presume that either parent has the authority to disclose, inspect, and review the student's records unless a court order indicates otherwise or unless otherwise prohibited by law.

If the parents/eligible students request an opportunity to inspect and review records, a written request is necessary.

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F. The parents/eligible students are to complete the Board’s Request for Information Form 8330 F5 prior to receiving copies of any record.

The COR shall arrange a mutually-agreeable time for the review with the parents/eligible students.

G. Subject to the limitations within the law, policy, and/or guidelines, the COR shall provide parents/eligible students with copies of any information in the student's education records and shall respond to reasonable requests for explanation and interpretation of the records. Copies of the records shall be provided for the current cost of duplication unless that fee effectively prevents the parents/eligible students from exercising the right to inspect and review the records.

H. If the parents/eligible students request disclosure of specific information by telephone, the COR shall not disclose requested information.

I. The District shall not destroy any education record if there is an outstanding request to inspect and review the record.

J. Parents/Eligible students who have provided the District with signed security and release documents may access the confidential attendance and academic record information about their student through the Internet. Neither the District nor its employees will be held responsible for any privacy violation by the parent/eligible student or any unauthorized party.

**Confidentiality**

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**A. Access to Student Progress and Behavior Records** - All student progress and behavioral records maintained by the School District shall be confidential with access limited to the conditions below:

1. Upon request, an eligible student or the parent/guardian of a minor student shall be shown and provided with a copy of the student's progress records.
  
2. Upon request, an eligible student or the parent/guardian of a minor student shall be shown the student's behavioral records in the presence of a person qualified to explain and interpret the records.
  
3. The judge of any court of Wisconsin or of the United States shall, upon request, be provided with a copy of all progress records of a student who is the subject of any proceeding in such court. The District shall make a reasonable effort to notify the parent/guardian or eligible student of the order in advance of compliance therewith, except as otherwise provided by law.
  
4. Student records shall be made available to school officials who have been determined by the Board to have legitimate educational interests, including safety interests, in such records. A "School Official" is a person employed by the District who is required by the Department of Public Instruction (DPI) to hold a license; a person who is employed by or working on behalf of the District as an administrator, supervisor, instructor, or support staff member (including health or medical staff and police-school liaison personnel); a person serving on the Board; a person or company with whom the District has contracted to perform a specific task (such as an attorney, auditor, medical consultant, or therapist); or a parent or student serving on an official committee such as a disciplinary or grievance committee, or assisting another school official in performing his/her tasks. A school official has a "legitimate educational interest" if the official needs to review a student record in order to fulfill his/her professional or District responsibility.

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a. If law enforcement officers' record information obtained by the District relates to a District student, the information shall be disclosed only to those employees who are required by the DPI to hold a license and to other school officials who have been determined by the Board to have a legitimate educational interest, including safety interest, in the information. It shall also be disclosed to those District employees who have been designated by the Board to receive that information for the purpose of providing treatment programs for District students. The information may not be used as the sole basis for suspending or expelling a student from school, or as the sole basis for taking any other disciplinary action against a student, including action under the District's athletic code.

b. Court order records obtained by the District must be disclosed to District employees who work directly with the juvenile named in the records or who have been determined by the Board to have legitimate educational interests, including safety interests, in the information. An employee cannot further disclose the information, and the information cannot be used as the sole basis for suspending or expelling a student from school.

5. Upon the written permission of an eligible student or parent/guardian of a minor student, the school shall make available to the person named in the permission form, the student's progress records or such portion of his/her behavioral records as determined by the person authorizing the release. Law enforcement records may not be made available under this exception unless specifically identified by the eligible student or by the parent/guardian of a minor student in the written permission form.

6. Student records shall be provided to a court in response to a subpoena by parties to an action for in camera inspection, to be used only for purposes of impeachment of any witness who has testified in the action and only after the moving party has made a showing to the court that the records are likely to yield such information that could not be otherwise obtained. The court may turn the records or parts thereof over to parties in the action or their attorneys if the court determines that the records or

1 parts thereof are relevant and material to a witness's credibility or  
2 competency. The District shall make a reasonable effort to notify the  
3 parents/guardians or eligible student of the subpoena in advance of  
4 disclosure except as otherwise provided by law.  
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7 7. Information required by law may be provided to the DPI or any public  
8 officer. Upon request, the Board shall provide the DPI with any student  
9 record information that relates to an audit or evaluation of a Federal or  
10 State-supported program or that is required to determine compliance  
11 with State law provisions.  
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15 8. Notwithstanding their confidential status, student records may be used in  
16 suspension and expulsion proceedings and by the Individualized  
17 Education Program (IEP) Team in accordance with State and Federal law.  
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21 9. The district board of the technical college in which the school is located,  
22 the Department of Health and Family Services, the Department of  
23 Workforce Development, or a county department verifying eligibility for  
24 public assistance shall, upon request, be provided with the names of  
25 students who have withdrawn from the school prior to graduation.  
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29 10. Information from a student's immunization record shall be made  
30 available to State and local health officials to carry out immunization  
31 requirements.  
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35 11. Personally identifiable information from the student records of an eligible  
36 student may be disclosed to the parent of the eligible student without the  
37 written consent of the eligible student if the eligible student is a  
38 dependent of his/her parent for tax purposes (under the Federal Internal  
39 Revenue Code, 26 U.S.C. 152). This may be done unless the eligible  
40 student has informed the school, in writing, that the information may not  
41 be disclosed.  
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Personally identifiable information includes a biometric record, which means a "record of one or more measurable behavioral or biological characteristics" that can be used to identify a student. (e.g., fingerprints, retinal scans, voiceprints, DNA sequence, and handwriting).

12. A student's records shall be disclosed in compliance with a court order under Wisconsin's delinquency statutes after a reasonable effort has been made to notify the student's parent/guardian.

13. The District shall provide to the court, in response to a court order, the names of all persons known by the District to be dropouts and who reside within the county in which the circuit court or the municipality court is located.

14. Annually, on or before August 15th, the District shall report to the appropriate community services boards established under Sections 51.42 and 51.437 the names of students who reside in the District, who are sixteen (16) years of age or older, who are not expected to be enrolled in an educational program two (2) years from the date of the report and who may require services under Sections 51.42 or 51.437 (community mental health, development disabilities, alcoholism, and drug abuse).

15. If school attendance is a condition of a student's dispositional order under Section 48.355(2)(b)7 or 938.358(2), the Board shall notify the county department that is responsible for supervising the student within five (5) days after any violation of the condition by the student.

16. A law enforcement agency shall be provided a copy of a student's attendance record if the law enforcement agency certifies in writing that the student is under investigation for truancy or for allegedly committing a criminal or delinquent act and that the law enforcement agency will not

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further disclose the student's attendance record information except as permitted by law. When a student's attendance record is disclosed to a law enforcement agency for purposes of truancy, the student's parent/guardian shall be notified of that disclosure as soon as practicable after the disclosure.

17. A fire investigator shall be provided with a copy of a student's attendance record if the fire investigator certifies in writing that the student is under investigation for arson, that the attendance record is necessary for the investigation and that the records will be used and further disclosed only for the purpose of pursuing the investigation.

18. The District shall provide student disciplinary records necessary for purposes of student enrollment in another public or private school district in this State or any other as permitted by law. These records may include:

a. a copy of any expulsion findings and orders or records of any pending disciplinary proceedings involving the students;

b. a written explanation of the reasons for the expulsion or pending disciplinary proceedings;

c. the length of the term of the expulsion or the possible outcomes of the pending disciplinary proceedings.

19. The District may disclose student records to appropriate parties, e.g. law enforcement officials, or health care workers, in connection with an emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals.

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20. The District may disclose personally identifiable information from an education record to appropriate parties, including parents of eligible students, in connection with an emergency if necessary to protect the health or safety of the student or other individuals. If the District determines there is an articulable and significant threat, it may disclose the information to any person whose knowledge of the information is necessary to protect the health or safety of the student or other individuals.
21. The disclosure is to authorized representatives of the Comptroller General, the Attorney General, the Secretary of Education, or State and local authorities, and is made for the purpose of conducting an audit or evaluation of a Federal or State supported education program, or to enforce or comply with Federal requirements relating to those programs. A written agreement between the parties is also required under this exception. Mandatory elements of this written agreement include: (1) designation of the receiving entity as an authorized representative; (2) specification of the information to be disclosed; (3) specification that the purpose of the disclosure is to carry out an audit or evaluation of a government supported educational program or to enforce or comply with the program's legal requirements; (4) a summary of the activity that includes a description of methodology and an explanation of why personally identifiable information is necessary to accomplish the activity; (5) a statement requiring the organization to destroy all personally identifiable information when it is no longer needed for the study, along with a specific time period in which the information must be destroyed; and (6) a statement of policies and procedures that will protect personally identifiable information from further disclosure or unauthorized use.
22. The District has implemented physical, technical and administrative safeguards to ensure that records sent by the District to students or their parents, or both, through e-mail are not disclosed to a third party. Notwithstanding these measures, there are risks inherent in e-mail transmissions, and the District cannot guarantee the confidentiality and security of e-mail. Accordingly, the District must obtain prior written consent from any student or parent to whom student records will be sent

1 through e-mail. (See Form 8330 F4b). In addition, any e-mail containing  
2 educational records will contain the following nondisclosure notice:  
3 Federal Rule (34 C.F.R. 99.33) prohibits a third party (e.g., Internet Service  
4 Provider) from making any further disclosure of this information unless  
5 expressly permitted by the prior consent of the parent or eligible student.  
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8 **B. Access to Directory Data** - Except as otherwise provided below, directory  
9 information may be disclosed to any person after the school has: 1) notified the  
10 parent, legal guardian or guardian ad litem of the categories of information  
11 which it has designated as directory information with respect to each student; 2)  
12 informed such persons that they have fourteen (14) days to inform the school  
13 that all or any part of the directory information may not be released without  
14 their prior consent; and 3) has allowed fourteen (14) days for the parents, legal  
15 guardian, or guardian ad litem of any student to inform the school, in writing,  
16 that all or any part of the directory information may not be released. At the end  
17 of this fourteen (14) day period, each student's records will be appropriately  
18 marked by the records' custodian(s) to indicate directory data items, if any, the  
19 District must receive parental permission to release. This designation will remain  
20 in effect until it is modified by the written direction of the student's parent,  
21 guardian, or guardian ad litem.  
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25 1. The custodian of student records shall not release directory information  
26 to any person or company to be used for commercial or business  
27 purposes.  
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30 2. If the District has followed the notification procedure outlined above, and  
31 the parent, legal guardian, or guardian ad litem does not object to the  
32 directory information being released, the Board Clerk (or designee) shall,  
33 upon request, provide the name and address of each student expected to  
34 graduate from high school in the current school year to the technical  
35 college board.  
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39 3. If the District has followed the notification procedure outlined above, and  
40 the parent, legal guardian, or guardian ad litem does not object to the  
41 directory information being released, the Board Clerk (or designee) shall,  
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1 upon request, provide any representative of any law enforcement agency,  
2 city attorney, district attorney, or cooperation counsel, county  
3 department under Sections 46.215 or 46.22 or 46.23, a court of record or  
4 municipal court with such directory information relating to any such  
5 student enrolled in the School District for the purpose of enforcing that  
6 student's school attendance, to respond to a health or safety emergency,  
7 or to aid in the investigation of alleged criminal or delinquent activity by a  
8 student enrolled in the District.

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11 4. If the District has followed the notification procedure outlined above, and  
12 the parent, legal guardian or guardian ad litem does not object to the  
13 directory information being released, the Board Clerk (or designee) shall,  
14 upon request, provide any military recruiter or institution of higher  
15 education with the name, address, and telephone number of the student.  
16 (Only secondary schools are required to provide this information to  
17 military recruiters or institutions of higher education.)

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20 **C. Access to Student Patient Records** - All student patient records shall remain  
21 confidential. They may be released only to persons specifically designated by  
22 State or Federal law or to other persons with the informed consent of the patient  
23 or person authorized by the patient. Student patient records maintained by the  
24 District may only be released without informed consent to a District employee  
25 or agent if any of the following apply:

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28 1. The employee or agent has responsibility for the preparation or storage  
29 of patient health records.  
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33 2. Access to patient health records is necessary to comply with a  
34 requirement in Federal or State law.  
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38 Any record that concerns the results of a test for the presence of HIV or antibody  
39 to HIV (the virus which causes acquired immunodeficiency syndrome--AIDS) shall  
40 be confidential and may be disclosed only with the informed **written** consent of  
41 the test subject.  
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**D. Disclosure of Personal Information for Purposes of Marketing or Selling Information**

The Board shall not permit the collection, disclosure, or use of personal information collected from students for the purpose of marketing or for selling that information (or otherwise providing that information to others for that purpose).

**E. Disclosure of Educational Records to a Third-Party** - The District will inform in writing any third-party to whom personally identifiable information is released that, except as otherwise permitted by State or Federal law, the party is not allowed to disclose the information to others without the written consent of the student's parents or the student, provided the student is an adult.

**F. Disclosure of Library Records to Parents**

See Policy 2416.01 Parental Access to Library Records

**Maintenance of Records**

A. Except as otherwise specifically provided, all student records will be kept in one (1) file in the school building in which the student is enrolled. This file will be kept in a locked file or drawer under the control of the building principal. Law enforcement and student patient records shall be maintained separately from a student's other records.

B. Copies of records of any student referred for a suspected disability will be maintained in the Pupil Service Office.

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C. Requests for access to, or copies of, student records will be referred to the building principal for action. Student records shall be released only to the extent authorized by law.

D. A record of each request for access to and each disclosure of personally identifiable information from a student's school records shall be maintained with such student's records, except when the request is from or the disclosure is to the following person/party:

1. the parent/guardian or eligible student
  
2. a school official
  
3. a party with written consent from the parent/guardian or eligible student
  
4. a party seeking directory information
  
5. a party seeking or receiving the records as directed by a Federal grand jury or other law enforcement subpoena and the issuing court or other issuing agency has ordered that the existence or the contents of the subpoena or the information in response to the subpoena not be disclosed

E. Records of students who cease to be enrolled shall be maintained as follows:

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1. All behavioral records will be destroyed one (1) year after the date the student graduated from or last attended the school unless the student, or his/her parent/guardian if the student is a minor, gives permission that the records be maintained for a longer period of time. Where such written permission is received, behavioral records will be destroyed after the time specified in the permission form or at the discretion of the District when they are of no further obvious use.
  
2. Progress records will be kept five (5) years after the date the student graduated from or last attended the school, except a record of grades and attendance is to be kept permanently.
  
3. Records of psychological testing or special education evaluations, including all individual reports, will be maintained for one (1) year after a student transfers out of the District. Upon written permission of an eligible student or the parent or legal guardian of a minor student, such records will be maintained for up to five (5) years.

**Amendment of Records**

- A. A parent/guardian or an eligible student who believes that the school records collected, maintained, or used are inaccurate, misleading, or otherwise in violation of the privacy rights of the student may request the District to amend the records. The District will decide whether to amend the information in accordance with the request within a reasonable period of time of receipt of the request.
  
- B. If the District decides to refuse to amend the information in accordance with the request, it will inform the parent/guardian or eligible student of the refusal and advise him/her of the right to a hearing before the Board of Education. On request, the District shall provide an opportunity for a hearing to challenge

1 information in school records to ensure that it is not inaccurate, misleading, or  
2 otherwise in violation of the privacy rights of the student.

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5 C. If, as a result of the hearing, the District decides that the information is  
6 inaccurate, misleading, or otherwise in violation of the privacy rights of the  
7 student, it shall amend the information accordingly and so inform the  
8 parent/guardian or eligible student in writing.

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12 D. If, as a result of the hearing, the District decides that the information is not  
13 inaccurate, misleading or otherwise in violation of the privacy rights of the  
14 student, it shall inform the parent/guardian or eligible student of the right to  
15 place in the records it maintains on the student, a statement commenting on the  
16 information or setting forth any reasons for disagreeing with the decision of the  
17 District.

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19 The District shall require that any explanation placed in the records of a student  
20 be maintained by the District as part of the records as long as the record or  
21 contested portion is maintained by the District. If the records of the student, or  
22 the contested portion, are disclosed by the District to any party, the explanation  
23 shall also be disclosed to that party.

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26 **Emergency Release**

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30 The COR may release any personally-identifiable information (without parent's/eligible  
31 student's consent) to appropriate parties, including parents of eligible students, in  
32 connection with a health/safety emergency if knowledge of the information is  
33 necessary to protect the health or safety of the student or other individuals.

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37 Upon receipt of a request for emergency information, the COR, shall consider the  
38 totality of the circumstances pertaining to a threat to the health or safety of others. If  
39 the COR determines that an articulable and significant threat exists, s/he may release  
40 information from education records to any necessary individuals. If the COR or another  
41 school official releases personally identifiable information pursuant to this Section, s/he  
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1 must record in the student's education records the basis for the decision that a health  
2 or safety emergency existed.

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6 **Transfer of Records**

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10 All student records relating to a specific student shall be transferred to another school  
11 or school district within five (5) work days upon receipt of written notice from:

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15 A. an eligible student, or the parent/guardian of a minor student, that the student  
16 intends to enroll in the other school or school district;

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18  
19 B. the other school or school district in which the student has enrolled;

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21  
22 C. a court, in the event that a student has been placed in a juvenile correctional  
23 facility or secured child caring institution.  
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27  
28 "School" or "School District" in this section includes any secured correctional facility,  
29 secured group home, adult correctional institution, mental health institution, or center  
30 for the developmentally disabled, that provide an educational program for its residents  
31 instead of or in addition to that which is provided by public and private schools.  
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35 **Disclosure For Student Financial Aid**

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39 The COR may release, **without parents' consent**, student information regarding  
40 financial aid for which a student has applied or which a student has received, provided  
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1 that personally-identifiable information from the education records of the student may  
2 be used only to:

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6 A. determine the eligibility of the student for financial aid;

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10 B. determine the amount of financial aid;

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13 C. determine the conditions which will be imposed regarding the financial aid;

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17 D. enforce the terms or conditions of the financial aid.  
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## 21 **Safeguarding Education Records and Responding to Data Breaches**

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25  
26 Significant challenges exist with respect to the safeguarding of education records from  
27 unauthorized access and disclosure. These challenges include inadvertent posting of  
28 students' grades or financial information on publicly available Web servers; theft or loss  
29 of laptops and other portable devices that contain education records; computer  
30 hacking; and failure to retrieve education records at termination of employment or  
31 service as a contractor, consultant or volunteer. In light of these challenges, the DRO  
32 and COR are directed to work with the District's IT Department/Staff to identify,  
33 implement and administer appropriate methods and security controls to protect  
34 education records, especially those in electronic information/data systems.  
35  
36

37 The District's IT Department/Staff is encouraged to review the National Institute of  
38 Standards and Technology (NIST) Special Publication (SP) (800-100, "Information  
39 Security Handbook: A Guide for Managers," and NIST SP 800-53, "Recommended  
40 Security Controls for Federal Information Systems" for guidance and to use any  
41 methods or technologies they determine are reasonable to mitigate the risk of  
42

1 unauthorized access and disclosure taking into account the likely harm that would  
2 result. The IT Department/Staff is charged with development of appropriate responses  
3 to data breaches and other unauthorized disclosures, and said steps should include at a  
4 minimum the following:  
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7

8 A. reporting the incident to law enforcement authorities;  
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11  
12 B. determining exactly what information was compromised (e.g. names, addresses,  
13 SSNs, ID numbers, grades, etc.);  
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15  
16  
17 C. taking steps to immediately retrieve data and prevent further disclosures;  
18

19  
20  
21 D. identifying all affected records and students;  
22

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24  
25 E. determining how the incident occurred, including which school officials had  
26 control of and responsibility for the information that was compromised;  
27

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29  
30 F. determining whether the incident occurred because of a lack of monitoring or  
31 oversight;  
32

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35 G. determining whether any Board policies and/or District procedures were  
36 violated;  
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40 H. conducting a risk assessment and identifying appropriate physical, technological  
41 and administrative measures to prevent similar incidents in the future; and  
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I. notify students and parents that the United States Department of Education's Office of Inspector General maintains a Web site describing steps students may take if they suspect they are a victim of identity theft.

While notification of students is not required in all circumstances, it shall be the DRO's responsibility to determine, in conjunction with the Superintendent, whether students and/or parents will be notified of any breaches. If the decision is made not to issue a direct notice to a parent or student upon an unauthorized disclosure of education records, the DRO or COR shall nevertheless record the disclosure so the parent or student will become aware of it during an inspection of the student's education record.

### **Alleged Noncompliance with Federal Requirements**

Eligible students or parents/guardians of minor students may file a complaint for alleged District noncompliance with requirements of the Federal Family Educational Rights and Privacy Act (FERPA) with: Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue, S.W., Washington, D.C. 20202-4605 and the Protection of Pupil Rights Amendment (PPRA).

### **Annual Public Notice**

Parents/guardians and student shall be notified annually of the following: 1) their rights to inspect, review and obtain copies of student records; 2) their rights to request the amendment of the student's school records if they believe the records are inaccurate or misleading; 3) their rights to consent to the disclosure of the student's school records, except to the extent State and Federal law authorizes disclosure without consent; 4) the categories of student record information which have been designated as directory data and their right to deny the release of such information; and 5) their right to file a complaint with the Family Policy Compliance Office of the U.S. Department of Education. This notice shall be published in the District's official newspaper within three

1 (3) weeks of the start of the school year. It shall also be published annually in District  
2 student-parent handbooks.  
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6 For students enrolling in the District after the above notice has been given, the notice  
7 will be given to the eligible student and his/her parent/guardian at the time and place of  
8 enrollment.  
9

### 12 **Destruction and Review of Records**

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15 If a student is identified as a student with a disability under the Individuals with  
16 Disabilities Education Act ("IDEA") or Section 504 of the Rehabilitation Act of 1973, the  
17 COR shall:  
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- 19  
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21 A. maintain the student's educational records for five (5) years after termination of  
22 special education programs, services, and/or graduation; and  
23  
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26 B. only destroy such educational records after notifying the parents/eligible  
27 students that the information is no longer needed to provide educational  
28 services and will be destroyed.  
29

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31  
32 The personally-identifiable information on a disabled student shall be retained  
33 permanently unless the parents/eligible students request that it be destroyed as  
34 specified in these guidelines. The COR should remind them that the records may be  
35 needed by the student or the parents for Social Security benefits or other purposes (see  
36 Form 8330 F9).  
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40 **It is important that the address used in Form 8330 F9 be checked annually to**  
41 **verify the accuracy of the address for complaints regarding the Family**  
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**Educational Rights and Privacy Act (FERPA) and the Protection of Pupil Rights  
Amendment (PPRA).**

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1 RELATIONS

2 ag9120A

# 3 PUBLIC RELATIONS OBJECTIVES

## 6 9120A - PUBLIC RELATIONS OBJECTIVES

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10 The purpose of the school-community relations program is to establish and maintain in  
11 the public mind both respect for the school system and confidence that it is providing  
12 the best possible education for the District's students in terms of intellectual, emotional,  
13 moral, social, and physical development.  
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17 To this end, parents and other District residents are to be kept informed regarding  
18 Federal/State regulations and District policies and guidelines.  
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22 The Superintendent shall be responsible for the District's public relations program  
23 which shall be designed to accomplish the following objectives to:  
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27 A. Explain in an understandable, noncondescending manner, the programs,  
28 achievements, and needs of the schools to parents, and the community as a  
29 whole.  
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33 B. Operate meetings in accordance with law and as speedily and efficiently as  
34 circumstances permit.  
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37 © Neola 2002  
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1 RELATIONS

2 ag9120C

# 3 NEWS MEDIA RELATIONS

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## 6 9120C - NEWS MEDIA RELATIONS

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10 The District Administrator will function as the District's communication representative  
11 with the news media and the principal will serve that function at the school level. In  
12 order to maintain a progressive and coordinated program of public relations for the  
13 District, it is essential that staff members not give school information or an interview  
14 requested by representatives of the news media without prior approval of the principal  
15 who will either set up an appointment for this purpose which will not interfere with the  
16 staff member's daily activities, or speak to the media representative about the matter  
17 personally;

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21 The District and each school's principal shall:

- 22  
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25 A. submit, suggest or request feature stories or articles to media representatives  
26 which are of interest or importance;
- 27  
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30 B. provide an agenda and other "background" material to media representatives  
31 who attend meetings of the Board;
- 32  
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35 C. protect school personnel from any unnecessary demands on their time by news  
36 media representatives.

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39 © Neola 2002

RELATIONS

ag9150

# SCHOOL VISITORS

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## 9150 - **SCHOOL VISITORS**

In order to protect the educational program of the schools from undue disturbance, each principal shall establish guidelines and procedures for visitors which shall include the following:

- A. Persons wishing to visit one or more schools are to make arrangement in advance through the school office of each school to be visited.
  
- B. Every visitor to a school must register at the school office. Sign-in lists showing name, time, person visiting, and time departing shall be maintained by the office. Any person who does not register with the school office is on school property without authorization and should be asked to identify himself/herself properly and obtain permission or to leave the school grounds. If the visitor refuses to leave the school grounds or creates any disturbance, the building principal should request aid from the local law enforcement agency.
  
- C. No visitor may see a student in school unless it is with the specific approval of the principal. If an emergency situation requires that a student be called to the office to meet with a visitor, a member of the administrative staff may be present during the conference. A student is never to be permitted to leave the school with anyone who is not clearly identified as his/her parent or an appropriately authorized person.
  
- D. Students may not bring guests to school unless permission to do so has been granted by the principal.

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E. Parents, other than those who have been asked by a teacher to be in the classroom, who wish to observe learning activities taking place in their child's classroom are to confer, in advance, with the principal and the teacher and state the purpose of the visitation.

It is important that each parent understands that because classroom visitations can be distracting to the students, visitations will not be allowed during examinations and independent study periods.

F. Parents are to be silent observers and are not to create any type of disturbance or disruption to the learning process.

G. Copies of instructional materials being used by the students or teacher may not always be immediately available during the visitation.

H. Any comments made by individual students are to be maintained in confidence by the visitor to the activity.

I. Use of audio or visual equipment to record classroom activities must be approved by the principal and the teacher. No visitor shall be allowed to videotape students in the classroom, without the prior consent of the principal, as it may violate the privacy rights of students unrelated to the visitor. Recording of other school activities to which the public is invited will be in accordance with AG 9160 - Attendance at Public Events.

J. Any comments or concerns are to be discussed with the teacher before or after the school day when students are not present.

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K. Except as set forth in District policy 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.

L. No staff member is to transact business with a visitor who does not have visitor's pass or has not duly registered at the school office and received authorization to be present for the purpose of conducting business.

If a disabled person should visit a school and request accommodation and s/he has not submitted the Request for Accommodation Form 9160A F1, in advance, the principal should ask the person to allow the school adequate time to arrange for the accommodation, providing such accommodation is reasonable (see AG 9160A).

Each principal shall post in a conspicuous place at each entrance, the guidelines and procedures to be followed by visitors.

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RELATIONS

ag9160

# PUBLIC ATTENDANCE AT SCHOOL EVENTS

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## 9160 - PUBLIC ATTENDANCE AT SCHOOL EVENTS

The following regulations are to be observed with respect to the conduct of school events:

- A. All laws regarding public assemblies must be strictly complied with. Use of tobacco in any place of public assembly in any school building is absolutely prohibited. The sale, possession, or consumption of any form of alcoholic beverages or prohibited drugs in or on any part of the school buildings or grounds is absolutely prohibited.
  
- B. Wagering on any aspect of an athletic event will not be tolerated; but participation in raffles and other such forms of fund- raising for school-related events is permissible, if the event is authorized by the District Administrator in accordance with any applicable State regulations.
  
- C. Passes to school events will be available to each Board member and a guest.
  
- D. The Board will honor athletic passes for all districts which are members of conferences in which teams of this District compete and which honor the passes of this District.

### Use of Recording Devices

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Anyone attending a school event who wishes to record the activity on a visual recording device shall be asked to abide by the following rules:

A. The camera must not block the view of any other attendees or interfere with others who seek to record the activity.

B. Those who record or assist a recorder must not block any passageways nor interfere with any other attendee's participation or observation of the activity.

Where the District does not possess the appropriate license or permission to allow the recording of a copyrighted work or performance, notice will be given, when possible prior to the exhibit or performance. Announcements shall be made be at the beginning of any such exhibit or performance.

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